

111TH CONGRESS
2^D SESSION

H. R. 5090

To amend the Richard B. Russell National School Lunch Act to promote the health and well-being of schoolchildren in the United States through effective local wellness policies, technical assistance, training, and support for healthy school foods, nutrition promotion and education, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2010

Mr. POLIS of Colorado (for himself, Mr. BERMAN, Ms. FUDGE, Mr. KAGEN, Ms. KILPATRICK of Michigan, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Richard B. Russell National School Lunch Act to promote the health and well-being of schoolchildren in the United States through effective local wellness policies, technical assistance, training, and support for healthy school foods, nutrition promotion and education, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “‘Nutrition Education
3 and Wellness in Schools Act” or the “NEW Schools Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) childhood obesity increased threefold among
7 children and adolescents in the 30 years preceding
8 the date of enactment of this Act;

9 (2) about 12,000,000 children and adolescents
10 ages 2 to 19 are considered obese;

11 (3) obesity-related diseases cost the United
12 States economy more than \$147,000,000,000 every
13 year;

14 (4) both low levels of physical activity and an
15 increase in caloric intake have contributed to the un-
16 precedented epidemic of childhood obesity;

17 (5) overweight adolescents have a 70 to 80 per-
18 cent chance of becoming overweight adults, increas-
19 ing the risk for chronic disease, disability, and
20 death;

21 (6) children and adolescents are—

22 (A) not meeting dietary recommendations;

23 (B) underconsuming important food
24 groups and nutrients needed for growth and de-
25 velopment; and

1 (C) overconsuming saturated fat, trans fat,
2 sodium, and added sugars;

3 (7) nutrition education and promotion helps
4 foster a school environment that—

5 (A) supports healthy eating;

6 (B) helps initiate and sustain healthy eat-
7 ing behaviors;

8 (C) increases acceptance and consumption
9 of healthy school meals;

10 (D) increases participation in school meal
11 programs;

12 (E) enhances school meal quality; and

13 (F) supports development and implementa-
14 tion of local wellness policies;

15 (8) nutrition education and promotion is a crit-
16 ical component of most major health promotion and
17 disease prevention programs;

18 (9) research shows that school-based nutrition
19 programs and services both improve health and con-
20 tribute to the academic achievement of school chil-
21 dren;

22 (10) research shows that fit children achieve
23 more academically and have better school attendance
24 and fewer disciplinary problems;

1 (11) a comprehensive study of local wellness
2 policies across the United States found that—

3 (A) many policies were underdeveloped and
4 fragmented; and

5 (B) the vast majority of students were en-
6 rolled in a school district that did not—

7 (i) require evaluation of the imple-
8 mentation or effectiveness of the wellness
9 policy of the district; or

10 (ii) include any provisions for review-
11 ing and revising the wellness policy;

12 (12) the same study reported that between 5
13 and 6 percent of students were enrolled in a school
14 district that had identified a potential source of
15 funding to support implementation of the wellness
16 policy of the district;

17 (13) the nutrition education and promotion ini-
18 tiatives for school children in effect as of the date
19 of enactment of this Act lack coordination, funding,
20 and sustainability;

21 (14) the Physical Activity Guidelines for Ameri-
22 cans of the Department of Health and Human Serv-
23 ices recommend that children engage in at least 60
24 minutes of physical activity on most, and preferably
25 all, days of the week;

1 (15) children spend many waking hours at
2 school and therefore need to be active during the
3 school day to meet the recommendations of the
4 Physical Activity Guidelines for Americans; and

5 (16) as of the date of enactment of this Act—

6 (A) only 3.8 percent of elementary schools,
7 7.9 percent of middle schools, and 2.1 percent
8 of high schools provide daily physical education
9 or the equivalent for the entire school year; and

10 (B) 22 percent of schools do not require
11 students to take any physical education at all.

12 **SEC. 3. LOCAL WELLNESS POLICIES.**

13 (a) IN GENERAL.—Section 5 of the Richard B. Rus-
14 sell National School Lunch Act (42 U.S.C. 1754) is
15 amended to read as follows:

16 **“SEC. 5. LOCAL WELLNESS POLICIES.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) EXTENDED SCHOOL DAY.—The term ‘ex-
19 tended school day’ means—

20 “(A) the official school day; and

21 “(B) the time before and after the official
22 school day during which events or activities are
23 primarily under the control of the school or a
24 third party on behalf of the school.

1 “(2) LOCAL WELLNESS POLICY.—The term
2 ‘local wellness policy’ means a nutrition and physical
3 activity wellness policy of a local educational agency
4 established under section 204 of the Child Nutrition
5 and WIC Reauthorization Act of 2004 (42 U.S.C.
6 1751 note; Public Law 108–265).

7 “(b) REQUIREMENTS.—Not later than the first day
8 of the school year beginning 1 year after the date of enact-
9 ment of the NEW Schools Act, each local educational
10 agency participating in a program authorized by this Act
11 or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et
12 seq.) shall strengthen the local school wellness policy of
13 the local educational agency by ensuring, at a minimum,
14 that the policy—

15 “(1) includes goals for nutrition promotion and
16 education, physical education, physical activity, food
17 marketing and advertising on the school campus,
18 and other school-based activities designed to promote
19 participation in child nutrition programs and stu-
20 dent wellness through the extended school day, in a
21 manner that the local educational agency determines
22 to be appropriate;

23 “(2) includes an implementation plan to achieve
24 the goals of the local wellness policy;

1 “(3) ensures that guidelines for reimbursable
2 school meals are not less restrictive than regulations
3 and guidance issued by the Secretary pursuant to
4 subsections (a) and (b) of section 10 of the Child
5 Nutrition Act of 1966 (42 U.S.C. 1779) and sec-
6 tions 9(f)(1) and 17(a) of this Act, as those regula-
7 tions and guidance apply to schools;

8 “(4) ensures that nutritional guidelines for
9 foods and beverages sold in schools that are not part
10 of reimbursable school meals are in compliance with
11 the standards established by the Secretary; and

12 “(5) includes a plan for measuring implementa-
13 tion of the local wellness policy, including the des-
14 ignation of a local wellness policy committee under
15 subsection (d).

16 “(c) TRANSPARENCY.—

17 “(1) IN GENERAL.—In carrying out this sec-
18 tion, each local educational agency shall make read-
19 ily available and widely disseminate to relevant
20 stakeholders—

21 “(A) the local wellness policy of the local
22 education agency, including the implementation
23 plan described in subsection (b)(5);

24 “(B) any assessments of the implementa-
25 tion of the local wellness policy;

1 “(C) any updates to the local wellness pol-
2 icy; and

3 “(D) appropriate local and State contact
4 information.

5 “(2) AVAILABILITY REQUIREMENT.—Not later
6 than the first day of the school year following the
7 date of enactment of the NEW Schools Act, each
8 local educational agency shall make readily available
9 the policy and plan described in paragraph (1)(A).

10 “(3) ASSESSMENT OF IMPLEMENTATION.—

11 “(A) ASSESSMENT OF IMPLEMENTA-
12 TION.—Not later than 2 years after the date of
13 enactment of the NEW Schools Act, and every
14 3 years thereafter, each local educational agen-
15 cy shall complete and make readily available the
16 results of an assessment of the implementation
17 of the local wellness policy of the local edu-
18 cational agency that includes—

19 “(i) the extent to which schools under
20 the jurisdiction of the local educational
21 agency are in compliance with the local
22 wellness policy of the agency;

23 “(ii) the extent to which the local
24 wellness policy of the local educational
25 agency compares with model local wellness

1 policies recommended under subsection
2 (e)(2)(A)(ii);

3 “(iii) a description of the progress
4 made in attaining the goals of the local
5 wellness policy described in subsection (b);
6 and

7 “(iv) any revisions to the local
8 wellness policy to more effectively address
9 those goals.

10 “(d) LOCAL WELLNESS POLICY COMMITTEE.—

11 “(1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of the NEW Schools
13 Act, each local educational agency shall designate a
14 standing Local Wellness Policy Committee (referred
15 to in this subsection as the ‘Committee’).

16 “(2) REPRESENTATION.—

17 “(A) REQUIRED REPRESENTATIVES.—The
18 Committee of each local educational agency
19 shall be comprised of at least 1 representative
20 from the local educational agency from each of
21 the following categories of stakeholders:

22 “(i) Principals.

23 “(ii) Teachers.

24 “(iii) Parents of students.

25 “(iv) Students.

1 “(v) The school food authority.

2 “(vi) The school board of the local
3 educational agency.

4 “(vii) The physical education pro-
5 gram.

6 “(viii) School health professionals,
7 such as school nurses, school counselors,
8 social workers, or health education teach-
9 ers.

10 “(B) AUTHORIZED REPRESENTATIVES.—A
11 Committee may also include a registered dieti-
12 tian, pediatrician, dentist, a representative of
13 the local health department, or other represent-
14 atives of the local community.

15 “(3) TERMS AND CONDITIONS.—Each local
16 educational agency shall determine the terms and
17 conditions under which each member of the Com-
18 mittee of the local educational agency serves.

19 “(4) DUTIES.—Duties and responsibilities of
20 each Committee shall include—

21 “(A) ensuring that the local educational
22 agency served by the Committee meets the re-
23 quirements described in this section;

24 “(B) fostering integration of the local
25 wellness policy of the local educational agency

1 with existing coordinated school health pro-
2 grams, and other health-related activities in the
3 schools and community served by the local edu-
4 cational agency; and

5 “(C) making Committee proceedings and
6 other pertinent information relating to the ac-
7 tivities of the Committee readily available.

8 “(e) TECHNICAL ASSISTANCE AND OUTREACH.—

9 “(1) IN GENERAL.—The Secretary, in consulta-
10 tion with the Secretary of Education and the Sec-
11 retary of Health and Human Services, acting
12 through the Centers for Disease Control and Preven-
13 tion, shall assist in the adoption of effective local
14 wellness policies by local educational agencies in ac-
15 cordance with this section.

16 “(2) OUTREACH.—In carrying out paragraph
17 (1), the Secretary shall perform outreach to key
18 State and local stakeholders to promote effective
19 local wellness policies and provide technical assist-
20 ance that—

21 “(A) includes—

22 “(i) a hotline, online resources, and
23 trainings on designing, implementing, pro-
24 moting, disseminating, and evaluating local
25 wellness policies and overcoming barriers

1 to the adoption of local wellness policies;
2 and

3 “(ii) model local wellness policies and
4 best practices recommended by Federal
5 agencies, State agencies, and nongovern-
6 mental organizations; and

7 “(B) is for guidance purposes only and not
8 binding or otherwise designed to be mandate to
9 schools, local educational agencies, school food
10 authorities, or State child nutrition programs.

11 “(3) FUNDING.—

12 “(A) IN GENERAL.—On October 1, 2010,
13 and on each October 1 thereafter through Octo-
14 ber 1, 2014, out of any funds in the Treasury
15 not otherwise appropriated, the Secretary of the
16 Treasury shall transfer to the Secretary to
17 carry out this paragraph \$1,000,000, to remain
18 available until expended.

19 “(B) RECEIPT AND ACCEPTANCE.—The
20 Secretary shall be entitled to receive, shall ac-
21 cept, and shall use to carry out this paragraph
22 the funds transferred under subparagraph (A),
23 without further appropriation.

24 “(f) STUDY AND REPORT.—

1 “(1) IN GENERAL.—The Secretary, in conjunc-
2 tion with the Director of the Centers for Disease
3 Control and Prevention, shall prepare a report on
4 the implementation, strength, and effectiveness of
5 the local wellness policies carried out in accordance
6 with this section.

7 “(2) STUDY OF LOCAL WELLNESS POLICIES.—
8 The study described in paragraph (1) shall include—

9 “(A) an analysis of the strengths and
10 weaknesses of local wellness policies and how
11 the policies compare with model local wellness
12 policies recommended under subsection
13 (e)(2)(A)(ii); and

14 “(B) an assessment of the impact of the
15 local wellness policies in addressing the require-
16 ments of subsection (b).

17 “(3) REPORT.—Not later than January 1,
18 2014, the Secretary shall submit to the Committee
19 on Agriculture, Nutrition, and Forestry of the Sen-
20 ate and the Committee on Education and Labor of
21 the House of Representatives a report that describes
22 the findings of the study.”.

23 (b) CONFORMING AMENDMENT.—Section 204 of the
24 Child Nutrition and WIC Reauthorization Act of 2004 (42
25 U.S.C. 1751 note; Public Law 108–265) is repealed.

1 **SEC. 4. THE WELLNESS AND NUTRITION NETWORK.**

2 Section 19 of the Child Nutrition Act of 1966 (42
3 U.S.C. 1788) is amended to read as follows:

4 **“SEC. 19. THE WELLNESS AND NUTRITION NETWORK.**

5 “(a) **PURPOSE OF THE WELLNESS AND NUTRITION**
6 **NETWORK.**—The purpose of this section is to promote,
7 through technical assistance, training, and nutrition pro-
8 motion and education programs and policies, the nutri-
9 tional health of school children in the United States and
10 to decrease the prevalence of obesity and chronic diseases,
11 as well as hunger and food insecurity. The Wellness and
12 Nutrition Network will coordinate and collaborate at the
13 Federal, State, and local levels to leverage and maximize
14 resources and ensure effective and coordinated child nutri-
15 tion program delivery.

16 “(b) **DEFINITIONS.**—In this section:

17 “(1) **THE WELLNESS AND NUTRITION NET-**
18 **WORK (TWNN).**—The term ‘The Wellness and Nutri-
19 tion Network (TWNN)’ means a nationwide multi-
20 disciplinary program to establish and support tech-
21 nical assistance, training, and programs and policies
22 that promote and support healthy eating and phys-
23 ical activity by children and that is—

24 “(A) based on sound nutritional, edu-
25 cational, and social marketing approaches;

1 “(B) funded and overseen at the Federal
2 level, administered at the State level, and imple-
3 mented at the local level based on prioritized
4 community needs; and

5 “(C) coordinated with school health and
6 other nutrition programs.

7 “(2) STATE WELLNESS AND NUTRITION NET-
8 WORK COORDINATOR.—The term ‘State Wellness
9 and Nutrition Network coordinator’ means an indi-
10 vidual with—

11 “(A) at least a registered dietitian creden-
12 tial; or

13 “(B) a baccalaureate degree or master’s
14 degree with credentials in nutrition, as deter-
15 mined by the Secretary.

16 “(c) FUNDING AND ALLOCATIONS.—

17 “(1) FUNDING.—For fiscal year 2011 and each
18 succeeding fiscal year (out of any funds in the
19 Treasury not otherwise appropriated), the Secretary
20 of the Treasury shall provide to the Secretary an
21 amount equal to the amount calculated under para-
22 graph (2) to carry out this section. The Secretary
23 shall be entitled to receive the funds and shall accept
24 the funds, without further appropriation.

1 “(2) TOTAL AMOUNT FOR EACH FISCAL
2 YEAR.—The total amount of funds made available
3 for a fiscal year to carry out this section shall equal
4 to not more than the product obtained by multi-
5 plying—

6 “(A) 1 cent; by

7 “(B) the number of meals reimbursed
8 through the school lunch program, child and
9 adult care food program, and summer food
10 service program under the Richard B. Russell
11 National School Lunch Act (42 U.S.C. 21 1751
12 et seq.) during the preceding fiscal year in
13 schools and institutions that participate in such
14 programs.

15 “(3) ALLOCATIONS.—Of the amount available
16 to carry out this section for a fiscal year—

17 “(A) for the first 2 fiscal years for which
18 funding is appropriated to carry out this sec-
19 tion—

20 “(i) 30 percent shall be made avail-
21 able to carry out subsection (d);

22 “(ii) 50 percent shall be made avail-
23 able to carry out subsection (e); and

24 “(iii) 20 percent shall be made avail-
25 able to carry out subsection (h); and

1 “(B) for any fiscal year after the first 2
2 fiscal years for which funding is appropriated to
3 carry out this section—

4 “(i) 25 percent shall be made avail-
5 able to carry out subsection (d);

6 “(ii) 60 percent shall be made avail-
7 able to carry out subsection (f); and

8 “(iii) 15 percent shall be made avail-
9 able to carry out subsection (h).

10 “(d) STATE ADMINISTRATION OF TWNN.—

11 “(1) AUTHORIZATION OF STATE GRANTS.—

12 “(A) IN GENERAL.—From the amount
13 made available under subsection (c)(3) to carry
14 out this subsection, the Secretary shall make
15 grants to States to support technical assistance,
16 training, and nutrition promotion and edu-
17 cation.

18 “(B) GRANT AMOUNTS.—

19 “(i) YEARS ONE AND TWO.—

20 “(I) ALLOCATION.—For the first
21 2 fiscal years for which funds are ap-
22 propriated to carry out this section,
23 from the amount made available
24 under subsection (c)(3)(A)(i), the Sec-
25 retary shall allocate to each State

1 with an approved application a sum
2 that bears the same ratio to such
3 amount as the number of students eli-
4 gible for free or reduced price lunch in
5 such State for the preceding fiscal
6 year, bears to the total number of stu-
7 dents so eligible in all such States for
8 such fiscal year, except that no State
9 shall receive an allocation of less than
10 \$250,000 for a fiscal year.

11 “(ii) YEAR THREE AND BEYOND.—

12 “(I) IN GENERAL.—Beginning
13 with the third fiscal year for which
14 funds are appropriated to carry out
15 this section, from the amount made
16 available under subsection
17 (c)(3)(B)(i), the Secretary shall award
18 a minimum of \$250,000 to each State
19 with an approved application. The re-
20 mainder of funds available under sub-
21 section (c)(3)(B)(i), if any, shall be
22 awarded, on a competitive basis, to
23 States that demonstrate progress in
24 carrying out the activities described in
25 paragraph (d)(4).

1 “(iii) REALLOCATION.—The Secretary
2 may reallocate any amounts appropriated
3 under subsection (c)(3)(A)(i) that are not
4 obligated or expended, as determined by
5 the Secretary.

6 “(iv) SUPPLEMENT, NOT SUP-
7 PLANT.—Funds made available under this
8 subsection shall be used to supplement,
9 and not supplant, State and local funds
10 that would otherwise be expended to carry
11 out the activities supported under this sub-
12 section.

13 “(2) STATE APPLICATION.—To be eligible to re-
14 ceive a grant under this subsection, a State shall
15 submit to the Secretary an application at such time,
16 in such manner, and containing such information as
17 the Secretary may require.

18 “(3) STATE USE OF FUNDS.—

19 “(A) A State that receives a grant under
20 this subsection shall establish a comprehensive,
21 integrated and coordinated State Wellness and
22 Nutrition Network by—

23 “(i) conducting trainings and pro-
24 viding technical assistance to local edu-
25 cational agencies, schools, and institutions

1 on effective nutrition promotion and edu-
2 cation policies and programs to improve
3 child nutrition environments by—

4 “(I) promoting and supporting
5 dietary behaviors consistent with the
6 Dietary Guidelines for Americans
7 published under section 301 of the
8 National Nutrition Monitoring and
9 Related Research Act of 1990 (7
10 U.S.C. 5341);

11 “(II) supporting the development,
12 implementation, and assessment of
13 local wellness policies carried out pur-
14 suant to section 5 of the Richard B.
15 Russell National School Lunch Act
16 (42 U.S.C. 1754) by the local edu-
17 cational agencies in such State;

18 “(III) improving the nutritional
19 quality of meals and snacks;

20 “(IV) increasing participation of
21 children in child nutrition programs;

22 or

23 “(V) carrying out and dissemi-
24 nating effective evaluation techniques;

1 “(ii) facilitating networking and infor-
2 mation sharing within the State;

3 “(iii) making available and accessible,
4 and actively disseminating materials,
5 trainings, programs, model policies and
6 other promising practices; and

7 “(iv) coordinating and collaborating
8 with other nutrition education and pro-
9 motion efforts, such as Supplemental Nu-
10 trition Assistance Program Education and
11 coordinated school health programs, across
12 the State to leverage resources and ensure
13 children are receiving effective and con-
14 sistent messages regarding healthy eating
15 and active living; and

16 “(B) allocating grants under subsections
17 (e) and (f) to local educational agencies to sup-
18 port nutrition promotion and education.

19 “(e) LOCAL EDUCATIONAL AGENCY GRANTS FOR
20 THE FIRST 2 FISCAL YEARS.—

21 “(1) AUTHORIZATION OF GRANT PROGRAM.—

22 “(A) IN GENERAL.—From the amounts
23 made available under subsection (c)(3) to carry
24 out this subsection, a State shall award grants
25 to local educational agencies participating in

1 child nutrition programs under this Act or the
2 Richard B. Russell National School Lunch Act
3 (42 U.S.C. 1751 et seq.) to promote and sup-
4 port healthy eating and physical activity pro-
5 grams, policies, or initiatives for children that
6 participate in the child nutrition programs.

7 “(B) STATE ALLOCATION FOR LOCAL EDU-
8 CATIONAL AGENCY GRANTS.—For the first 2
9 fiscal years for which funds are appropriated to
10 carry out this subsection, from the amount ap-
11 propriated under subsection (c)(3)(A)(ii), the
12 Secretary shall allocate to each State that re-
13 ceived a grant under subsection (d) a sum that
14 bears the same ratio to such amount as the
15 number of students eligible for free or reduced
16 price lunch in such State for the preceding fis-
17 cal year, bears to the total number of students
18 so eligible in all such States for such fiscal
19 year.

20 “(2) STATE DISTRIBUTION OF LOCAL EDU-
21 CATIONAL AGENCY GRANTS FOR THE FIRST 2 FISCAL
22 YEARS.—

23 “(A) ALLOCATION TO LOCAL EDU-
24 CATIONAL AGENCIES.—A State receiving funds
25 under this subsection shall award grants to

1 each local educational agency in such State with
2 an approved application, a sum that bears the
3 same ratio to such amount as the number of
4 students eligible for free or reduced price lunch
5 in such local educational agency for the pre-
6 ceding fiscal year, bears to the total number of
7 students so eligible in all the local educational
8 agencies in such State for such fiscal year.

9 “(B) REALLOCATION.—If a local edu-
10 cational agency does not receive a grant under
11 this subsection, the State shall reallocate such
12 funds to other local educational agencies in the
13 State with approved applications.

14 “(3) INTERDISCIPLINARY TEAM.—In awarding
15 grants under this subsection, a State shall establish
16 an interdisciplinary team that is comprised of State
17 education and health representatives and chaired by
18 the State Wellness and Nutrition Network coordi-
19 nator (or a designee of such coordinator) to review
20 applications submitted by local educational agencies.

21 “(4) LOCAL EDUCATIONAL AGENCY APPLICA-
22 TION.—To be eligible to receive a grant under this
23 subsection, a local educational agency shall submit
24 an application to the interdisciplinary team estab-
25 lished pursuant to paragraph (3) at such time, in

1 such manner, and containing such information as
2 the interdisciplinary team may require.

3 “(5) LOCAL EDUCATIONAL AGENCY USES OF
4 FUNDS.—A local educational agency receiving a
5 grant under this subsection shall use such funds to
6 promote and support healthy eating and physical ac-
7 tivity programs, policies, or initiatives for children
8 that participate in child nutrition programs, by—

9 “(A) carrying out, assessing, or strength-
10 ening the local wellness policies pursuant to sec-
11 tion 5 of the Richard B. Russell National
12 School Lunch Act (42 U.S.C. 1754);

13 “(B) improving the nutritional quality of,
14 participation in, and acceptance of, meals and
15 snacks;

16 “(C) implementing Federal, State, or other
17 health guidelines, including for nutrition and
18 physical education;

19 “(D) providing regular physical activity; or

20 “(E) collaborating and coordinating with
21 public and private organizations, including com-
22 munity-based organizations, and State health,
23 nutrition, and education associations (such as
24 Supplemental Nutrition Assistance Program
25 Education, local extension agencies, coordinated

1 school health, and the Fresh Fruit and Vege-
2 table program under section 19 of the Richard
3 B. Russell School Lunch Act (42 U.S.C.
4 1769a)) to promote and support healthy eating
5 and physical activity.

6 “(f) STATE DISTRIBUTION OF COMPETITIVE GRANTS
7 BEGINNING WITH THE 3RD FISCAL YEAR.—

8 “(1) IN GENERAL.—From the amount allocated
9 under subsection (c)(3), a State shall award grants,
10 on a competitive basis, to local educational agencies
11 and institutions to carry out the programs and ac-
12 tivities described in subsection (e)(5).

13 “(2) STATE ALLOCATION.—From the amount
14 appropriated under subsection (c)(3)(B)(ii), the Sec-
15 retary shall allocate to each State that received a
16 grant under subsection (d) a sum that bears the
17 same ratio to such amount as the number of stu-
18 dents eligible for free or reduced price lunch in such
19 State for the preceding fiscal year, bears to the total
20 number of students so eligible in all such States for
21 such fiscal year.

22 “(3) STATE USE OF FUNDS.—A State receiving
23 funds under this subsection shall use such funds to
24 award grants, on a competitive basis, to local edu-
25 cational agencies and institutions participating in

1 the child nutrition programs under this Act or the
2 Richard B. Russell National School Lunch Act (42
3 U.S.C. 1751 et seq.) to carry out programs and ac-
4 tivities described in subsection (e)(5).

5 “(4) APPLICATION.—To be eligible to receive a
6 grant under this subsection, an applicant shall sub-
7 mit to the State interdisciplinary team established
8 pursuant to subsection (e)(3) an application that in-
9 cludes information about the performance and
10 progress of such applicant in carrying out the activi-
11 ties and achieving the goals described in subsection
12 (e)(5), including an outline of the specific activities,
13 materials, policies, or programs carried out to fulfill
14 such activities and goals.

15 “(5) GRANT AMOUNT.—In determining the
16 grant amount to award under this subsection, the
17 State Wellness and Nutrition Network Coordinator
18 shall consider the size of a local educational agency
19 or institution and the proportion of students eligible
20 for free and reduced priced meals.

21 “(g) REPORTING AND EVALUATION REQUIRE-
22 MENTS.—

23 “(1) REPORTS TO STATE WELLNESS AND NU-
24 TRITION NETWORK COORDINATORS BY GRANT RE-
25 CIPIENTS.—Each grantee under this section shall

1 submit to the State Wellness and Nutrition Network
2 coordinator a report that describes the progress
3 made in carrying out the activities and goals de-
4 scribed in its grant application, including the policies
5 or programs implemented by the agency.

6 “(2) STATE REPORTS TO SECRETARY.—Each
7 State Wellness and Nutrition Network coordinator
8 shall submit to the Secretary—

9 “(A) a report after the first fiscal year of
10 the implementation of the grant program under
11 this subsection that includes—

12 “(i) actions that such coordinator
13 planned and carried out in the preceding
14 fiscal year to fulfill the State Wellness and
15 Nutrition Network purpose described in
16 subsection (d); and

17 “(ii) a State needs assessment for
18 child nutrition education and promotion
19 throughout the State which may be com-
20 piled from existing data; and

21 “(B) an evaluation after 3 years of the im-
22 plementation of the grant program under this
23 subsection, and every 3 years thereafter, that
24 describes and assesses the programs, policies,
25 and activities that the State Wellness and Nu-

1 trition Network and its grantees carried out
2 under subsections (d), (e), and (f);

3 “(3) EVALUATIONS BY SECRETARY.—The Sec-
4 retary shall conduct an evaluation of the Wellness
5 and Nutrition Network that includes an overview
6 of—

7 “(A) State nutrition education and pro-
8 motion activities;

9 “(B) activities by grantees under this sub-
10 section;

11 “(C) coordination and collaboration efforts
12 within and between States;

13 “(D) identification of best practices for im-
14 proving healthy eating by students and pro-
15 moting physical activity;

16 “(E) improvements to school nutrition en-
17 vironments; and

18 “(F) local wellness policies activities.

19 “(4) REPORT.—Not later than January 1,
20 2013, the Secretary shall prepare and submit to the
21 Committee on Agriculture, Nutrition, and Forestry
22 of the Senate and the Committee on Education and
23 Labor of the House of Representatives a report on
24 the evaluation conducted pursuant to paragraph (3).

25 “(h) SECRETARY’S TWNN RESPONSIBILITIES.—

1 “(1) IN GENERAL.—From the amounts appro-
2 priated under subsection (c)(3)(A)(iii) or
3 (c)(3)(B)(iii), as applicable, the Secretary shall de-
4 velop and implement a comprehensive and integrated
5 national nutrition promotion and education strategy
6 by carrying out the activities described in paragraph
7 (2).

8 “(2) ACTIVITIES.—In developing and imple-
9 menting the nutrition promotion and education
10 strategy described in paragraph (1), the Secretary
11 shall carry out activities that shall include—

12 “(A) developing and disseminating the
13 Wellness and Nutrition Network materials to
14 States, local educational agencies, and others
15 working with child nutrition programs, as ap-
16 propriate;

17 “(B) providing regular communication,
18 training, technical assistance, and messages to
19 States;

20 “(C) developing, maintaining, and updat-
21 ing resources including a hotline, website and
22 other assistance, information, and online train-
23 ing of best practices and effective strategies for
24 promoting healthy eating and physical activity,
25 coordinating with those resources provided

1 through section 5(d)(2) of the Richard B. Rus-
2 sell National School Lunch Act (42 U.S.C.
3 1751 et seq.); and

4 “(D) coordinating with other national,
5 State, and local nutrition education and pro-
6 motion efforts.

7 “(3) SUBJECT MATTER.—In developing and im-
8 plementing the nutrition promotion and education
9 strategy described in paragraph (1), the Secretary
10 shall address issues such as—

11 “(A) effective strategies to promote and
12 support healthy eating, physical activity, and
13 positive behavior changes;

14 “(B) model policies and programs to im-
15 prove school nutrition and physical activity en-
16 vironments;

17 “(C) improving the nutritional quality of
18 school meals, including the healthfulness of
19 commodities under programs authorized under
20 this Act and the Richard B. Russell National
21 School Lunch Act, and foods provided outside
22 of school meals, such as food provided through
23 vending machines, a la carte, fundraisers,
24 school stores, school celebrations, snacks, and
25 food rewards;

1 “(D) increasing participation in school
2 meals; and

3 “(E) effective evaluation techniques.”.

4 **SEC. 5. BUDGETARY EFFECTS.**

5 The budgetary effects of this Act, for the purpose of
6 complying with the Statutory Pay-As-You-Go Act of 2010,
7 shall be determined by reference to the latest statement
8 titled “Budgetary Effects of PAYGO Legislation” for this
9 Act, submitted for printing in the Congressional Record
10 by the Chairman of the Senate Budget Committee, pro-
11 vided that such statement has been submitted prior to the
12 vote on passage.

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