

117TH CONGRESS
2D SESSION

S. 4625

To amend the Richard B. Russell National School Lunch Act to improve nutrition in tribal areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 26, 2022

Mr. HEINRICH 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 nutrition in tribal areas, 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 “Tribal Nutrition Im-
5 provement Act of 2022”.

6 **SEC. 2. CATEGORICAL ELIGIBILITY.**

7 Section 9(b)(5) of the Richard B. Russell National
8 School Lunch Act (42 U.S.C. 1758(b)(5)) is amended—

9 (1) in subparagraph (D), by striking “or” at
10 the end;

1 (2) in subparagraph (E)(ii), by striking the pe-
 2 riod at the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(F) a child who is an enrolled member, or
 5 who has 1 or more parents who are enrolled
 6 members, of an Indian tribe (as defined in sec-
 7 tion 4 of the Indian Self-Determination and
 8 Education Assistance Act (25 U.S.C. 5304)).”.

9 **SEC. 3. REIMBURSEMENT RATES.**

10 Section 12(f) of the Richard B. Russell National
 11 School Lunch Act (42 U.S.C. 1760(f)) is amended—

12 (1) by striking “and” before “the Common-
 13 wealth”;

14 (2) by inserting “and geographic areas that
 15 serve Bureau-funded schools (as defined in section
 16 1141 of the Education Amendments of 1978 (25
 17 U.S.C. 2021)) and elementary schools and secondary
 18 schools (as those terms are defined in section 8101
 19 of the Elementary and Secondary Education Act of
 20 1965 (20 U.S.C. 7801)) on or near an Indian res-
 21 ervation” before “the Secretary”;

22 (3) by inserting “or area, as applicable,” after
 23 “such State”; and

24 (4) by inserting “or areas, as applicable,” after
 25 “those States”.

1 **SEC. 4. TRIBALLY OPERATED MEAL PILOT PROGRAM.**

2 Section 18 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1769) is amended by inserting after
4 subsection (c) the following:

5 “(d) TRIBALLY OPERATED MEAL PILOT PRO-
6 GRAM.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) COVERED SCHOOL.—The term ‘cov-
9 ered school’ means—

10 “(i) a Bureau-funded school (as de-
11 fined in section 1141 of the Education
12 Amendments of 1978 (25 U.S.C. 2021));
13 and

14 “(ii) an elementary school or sec-
15 ondary school (as those terms are defined
16 in section 8101 of the Elementary and
17 Secondary Education Act of 1965 (20
18 U.S.C. 7801)) on or near an Indian res-
19 ervation.

20 “(B) ELIGIBLE ENTITY.—The term ‘eligi-
21 ble entity’ means—

22 “(i) an Indian tribe or tribal organiza-
23 tion approved by an Indian tribe;

24 “(ii) a tribal educational agency;

25 “(iii) a consortium of Indian tribes;

26 and

1 “(iv) a partnership between—
 2 “(I) an Indian tribe; and
 3 “(II)(aa) a State educational
 4 agency;
 5 “(bb) a local educational agency;
 6 “(cc) a tribal educational agency;
 7 or
 8 “(dd) the Bureau of Indian Edu-
 9 cation.

10 “(C) INDIAN TRIBE.—The term ‘Indian
 11 tribe’ has the meaning given the term in section
 12 4 of the Indian Self-Determination and Edu-
 13 cation Assistance Act (25 U.S.C. 5304).

14 “(D) PROGRAM.—The term ‘program’
 15 means the pilot program established under
 16 paragraph (2).

17 “(E) TRIBAL EDUCATIONAL AGENCY.—
 18 The term ‘tribal educational agency’ has the
 19 meaning given the term in section 6132(b) of
 20 the Elementary and Secondary Education Act
 21 of 1965 (20 U.S.C. 7452(b)).

22 “(2) ESTABLISHMENT.—The Secretary shall es-
 23 tablish a pilot program to award grants to 10 eligi-
 24 ble entities to operate and implement in covered
 25 schools 1 or more of the following programs:

1 “(A) The school lunch program authorized
2 under this Act.

3 “(B) The summer food service program for
4 children established under section 13.

5 “(C) The child and adult care food pro-
6 gram established under section 17.

7 “(D) The school breakfast program estab-
8 lished by section 4 of the Child Nutrition Act
9 of 1966 (42 U.S.C. 1773).

10 “(3) TERMS OF GRANT.—

11 “(A) AMOUNT.—The amount of a grant
12 awarded to an eligible entity under the program
13 shall be negotiated with the eligible entity, but
14 shall be not less than \$10,000 and not more
15 than \$100,000 for each fiscal year.

16 “(B) TERM.—A grant awarded to an eligi-
17 ble entity under the program shall be available
18 for a period of 2 years after the date on which
19 the grant is received by the eligible entity.

20 “(4) APPLICATION.—To be eligible to receive a
21 grant under the program, an eligible entity shall
22 submit to the Secretary an application at such time,
23 in such manner, and containing such information as
24 the Secretary may require.

1 “(5) CRITERIA FOR SELECTION.—In selecting
2 eligible entities to receive grants under the program,
3 the Secretary shall select eligible entities that—

4 “(A) are located in diverse geographic
5 areas; and

6 “(B) serve Indian tribes of varying popu-
7 lation size.

8 “(6) REIMBURSEMENTS.—

9 “(A) IN GENERAL.—Notwithstanding any
10 other provision of law, an eligible entity that re-
11 ceives a grant under the program to operate
12 and implement a program described in subpara-
13 graphs (A) through (D) of paragraph (2)
14 shall—

15 “(i) with respect to the program de-
16 scribed in subparagraph (A) of that para-
17 graph, be reimbursed under that program
18 as if the eligible entity were a State de-
19 scribed in section 12(f);

20 “(ii) with respect to the program de-
21 scribed in subparagraph (B) of that para-
22 graph, be reimbursed under that program
23 as if the eligible entity were a State under
24 section 13;

1 “(iii) with respect to the program de-
2 scribed in subparagraph (C) of that para-
3 graph, be reimbursed under that program
4 as if the eligible entity were a State under
5 section 17; and

6 “(iv) in the case of the program de-
7 scribed in subparagraph (D) of that para-
8 graph, shall be reimbursed under that pro-
9 gram as if the eligible entity were a State
10 educational agency.

11 “(B) ADMINISTRATIVE FUNDS.—An eligi-
12 ble entity that receives a grant under the pro-
13 gram shall receive administrative funds at a
14 rate that is consistent with the amount received
15 by a State under section 7 of the Child Nutri-
16 tion Act of 1966 (42 U.S.C. 1776).”.

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