

111TH CONGRESS
2D SESSION

S. 3446

To amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and nutrition promotion and education, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, MAY 26), 2010

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

A BILL

To amend the Child Nutrition Act of 1966 to advance the health and wellbeing of schoolchildren in the United States through technical assistance, training, and support for healthy school foods, local wellness policies, and 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Nutrition En-
5 hancement Act of 2010”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) nutrition education and promotion helps—

4 (A) to foster a school environment that
5 supports healthy eating;

6 (B) to initiate and sustain healthy eating
7 behaviors;

8 (C) to increase acceptance and consump-
9 tion of healthy school meals;

10 (D) to increase participation in school meal
11 programs;

12 (E) to enhance school meal quality; and

13 (F) to support the development and imple-
14 mentation of local wellness policies;

15 (2) nutrition education and promotion are crit-
16 ical components of effective health promotion and
17 disease prevention programs;

18 (3) research shows that school-based nutrition
19 programs and services improve health and contribute
20 to the academic achievement of school children;

21 (4) research shows that fit children—

22 (A) achieve more academically;

23 (B) have better school attendance; and

24 (C) fewer disciplinary problems;

1 (5) nutrition education and promotion initia-
2 tives for school children lack coordination, funding,
3 and sustainability;

4 (6) a comprehensive nationwide study reported
5 that between 5 and 6 percent of students were en-
6 rolled in a school district that had identified a poten-
7 tial source of funding to support the implementation
8 of a wellness policy in the district;

9 (7) children and adolescents are—

10 (A) not meeting dietary recommendations;

11 (B) underconsuming important food
12 groups and nutrients needed for growth and de-
13 velopment; and

14 (C) overconsuming saturated fat, trans fat,
15 sodium, and added sugars;

16 (8) the Physical Activity Guidelines for Ameri-
17 cans recommend that children engage in at least 60
18 minutes of physical activity on most, and preferably
19 all, days of the week;

20 (9) children spend many waking hours at school
21 and therefore need to be active during the school
22 day to meet the recommendations of the Physical
23 Activity Guidelines for Americans;

1 (10) childhood obesity increased 3-fold among
2 children and adolescents during the 30 years pre-
3 ceding the date of enactment of this Act;

4 (11) approximately 12,000,000 children and
5 adolescents ages 2 to 19 are considered obese;

6 (12) obesity-related diseases cost the United
7 States economy more than \$147,000,000,000 each
8 year;

9 (13) both low levels of physical activity and an
10 increase in caloric intake have contributed to the un-
11 precedented epidemic of childhood obesity; and

12 (14) overweight adolescents have a 70 to 80
13 percent chance of becoming overweight adults, in-
14 creasing the risk of chronic disease, disability, and
15 death.

16 **SEC. 3. THE WELLNESS AND NUTRITION NETWORK.**

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

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

20 “(a) PURPOSES.—The purposes of the wellness and
21 nutrition network are—

22 “(1) to promote the nutritional health of school
23 children in the United States through—

24 “(A) technical assistance;

25 “(B) training; and

1 “(C) nutrition promotion and education
2 programs and policies;

3 “(2) to decrease the prevalence of—

4 “(A) obesity;

5 “(B) chronic disease; and

6 “(C) hunger and food insecurity; and

7 “(3) to coordinate and collaborate at the Fed-
8 eral, State and local levels—

9 “(A) to leverage and maximize resources;

10 and

11 “(B) to ensure the effective and coordi-
12 nated delivery of child nutrition programs.

13 “(b) DEFINITIONS.—In this section:

14 “(1) CHILD NUTRITION PROGRAM.—The term
15 ‘child nutrition program’ means—

16 “(A) the school breakfast program estab-
17 lished by section 4;

18 “(B) the school lunch program established
19 under the Richard B. Russell National School
20 Lunch Act (42 U.S.C. 1751 et seq.);

21 “(C) the summer food service program for
22 children established under section 13 of the
23 Richard B. Russell National School Lunch Act
24 (42 U.S.C. 1761); and

1 “(D) the child and adult care food pro-
2 gram established under section 17 of the Rich-
3 ard B. Russell National School Lunch Act (42
4 U.S.C. 1766).

5 “(2) FREE OR REDUCED PRICE LUNCH.—The
6 term ‘free or reduced price lunch’ means a free or
7 reduced price lunch provided under the school lunch
8 program established under the Richard B. Russell
9 National School Lunch Act (42 U.S.C. 1751 et
10 seq.).

11 “(3) STATE WELLNESS AND NUTRITION NET-
12 WORK COORDINATOR.—The term ‘State wellness and
13 nutrition network coordinator’ means an individual
14 who has earned—

15 “(A) a registered dietitian credential;

16 “(B) a baccalaureate degree in a discipline
17 relating to nutrition, as determined by the Sec-
18 retary; or

19 “(C) a post-baccalaureate degree in a dis-
20 cipline relating to nutrition, as determined by
21 the Secretary.

22 “(4) THE WELLNESS AND NUTRITION NET-
23 WORK (TWNN).—The term ‘the wellness and nutri-
24 tion network’ or ‘TWNN’ means a nationwide, mul-
25 tidisciplinary program that—

“(A) establishes and supports technical assistance, training, programs, and policies that promote and support healthy eating and physical activity by children; and

“(B) is—

“(i) based on sound nutritional, educational, and social marketing approaches;

“(ii) funded and overseen at the Federal level, administered at the State level, and implemented at the local level based on prioritized community needs; and

“(iii) coordinated with school health and other nutrition programs.

“(c) FUNDING.—

“(1) IN GENERAL.—On October 1, 2010, and on each October 1 thereafter, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section an amount described in paragraph (2), to remain available until expended.

“(2) CALCULATION OF FUNDING FOR EACH FISCAL YEAR.—The total amount of funds made available to carry out this section for a fiscal year shall equal the product obtained by multiplying—

“(A) 1 cent; and

1 “(B) the number of meals reimbursed dur-
 2 ing the preceding fiscal year under the Richard
 3 B. Russell National School Lunch Act (42
 4 U.S.C. 1751 et seq.) at participating schools
 5 and institutions for—

6 “(i) the school lunch program estab-
 7 lished under that Act;

8 “(ii) the child and adult care food
 9 program established under section 17 of
 10 that Act (42 U.S.C. 1766); and

11 “(iii) the summer food service pro-
 12 gram established under section 13 of that
 13 Act (42 U.S.C. 1761).

14 “(3) RECEIPT AND ACCEPTANCE.—The Sec-
 15 retary shall be entitled to receive, shall accept, and
 16 shall use to carry out this section the funds trans-
 17 ferred under paragraph (1), without further appro-
 18 priation.

19 “(4) RESTRICTIONS.—Of the amount made
 20 available to carry out this section—

21 “(A) for each of fiscal years 2011 and
 22 2012—

23 “(i) 30 percent shall be made avail-
 24 able for State administration of TWNN;

1 “(ii) 50 percent shall be made avail-
 2 able to States for local educational agency
 3 grants; and

4 “(iii) 20 percent shall be made avail-
 5 able for TWNN responsibilities of the Sec-
 6 retary; and

7 “(B) for fiscal year 2013 and each subse-
 8 quent fiscal year—

9 “(i) 25 percent shall be made avail-
 10 able for State administration of TWNN;

11 “(ii) 60 percent shall be made avail-
 12 able to States for local educational agency
 13 and institution grants; and

14 “(iii) 15 percent shall be made avail-
 15 able for TWNN responsibilities of the Sec-
 16 retary.

17 “(d) STATE ADMINISTRATION OF TWNN.—

18 “(1) APPLICATION.—To be eligible to receive a
 19 grant under this subsection, a State shall submit to
 20 the Secretary an application at such time, in such
 21 manner, and containing such information as the Sec-
 22 retary may require.

23 “(2) AUTHORIZATION OF STATE GRANTS.—

24 “(A) IN GENERAL.—The Secretary shall
 25 use funds made available under subparagraphs

1 (A)(i) and (B)(i) of subsection (c)(4) to make
 2 grants to States to support the administration
 3 of the wellness and nutrition network (TWNN)
 4 through technical assistance, training, and nu-
 5 trition promotion and education.

6 “(B) GRANTS.—

7 “(i) MINIMUM.—Of the funds allo-
 8 cated to States to carry out this subsection
 9 under subparagraphs (A)(i) and (B)(i) of
 10 subsection (c)(4), the Secretary shall pro-
 11 vide to each approved State applicant a
 12 grant equal to—

13 “(I) for each of fiscal years 2011
 14 and 2012, the greater of—

15 “(aa) \$250,000; and

16 “(bb) the amount described
 17 in clause (ii); and

18 “(II) for fiscal year 2013 and
 19 each subsequent fiscal year, \$250,000.

20 “(ii) FISCAL YEARS 2011 AND 2012.—
 21 Subject to clause (i), for fiscal years 2011
 22 and 2012, the Secretary shall provide to
 23 each approved State applicant an amount
 24 of the funds made available under sub-

1 section (c)(4)(A)(i) equal to the proportion
2 that—

3 “(I) the number of students eligi-
4 ble for a free or reduced price lunch
5 in the State in the preceding fiscal
6 year; bears to

7 “(II) the total number of stu-
8 dents eligible for a free or reduced
9 price lunch in all States in the pre-
10 ceding fiscal year.

11 “(iii) SUBSEQUENT FISCAL YEARS.—
12 For fiscal year 2013 and each subsequent
13 fiscal year, the Secretary, on a competitive
14 basis, shall provide an additional grant in
15 an amount to be determined by the Sec-
16 retary to any approved State applicant if—

17 “(I) after awarding grants under
18 clause (i)(II), funds remain available
19 under subsection (c)(4)(B)(i); and

20 “(II) the State demonstrates
21 progress in carrying out the activities
22 described in subsection (e).

23 “(iv) REALLOCATION.—The Secretary
24 may reallocate any funds appropriated

1 under subparagraphs (A)(i) and (B)(i) of
2 subsection (c)(4)—

3 “(I) for the uses described in
4 subsection (e); and

5 “(II) if, after 3 school years, the
6 funds have not been obligated or ex-
7 pended.

8 “(v) CONTRIBUTION.—Funds made
9 available under this subsection shall be
10 used to supplement, and not to supplant,
11 any State and local funds otherwise avail-
12 able to carry out the activities described in
13 this subsection.

14 “(e) STATE USES OF FUNDS.—

15 “(1) IN GENERAL.—A grant provided to a State
16 under this section shall be used—

17 “(A) to establish a comprehensive, inte-
18 grated, and coordinated wellness and nutrition
19 network in the State; and

20 “(B) to allocate funding under subsection
21 (f) to local educational agencies and other insti-
22 tutions to support child nutrition promotion
23 and education.

1 “(2) GOALS.—A State program established in
2 accordance with this section shall, to the maximum
3 extent practicable—

4 “(A) conduct training and provide tech-
5 nical assistance on effective child nutrition pro-
6 motion and education policies and programs;

7 “(B) improve child nutrition environments
8 by—

9 “(i) promoting and supporting dietary
10 behaviors consistent with the most recent
11 Dietary Guidelines for Americans pub-
12 lished under section 301 of the National
13 Nutrition Monitoring and Related Re-
14 search Act of 1990 (7 U.S.C. 5341); and

15 “(ii) supporting the development, im-
16 plementation, and assessment of local
17 wellness policies carried out under section
18 5 of the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1754);

20 “(C) improve the nutritional quality of
21 meals and snacks served through the child nu-
22 trition programs;

23 “(D) increase participation in the child nu-
24 trition programs;

1 “(E) carry out and disseminate effective
2 evaluation techniques;

3 “(F) facilitate networking and information
4 sharing in the State;

5 “(G) actively disseminate materials and in-
6 formation on training programs, model policies,
7 and other promising practices; and

8 “(H) coordinate and collaborate with other
9 State nutrition education and promotion efforts,
10 including supplemental nutrition assistance pro-
11 gram education and coordinated school health
12 programs—

13 “(i) to leverage resources; and

14 “(ii) to ensure that children are re-
15 ceiving effective and consistent messages
16 regarding healthy eating and active living.

17 “(f) LOCAL EDUCATIONAL AGENCY GRANTS.—

18 “(1) INTERDISCIPLINARY TEAM.—

19 “(A) IN GENERAL.—In awarding grants
20 under this subsection, a State shall establish an
21 interdisciplinary team to review applications
22 submitted by local educational agencies.

23 “(B) REQUIREMENTS.—An interdiscipli-
24 nary team described in subparagraph (A) shall
25 be—

1 “(i) comprised of State education and
2 health representatives; and

3 “(ii) chaired by the State wellness and
4 nutrition network coordinator, or a des-
5 ignee of the coordinator.

6 “(2) ELIGIBILITY.—

7 “(A) IN GENERAL.—During each of fiscal
8 years 2011 and 2012, only local educational
9 agencies shall be eligible to receive a grant
10 under this subsection.

11 “(B) FISCAL YEAR 2013 AND SUBSEQUENT
12 FISCAL YEARS.—For fiscal year 2013 and each
13 subsequent fiscal year, local educational agen-
14 cies and other institutions providing services
15 funded by the child nutrition programs shall be
16 eligible to receive a grant under this subsection.

17 “(3) GRANTS.—

18 “(A) IN GENERAL.—To carry out this sub-
19 section, the Secretary shall provide to each ap-
20 proved State applicant for the purpose of mak-
21 ing grants to approved local educational agen-
22 cies an amount of the funds made available
23 under subparagraphs (A)(ii) and (B)(ii) of sub-
24 section (c)(4) equal to the proportion that—

1 “(i) the number of students eligible
2 for a free or reduced price lunch in the
3 State in the preceding fiscal year; bears to

4 “(ii) the total number of students eli-
5 gible for a free or reduced price lunch in
6 all States in the preceding fiscal year.

7 “(B) FISCAL YEARS 2011 AND 2012.—

8 “(i) IN GENERAL.—For each of fiscal
9 years 2011 and 2012, a State shall use
10 funds received under subparagraph (A) to
11 make grants to local educational agency
12 applicants approved by the State inter-
13 disciplinary team in an amount equal to
14 the proportion that—

15 “(I) the number of students eligi-
16 ble for a free or reduced price lunch
17 in a local educational agency in the
18 preceding fiscal year; bears to

19 “(II) the total number of stu-
20 dents eligible for a free or reduced
21 price lunch in a State in the preceding
22 fiscal year.

23 “(ii) APPLICATION.—To be eligible to
24 receive a grant under this subparagraph, a
25 local educational agency shall submit an

1 application to the interdisciplinary team
2 established under paragraph (1) at such
3 time, in such manner, and containing such
4 information as the interdisciplinary team
5 may require.

6 “(iii) REALLOCATION.—If a local edu-
7 cational agency is not approved to receive
8 a grant under this subsection, a State shall
9 reallocate the funds to an approved local
10 educational agency applicant, in an
11 amount determined by the State.

12 “(C) SUBSEQUENT FISCAL YEARS.—

13 “(i) IN GENERAL.—For fiscal year
14 2013 and each subsequent fiscal year, a
15 State, on a competitive basis, shall use
16 funds received under subparagraph (A) to
17 provide grants to carry out the programs
18 and activities described in paragraph (4)
19 to—

20 “(I) approved local educational
21 agency applicants; and

22 “(II) other approved institutions
23 providing services funded by the child
24 nutrition programs.

25 “(ii) APPLICATION.—

1 “(I) IN GENERAL.—To be eligible
2 to receive a grant under this subpara-
3 graph, an applicant shall submit to
4 the State interdisciplinary team estab-
5 lished under paragraph (1) an appli-
6 cation that includes—

7 “(aa) information about the
8 performance and progress of the
9 applicant in carrying out the ac-
10 tivities and achieving the goals
11 described in paragraph (4); and

12 “(bb) an outline of the spe-
13 cific activities, materials, policies,
14 or programs to be carried out to
15 achieve the goals described in
16 paragraph (4).

17 “(II) CONSIDERATIONS.—In de-
18 termining the amount of a grant
19 under subparagraph (C), the State
20 interdisciplinary team shall consider
21 the number of students enrolled at the
22 applicant institution that are eligible
23 for free and reduced priced lunches.

24 “(4) LOCAL EDUCATIONAL AGENCY USES OF
25 FUNDS.—

1 “(A) IN GENERAL.—As a condition on the
2 receipt of a grant under this subsection, a local
3 educational agency or other institution that re-
4 ceives a grant shall use the funds to promote
5 and support healthy eating and physical activity
6 programs, policies, or initiatives.

7 “(B) GOALS.—A local educational agency
8 or other institution receiving a grant under this
9 section shall use the grant funds—

10 “(i) to carry out, assess, or strengthen
11 a local wellness policy established under
12 section 5 of the Richard B. Russell Na-
13 tional School Lunch Act (42 U.S.C. 1754);

14 “(ii) to improve the nutritional quality
15 of meals and snacks served through the
16 child nutrition programs;

17 “(iii) to increase the acceptance by
18 children of nutritious meals and snacks;

19 “(iv) to implement Federal, State, or
20 other health guidelines, including guide-
21 lines for nutritional and physical edu-
22 cation;

23 “(v) to provide regular physical activ-
24 ity for children; or

1 “(vi) to collaborate and coordinate
2 with public and private organizations to
3 promote and support healthy eating and
4 physical activity, including—

5 “(I) community-based organiza-
6 tions; and

7 “(II) health, nutrition, and edu-
8 cation programs in the States that in-
9 clude—

10 “(aa) nutrition education re-
11 lating to the supplemental nutri-
12 tion assistance program estab-
13 lished under the Food and Nutri-
14 tion Act of 2008 (7 U.S.C. 2011
15 et seq.);

16 “(bb) coordinated school
17 health programs; and

18 “(cc) the fresh fruit and
19 vegetable program established
20 under section 19 of the Richard
21 B. Russell National School
22 Lunch Act (42 U.S.C. 1769a).

23 “(g) REPORTING AND EVALUATION REQUIRE-
24 MENTS.—

1 “(1) REPORTS TO STATE WELLNESS AND NU-
2 TRITION NETWORK COORDINATORS.—Not later than
3 90 days after the expiration of a grant received
4 under subsection (f), the local educational agency or
5 other institution receiving the grant shall submit to
6 the State wellness and nutrition network coordinator
7 a report that describes—

8 “(A) the progress of the grant recipient in
9 carrying out the activities described in sub-
10 section (f)(4); and

11 “(B) the policies or programs implemented
12 by the grant recipient to achieve the goals de-
13 scribed in subsection (f)(4).

14 “(2) STATE REPORTS TO THE SECRETARY.—
15 Each State wellness and nutrition network coordi-
16 nator shall submit to the Secretary—

17 “(A) by not later than October 1, 2011, a
18 report that—

19 “(i) describes the actions that the co-
20 ordinator planned and carried out in the
21 preceding fiscal year to carry out the goals
22 described in subsection (e)(2); and

23 “(ii) includes a State needs assess-
24 ment for child nutrition education and pro-

1 motion throughout the State that may be
2 compiled using existing data; and

3 “(B) by not later than October 1, 2013,
4 and every 3 years thereafter, a report that de-
5 scribes and assesses the programs, policies, and
6 activities that the State wellness and nutrition
7 network, the local educational agencies, and the
8 other grant recipients have established to carry
9 out the goals of this section.

10 “(3) REPORT BY THE SECRETARY.—

11 “(A) IN GENERAL.—Not later than Janu-
12 ary 1, 2013, the Secretary shall conduct an
13 evaluation of and submit a report on the State
14 wellness and nutrition networks to—

15 “(i) the Committee on Agriculture,
16 Nutrition, and Forestry of the Senate; and

17 “(ii) the Committee on Education and
18 Labor of the House of Representatives.

19 “(B) CONTENTS.—The report prepared
20 under this paragraph shall include an evalua-
21 tion of—

22 “(i) the nutrition education and pro-
23 motion activities of the States;

24 “(ii) activities carried out by grant re-
25 cipients under this section;

1 “(iii) the coordination and collabora-
 2 tion efforts carried out in and between
 3 States;

4 “(iv) identification of best practices
 5 for improving healthy eating by students
 6 and promoting physical activity;

7 “(v) improvements to school nutrition
 8 environments; and

9 “(vi) local wellness policy activities.

10 “(h) SECRETARIAL RESPONSIBILITIES.—

11 “(1) IN GENERAL.—The Secretary shall use
 12 funds made available under subparagraphs (A)(iii)
 13 and (B)(iii) of subsection (c)(4) to develop and carry
 14 out a comprehensive, integrated national nutrition
 15 promotion and education strategy—

16 “(A) to develop and disseminate wellness
 17 and nutrition network materials to States, local
 18 educational agencies, and other grant recipients
 19 carrying out child nutrition programs;

20 “(B) to provide regular communication,
 21 training, technical assistance, and messages to
 22 the States;

23 “(C) to establish, maintain, and update
 24 communication resources, including—

25 “(i) an information hotline;

1 “(ii) a website; and

2 “(iii) online training of best practices
3 and effective strategies for promoting
4 healthy eating and physical activity;

5 “(D) to coordinate communication re-
6 sources established under this section with any
7 communication resources established under sec-
8 tion 5(d)(2) of the Richard B. Russell National
9 School Lunch Act (42 U.S.C. 1754(d)(2)); and

10 “(E) to coordinate with other Federal,
11 State, and local nutrition education and pro-
12 motion efforts.

13 “(2) CONSIDERATIONS.—In carrying out the
14 nutrition promotion and education activities de-
15 scribed in paragraph (1), the Secretary shall, to the
16 maximum extent practicable—

17 “(A) promote and support healthy eating,
18 physical activity, and positive behavior changes;

19 “(B) improve school nutrition and physical
20 activity environments;

21 “(C) provide technical assistance, training,
22 and model policies and programs to improve the
23 nutritional quality of school foods, including the
24 healthfulness of—

25 “(i) school meals;

1 “(ii) commodities provided through
2 the child nutrition programs; and

3 “(iii) foods provided outside of school
4 meals, including food provided through—

5 “(I) vending machines;

6 “(II) a la carte;

7 “(III) fundraisers;

8 “(IV) school stores;

9 “(V) school celebrations;

10 “(VI) snacks; and

11 “(VII) rewards;

12 “(D) increase participation in school
13 meals; and

14 “(E) develop effective evaluation tech-
15 niques.”.

16 **SEC. 4. BUDGETARY EFFECTS.**

17 The budgetary effects of this Act, for the purpose of
18 complying with the Statutory Pay-As-You-Go Act of 2010,
19 shall be determined by reference to the latest statement
20 titled “Budgetary Effects of PAYGO Legislation” for this
21 Act, submitted for printing in the Congressional Record
22 by the Chairman of the Senate Budget Committee, pro-
23 vided that such statement has been submitted prior to the
24 vote on passage.

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