

SEC. 204. LOCAL WELLNESS POLICY.

(a) In General.--Not later than the first day of the school year beginning after June 30, 2006, each local educational agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) shall establish a local school wellness policy for schools under the local educational agency that, at a minimum--

(1) includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the local educational agency determines is appropriate;

(2) includes nutrition guidelines selected by the local educational agency for all foods available on each school campus under the local educational agency during the school day with

[[Page 118 STAT. 781]]

the objectives of promoting student health and reducing childhood obesity;

(3) provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act (42 U.S.C. 1779) and sections 9(f)(1) and 17(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(f)(1), 1766(a)), as those regulations and guidance apply to schools;

(4) establishes a plan for measuring implementation of the local wellness policy, including designation of 1 or more persons within the local educational agency or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(5) involves parents, students, representatives of the school food authority, the school board, school administrators, and the public in the development of the school wellness policy.

(b) Technical Assistance and Best Practices.--

(1) In general.--The Secretary, in coordination with the Secretary of Education and in consultation with the Secretary of Health and Human Services, acting through the Centers for Disease Control and Prevention, shall make available to local educational agencies, school food authorities, and State educational agencies, on request, information and technical assistance for use in--

(A) establishing healthy school nutrition environments;

(B) reducing childhood obesity; and

(C) preventing diet-related chronic diseases.

(2) Content.--Technical assistance provided by the Secretary under this subsection shall--

(A) include relevant and applicable examples of schools and local educational agencies that have taken steps to offer healthy options for foods sold or served in schools;

(B) include such other technical assistance as is required to carry out the goals of promoting sound nutrition and establishing healthy school nutrition

environments that are consistent with this section;

(C) be provided in such a manner as to be consistent with the specific needs and requirements of local educational agencies; and

(D) be for guidance purposes only and not be construed as binding or as a mandate to schools, local educational agencies, school food authorities, or State educational agencies.

(3) Funding.--

(A) <<NOTE: Effective date.>> In general.--On July 1, 2006, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection \$4,000,000, to remain available until September 30, 2009.

(B) Receipt and acceptance.--The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.

[[Page 118 STAT. 782]]

SEC. 205. TEAM NUTRITION NETWORK.

(a) Team Nutrition Network.--Section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1788) is amended to read as follows:

SEC. 19. TEAM NUTRITION NETWORK.

(a) Purposes.--The purposes of the team nutrition network are--

(1) to establish State systems to promote the nutritional health of school children of the United States through nutrition education and the use of team nutrition messages and material developed by the Secretary, and to encourage regular physical activity and other activities that support healthy lifestyles for children, including those based on the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(2) to provide assistance to States for the development of comprehensive and integrated nutrition education and active living programs in schools and facilities that participate in child nutrition programs;

(3) to provide training and technical assistance and disseminate team nutrition messages to States, school and community nutrition programs, and child nutrition food service professionals;

(4) to coordinate and collaborate with other nutrition education and active living programs that share similar goals and purposes; and

(5) to identify and share innovative programs with demonstrated effectiveness in helping children to maintain a healthy weight by enhancing student understanding of healthful eating patterns and the importance of regular physical activity.

(b) Definition of Team Nutrition Network.--In this section, the term 'team nutrition network' means a statewide multidisciplinary

program for children to promote healthy eating and physical activity based on scientifically valid information and sound educational, social, and marketing principles.

``(c) Grants.--

``(1) In general.--Subject to the availability of funds for use in carrying out this section, in addition to any other funds made available to the Secretary for team nutrition purposes, the Secretary, in consultation with the Secretary of Education, may make grants to State agencies for each fiscal year, in accordance with this section, to establish team nutrition networks to promote nutrition education through--

``(A) the use of team nutrition network messages and other scientifically based information; and

``(B) the promotion of active lifestyles.

``(2) Form.--A portion of the grants provided under this subsection may be in the form of competitive grants.

``(3) Funds from nongovernmental sources.--In carrying out this subsection, the Secretary may accept cash contributions from nongovernmental organizations made expressly to further the purposes of this section, to be managed by the Food and Nutrition Service, for use by the Secretary and the States in carrying out this section.

[[Page 118 STAT. 783]]

``(d) Allocation.--Subject to the availability of funds for use in carrying out this section, the total amount of funds made available for a fiscal year for grants under this section shall equal not more than the sum of--

``(1) the product obtained by multiplying $\frac{1}{2}$ cent by the number of lunches reimbursed through food service programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) during the second preceding fiscal year in schools, institutions, and service institutions that participate in the food service programs; and

``(2) the total value of funds received by the Secretary in support of this section from nongovernmental sources.

``(e) Requirements for State Participation.--To be eligible to receive a grant under this section, a State agency shall submit to the Secretary a plan that--

``(1) is subject to approval by the Secretary; and

``(2) is submitted at such time and in such manner, and that contains such information, as the Secretary may require, including--

``(A) a description of the goals and proposed State plan for addressing the health and other consequences of children who are at risk of becoming overweight or obese;

``(B) an analysis of the means by which the State agency will use and disseminate the team nutrition messages and material developed by the Secretary;

``(C) an explanation of the ways in which the State agency will use the funds from the grant to work toward the goals required under subparagraph (A), and to promote healthy eating and physical activity and fitness in schools throughout the State;

``(D) a description of the ways in which the State team nutrition network messages and activities will be coordinated at the State level with other health promotion and education activities;

``(E) a description of the consultative process that the State agency employed in the development of the model nutrition and physical activity programs, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity;

``(F) a description of how the State agency will evaluate the effectiveness of each program developed by the State agency;

``(G) an annual summary of the team nutrition network activities;

``(H) a description of the ways in which the total school environment will support healthy eating and physical activity; and

``(I) a description of how all communications to parents and legal guardians of students who are members of a household receiving or applying for assistance under the program shall be in an understandable and uniform format and, to the maximum extent practicable, in a language that parents and legal guardians can understand.

``(f) State Coordinator.--Each State that receives a grant under this section shall appoint a team nutrition network coordinator who shall--

[[Page 118 STAT. 784]]

``(1) administer and coordinate the team nutrition network within and across schools, school food authorities, and other child nutrition program providers in the State; and

``(2) coordinate activities of the Secretary, acting through the Food and Nutrition Service, and State agencies responsible for other children's health, education, and wellness programs to implement a comprehensive, coordinated team nutrition network program.

``(g) Authorized Activities.--A State agency that receives a grant under this section may use funds from the grant--

``(1)(A) to collect, analyze, and disseminate data regarding the extent to which children and youths in the State are overweight, physically inactive, or otherwise suffering from nutrition-related deficiencies or disease conditions; and

``(B) to identify the programs and services available to meet those needs;

``(2) to implement model elementary and secondary education curricula using team nutrition network messages and material developed by the Secretary to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program;

``(3) to implement pilot projects in schools to promote physical activity and to enhance the nutritional status of students;

``(4) to improve access to local foods through farm-to-cafeteria activities that may include the acquisition of food and the provision of training and education;

``(5) to implement State guidelines in health (including nutrition education and physical education guidelines) and to emphasize regular physical activity during school hours;

``(6) to establish healthy eating and lifestyle policies in schools;

``(7) to provide training and technical assistance to teachers and school food service professionals consistent with the purposes of this section;

``(8) to collaborate with public and private organizations, including community-based organizations, State medical associations, and public health groups, to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and youth at a greater risk for obesity.

``(h) Local Nutrition and Physical Activity Grants.--

``(1) In general.--Subject to the availability of funds to carry out this subsection, the Secretary, in consultation with the Secretary of Education, shall provide assistance to selected local educational agencies to create healthy school nutrition environments, promote healthy eating habits, and increase physical activity, consistent with the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), among elementary and secondary education students.

``(2) Selection of schools.--In selecting local educational agencies for grants under this subsection, the Secretary shall--

``(A) provide for the equitable distribution of grants among--

``(i) urban, suburban, and rural schools; and

``(ii) schools with varying family income levels;

[[Page 118 STAT. 785]]

``(B) consider factors that affect need, including local educational agencies with significant minority or low-income student populations; and

``(C) establish a process that allows the Secretary to conduct an evaluation of how funds were used.

``(3) Requirement for participation.--To be eligible to receive assistance under this subsection, a local educational agency shall, in consultation with individuals who possess education or experience appropriate for representing the general field of public health, including nutrition and fitness professionals, submit to the Secretary an application that shall include--

``(A) a description of the need of the local educational agency for a nutrition and physical activity program, including an assessment of the nutritional environment of the school;

``(B) a description of how the proposed project will improve health and nutrition through education and increased access to physical activity;

``(C) a description of how the proposed project will be aligned with the local wellness policy required under section 204 of the Child Nutrition and WIC Reauthorization Act of 2004;

``(D) a description of how funds under this subsection will be coordinated with other programs under this Act, the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

``(E) a statement of the measurable goals of the local educational agency for nutrition and physical education programs and promotion;

``(F) a description of the procedures the agency will use to assess and publicly report progress toward meeting those goals; and

``(G) a description of how communications to parents and guardians of participating students regarding the activities under this subsection shall be in an understandable and uniform format, and, to the extent maximum practicable, in a language that parents can understand.

``(4) Duration.--Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving assistance under this subsection shall conduct the project during a period of 3 successive school years beginning with the initial fiscal year for which the local educational agency receives funds.

``(5) Authorized activities.--An eligible applicant that receives assistance under this subsection--

``(A) shall use funds provided to--

``(i) promote healthy eating through the development and implementation of nutrition education programs and curricula based on the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341); and

``(ii) increase opportunities for physical activity through after school programs, athletics, intramural activities, and recess; and

[[Page 118 STAT. 786]]

``(B) may use funds provided to--

``(i) educate parents and students about the relationship of a poor diet and inactivity to obesity and other health problems;

``(ii) develop and implement physical education programs that promote fitness and lifelong activity;

``(iii) provide training and technical assistance to food service professionals to develop more appealing, nutritious menus and recipes;

``(iv) incorporate nutrition education into physical education, health education, and after school programs, including athletics;

``(v) involve parents, nutrition professionals, food service staff, educators, community leaders, and other interested parties in assessing the food options in the school environment and developing and implementing an action plan to promote a balanced and healthy diet;

``(vi) provide nutrient content or nutrition information on meals served through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of this Act and items sold a la carte during meal times;

``(vii) encourage the increased consumption of a variety of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products, through new initiatives to creatively market healthful foods, such as salad bars and fruit bars;

``(viii) offer healthy food choices outside program meals, including by making low-fat and nutrient dense options available in vending machines, school stores, and other venues; and

``(ix) provide nutrition education, including sports nutrition education, for teachers, coaches, food service staff, athletic trainers, and school nurses.

``(6) Report.--Not later than 18 months after completion of the projects and evaluations under this subsection, the Secretary shall--

``(A) submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition and Forestry of the Senate a report describing the results of the evaluation under this subsection; and

``(B) make the report available to the public, including through the Internet.

``(i) Nutrition Education Support.--In carrying out the purpose of this section to support nutrition education, the Secretary may provide for technical assistance and grants to improve the quality of school meals and access to local foods in schools and institutions.

``(j) Limitation.--Material prepared under this section regarding agricultural commodities, food, or beverages, must be factual and without bias.

``(k) Team Nutrition Network Independent Evaluation.--

[[Page 118 STAT. 787]]

``(1) In general.--Subject to the availability of funds to carry out this subsection, the Secretary shall offer to enter into an agreement with an independent, nonpartisan, science-based research organization--

``(A) to conduct a comprehensive independent evaluation of the effectiveness of the team nutrition

initiative and the team nutrition network under this section; and

- ``(B) to identify best practices by schools in--
 - ``(i) improving student understanding of healthful eating patterns;
 - ``(ii) engaging students in regular physical activity and improving physical fitness;
 - ``(iii) reducing diabetes and obesity rates in school children;
 - ``(iv) improving student nutrition behaviors on the school campus, including by increasing healthier meal choices by students, as evidenced by greater inclusion of fruits, vegetables, whole grains, and lean dairy and protein in meal and snack selections;
 - ``(v) providing training and technical assistance for food service professionals resulting in the availability of healthy meals that appeal to ethnic and cultural taste preferences;
 - ``(vi) linking meals programs to nutrition education activities;
 - ``(vii) successfully involving parents, school administrators, the private sector, public health agencies, nonprofit organizations, and other community partners;
 - ``(viii) ensuring the adequacy of time to eat during school meal periods; and
 - ``(ix) successfully generating revenue through the sale of food items, while providing healthy options to students through vending, student stores, and other venues.

``(2) Report.--Not later than 3 years after funds are made available to carry out this subsection, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the findings of the independent evaluation.

``(1) Authorization of Appropriations.--There are authorized to be appropriated such sums as are necessary to carry out this section.''.

(b) Conforming Amendment.--Section 21(c)(2)(E) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b-1(c)(2)(E)) is amended by striking ``, including'' and all that follows through ``1966''.

SEC. 206. REVIEW <<NOTE: 42 USC 1773 note.>> OF BEST PRACTICES IN THE BREAKFAST PROGRAM.

(a) Review.--

(1) In general.--Subject to the availability of funds under subsection (c), the Secretary of Agriculture shall enter into an agreement with a research organization to collect and disseminate a review of best practices to assist school food authorities in addressing existing impediments at the State

and local level that hinder the growth of the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(2) Recommendations.--The review shall describe model breakfast programs and offer recommendations for schools to overcome obstacles, including--

(A) the length of the school day;

(B) bus schedules; and

(C) potential increases in costs at the State and local level.

(b) <<NOTE: Deadline. Internet.>> Dissemination.--Not later than 1 year after the date of enactment of this Act, the Secretary shall--

(1) make the review required under subsection (a) available to school food authorities via the Internet, including recommendations to improve participation in the school breakfast program; and

(2) transmit to Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the review.

(c) Authorization of Appropriations.--There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE III--COMMODITY DISTRIBUTION PROGRAMS

SEC. 301. COMMODITY DISTRIBUTION PROGRAMS.

Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237) is amended by striking subsection (e).

TITLE IV--MISCELLANEOUS

SEC. 401. SENSE OF CONGRESS REGARDING EFFORTS TO PREVENT AND REDUCE CHILDHOOD OBESITY.

(a) Findings.--Congress finds that--

(1) childhood obesity in the United States has reached critical proportions;

(2) childhood obesity is associated with numerous health risks and the incidence of chronic disease later in life;

(3) the prevention of obesity among children yields significant benefits in terms of preventing disease and the health care costs associated with such diseases;

(4) further scientific and medical data on the prevalence of childhood obesity is necessary in order to inform efforts to fight childhood obesity; and

(5) the State of Arkansas--

(A) is the first State in the United States to have a comprehensive statewide initiative to combat and prevent childhood obesity by--

(i) annually measuring the body mass index of public school children in the State from kindergarten through 12th grade; and

(ii) providing that information to the parents of each child with associated information about the health implications of the body mass index of the child;

(B) maintains, analyzes, and reports on annual and longitudinal body mass index data for the public school children in the State; and

(C) develops and implements appropriate interventions at the community and school level to address obesity, the risk of obesity, and the condition of being overweight, including efforts to encourage healthy eating habits and increased physical activity.

(b) Sense of Congress.--It is the sense of Congress that--

(1) the State of Arkansas, in partnership with the University of Arkansas for Medical Sciences and the Arkansas Center for Health Improvement, should be commended for its leadership in combating childhood obesity; and

(2) the efforts of the State of Arkansas to implement a statewide initiative to combat and prevent childhood obesity are exemplary and could serve as a model for States across the United States.

TITLE V--IMPLEMENTATION

SEC. 501. GUIDANCE AND REGULATIONS. <<NOTE: 42 USC 1758 note.>>

(a) Guidance.--As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall issue guidance to implement the amendments made by sections 102, 103, 104, 105, 106, 107, 111, 116, 119(c), 119(g), 120, 126(b), 126(c), 201, 203(a)(3), 203(b), 203(c)(5), 203(e)(3), 203(e)(4), 203(e)(5), 203(e)(6), 203(e)(7), 203(e)(10), and 203(h)(1).

(b) Interim Final Regulations.--The Secretary may promulgate interim final regulations to implement the amendments described in subsection (a).

(c) <<NOTE: Deadline.>> Regulations.--Not later than 2 years after the date of enactment of this Act, the Secretary shall promulgate final regulations to implement the amendments described in subsection (a).

SEC. 502. EFFECTIVE DATES. <<NOTE: 42 USC 1754 note.>>

(a) In General.--Except as otherwise provided in this Act, this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) Special Effective Dates.--

(1) July 1, 2004.--The amendments made by sections 106, 107, 126(c), and 201 take effect on July 1, 2004.

(2) October 1, 2004.--The amendments made by sections 119(c), 119(g), 202(a), 203(a), 203(b), 203(c)(1), 203(c)(5), 203(e)(5), 203(e)(8), 203(e)(10), 203(e)(13), 203(f), 203(h)(1), and 203(h)(2) take effect on October 1, 2004.

(3) January 1, 2005.--The amendments made by sections 116(f)(1) and 116(f)(3) take effect on January 1, 2005.

(4) July 1, 2005.--The amendments made by sections 102, 104,

105, 111, and 126(b) take effect on July 1, 2005.

[[Page 118 STAT. 790]]

(5) October 1, 2005.--The amendments made by sections 116(d) and 203(e)(9) take effect on October 1, 2005.

Approved June 30, 2004.

LEGISLATIVE HISTORY--S. 2507 (H.R. 3873):

HOUSE REPORTS: No. 108-445 accompanying H.R. 3873 (Comm. on Education and the Workforce).

SENATE REPORTS: No. 108-279 (Comm. on Agriculture, Nutrition, and Forestry).

CONGRESSIONAL RECORD, Vol. 150 (2004):

June 23, considered and passed Senate.

June 24, considered and passed House.