

117TH CONGRESS
2D SESSION

H. R. 8502

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

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2022

Ms. LEGER FERNANDEZ (for herself, Mr. MCGOVERN, Ms. STANSBURY, and Mr. GALLEGO) introduced the following bill; which was referred to the Committee on Education and Labor

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—

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

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

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

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

11 **SEC. 3. REIMBURSEMENT RATES.**

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

14 (1) by striking “and” before “the Common-
15 wealth”;

16 (2) by inserting “and geographic areas that
17 serve Bureau-funded schools (as defined in section
18 1141 of the Education Amendments of 1978 (25
19 U.S.C. 2021)) and elementary schools and secondary
20 schools (as those terms are defined in section 8101
21 of the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801)) on or near an Indian res-
23 ervation” before “the Secretary”;

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

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

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

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

7 “(d) TRIBALLY OPERATED MEAL PILOT PRO-
8 GRAM.—

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

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

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

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

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

24 “(i) an Indian tribe or tribal organiza-
25 tion approved by an Indian tribe;

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

13 “(C) INDIAN TRIBE.—The term ‘Indian

14 tribe’ has the meaning given the term in section

15 4 of the Indian Self-Determination and Edu-

16 cation Assistance Act (25 U.S.C. 5304).

17 “(D) PROGRAM.—The term ‘program’

18 means the pilot program established under

19 paragraph (2).

20 “(E) TRIBAL EDUCATIONAL AGENCY.—

21 The term ‘tribal educational agency’ has the

22 meaning given the term in section 6132(b) of

23 the Elementary and Secondary Education Act

24 of 1965 (20 U.S.C. 7452(b)).

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

5 “(A) The school lunch program authorized
6 under this Act.

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

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

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

14 “(3) TERMS OF GRANT.—

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

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

24 “(4) APPLICATION.—To be eligible to receive a
25 grant under the program, an eligible entity shall

1 submit to the Secretary an application at such time,
2 in such manner, and containing such information as
3 the Secretary may require.

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

7 “(A) are located in diverse geographic
8 areas; and

9 “(B) serve Indian tribes of varying popu-
10 lation size.

11 “(6) REIMBURSEMENTS.—

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

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

23 “(ii) with respect to the program de-
24 scribed in subparagraph (B) of that para-
25 graph, be reimbursed under that program

1 as if the eligible entity were a State under
2 section 13;

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

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

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

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