

114TH CONGRESS  
1ST SESSION

# S. 1745

To provide grants to eligible entities to develop and maintain or improve and expand before school, afterschool, and summer school programs for Indian and Alaska Native students, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 9, 2015

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

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## A BILL

To provide grants to eligible entities to develop and maintain or improve and expand before school, afterschool, and summer school programs for Indian and Alaska Native students, 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 “Extracurricular Pro-  
5       grams for Indian Children Act of 2015”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that:

1           (1) The United States has a distinct legal, trea-  
2           ty, and trust obligation to provide for the education,  
3           healthcare, safety, social welfare, and other needs of  
4           Native children.

5           (2) Native children are the most at-risk popu-  
6           lation in the United States, confronting serious dis-  
7           parities in education, health, and safety, with 37  
8           percent of Native children living in poverty.

9           (3) Teens who do not participate in those pro-  
10          grams are nearly 3 times more likely to use mari-  
11          juana or other drugs, and more likely to drink alco-  
12          hol. 22.9 percent of Native children aged 12 and  
13          older report alcohol use, 16 percent report substance  
14          dependence or abuse, 35.8 percent report tobacco  
15          use, and 12.5 percent report illicit drug use.

16          (4) Protective factors against youth suicide in-  
17          clude opportunities to participate in and contribute  
18          to school and/or community projects/activities. Sui-  
19          cide is the second leading cause of death of Native  
20          youth aged 15 through 24 at a rate of 2.5 percent—  
21          this is twice the national rate of non-Native youth  
22          of the same age.

23          (5) Nationally, American Indian and Alaska  
24          Native students have the lowest college enrollment  
25          rates. At-risk youth who have a mentor are more

1 likely to pursue higher education after high school in  
2 a four-year, two-year, or vocational program than  
3 their at-risk peers who do not have a mentor. (45  
4 percent compared to 29 percent).

5 (6) Students who are engaged in extra-  
6 curricular (afterschool and summer learning) activi-  
7 ties have better attendance records, higher levels of  
8 academic achievement, and more interest in pur-  
9 suing higher education after graduation.

10 **SEC. 3. PURPOSE.**

11 (a) IN GENERAL.—The purpose of this Act is to es-  
12 tablish a grant program for Indian tribes and eligible trib-  
13 al entities for extracurricular programs—

14 (1) to support and encourage the educational  
15 and cultural growth of Indian and Alaska Native  
16 students;

17 (2) to provide access to mentors and resources  
18 that promote emotional and mental resilience in Na-  
19 tive youth;

20 (3) to ensure Native children receive consistent  
21 access to nutritional meals; and

22 (4) to increase the availability of safe and use-  
23 able educational infrastructures in Native commu-  
24 nities and on tribal land.

1       (b) PURPOSE OF GRANTS.—The funds awarded  
2 under the grant program established under section 366  
3 of the Consolidated Farm and Rural Development Act (as  
4 added by section 4(a)) shall be used for—

5           (1) culturally appropriate before school, after-  
6 school, and summer school programs that include ac-  
7 tivities designed to reinforce and complement the  
8 academic program of participating students, such  
9 as—

10                   (A) development and extracurricular activi-  
11 ties; and

12                   (B) programs relating to—

13                           (i) substance abuse and violence pre-  
14 vention;

15                           (ii) counseling;

16                           (iii) physical fitness and wellness;

17                           (iv) Native culture and language;

18                           (v) agriculture and nutrition;

19                           (vi) technology education; and

20                           (vii) character education;

21           (2) funds to build or upgrade facilities for be-  
22 fore school, afterschool, and summer school pro-  
23 grams; and

24           (3) access to federally funded meal programs.

1 **SEC. 4. BEFORE SCHOOL, AFTERSCHOOL, AND SUMMER**  
 2 **SCHOOL GRANT PROGRAM FOR INDIAN AND**  
 3 **ALASKA NATIVE STUDENTS.**

4 (a) GRANT PROGRAM.—The Consolidated Farm and  
 5 Rural Development Act is amended by inserting after sec-  
 6 tion 365 (7 U.S.C. 2008) the following:

7 **“SEC. 366. BEFORE SCHOOL, AFTERSCHOOL, AND SUMMER**  
 8 **SCHOOL GRANT PROGRAM FOR INDIAN AND**  
 9 **ALASKA NATIVE STUDENTS.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) ELIGIBLE ENTITY.—

12 “(A) IN GENERAL.—The term ‘eligible en-  
 13 tity’ means an entity described in subparagraph  
 14 (B) that has a plan to develop and maintain or  
 15 improve and expand before school, afterschool,  
 16 and summer school programs.

17 “(B) LIST OF ENTITIES.—An entity de-  
 18 scribed in this subparagraph is 1 of the fol-  
 19 lowing:

20 “(i) An Indian tribe (as defined in  
 21 section 4 of the Indian Self-Determination  
 22 and Education Assistance Act (25 U.S.C.  
 23 450b)).

24 “(ii) A local educational agency (as  
 25 defined in section 9101 of the Elementary  
 26 and Secondary Education Act of 1965 (20

1 U.S.C. 7801)) with a student population  
2 that consists of more than 10 percent In-  
3 dian or Alaska Native students.

4 “(iii) A private accredited elementary  
5 or secondary school (as those terms are de-  
6 fined in section 9101 of the Elementary  
7 and Secondary Education Act of 1965 (20  
8 U.S.C. 7801)) in the boundaries of an In-  
9 dian reservation.

10 “(iv) A Regional Corporation (as de-  
11 fined in section 3 of the Alaska Native  
12 Claims Settlement Act (43 U.S.C. 1602)).

13 “(v) A school operated by the Bureau  
14 of Indian Affairs.

15 “(vi) A Tribal College or University  
16 (as defined in section 316(b) of the Higher  
17 Education Act of 1965 (20 U.S.C.  
18 1059c(b))).

19 “(vii) A tribal education agency.

20 “(viii) A tribal nonprofit organization.

21 “(ix) A tribally controlled school (as  
22 defined in section 5212 of the Tribally  
23 Controlled Schools Act of 1988 (25 U.S.C.  
24 2511)).

1                   “(x) A consortium of any of the enti-  
2                   ties in clauses (i) through (ix).

3                   “(2) SECRETARY.—The term ‘Secretary’ means  
4                   the Secretary of Agriculture.

5                   “(b) GRANT PROGRAM.—

6                   “(1) IN GENERAL.—The Secretary shall estab-  
7                   lish a grant program under which the Secretary  
8                   shall provide grants to eligible entities to develop  
9                   and maintain or improve and expand before school,  
10                  afterschool, and summer school programs for Indian  
11                  and Alaska Native students.

12                  “(2) GRANT PERIOD.—A grant made under this  
13                  section shall be for a period of not less than 3 and  
14                  not more than 5 years.

15                  “(3) MINIMUM GRANT AMOUNT.—The min-  
16                  imum amount of a grant under this section shall be  
17                  \$50,000 per eligible entity per fiscal year.

18                  “(c) APPLICATION.—

19                  “(1) IN GENERAL.—To be eligible to receive a  
20                  grant under this section, an eligible entity shall sub-  
21                  mit to the Secretary an application at such time, in  
22                  such manner, and containing such information as  
23                  the Secretary may require.

24                  “(2) CONTENTS.—At a minimum, an applica-  
25                  tion for a grant under this section shall describe—

1           “(A) the before school, afterschool, or sum-  
 2           mer school activities to be funded with the  
 3           grant;

4           “(B) community needs, available resources,  
 5           and the activities of the proposed program that  
 6           address the needs of the community;

7           “(C) the number and age ranges of chil-  
 8           dren to be served by the proposed program;

9           “(D) an assurance that participation in the  
 10          program will be free of cost; and

11          “(E) the demonstrated experience or po-  
 12          tential for success of the eligible entity in pro-  
 13          viding educational, cultural, and related activi-  
 14          ties that complement and enhance academic  
 15          performance, achievement, and development of  
 16          Indian or Alaska Native students.

17          “(d) AUTHORIZED ACTIVITIES.—

18           “(1) IN GENERAL.—An eligible entity may only  
 19           use a grant awarded under this section to carry out  
 20           an activity described in this subsection.

21           “(2) BEFORE SCHOOL, AFTERSCHOOL, AND  
 22           SUMMER SCHOOL PROGRAMS.—An eligible entity  
 23           may use a grant awarded under this section to carry  
 24           out before school, afterschool, and summer school

1 activities that advance or improve student academic  
 2 achievement and well-being, including—

3 “(A) remedial education activities and aca-  
 4 demic enrichment programs, including pro-  
 5 grams that provide academic assistance to stu-  
 6 dents to enhance academic achievement;

7 “(B) mathematics and science education  
 8 activities;

9 “(C) arts and music education activities;

10 “(D) entrepreneurial education programs;

11 “(E) tutoring services (including services  
 12 provided by senior citizen volunteers) and men-  
 13 toring programs;

14 “(F) Native language programs;

15 “(G) Native cultural programs;

16 “(H) physical fitness and wellness activi-  
 17 ties;

18 “(I) telecommunications and technology  
 19 education programs;

20 “(J) programs that promote parental in-  
 21 volvement and family literacy;

22 “(K) programs that provide assistance to  
 23 students who have been truant, suspended, or  
 24 expelled from school so as to allow those stu-  
 25 dents to improve academic achievement;

1           “(L) substance abuse and violence preven-  
 2           tion programs, counseling programs, and char-  
 3           acter education programs;

4           “(M) child and adolescent health and men-  
 5           tal health services;

6           “(N) leadership and youth development ac-  
 7           tivities;

8           “(O) job skills development programs;

9           “(P) agriculture and nutrition services;  
 10          and

11          “(Q) transportation services.

12          “(3) FACILITIES.—

13           “(A) IN GENERAL.—An eligible entity may  
 14           use a grant awarded under this section—

15           “(i) to build facilities for youth cen-  
 16           ters; or

17           “(ii) to upgrade existing facilities.

18           “(B) OTHER USES.—A facility built or up-  
 19           graded with funds awarded under this section  
 20           may be used for educational and community  
 21           purposes not described in paragraph (2) at  
 22           times when the facility is not being used for ac-  
 23           tivities described in that paragraph.

1           “(4) LIMITATION ON USE.—An eligible entity  
2           may use not more than 5 percent of grant funds for  
3           grant administration costs.

4           “(e) FUNDING.—

5           “(1) AUTHORIZATION OF APPROPRIATIONS.—

6           “(A) PROGRAMMING.—There is authorized  
7           to be appropriated to the Secretary to provide  
8           grants for authorized activities described in  
9           subsection (d)(2)—

10                   “(i) for fiscal year 2016, \$2,000,000;

11                   “(ii) for fiscal year 2017, \$4,000,000;

12                   “(iii) for fiscal year 2018, \$6,000,000;

13                   “(iv) for fiscal year 2019, \$8,000,000;

14                   and

15                   “(v)     for     fiscal     year     2020,  
16                   \$10,000,000.

17           “(B) FACILITY CONSTRUCTION AND REHA-  
18           BILITATION.—There is authorized to be appro-  
19           priated to the Secretary to provide grants for  
20           authorized activities described in subsection  
21           (d)(3) \$6,000,000 for each of fiscal years 2016  
22           through 2020.

23           “(2) UNUSED FUNDS.—Any funds made avail-  
24           able under paragraph (1) for a fiscal year that are  
25           not used for that fiscal year shall be available to the

1 Secretary to make grants in accordance with this  
2 section for the subsequent fiscal year.

3 “(f) REPORTING AND EVALUATION.—

4 “(1) REPORTS TO THE SECRETARY.—Each  
5 grantee shall annually submit to the Secretary a re-  
6 port in such form and manner as the Secretary may  
7 require.

8 “(2) ANNUAL GRANT PROGRAM EVALUATION.—

9 “(A) IN GENERAL.—The Secretary shall  
10 annually—

11 “(i) compile and analyze the reports  
12 submitted under paragraph (1); and

13 “(ii) conduct an evaluation of the edu-  
14 cational outcomes and social impacts of the  
15 grant program described in this section.

16 “(B) DISSEMINATION.—Not later than  
17 180 days after the date the Secretary receives  
18 the last report for a year described in para-  
19 graph (1), the Secretary shall disseminate the  
20 annual evaluation described in subparagraph  
21 (A) to—

22 “(i) the Subcommittee on Indian, In-  
23 sular and Alaska Native Affairs of the  
24 House of Representatives;

1 “(ii) the Committee on Education and  
 2 the Workforce of the House of Representa-  
 3 tives;

4 “(iii) the Committee on Indian Affairs  
 5 of the Senate; and

6 “(iv) the Committee on Health, Edu-  
 7 cation, Labor and Pensions of the Sen-  
 8 ate.”.

9 (b) ELIGIBILITY FOR FEDERALLY FUNDED MEAL  
 10 PROGRAMS.—

11 (1) SCHOOL LUNCH PROGRAM.—Section  
 12 12(d)(4)(B) of the Richard B. Russell National  
 13 School Lunch Act (42 U.S.C. 1760(d)(4)(B)) is  
 14 amended—

15 (A) by striking “includes, in the case” and  
 16 inserting the following:

17 “includes—

18 “(i) in the case”;

19 (B) by striking the period at the end and  
 20 inserting a “; and”; and

21 (C) by adding at the end the following:

22 “(ii) notwithstanding section 9101 of  
 23 the Elementary and Secondary Education  
 24 Act of 1965 (20 U.S.C. 7801), an eligible  
 25 entity (as defined in section 366 of the

1 Consolidated Farm and Rural Develop-  
2 ment Act).”.

3 (2) SUMMER FOOD SERVICE PROGRAM FOR  
4 CHILDREN.—Section 13(a)(1)(D) of the Richard B.  
5 Russell National School Lunch Act (42 U.S.C.  
6 1761(a)(1)(D)) is amended—

7 (A) by striking “or residential” and insert-  
8 ing “residential”; and

9 (B) by inserting “or an eligible entity (as  
10 defined in section 366 of the Consolidated  
11 Farm and Rural Development Act),” after  
12 “camp,”.

13 (3) CHILD AND ADULT CARE FOOD PROGRAM.—  
14 Section 17(a)(2) of the Richard B. Russell National  
15 School Lunch Act (42 U.S.C. 1766(a)(2)) is amend-  
16 ed—

17 (A) in subparagraph (E), by striking  
18 “and” at the end;

19 (B) in subparagraph (F), by striking the  
20 period at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(G) an eligible entity (as defined in sec-  
23 tion 366 of the Consolidated Farm and Rural  
24 Development Act).”.

1           (4) SCHOOL BREAKFAST PROGRAM.—Section  
2       15(3) of the Child Nutrition Act of 1966 (42 U.S.C.  
3       1784(3)) is amended—

4           (A) in subparagraph (A), by striking “,  
5       and” and inserting a semicolon; and

6           (B) in subparagraph (B), by striking  
7       “Labor).” and inserting “Labor); and (C) an  
8       eligible entity (as defined in section 366 of the  
9       Consolidated Farm and Rural Development  
10      Act).”.

○