

118TH CONGRESS
1ST SESSION

H. R. 1589

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

MARCH 14, 2023

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 the Workforce

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 2023”.

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 INSTITUTION.—The term
11 ‘covered institution’ 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 “(ii) a school (as such term is defined
16 in section 12(d) of the Richard B. Russell
17 National School Lunch Act (42 U.S.C.
18 1760(d)) on or near an Indian reservation;
19 and

20 “(iii) an early care and education fa-
21 cility, including a facility that participates
22 in a Head Start program authorized under
23 the Head Start Act (42 U.S.C. 9831 et
24 seq.).

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

3 “(i) an Indian tribe or tribal organiza-
4 tion approved by an Indian tribe;

5 “(ii) a tribal educational agency;

6 “(iii) a consortium of Indian tribes;

7 and

8 “(iv) a partnership between—

9 “(I) an Indian tribe; and

10 “(II)(aa) a State educational
11 agency;

12 “(bb) a local educational agency;

13 “(cc) a tribal educational agency;

14 or

15 “(dd) the Bureau of Indian Edu-
16 cation.

17 “(C) INDIAN TRIBE.—The term ‘Indian
18 tribe’ has the meaning given the term in section
19 4 of the Indian Self-Determination and Edu-
20 cation Assistance Act (25 U.S.C. 5304).

21 “(D) PROGRAM.—The term ‘program’
22 means the pilot program established under
23 paragraph (2).

24 “(E) TRIBAL EDUCATIONAL AGENCY.—
25 The term ‘tribal educational agency’ has the

1 meaning given the term in section 6132(b) of
2 the Elementary and Secondary Education Act
3 of 1965 (20 U.S.C. 7452(b)).

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

8 “(A) The school lunch program authorized
9 under this Act.

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

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

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

17 “(3) TERMS OF GRANT.—

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

23 “(B) PERIOD.—A grant awarded to an eli-
24 gible entity under the program shall be avail-
25 able for a period of 2 years after the date on

1 which the grant is received by the eligible enti-
2 ty.

3 “(4) APPLICATION.—To be eligible to receive a
4 grant under the program, an eligible entity shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary may require.

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

11 “(A) are located in diverse geographic
12 areas; and

13 “(B) serve Indian tribes of varying popu-
14 lation size.

15 “(6) REIMBURSEMENTS.—

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

22 “(i) with respect to the program de-
23 scribed in subparagraph (A) of that para-
24 graph, be reimbursed under that program

1 as if the eligible entity were a State de-
2 scribed in section 12(f);

3 “(ii) with respect to the program de-
4 scribed in subparagraph (B) of that para-
5 graph, be reimbursed under that program
6 as if the eligible entity were a State under
7 section 13;

8 “(iii) with respect to the program de-
9 scribed in subparagraph (C) of that para-
10 graph, be reimbursed under that program
11 as if the eligible entity were a State under
12 section 17; and

13 “(iv) in the case of the program de-
14 scribed in subparagraph (D) of that para-
15 graph, shall be reimbursed under that pro-
16 gram as if the eligible entity were a State
17 educational agency.

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

24 “(7) REPORT.—Not later than 1 year after the
25 conclusion of the pilot program, the Secretary shall

- 1 submit to Congress a report on the outcomes of the
- 2 pilot program.”.

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