

[DISCUSSION DRAFT]

111TH CONGRESS
2^D SESSION

H. R. _____

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

Mr. POLIS of Colorado introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) childhood obesity increased threefold among
4 children and adolescents in the 30 years preceding
5 the date of enactment of this Act;

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

8 (3) obesity-related diseases cost the United
9 States economy more than \$147,000,000,000 every
10 year;

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

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

18 (6) children and adolescents are—

19 (A) not meeting dietary recommendations;

20 (B) underconsuming important food
21 groups and nutrients needed for growth and de-
22 velopment; and

23 (C) overconsuming saturated fat, trans fat,
24 sodium, and added sugars;

25 (7) nutrition education and promotion helps
26 foster a school environment that—

- 1 (A) supports healthy eating;
- 2 (B) helps initiate and sustain healthy eat-
- 3 ing behaviors;
- 4 (C) increases acceptance and consumption
- 5 of healthy school meals;
- 6 (D) increases participation in school meal
- 7 programs;
- 8 (E) enhances school meal quality; and
- 9 (F) supports development and implementa-
- 10 tion of local wellness policies;
- 11 (8) nutrition education and promotion is a crit-
- 12 ical component of most major health promotion and
- 13 disease prevention programs;
- 14 (9) research shows that school-based nutrition
- 15 programs and services both improve health and con-
- 16 tribute to the academic achievement of school chil-
- 17 dren;
- 18 (10) research shows that fit children achieve
- 19 more academically and have better school attendance
- 20 and fewer disciplinary problems;
- 21 (11) a comprehensive study of local wellness
- 22 policies across the United States found that—
- 23 (A) many policies were underdeveloped and
- 24 fragmented; and

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

3 (i) require evaluation of the imple-
4 mentation or effectiveness of the wellness
5 policy of the district; or

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

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

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

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

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

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

2 (A) only 3.8 percent of elementary schools,
3 7.9 percent of middle schools, and 2.1 percent
4 of high schools provide daily physical education
5 or the equivalent for the entire school year; and

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

8 **SEC. 3. LOCAL WELLNESS POLICIES.**

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

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

13 “(a) DEFINITIONS.—In this section:

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

16 “(A) the official school day; and

17 “(B) the time before and after the official
18 school day during which events or activities are
19 primarily under the control of the school or a
20 third party on behalf of the school.

21 “(2) LOCAL WELLNESS POLICY.—The term
22 ‘local wellness policy’ means a nutrition and physical
23 activity wellness policy of a local educational agency
24 established under section 204 of the Child Nutrition

1 and WIC Reauthorization Act of 2004 (42 U.S.C.
2 1751 note; Public Law 108–265).

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

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

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

21 “(3) ensures that guidelines for reimbursable
22 school meals are not less restrictive than regulations
23 and guidance issued by the Secretary pursuant to
24 subsections (a) and (b) of section 10 of the Child
25 Nutrition Act of 1966 (42 U.S.C. 1779) and sec-

1 tions 9(f)(1) and 17(a) of this Act, as those regula-
2 tions and guidance apply to schools;

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

7 “(5) includes a plan for measuring implementa-
8 tion of the local wellness policy, including the des-
9 ignation of a local wellness policy committee under
10 subsection (d).

11 “(c) TRANSPARENCY.—

12 “(1) IN GENERAL.—In carrying out this sec-
13 tion, each local educational agency shall make read-
14 ily available and widely disseminate to relevant
15 stakeholders—

16 “(A) the local wellness policy of the local
17 education agency, including the implementation
18 plan described in subsection (b)(5);

19 “(B) any assessments of the implementa-
20 tion of the local wellness policy;

21 “(C) any updates to the local wellness pol-
22 icy; and

23 “(D) appropriate local and State contact
24 information.

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

6 “(3) ASSESSMENT OF IMPLEMENTATION.—

7 “(A) ASSESSMENT OF IMPLEMENTA-
8 TION.—Not later than 2 years after the date of
9 enactment of the NEW Schools Act, and every
10 3 years thereafter, each local educational agen-
11 cy shall complete and make readily available the
12 results of an assessment of the implementation
13 of the local wellness policy of the local edu-
14 cational agency that includes—

15 “(i) the extent to which schools under
16 the jurisdiction of the local educational
17 agency are in compliance with the local
18 wellness policy of the agency;

19 “(ii) the extent to which the local
20 wellness policy of the local educational
21 agency compares with model local wellness
22 policies recommended under subsection
23 (e)(2)(A)(ii);

24 “(iii) a description of the progress
25 made in attaining the goals of the local

1 wellness policy described in subsection (b);

2 and

3 “(iv) any revisions to the local
4 wellness policy to more effectively address
5 those goals.

6 “(d) LOCAL WELLNESS POLICY COMMITTEE.—

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

12 “(2) REPRESENTATION.—

13 “(A) REQUIRED REPRESENTATIVES.—The
14 Committee of each local educational agency
15 shall be comprised of at least 1 representative
16 from the local educational agency from each of
17 the following categories of stakeholders:

18 “(i) Principals.

19 “(ii) Teachers.

20 “(iii) Parents of students.

21 “(iv) Students.

22 “(v) The school food authority.

23 “(vi) The school board of the local
24 educational agency.

1 “(vii) The physical education pro-
2 gram.

3 “(viii) School health professionals,
4 such as school nurses, school counselors,
5 social workers, or health education teach-
6 ers.

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

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

16 “(4) DUTIES.—Duties and responsibilities of
17 each Committee shall include—

18 “(A) ensuring that the local educational
19 agency served by the Committee meets the re-
20 quirements described in this section;

21 “(B) fostering integration of the local
22 wellness policy of the local educational agency
23 with existing coordinated school health pro-
24 grams, and other health-related activities in the

1 schools and community served by the local edu-
2 cational agency; and

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

6 “(e) TECHNICAL ASSISTANCE AND OUTREACH.—

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

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

19 “(A) includes—

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

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

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

9 “(3) FUNDING.—

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

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

22 “(f) STUDY AND REPORT.—

23 “(1) IN GENERAL.—The Secretary, in conjunc-
24 tion with the Director of the Centers for Disease
25 Control and Prevention, shall prepare a report on

1 the implementation, strength, and effectiveness of
2 the local wellness policies carried out in accordance
3 with this section.

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

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

11 “(B) an assessment of the impact of the
12 local wellness policies in addressing the require-
13 ments of subsection (b).

14 “(3) REPORT.—Not later than January 1,
15 2014, the Secretary shall submit to the Committee
16 on Agriculture, Nutrition, and Forestry of the Sen-
17 ate and the Committee on Education and Labor of
18 the House of Representatives a report that describes
19 the findings of the study.”.

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

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

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

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

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

13 “(b) DEFINITIONS.—In this section:

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

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

23 “(B) funded and overseen at the Federal
24 level, administered at the State level, and imple-
25 mented at the local level based on prioritized
26 community needs; and

1 “(C) coordinated with school health and
2 other nutrition programs.

3 “(2) STATE WELLNESS AND NUTRITION NET-
4 WORK COORDINATOR.—The term ‘State Wellness
5 and Nutrition Network coordinator’ means an indi-
6 vidual with—

7 “(A) at least a registered dietitian creden-
8 tial; or

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

12 “(c) FUNDING AND ALLOCATIONS.—

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

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

1 “(A) 1 cent; by

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

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

12 “(A) for the first 2 fiscal years for which
13 funding is appropriated to carry out this sec-
14 tion—

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

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

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

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

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

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

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

5 “(d) STATE ADMINISTRATION OF TWNN.—

6 “(1) AUTHORIZATION OF STATE GRANTS.—

7 “(A) IN GENERAL.—From the amount
8 made available under subsection (c)(3) to carry
9 out this subsection, the Secretary shall make
10 grants to States to support technical assistance,
11 training, and nutrition promotion and edu-
12 cation.

13 “(B) GRANT AMOUNTS.—

14 “(i) YEARS ONE AND TWO.—

15 “(I) ALLOCATION.—For the first
16 2 fiscal years for which funds are ap-
17 propriated to carry out this section,
18 from the amount made available
19 under subsection (c)(3)(A)(i), the Sec-
20 retary shall allocate to each State
21 with an approved application a sum
22 that bears the same ratio to such
23 amount as the number of students eli-
24 gible for free or reduced price lunch in
25 such State for the preceding fiscal

1 year, bears to the total number of stu-
2 dents so eligible in all such States for
3 such fiscal year, except that no State
4 shall receive an allocation of less than
5 \$250,000 for a fiscal year.

6 “(ii) YEAR THREE AND BEYOND.—

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

21 “(iii) REALLOCATION.—The Secretary
22 may reallocate any amounts appropriated
23 under subsection (c)(3)(A)(i) that are not
24 obligated or expended, as determined by
25 the Secretary.

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

8 “(3) STATE APPLICATION.—To be eligible to re-
9 ceive a grant under this subsection, a State shall
10 submit to the Secretary an application at such time,
11 in such manner, and containing such information as
12 the Secretary may require.

13 “(4) STATE USE OF FUNDS.—

14 “(A) A State that receives a grant under
15 this subsection shall establish a comprehensive,
16 integrated and coordinated State Wellness and
17 Nutrition Network by—

18 “(i) conducting trainings and pro-
19 viding technical assistance to local edu-
20 cational agencies, schools, and institutions
21 on effective nutrition promotion and edu-
22 cation policies and programs to improve
23 child nutrition environments by—

24 “(I) promoting and supporting
25 dietary behaviors consistent with the

1 Dietary Guidelines for Americans
2 published under section 301 of the
3 National Nutrition Monitoring and
4 Related Research Act of 1990 (7
5 U.S.C. 5341);

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

13 “(III) improving the nutritional
14 quality of meals and snacks;

15 “(IV) increasing participation of
16 children in child nutrition programs;
17 or

18 “(V) carrying out and dissemi-
19 nating effective evaluation techniques;

20 “(ii) facilitating networking and infor-
21 mation sharing within the State;

22 “(iii) making available and accessible,
23 and actively disseminating materials,
24 trainings, programs, model policies and
25 other promising practices; and

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

10 “(B) allocating grants under subsections
11 (e) and (f) to local educational agencies to sup-
12 port nutrition promotion and education.

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

15 “(1) AUTHORIZATION OF GRANT PROGRAM.—

16 “(A) IN GENERAL.—From the amounts
17 made available under subsection (c)(3) to carry
18 out this subsection, a State shall award grants
19 to local educational agencies participating in
20 child nutrition programs under this Act or the
21 Richard B. Russell National School Lunch Act
22 (42 U.S.C. 1751 et seq.) to promote and sup-
23 port healthy eating and physical activity pro-
24 grams, policies, or initiatives for children that
25 participate in the child nutrition programs.

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

14 “(2) STATE DISTRIBUTION OF LOCAL EDU-
15 CATIONAL AGENCY GRANTS FOR THE FIRST 2 FISCAL
16 YEARS.—

17 “(A) ALLOCATION TO LOCAL EDU-
18 CATIONAL AGENCIES.—A State receiving funds
19 under this subsection shall award grants to
20 each local educational agency in such State with
21 an approved application, a sum that bears the
22 same ratio to such amount as the number of
23 students eligible for free or reduced price lunch
24 in such local educational agency for the pre-
25 ceding fiscal year, bears to the total number of

1 students so eligible in all the local educational
2 agencies in such State for such fiscal year.

3 “(B) REALLOCATION.—If a local edu-
4 cational agency does not receive a grant under
5 this subsection, the State shall reallocate such
6 funds to other local educational agencies in the
7 State with approved applications.

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

15 “(4) LOCAL EDUCATIONAL AGENCY APPLICA-
16 TION.—To be eligible to receive a grant under this
17 subsection, a local educational agency shall submit
18 an application to the interdisciplinary team estab-
19 lished pursuant to paragraph (3) at such time, in
20 such manner, and containing such information as
21 the interdisciplinary team may require.

22 “(5) LOCAL EDUCATIONAL AGENCY USES OF
23 FUNDS.—A local educational agency receiving a
24 grant under this subsection shall use such funds to
25 promote and support healthy eating and physical ac-

1 tivity programs, policies, or initiatives for children
2 that participate in child nutrition programs, by—

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

7 “(B) improving the nutritional quality of,
8 participation in, and acceptance of, meals and
9 snacks;

10 “(C) implementing Federal, State, or other
11 health guidelines, including for nutrition and
12 physical education;

13 “(D) providing regular physical activity; or

14 “(E) collaborating and coordinating with
15 public and private organizations, including com-
16 munity-based organizations, and State health,
17 nutrition, and education associations (such as
18 Supplemental Nutrition Assistance Program
19 Education, local extension agencies, coordinated
20 school health, and the Fresh Fruit and Vege-
21 table program under section 19 of the Richard
22 B. Russell School Lunch Act (42 U.S.C.
23 1769a)) to promote and support healthy eating
24 and physical activity.

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

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

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

17 “(3) STATE USE OF FUNDS.—A State receiving
18 funds under this subsection shall use such funds to
19 award grants, on a competitive basis, to local edu-
20 cational agencies and institutions participating in
21 the child nutrition programs under this Act or the
22 Richard B. Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.) to carry out programs and ac-
24 tivities described in subsection (e)(5).

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

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

17 “(g) REPORTING AND EVALUATION REQUIRE-
18 MENTS.—

19 “(1) REPORTS TO STATE WELLNESS AND NU-
20 TRITION NETWORK COORDINATORS BY GRANT RE-
21 CIPIENTS.—Each grantee under this section shall
22 submit to the State Wellness and Nutrition Network
23 coordinator a report that describes the progress
24 made in carrying out the activities and goals de-

1 scribed in its grant application, including the policies
2 or programs implemented by the agency.

3 “(2) STATE REPORTS TO SECRETARY.—Each
4 State Wellness and Nutrition Network coordinator
5 shall submit to the Secretary—

6 “(A) a report after the first fiscal year of
7 the implementation of the grant program under
8 this subsection that includes—

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

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

18 “(B) an evaluation after 3 years of the im-
19 plementation of the grant program under this
20 subsection, and every 3 years thereafter, that
21 describes and assesses the programs, policies,
22 and activities that the State Wellness and Nu-
23 trition Network and its grantees carried out
24 under subsections (d), (e) and (f);

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

5 “(A) State nutrition education and pro-
6 motion activities;

7 “(B) activities by grantees under this sub-
8 section;

9 “(C) coordination and collaboration efforts
10 within and between States;

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

14 “(E) improvements to school nutrition en-
15 vironments; and

16 “(F) local wellness policies activities.

17 “(4) REPORT.—Not later than January 1,
18 2013, the Secretary shall prepare and submit to the
19 Committee on Agriculture, Nutrition, and Forestry
20 of the Senate and the Committee on Education and
21 Labor of the House of Representatives a report on
22 the evaluation conducted pursuant to paragraph (3).

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

24 “(1) IN GENERAL.—From the amounts appro-
25 priated under subsection (c)(3)(A)(iii) or

1 (c)(3)(B)(iii), as applicable, the Secretary shall de-
2 velop and implement a comprehensive and integrated
3 national nutrition promotion and education strategy
4 by carrying out the activities described in paragraph
5 (2).

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

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

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

18 “(C) developing, maintaining, and updat-
19 ing resources including a hotline, website and
20 other assistance, information, and online train-
21 ing of best practices and effective strategies for
22 promoting healthy eating and physical activity,
23 coordinating with those resources provided
24 through section 5(d)(2) of the Richard B. Rus-

1 sell National School Lunch Act (42 U.S.C.
2 1751 et seq.); and

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

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

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

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

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