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114TH CONGRESS
1ST SESSION

S. 1937

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve nutrition in tribal areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2015

Mr. UDALL 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 amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to improve nutrition in tribal areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Nutrition Improvement Act of 2015''.

SEC. 2. UNIVERSAL MEAL SERVICE IN NATIVE AMERICAN AREAS.

Section 11 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a) is amended by inserting after subsection (e) the following:

''(f) UNIVERSAL MEAL SERVICE IN NATIVE AMERICAN AREAS.—

''(1) IN GENERAL.—The Secretary shall identify, for optional use in local educational agencies on or near Indian reservations, alternatives to—

''(A) the daily counting by category of meals provided by school lunch programs under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

''(B) the use of annual applications as the basis for eligibility to receive free meals or reduced price meals under this Act; and

''(C) the use of universal meal service described in subsections (a)(1)(F) and (g).

''(2) USE OF ALTERNATIVES.—Alternatives described in paragraph (1) may be—

''(A) implemented for use in schools or by school food authorities that agree—

''(i) to serve all breakfasts and lunches to all students at no cost;

"(ii) to pay, from sources other than Federal funds, the costs of serving any lunches and breakfasts that are in excess of the value of assistance received under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), as determined by the Secretary, with respect to the number of lunches and breakfasts served during the applicable period; and

"(iii) not to collect applications for free or reduced price meals; or

"(B) further tested through demonstration projects carried out by the Secretary in accordance with paragraph (3).

"(3) DEMONSTRATION PROJECTS.—For the purpose of carrying out demonstration projects described in paragraph (2)(B), the Secretary may waive any requirement of this Act relating to—

"(A) counting and claiming of meals provided by school lunch or breakfast programs; and

"(B) determinations of eligibility for free or reduced price meals.".

SEC. 3. SCHOOL LUNCH PROGRAM AND CHILD AND ADULT CARE FOOD PROGRAM.

Section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)) is amended by striking paragraph (8) and inserting the following:

''(8) STATE.—The term 'State' means—

''(A) any of the 50 States;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico;

''(D) the Virgin Islands;

''(E) Guam;

''(F) American Samoa;

''(G) the Commonwealth of the Northern Mariana Islands; or

''(H) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).''.

SEC. 4. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.

Section 13(a)(1)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761(a)(1)(E)) is amended—

(1) in clause (vi), by striking ''and'';

(2) in clause (vii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(viii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).''.

SEC. 5. ADMINISTRATIVE AND START UP FUNDS.

Section 7(c) of the Child Nutrition Act of 1966 (42 U.S.C. 1776(c)) is amended—

(1) by striking ''(c) If any State agency'' and inserting the following:

''(c) ADJUSTMENT IN ADMINISTRATIVE FUNDS.—

''(1) ADMINISTRATION BY A STATE AGENCY.—If any State agency''; and

(2) by adding at the end the following:

''(2) ADMINISTRATION BY AN INDIAN TRIBE.—

''(A) IN GENERAL.—If an Indian tribe agrees to assume responsibility for the administration of the school breakfast program under section 4 or the school lunch program, summer food service program for children, or child and adult care food program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Secretary shall make an appropriate adjustment in the administrative funds paid under this section to the

Indian tribe not later than the preceding fiscal year.

''(B) START UP FUNDS.—The adjustment in administrative funds described in subparagraph (A) shall consist of an amount for start up funds, negotiated with the Indian tribe, of not less than $10,000 nor more than $100,000 for each fiscal year.''.

SEC. 6. SCHOOL BREAKFAST PROGRAM.

Section 15 of the Child Nutrition Act of 1966 (42 U.S.C. 1784) is amended by striking paragraph (1) and inserting the following:

''(1) STATE.—The term 'State' means—

''(A) any of the 50 States;

''(B) the District of Columbia;

''(C) the Commonwealth of Puerto Rico;

''(D) the Virgin Islands;

''(E) Guam;

''(F) American Samoa;

''(G) the Commonwealth of the Northern Mariana Islands; or

''(H) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)).''.

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