

119TH CONGRESS  
1ST SESSION

# H. R. 2818

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2025

Ms. BONAMICI (for herself, Mr. MACKENZIE, Mr. LANDSMAN, Mr. FITZPATRICK, Ms. SÁNCHEZ, Ms. NORTON, Mr. CASTRO of Texas, Mrs. WATSON COLEMAN, Ms. SALINAS, Mr. MANNION, Ms. TITUS, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and Workforce

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## A BILL

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

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 “Early Childhood Nutri-  
5 tion Improvement Act”.

1 **SEC. 2. ELIGIBILITY CERTIFICATION CRITERIA FOR PRO-**  
2 **PRIETARY CHILD CARE CENTERS.**

3 Section 17(a)(6) of the Richard B. Russell National  
4 School Lunch Act (42 U.S.C. 1766(a)(6)) is amended—

5 (1) in the matter preceding subparagraph (A),  
6 by striking “criteria:” and inserting “criteria—”;

7 (2) in subparagraph (E), by striking “and” at  
8 the end;

9 (3) in subparagraph (F), by striking the period  
10 at the end and inserting “; and”; and

11 (4) by adding at the end the following:

12 “(G) in the case of an institution described  
13 in paragraph (2)(B), the eligibility of such in-  
14 stitution shall be determined on an annual basis  
15 in accordance with this section.”.

16 **SEC. 3. REVIEW OF SERIOUS DEFICIENCY PROCESS.**

17 Section 17(d)(5) of the Richard B. Russell National  
18 School Lunch Act (42 U.S.C. 1766(d)(5)) is amended by  
19 adding at the end the following:

20 “(F) SERIOUS DEFICIENCY PROCESS.—

21 “(i) IN GENERAL.—Not later than 1  
22 year after the date of the enactment of this  
23 subparagraph, the Secretary shall review  
24 and issue guidance and, as appropriate,  
25 regulations regarding the serious deficiency  
26 process for the program under this section.

1 “(ii) REVIEW.—In carrying out clause  
2 (i), the Secretary shall review, at a min-  
3 imum, the processes for, and those in-  
4 volved in—

5 “(I) determining when there is a  
6 serious deficiency with respect to an  
7 institution or a family or group day  
8 care home, including—

9 “(aa) what measures auto-  
10 matically result in a finding of  
11 serious deficiency; and

12 “(bb) how to differentiate  
13 between—

14 “(AA) a reasonable  
15 margin of human error and  
16 systematic or intentional  
17 noncompliance; and

18 “(BB) State-specific re-  
19 quirements and Federal reg-  
20 ulations;

21 “(II) appealing and mediating a  
22 finding of serious deficiency with re-  
23 spect to an institution or a family or  
24 group day care home, including—

1 “(aa) findings related to  
2 State-specific requirements; and

3 “(bb) processes for ensuring  
4 officials involved in appeals and  
5 mediation are fair and impartial;

6 “(III) determining the cir-  
7 cumstances under which a corrective  
8 action plan is acceptable;

9 “(IV) termination and disquali-  
10 fication of institutions, family or  
11 group day care homes, and individuals  
12 under this paragraph, including main-  
13 tenance of the list under subpara-  
14 graph (E); and

15 “(V) determining opportunities  
16 for strengthening the processes in-  
17 tended to reduce additional State  
18 agency requirements on institutions or  
19 family or group day care homes that  
20 are in addition to those required  
21 under Federal law, including—

22 “(aa) State evaluation of  
23 practices used at the time of re-  
24 view;

1 “(bb) regional approval of  
2 such additional State agency re-  
3 quirements; and

4 “(cc) oversight through the  
5 management evaluation process.

6 “(iii) STATE-SPECIFIC REQUIRE-  
7 MENTS.—The Secretary may not consider  
8 State-specific requirements in determining  
9 non-compliance or serious deficiency.

10 “(iv) GUIDANCE AND REGULA-  
11 TIONS.—

12 “(I) IN GENERAL.—After con-  
13 ducting the review under clause (ii),  
14 the Secretary shall make findings  
15 from the information collected and  
16 issue guidance and, as appropriate,  
17 regulations from such findings that  
18 will—

19 “(aa) streamline and mod-  
20 ernize the program;

21 “(bb) reduce the paperwork  
22 burden on parents; and

23 “(cc) assist sponsoring orga-  
24 nizations, State agencies, and the  
25 Food and Nutrition Service in

1 ensuring a fair, uniform, and ef-  
2 fective administration of the seri-  
3 ous deficiency process, while re-  
4 taining program integrity.

5 “(II) SCOPE.—The guidance or,  
6 as appropriate, regulations made or  
7 issued under subclause (I) shall in-  
8 clude—

9 “(aa) clarity on the required  
10 measures for noncompliance, in-  
11 cluding—

12 “(AA) an allowance for  
13 a reasonable margin of  
14 human error; and

15 “(BB) a distinction be-  
16 tween a reasonable margin  
17 of human error and system-  
18 atic or intentional non-  
19 compliance;

20 “(bb) a formal appeals and  
21 mediation process that—

22 “(AA) is conducted by  
23 a trained official who is  
24 independent from and not  
25 affiliated with any person or

1 agency involved in the deter-  
2 mination being appealed or  
3 mediated;

4 “(BB) provides an op-  
5 portunity for a fair hearing  
6 for any institution or family  
7 or group day care home de-  
8 termined to have a serious  
9 deficiency finding or inad-  
10 equate corrective action  
11 plan; and

12 “(CC) provides for the  
13 evaluation and resolution of  
14 disputes over State agency  
15 requirements on institutions  
16 or family or group day care  
17 homes that are in addition  
18 to those required under Fed-  
19 eral law;

20 “(cc) timeframes for accept-  
21 able corrective action plans for  
22 group or family day care homes  
23 that are consistent with correc-  
24 tive action timeframes for child  
25 care centers; and

1 “(dd) a process to dismiss a  
 2 serious deficiency upon correction  
 3 of such deficiency.”.

4 **SEC. 4. AUTHORIZATION OF REIMBURSEMENTS FOR ADDI-**  
 5 **TIONAL MEAL OR SNACK.**

6 Section 17(f)(2) of the Richard B. Russell National  
 7 School Lunch Act (42 U.S.C. 1766(f)(2)) is amended—

8 (1) by striking “(2)(A) Subject to subparagraph  
 9 (B) of this paragraph” and inserting the following:

10 “(2) DISBURSEMENTS.—

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

13 (2) by amending subparagraph (B) to read as  
 14 follows:

15 “(B) LIMITATION.—No reimbursement  
 16 may be made to any institution under this para-  
 17 graph, or to family or group day care home  
 18 sponsoring organizations under paragraph (3),  
 19 for more than—

20 “(i) 2 meals and 1 supplement or 1  
 21 meal and 2 supplements per day per child;  
 22 or

23 “(ii) 3 meals and 1 supplement or 2  
 24 meals and 2 supplements per day per  
 25 child, in the case of child care during

1 which there are 8 or more hours between  
2 the beginning of the first meal service pe-  
3 riod and the beginning of the fourth meal  
4 service period.

5 “(C) STUDY ON THIRD MEAL.—The Sec-  
6 retary shall—

7 “(i) conduct a study, not later than 2  
8 years after the date of the enactment of  
9 this subparagraph, on—

10 “(I) the prevalence of third meal  
11 reimbursement by program operators;

12 “(II) the role of the additional  
13 meal in effectively supporting working  
14 families;

15 “(III) the contribution of the ad-  
16 ditional meal to the local economy;  
17 and

18 “(IV) the contribution of the ad-  
19 ditional meal to the economic viability  
20 of child care and afterschool pro-  
21 grams, including in rural areas;

22 “(ii) submit a report to the Com-  
23 mittee on Agriculture, Nutrition, and For-  
24 estry of the Senate and the Committee on  
25 Education and the Workforce of the House

1 of Representatives that includes the find-  
2 ings of the study required under clause (i);  
3 and

4 “(iii) based on the findings of such re-  
5 port, provide guidance to program opera-  
6 tors to—

7 “(I) improve implementation of  
8 the program under this section;

9 “(II) maximize the utility of the  
10 additional meal in supporting working  
11 families; and

12 “(III) limit unnecessary costs to  
13 program operators and parents of  
14 participating children.”.

15 **SEC. 5. ADJUSTMENTS.**

16 Section 17(f)(3)(A) of the Richard B. Russell Na-  
17 tional School Lunch Act (42 U.S.C. 1766(f)(3)(A)) is  
18 amended by striking “Consumer Price Index for food at  
19 home” each place it appears and inserting “Consumer  
20 Price Index for food away from home”.

21 **SEC. 6. ADVISORY COMMITTEE ON PAPERWORK REDUC-**  
22 **TION.**

23 Section 17 of the Richard B. Russell National School  
24 Lunch Act (42 U.S.C. 1766) is amended by adding at the  
25 end the following:

1       “(v) ADVISORY COMMITTEE ON PAPERWORK REDUC-  
2   TION.—

3           “(1) ESTABLISHMENT.—Not later than 180  
4   days after the date of the enactment of this sub-  
5   section, the Secretary shall establish an advisory  
6   committee (referred to in this subsection as the ‘Ad-  
7   visory Committee’) to carry out the duties described  
8   in paragraph (2).

9           “(2) DUTIES.—The duties of the Advisory  
10   Committee shall be to—

11           “(A) examine the feasibility of reducing  
12   unnecessary or duplicative paperwork resulting  
13   from regulations and recordkeeping require-  
14   ments, including paperwork resulting from ad-  
15   ditional State requirements, for those partici-  
16   pating or seeking to participate in the program  
17   under this section, including State agencies,  
18   family child care homes, child care centers, and  
19   sponsoring organizations; and

20           “(B) provide recommendations to the Sec-  
21   retary to reduce such paperwork for partici-  
22   pants in the program under this section while  
23   ensuring that proper accountability and pro-  
24   gram integrity are maintained.

1           “(3) MEMBERSHIP.—The Advisory Committee  
2       shall be composed of not fewer than 14 members, of  
3       whom:

4                   “(A) 1 shall be a representative of a public  
5       nonprofit center.

6                   “(B) 1 shall be a representative of a pri-  
7       vate nonprofit center.

8                   “(C) 1 shall be a representative of a family  
9       or group day care home.

10                  “(D) 1 shall be a representative of a Head  
11       Start center.

12                  “(E) 1 shall be a representative of a for-  
13       profit center.

14                  “(F) 1 shall be a representative of an  
15       emergency shelter.

16                  “(G) 1 shall be a representative of an  
17       adult day care center.

18                  “(H) 1 shall be a representative of a State  
19       agency.

20                  “(I) 1 shall be a representative of a spon-  
21       soring organization for the entities referred to  
22       in subparagraphs (A), (B), (D), (E), (F), and  
23       (G).

1           “(J) 1 shall be a representative of a spon-  
2           soring organization of family or group day care  
3           homes.

4           “(K) 1 shall be a representative of an anti-  
5           hunger advocacy organization.

6           “(L) 1 shall be a representative of an at-  
7           risk, after school program.

8           “(M) 1 shall be a representative of a child  
9           care advocacy organization.

10          “(N) 1 shall be a representative of an ad-  
11          vocacy organization representing parents with  
12          young children.

13          “(4) CONSIDERATIONS.—In developing the rec-  
14          ommendations described in paragraph (2)(B), the  
15          Advisory Committee shall consider—

16               “(A) information, recommendations, and  
17               reports from the Paperwork Reduction Work  
18               Group established by the Food and Nutrition  
19               Service pursuant to section 119(i) of the Child  
20               Nutrition and WIC Reauthorization Act of  
21               2004 (Public Law 108–265; 118 Stat. 755);

22               “(B) the use of electronic systems and rec-  
23               ordkeeping technologies to reduce paperwork  
24               for program participants and program opera-  
25               tors; and

1           “(C) duplicative requirements across mul-  
2           tiple Federal programs.

3           “(5) GUIDANCE AND REGULATIONS.—Not later  
4           than 2 years after the date of the enactment of this  
5           subsection, the Secretary shall issue guidance and,  
6           as appropriate, regulations based on the rec-  
7           ommendations described in paragraph (2)(B) for  
8           streamlined and consolidated paperwork and record-  
9           keeping requirements for the program, including rec-  
10          ommendations and actions taken to reduce paper-  
11          work for parents and program operators by—

12           “(A) streamlining and modernizing appli-  
13           cations; and

14           “(B) streamlining and modernizing the  
15           monitoring and auditing of programmatic docu-  
16           mentation and recordkeeping, including—

17           “(i) eliminating the use of the enroll-  
18           ment form for the purpose of claiming  
19           meals;

20           “(ii) allowing the use of direct certifi-  
21           cation in all States;

22           “(iii) requiring States to accept as  
23           documentation digital forms, digitized and  
24           electronic signatures, and electronic  
25           records;

“(iv) allowing the use of electronic data collection systems containing all required Federal child and adult care food program standards;

“(v) addressing non-mandated State-specific requirements; and

“(vi) requiring the adoption of generally accepted technologies for client-facing technology, virtual visits, and technology used for administrative functions by the child and adult care food program to reduce the burden on participants and program operators and administrators.

“(6) REPORT.—

“(A) IN GENERAL.—Not later than 180 days after issuing the guidance and, as appropriate, regulations described in paragraph (5), the Secretary shall submit a report to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and the Workforce of the House of Representatives containing the information described in subparagraph (B).

“(B) CONTENTS.—The report under subparagraph (A) shall contain the following:

1           “(i) With respect to each instance in  
2           which the Secretary did not implement a  
3           recommendation of the Advisory Com-  
4           mittee, an explanation with respect to why  
5           such recommendation was not imple-  
6           mented.

7           “(ii) Additional recommendations with  
8           respect to legislative action that may fur-  
9           ther strengthen and streamline the pro-  
10          gram application and monitoring process  
11          and reduce administrative burdens on  
12          grantees, program participants, and local,  
13          State, and Federal governments.”.

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