

114TH CONGRESS
1ST SESSION

S. 1833

To amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2015

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to improve the child and adult care food program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Healthy
5 Food for Young Children Act”.

6 **SEC. 2. CHILD AND ADULT FOOD CARE PROGRAM.**

7 (a) IN GENERAL.—Section 17 of the Richard B. Rus-
8 sell National School Lunch Act (42 U.S.C. 1766) is
9 amended—

10 (1) in subsection (c)—

1 (A) in paragraph (1), by striking “the
2 same as” and inserting “10 cents more than”;

3 (B) in paragraph (2), by striking “the
4 same as” and inserting “10 cents more than”;

5 (C) in paragraph (3)—

6 (i) by striking “30 cents” and insert-
7 ing “94 cents”; and

8 (ii) by striking “2.75 cents” and in-
9 serting “17 cents”; and

10 (D) by adding at the end the following:

11 “(7) STREAMLINING PROGRAM PAPERWORK IN
12 HIGH POVERTY AREAS.—

13 “(A) DEFINITIONS.—In this paragraph:

14 “(i) ELIGIBLE CHILD CARE CEN-
15 TER.—The term ‘eligible child care center’
16 means a child care center with at least 50
17 percent or more of children in care quali-
18 fying for free or reduced price meals or
19 categorical eligibility.

20 “(ii) NONPRICING PROGRAM.—The
21 term ‘nonpricing program’ means a pro-
22 gram under which an eligible child center
23 serves to all children in care at the center
24 meals and supplements under this section
25 without charge.

1 “(B) ELECTION OF SPECIAL PAYMENTS.—

2 “(i) IN GENERAL.—An eligible child
3 care center may elect to receive special
4 payments under this paragraph in lieu of
5 payments otherwise made available under
6 this section based on applications for free
7 and reduced price meals and supplements
8 if—

9 “(I) subject to clause (ii), during
10 the 4 consecutive fiscal years begin-
11 ning after the date of the election, the
12 eligible child care center elects to op-
13 erate as a nonpricing program;

14 “(II) the eligible child care center
15 pays, from sources other than funds
16 made available to carry out the pro-
17 gram under this section, the costs of
18 serving the meals and supplements
19 that are in excess of the value of as-
20 sistance received under this Act; and

21 “(III) during the fiscal year in
22 which the election under this clause is
23 made, the eligible child care center
24 had a percentage of enrolled children

1 that meets or exceeds the threshold
2 described in subparagraph (A)(i).

3 “(ii) ELECTION TO STOP RECEIVING
4 PAYMENTS.—An eligible child care center
5 may elect to stop receiving special pay-
6 ments under this paragraph for the fol-
7 lowing fiscal year by notifying the State
8 agency not later than June 30 of the cur-
9 rent fiscal year of the intention to stop re-
10 ceiving the special payments.

11 “(C) FIRST YEAR OF OPTION.—

12 “(i) IN GENERAL.—For each month
13 of the first fiscal year of the 4-year period
14 during which an eligible child care center
15 elects to receive special payments under
16 this paragraph, special payments at the
17 rate for free meals shall be made under
18 this subparagraph for all reimbursable
19 meals served at the eligible child care cen-
20 ter.

21 “(ii) CALCULATION.—Special pay-
22 ments under clause (i) shall be calculated
23 using a blended per-meal rate based on a
24 formula that multiplies national average

1 payment rates by claiming percentages for
 2 free, reduced price, and paid meals.

3 “(D) SECOND, THIRD, AND FOURTH YEARS
 4 OF OPTION.—

5 “(i) IN GENERAL.—For each month
 6 of the second, third, and fourth fiscal years
 7 of the 4-year period during which an eligi-
 8 ble child care center elects to receive spe-
 9 cial payments under this paragraph, spe-
 10 cial payments at the blended rate estab-
 11 lished in the first year of the option under
 12 subparagraph (C) shall be made under this
 13 subparagraph for all reimbursable meals
 14 served at the eligible child care center.

15 “(ii) CALCULATION.—Special pay-
 16 ments under clause (i) shall be equal to the
 17 product obtained by multiplying—

18 “(I) the applicable blended per-
 19 meal rate; by

20 “(II) the number of meals and
 21 snacks served.”;

22 (2) in subsection (f)—

23 (A) in paragraph (2)—

1 (i) by striking “(2)(A) Subject to sub-
 2 paragraph (B) of this paragraph” and in-
 3 serting the following:

4 “(2) DISBURSEMENTS.—

5 “(A) IN GENERAL.—Subject to subpara-
 6 graph (B)”;

7 (ii) by striking subparagraph (B) and
 8 inserting the following:

9 “(B) LIMITATION.—No reimbursement
 10 may be made to any institution under this para-
 11 graph, or to family or group day care home
 12 sponsoring organizations under paragraph (3),
 13 for more than—

14 “(i) 2 meals and 1 supplement per
 15 day per child;

16 “(ii) 1 meal and 2 supplements per
 17 day per child; or

18 “(iii) 3 meals and 1 supplement per
 19 day per child, for each child that is main-
 20 tained in a child care setting for 8 or more
 21 hours per day.”; and

22 (iii) in subparagraph (C), by adding
 23 at the end the following:

24 “(iii) CARRYOVER FUNDS.—The Sec-
 25 retary shall develop procedures under

which not more than 10 percent of the amount reserved by sponsoring organizations under clause (i) for administrative expenses for a fiscal year may remain available for obligation or expenditure in the succeeding fiscal year.”; and

(B) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (ii)—

(aa) in subclause (I), by striking “50 percent” each place it appears in items (aa) and (bb) and inserting “40 percent”; and

(bb) in subclause (III)—

(AA) by striking “Except as provided in subclause (IV),” and inserting the following:

“(aa) IN GENERAL.—Except as provided in item (bb) and subclause (IV),”; and

(BB) by adding at the end the following:

“(bb) ADDITIONAL REIMBURSEMENT.—Effective July 1,

1 2016, the reimbursement factor
 2 for each meal and supplement
 3 under this subparagraph shall be
 4 increased by 10 cents per child
 5 served.”; and

6 (II) in clause (iii)(I)(aa), by
 7 striking “the reimbursement factors
 8 shall be” and all that follows through
 9 “supplements” and inserting “the re-
 10 imbursement factors shall be \$1.05
 11 for meals other than breakfast, 37
 12 cents for breakfasts, and 23 cents for
 13 supplements”; and

14 (ii) in subparagraph (B)—

15 (I) in clause (i)—

16 (aa) by redesignating sub-
 17 clauses (I) and (II) as items (aa)
 18 and (bb), respectively, and in-
 19 denting appropriately;

20 (bb) by striking “(i) IN GEN-
 21 ERAL.—In addition” and insert-
 22 ing the following:

23 “(i) REIMBURSEMENT AMOUNT.—

24 “(I) IN GENERAL.—Subject to
 25 subclause (II), in addition”; and

1 (cc) by adding at the end
 2 the following:

3 “(II) ADDITIONAL REIMBURSE-
 4 MENT.—Effective July 1, 2016, the
 5 reimbursement factor for administra-
 6 tive expenses as calculated under sub-
 7 clause (I) shall be increased by \$5.00
 8 per month for each family or group
 9 day care home of the sponsoring orga-
 10 nization.”; and

11 (II) in clause (ii), by inserting
 12 before the period at the end “, except
 13 that no negative adjustments shall be
 14 made”; and

15 (3) in subsection (n)—

16 (A) by striking “(n) There are hereby” and
 17 inserting the following:

18 “(n) FUNDING.—

19 “(1) IN GENERAL.—There are”; and

20 (B) by adding at the end the following:

21 “(2) IMPLEMENTATION FUNDING.—

22 “(A) IN GENERAL.—Subject to subpara-
 23 graphs (B) and (C), the Secretary shall make
 24 funds available to State agencies administering
 25 the child and adult food care program for State

1 and sponsoring organization activities relating
2 to training, technical assistance, and oversight
3 activities for the implementation of the revised
4 child and adult care food program meal pattern
5 pursuant to subsection (g)(2)(B) and activities
6 to increase participation in the child and adult
7 care food program.

8 “(B) PROVISION OF FUNDS.—The Sec-
9 retary shall provide funds described in subpara-
10 graph (A) to State agencies administering the
11 program under this section in a manner propor-
12 tional to the administrative expense allocation
13 of each State agency during the preceding fiscal
14 year.

15 “(C) DISTRIBUTION.—Subject to subpara-
16 graphs (A) and (B), each State agency admin-
17 istering the program under this section shall
18 distribute not less than $\frac{1}{2}$ of the funds received
19 under this paragraph to sponsoring organiza-
20 tions in the State.

21 “(D) FUNDING.—

22 “(i) IN GENERAL.—For each of the
23 fiscal year during which the implementing
24 regulations for the revised child and adult
25 care food program meal pattern pursuant

1 to subsection (g)(2)(B) become final regu-
2 lations, and the subsequent fiscal year, the
3 Secretary shall use \$50,000,000 of funds
4 made available under section 3 to make
5 payments to States as described in sub-
6 paragraph (A).

7 “(ii) RESERVATION.—In providing
8 funds to States under clause (i), the Sec-
9 retary may reserve not more than
10 \$3,000,000 per fiscal year to support Fed-
11 eral administrative activities to carry out
12 this paragraph.

13 “(3) REVISED MEAL PATTERN FUNDING.—

14 “(A) IN GENERAL.—On October 1, 2015,
15 and October 1, 2016, out of any funds in the
16 Treasury not otherwise appropriated, the Sec-
17 retary of the Treasury shall transfer to the Sec-
18 retary \$10,000,000, to remain available until
19 expended—

20 “(i) to provide training, technical as-
21 sistance, and oversight for the implementa-
22 tion of the revised child and adult care
23 food program meal pattern pursuant to
24 subsection (g)(2)(B);

1 “(ii) to promote health and wellness
 2 through activities conducted pursuant to
 3 subsection (u); and

4 “(iii) to increase participation in the
 5 program under this section.”.

6 (b) STUDY ON NUTRITION AND WELLNESS QUALITY
 7 OF CHILD CARE SETTINGS.—Section 223(c)(1) of the
 8 Healthy, Hunger-Free Kids Act of 2010 (Public Law
 9 111–296; 124 Stat. 3229) is amended by inserting “and
 10 October 1, 2016,” after “2010,”.

11 (c) REDUCING PAPERWORK AND IMPROVING PRO-
 12 GRAM ADMINISTRATION.—

13 (1) DEFINITION OF PROGRAM.—In this sub-
 14 section, the term “program” means the child and
 15 adult care food program established under section
 16 17 of the Richard B. Russell National School Lunch
 17 Act (42 U.S.C. 1766).

18 (2) ESTABLISHMENT.—The Secretary, in con-
 19 junction with States and participating institutions,
 20 shall continue to examine the feasibility of reducing
 21 unnecessary or duplicative paperwork resulting from
 22 regulations and recordkeeping requirements for
 23 State agencies, institutions, family and group day
 24 care homes, and sponsored centers participating in
 25 the program.

1 (3) DUTIES.—At a minimum, the examination
2 shall include—

3 (A) review and evaluation of the rec-
4 ommendations, guidance, and regulatory prior-
5 ities developed and issued to comply with sec-
6 tion 336 of the Healthy, Hunger-Free Kids Act
7 of 2010 (42 U.S.C. 1766 note; Public Law
8 111–296);

9 (B) examination of additional paperwork
10 and administrative requirements that have been
11 established since January 1, 2016; and

12 (C) examination of the additional paper-
13 work and administrative burdens that could be
14 reduced by the effective use of technology.

15 (4) ADDITIONAL DUTIES.—The Secretary, in
16 conjunction with States and institutions partici-
17 pating in the program, may also examine any aspect
18 of administration of the program.

19 (5) REPORT.—Not later than 4 years after the
20 date of enactment of this Act, the Secretary shall
21 submit to Congress a report that describes the ac-
22 tions that have been taken to carry out this section,
23 including—

24 (A) actions taken to address administrative
25 and paperwork burdens identified;

1 (B) additional steps that the Secretary is
2 taking or plans to take to address any adminis-
3 trative and paperwork burdens identified under
4 paragraph (3), including—

5 (i) new or updated regulations, policy,
6 guidance, or technical assistance; and

7 (ii) a timeframe for the completion of
8 those steps; and

9 (C) recommendations to Congress for
10 modifications to existing statutory authorities
11 needed to address identified administrative and
12 paperwork burdens.

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