

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

# H. R. 5113

To amend the Child Nutrition Act of 1966 to establish the Healthy Habits School Challenge Program to reduce childhood obesity by recognizing schools that are creating healthier school environments for children by promoting good nutrition and physical activity, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2010

Mrs. DAHLKEMPER introduced the following bill; which was referred to the Committee on Education and Labor

---

## A BILL

To amend the Child Nutrition Act of 1966 to establish the Healthy Habits School Challenge Program to reduce childhood obesity by recognizing schools that are creating healthier school environments for children by promoting good nutrition and physical activity, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. LOCAL WELLNESS POLICY; HEALTHY HABITS**  
2 **CHALLENGE PROGRAM.**

3 The Child Nutrition Act of 1966 (42 U.S.C. 1771  
4 et seq.) is amended by inserting after section 19, the fol-  
5 lowing:

6 **“SEC. 19A. LOCAL WELLNESS POLICY; HEALTHY HABITS**  
7 **CHALLENGE PROGRAM.**

8 “(a) LOCAL WELLNESS POLICY.—

9 “(1) IN GENERAL.—Not later than the first day  
10 of the school year beginning after June 30, 2010,  
11 each local educational agency participating in a pro-  
12 gram authorized by the Richard B. Russell National  
13 School Lunch Act (42 U.S.C. 1751 et seq.) or the  
14 Child Nutrition Act of 1966 (42 U.S.C. 1771 et  
15 seq.) shall establish or expand a local school wellness  
16 policy for schools under the local educational agency  
17 that, at a minimum—

18 “(A) includes goals for nutrition education,  
19 physical activity, and other school-based activi-  
20 ties that are designed to promote student  
21 wellness in a manner that the local educational  
22 agency determines is appropriate;

23 “(B) includes nutrition guidelines selected  
24 by the local educational agency for all foods  
25 available on each school campus under the local  
26 educational agency during the school day with

1 the objectives of promoting student health and  
2 reducing childhood obesity;

3 “(C) provides an assurance that guidelines  
4 for reimbursable school meals shall not be less  
5 restrictive than regulations and guidance issued  
6 by the Secretary pursuant to subsections (a)  
7 and (b) of section 10 of this Act and sections  
8 9(f)(1) and 17(a) of the Richard B. Russell Na-  
9 tional School Lunch Act (42 U.S.C. 1758(f)(1),  
10 1766(a)), as those regulations and guidance  
11 apply to schools;

12 “(D) establishes a plan for measuring im-  
13 plementation of the local wellness policy, includ-  
14 ing designation of 1 or more persons within the  
15 local educational agency or at each school, as  
16 appropriate, charged with operational responsi-  
17 bility for ensuring that the school meets the  
18 local wellness policy; and

19 “(E) involves parents, students, represent-  
20 atives of the school food authority, the school  
21 board, school administrators, and the public in  
22 the development of the school wellness policy.

23 “(2) TECHNICAL ASSISTANCE AND BEST PRAC-  
24 TICES.—

1           “(A) IN GENERAL.—From the amounts  
2 appropriated to carry out this paragraph, the  
3 Secretary, in coordination with the Secretary of  
4 Education and in consultation with the Sec-  
5 retary of Health and Human Services, acting  
6 through the Centers for Disease Control and  
7 Prevention, shall make available to local edu-  
8 cational agencies, school food authorities, and  
9 State educational agencies, on request, informa-  
10 tion and technical assistance for use in—

11                   “(i) establishing healthy school nutri-  
12 tion environments;

13                   “(ii) reducing childhood obesity; and

14                   “(iii) preventing diet-related chronic  
15 diseases.

16           “(B) CONTENT.—Technical assistance pro-  
17 vided by the Secretary under this paragraph  
18 shall—

19                   “(i) include relevant and applicable  
20 examples of schools and local educational  
21 agencies that have taken steps to offer  
22 healthy options for foods sold or served in  
23 schools;

24                   “(ii) include such other technical as-  
25 sistance as is required to carry out the

1 goals of promoting sound nutrition and es-  
2 tablishing healthy school nutrition environ-  
3 ments that are consistent with this sub-  
4 section;

5 “(iii) be provided in such a manner as  
6 to be consistent with the specific needs and  
7 requirements of local educational agencies;

8 “(iv) providing examples of model  
9 local school wellness policies developed by  
10 the Secretary; and

11 “(v) be for guidance purposes only  
12 and not be construed as binding or as a  
13 mandate to schools, local educational agen-  
14 cies, school food authorities, or State edu-  
15 cational agencies.

16 “(b) HEALTHY HABITS SCHOOL CHALLENGE PRO-  
17 GRAM.—

18 “(1) PROGRAM ESTABLISHED.—From the  
19 amounts appropriated to carry out this section, not  
20 later than 180 days after the date of the enactment  
21 of this section, the Secretary shall establish the  
22 Healthy Habits School Challenge Program (in this  
23 subsection referred to as the ‘Program’) to reduce  
24 childhood obesity by recognizing schools that are

1 creating healthier school environments for children  
2 by promoting good nutrition and physical activity.

3 “(2) PARTICIPATION REQUIREMENTS.—In order  
4 to receive recognition under the Program, a school  
5 shall—

6 “(A) demonstrate to the Secretary, at such  
7 time and in such manner as the Secretary may  
8 require, that the school—

9 “(i) has adopted and is carrying out  
10 the model local school wellness policy de-  
11 scribed by the Secretary under subsection  
12 (a)(2)(B)(iv);

13 “(ii) provides nutrition education—

14 “(I) in the case of an elementary  
15 school that offers more than 1 grade  
16 level, to students in at least half, but  
17 not fewer than 2, of the grade levels  
18 offered by the school;

19 “(II) in the case an elementary  
20 school that offers only 1 grade level,  
21 to all students enrolled in the school;

22 “(III) in the case of a middle  
23 school, to students in at least 1 grade  
24 level as part of a required year round  
25 instruction; and

1                   “(IV) in the case of a high  
2 school, in at least 2 courses required  
3 for graduation;

4                   “(iii) in the case of an elementary  
5 school or middle school, provides students  
6 with structured physical education classes  
7 and unstructured daily opportunities for  
8 physical activity;

9                   “(iv) in the case of a high school—

10                   “(I) offers structured physical  
11 education classes to students in at  
12 least 2 grade levels; and

13                   “(II) provides all students en-  
14 rolled in the school opportunities to  
15 participate in physical activity  
16 throughout the school year; and

17                   “(v) adheres to the most recent nutri-  
18 tion rules promulgated by the Secretary—

19                   “(I) under section 9(a)(4) of the  
20 Richard B. Russell National School  
21 Lunch Act (42 U.S.C. 1758(a)(4)) for  
22 foods and food ingredients offered in  
23 school nutrition programs under the  
24 Richard B. Russell National School

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

3 “(II) for foods and food ingredi-  
4 ents offered by schools outside of the  
5 programs; and

6 “(B) maintain a record of the participation  
7 of students in the activities under the bench-  
8 marks developed by the Secretary under para-  
9 graph (3) and the number of the benchmarks  
10 achieved by the school, and submit a report of  
11 such record to the Secretary at such time and  
12 in such manner as the Secretary may require.

13 “(3) BENCHMARKS.—Not later than 90 days  
14 after the date of the enactment of this subsection,  
15 the Secretary shall develop demonstrable bench-  
16 marks for schools participating in the Program  
17 under this subsection, which shall take into ac-  
18 count—

19 “(A) the consumption by students at par-  
20 ticipating schools of a certain number of fresh  
21 fruits and vegetables per a certain number of  
22 weeks; and

23 “(B) the availability of healthy alternatives  
24 for meals and snacks in the cafeteria of partici-

1           pating schools, including whole wheat bread  
2           products and fresh fruits and vegetables.

3           “(4) PERFORMANCE AWARDS.—The Secretary  
4           and the Secretary of Education shall, jointly, deter-  
5           mine which benchmarks should be achieved to re-  
6           ceive distinction under the Program, and the levels  
7           of distinction available under the Program.

8           “(5) DEFINITIONS.—In this subsection:

9                   “(A) ELEMENTARY SCHOOL.—The term  
10           ‘elementary school’ has the meaning given such  
11           term in section 9101 of the Elementary and  
12           Secondary Education Act of 1965 (20 U.S.C.  
13           7801).

14                   “(B) MIDDLE SCHOOL.—The term ‘middle  
15           school’ means a public school in which the en-  
16           tering grade is not lower than grade 6 and the  
17           highest grade is not higher than grade 8, as de-  
18           termined under State law.

19                   “(C) HIGH SCHOOL.—The term ‘high  
20           school’ means a public school in which the en-  
21           tering grade is not lower than grade 9 and the  
22           highest grade is grade 12, as determined under  
23           State law.”.

1 **SEC. 2. UPDATING NUTRITION RULES.**

2 Section 9(a)(4) of the Richard B. Russell National  
3 School Lunch Act (42 U.S.C. 1758(a)(4)) is amended by  
4 adding at the end the following:

5 “(C) UPDATING NUTRITION RULES.—  
6 From the amounts appropriated to carry out  
7 this subparagraph, the Secretary shall enter  
8 into a contract with the Institute of Medicine to  
9 provide recommendations to the Secretary on  
10 updating the rules promulgated under subpara-  
11 graph (B).”.

12 **SEC. 3. CONFORMING AMENDMENT.**

13 Section 204 of the Child Nutrition and WIC Reau-  
14 thorization Act of 2004 (42 U.S.C. 1751 note; Public Law  
15 108–265) is repealed.

○