

115TH CONGRESS
2D SESSION

S. 2409

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

FEBRUARY 8, 2018

Mr. UDALL (for himself, Ms. CORTEZ MASTO, and Ms. SMITH) 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 and the Child Nutrition Act of 1966 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 2018”.

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

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

6 “(f) UNIVERSAL MEAL SERVICE IN NATIVE AMER-
 7 ICAN AREAS.—

8 “(1) IN GENERAL.—The Secretary shall iden-
 9 tify, for optional use in local educational agencies on
 10 or near Indian reservations, alternatives to—

11 “(A) the daily counting by category of
 12 meals provided by school lunch programs under
 13 this Act and the school breakfast program es-
 14 tablished by section 4 of the Child Nutrition
 15 Act of 1966 (42 U.S.C. 1773);

16 “(B) the use of annual applications as the
 17 basis for eligibility to receive free meals or re-
 18 duced price meals under this Act; and

19 “(C) the use of universal meal service de-
 20 scribed in subsections (a)(1)(F) and (g).

21 “(2) USE OF ALTERNATIVES.—Alternatives de-
 22 scribed in paragraph (1) may be—

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

25 “(i) to serve all breakfasts and
 26 lunches to all students at no cost;

1 “(ii) to pay, from sources other than
2 Federal funds, the costs of serving any
3 lunches and breakfasts that are in excess
4 of the value of assistance received under
5 this Act or the Child Nutrition Act of 1966
6 (42 U.S.C. 1771 et seq.), as determined by
7 the Secretary, with respect to the number
8 of lunches and breakfasts served during
9 the applicable period; and

10 “(iii) not to collect applications for
11 free or reduced price meals; or

12 “(B) further tested through demonstration
13 projects carried out by the Secretary in accord-
14 ance with paragraph (3).

15 “(3) DEMONSTRATION PROJECTS.—For the
16 purpose of carrying out demonstration projects de-
17 scribed in paragraph (2)(B), the Secretary may
18 waive any requirement of this Act relating to—

19 “(A) counting and claiming of meals pro-
20 vided by school lunch or breakfast programs;
21 and

22 “(B) determinations of eligibility for free
23 or reduced priced meals.”.

1 **SEC. 3. SCHOOL LUNCH PROGRAM AND CHILD AND ADULT**
 2 **CARE FOOD PROGRAM.**

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

6 “(8) STATE.—The term ‘State’ means—

7 “(A) any of the 50 States;

8 “(B) the District of Columbia;

9 “(C) the Commonwealth of Puerto Rico;

10 “(D) the Virgin Islands;

11 “(E) Guam;

12 “(F) American Samoa;

13 “(G) the Commonwealth of the Northern
 14 Mariana Islands; or

15 “(H) an Indian tribe (as defined in section
 16 4 of the Indian Self-Determination and Edu-
 17 cation Assistance Act (25 U.S.C. 5304)).”.

18 **SEC. 4. SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.**

19 Section 13(a)(1)(E) of the Richard B. Russell Na-
 20 tional School Lunch Act (42 U.S.C. 1761(a)(1)(E)) is
 21 amended—

22 (1) in clause (vi), by striking “and”;

23 (2) in clause (vii), by striking the period and in-
 24 serting “; and”; and

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

1 “(viii) an Indian tribe (as defined in
 2 section 4 of the Indian Self-Determination
 3 and Education Assistance Act (25 U.S.C.
 4 5304)).”.

5 **SEC. 5. ADMINISTRATIVE AND START UP FUNDS.**

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

8 (1) by striking “(c) If any State agency” and
 9 inserting the following:

10 “(c) ADJUSTMENT IN ADMINISTRATIVE FUNDS.—

11 “(1) ADMINISTRATION BY A STATE AGENCY.—
 12 If any State agency”; and

13 (2) by adding at the end the following:

14 “(2) ADMINISTRATION BY AN INDIAN TRIBE.—

15 “(A) IN GENERAL.—If an Indian tribe
 16 agrees to assume responsibility for the adminis-
 17 tration of the school breakfast program under
 18 section 4 or the school lunch program, summer
 19 food service program for children, or child and
 20 adult care food program established under the
 21 Richard B. Russell National School Lunch Act
 22 (42 U.S.C. 1751 et seq.), the Secretary shall
 23 make an appropriate adjustment in the admin-
 24 istrative funds paid under this section to the

1 Indian tribe not later than the preceding fiscal
2 year.

3 “(B) START UP FUNDS.—The adjustment
4 in administrative funds described in subpara-
5 graph (A) shall consist of an amount for start
6 up funds, negotiated with the Indian tribe, of
7 not less than \$10,000 nor more than \$100,000
8 for each fiscal year.”.

9 **SEC. 6. SCHOOL BREAKFAST PROGRAM.**

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

13 “(1) STATE.—The term ‘State’ means—

14 “(A) any of the 50 States;

15 “(B) the District of Columbia;

16 “(C) the Commonwealth of Puerto Rico;

17 “(D) the Virgin Islands;

18 “(E) Guam;

19 “(F) American Samoa;

20 “(G) the Commonwealth of the Northern
21 Mariana Islands; or

22 “(H) an Indian tribe (as defined in section
23 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 5304)).”.

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