

115TH CONGRESS  
2D SESSION

# H. R. 4967

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2018

Ms. MICHELLE LUJAN GRISHAM of New Mexico (for herself and Mr. BEN RAY LUJÁN of New Mexico) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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.

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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