

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3126

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, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 16, 2010

Ms. KLOBUCHAR introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## 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, 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 “Healthy Local Policies  
5 for Schools Act of 2010” or the “HELP Schools Act of  
6 2010”.

7       **SEC. 2. FINDINGS.**

8       Congress finds that—

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

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

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

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

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

16 (6) children and adolescents are—

17 (A) not meeting dietary recommendations;

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

21 (C) overconsuming saturated fat, trans fat,  
22 sodium, and added sugars;

23 (7) nutrition education and promotion helps  
24 foster a school environment that—

25 (A) supports healthy eating;

1 (B) helps initiate and sustain healthy eat-  
2 ing behaviors;

3 (C) increases acceptance and consumption  
4 of healthy school meals;

5 (D) increases participation in school meal  
6 programs;

7 (E) enhances school meal quality; and

8 (F) supports development and implementa-  
9 tion of local wellness policies;

10 (8) nutrition education and promotion is a crit-  
11 ical component of most major health promotion and  
12 disease prevention programs;

13 (9) research shows that school-based nutrition  
14 programs and services both improve health and con-  
15 tribute to the academic achievement of school chil-  
16 dren;

17 (10) research shows that fit children achieve  
18 more academically and have better school attendance  
19 and fewer disciplinary problems;

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

22 (A) many policies were underdeveloped and  
23 fragmented; and

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

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

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

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

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

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

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

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

- 1 (A) only 3.8 percent of elementary schools,  
2 7.9 percent of middle schools, and 2.1 percent  
3 of high schools provide daily physical education  
4 or the equivalent for the entire school year; and  
5 (B) 22 percent of schools do not require  
6 students to take any physical education at all.

7 **SEC. 3. LOCAL WELLNESS POLICIES.**

8 Section 5 of the Richard B. Russell National School  
9 Lunch Act (42 U.S.C. 1754) is amended to read as fol-  
10 lows:

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

12 “(a) DEFINITIONS.—In this section:

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

15 “(A) the official school day; and

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

20 “(2) LOCAL WELLNESS POLICY.—The term  
21 ‘local wellness policy’ means a nutrition and physical  
22 activity wellness policy of a local educational agency  
23 established under section 204 of the Child Nutrition  
24 and WIC Reauthorization Act of 2004 (42 U.S.C.  
25 1751 note; Public Law 108–265).

1       “(b) REQUIREMENTS.—Not later than the first day  
2 of the school year beginning 1 year after the date of enact-  
3 ment of the HELP Schools Act of 2010, each local edu-  
4 cational agency participating in a program authorized by  
5 this Act or the Child Nutrition Act of 1966 (42 U.S.C.  
6 1771 et seq.) shall strengthen the local school wellness pol-  
7 icy of the local educational agency by ensuring, at a min-  
8 imum, that the policy—

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

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

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

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

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

9           “(c) TRANSPARENCY.—

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

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

17           “(B) any assessments of the implementa-  
18 tion of the local wellness policy;

19           “(C) any updates to the local wellness pol-  
20 icy; and

21           “(D) appropriate local and State contact  
22 information.

23           “(2) AVAILABILITY REQUIREMENT.—Not later  
24 than the first day of the school year following the  
25 date of enactment of the HELP Schools Act of

1 2010, each local educational agency shall make read-  
2 ily available the policy and plan described in para-  
3 graph (1)(A).

4 “(3) ASSESSMENT OF IMPLEMENTATION.—

5 “(A) ASSESSMENT OF IMPLEMENTA-  
6 TION.—Not later than 2 years after the date of  
7 enactment of the HELP Schools Act of 2010,  
8 and every 3 years thereafter, each local edu-  
9 cational agency shall complete and make readily  
10 available the results of an assessment of the im-  
11 plementation of the local wellness policy of the  
12 local educational agency that includes—

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

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

22 “(iii)(I) a description of the progress  
23 made in attaining the goals of the local  
24 wellness policy described in subsection (b);  
25 and

1                   “(II) any revisions to the local  
2                   wellness policy to more effectively address  
3                   those goals.

4                   “(d) LOCAL WELLNESS POLICY COMMITTEE.—

5                   “(1) IN GENERAL.—Not later than 180 days  
6                   after the date of enactment of the HELP Schools  
7                   Act of 2010, each local educational agency shall des-  
8                   ignate a standing Local Wellness Policy Committee  
9                   (referred to in this subsection as the ‘Committee’).

10                   “(2) REPRESENTATION.—

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

16                   “(i) Principals.

17                   “(ii) Teachers.

18                   “(iii) Parents of students.

19                   “(iv) Students.

20                   “(v) The school food authority.

21                   “(vi) The school board of the local  
22                   educational agency.

23                   “(vii) The physical education pro-  
24                   gram.

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

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

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

14          “(4) DUTIES.—Duties and responsibilities of  
15          each Committee shall include—

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

19                 “(B) fostering integration of the local  
20                 wellness policy of the local educational agency  
21                 with existing coordinated school health pro-  
22                 grams, and other health-related activities in the  
23                 schools and community served by the local edu-  
24                 cational agency; and

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

4           “(e) TECHNICAL ASSISTANCE AND OUTREACH.—

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

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

17                  “(A) includes—

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

24                          “(ii) model local wellness policies and  
25                          best practices recommended by Federal

1 agencies, State agencies, and nongovern-  
2 mental organizations; and

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

7 “(3) FUNDING.—

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

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

20 “(f) STUDY AND REPORT.—

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

1 the local wellness policies carried out in accordance  
2 with this section.

3 “(2) STUDY OF LOCAL WELLNESS POLICIES.—

4 The study described in paragraph (1) shall include—

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

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

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

19 **SEC. 4. REPEAL.**

20 Section 204 of the Child Nutrition and WIC Reau-  
21 thorization Act of 2004 (42 U.S.C. 1751 note; Public Law  
22 108–265) is repealed.

23 **SEC. 5. BUDGETARY EFFECTS.**

24 The budgetary effects of this Act, for the purpose of  
25 complying with the Statutory Pay-As-You-Go Act of 2010,

1 shall be determined by reference to the latest statement  
2 titled “Budgetary Effects of PAYGO Legislation” for this  
3 Act, submitted for printing in the Congressional Record  
4 by the Chairman of the Senate Budget Committee, pro-  
5 vided that such statement has been submitted prior to the  
6 vote on passage.

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