

107TH CONGRESS
2D SESSION

H. R. 5659

To establish a comprehensive program for the prevention of obesity.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2002

Mr. CASTLE introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a comprehensive program for the prevention
of obesity.

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 “Obesity Prevention
5 Act”.

6 **SEC. 2. STATE AND LOCAL WELLNESS PROJECTS.**

7 Section 18 of the National School Lunch Act (42
8 U.S.C. 1769) is amended by inserting after subsection (e)
9 the following new subsections:

1 “(f) STATE NUTRITION AND PHYSICAL FITNESS
2 PROJECTS.—

3 “(1) IN GENERAL.—Subject to the availability
4 of funds made available under paragraph (6), the
5 Secretary, in consultation with the Secretary of Edu-
6 cation, shall, on a competitive basis, award grants to
7 not more than 20 State educational agencies for
8 purposes of creating model nutrition education and
9 physical fitness programs, consistent with current
10 dietary and fitness guidelines, for students in ele-
11 mentary schools and secondary schools.

12 “(2) REQUIREMENTS FOR STATE PARTICIPA-
13 TION.—To be eligible to receive a grant under this
14 subsection, a State educational agency shall submit
15 an application to the Secretary at such time, and in
16 such manner, and containing such information as
17 the Secretary may require, including—

18 “(A) a description of how the proposed nu-
19 trition and physical activity program will pro-
20 mote healthy eating and physical fitness and
21 address the health and social consequences of
22 children who are overweight or obese;

23 “(B) information describing how nutrition
24 activities are to be coordinated at the State

1 level with other health activities conducted by
2 education, health, and agriculture agencies;

3 “(C) information describing how physical
4 fitness activities are to be coordinated at the
5 State level with other fitness activities con-
6 ducted by education, health, and parks and
7 recreation agencies;

8 “(D) a description of the consultative proc-
9 ess that the State educational agency employed
10 in the development of the model nutrition and
11 physical fitness program, including consulta-
12 tions with individuals and organizations rep-
13 resenting the agriculture, food and beverage,
14 fitness, and other appropriate industries; and

15 “(E) a description of how the State edu-
16 cational agency will evaluate the effectiveness of
17 its program.

18 “(3) DURATION.—Subject to the availability of
19 funds made available to carry out this subsection, a
20 State educational agency receiving a grant under
21 this subsection shall conduct the project for a period
22 of 3 successive school years.

23 “(4) AUTHORIZED ACTIVITIES.—An eligible ap-
24 plicant that receives a grant under this subsection

1 may use funds provided under the grant to carry out
2 one or more of the following activities:

3 “(A) Collecting, analyzing, and dissemi-
4 nating data regarding the extent to which chil-
5 dren and youth in the State are overweight or
6 physically inactive and the programs and serv-
7 ices available to meet those needs.

8 “(B) Developing and implementing model
9 elementary and secondary education curricula
10 to create a comprehensive, coordinated nutrition
11 and physical fitness awareness and obesity pre-
12 vention program.

13 “(C) Developing and implementing pilot
14 programs in schools to increase physical fitness
15 and to enhance the nutritional status of stu-
16 dents, including through the increased con-
17 sumption of fruits and vegetables.

18 “(D) Developing and implementing State
19 standards in health, which include nutrition
20 education, and physical education, which em-
21 phasize regular physical activity during school
22 hours.

23 “(E) Collaborating with community based
24 organizations, volunteer organizations, State
25 medical associations, and public health groups

1 to develop and implement nutrition and physical
2 education programs targeting lower income chil-
3 dren, ethnic minorities, and other children and
4 youth at greater risk for obesity.

5 “(F) Collaborating with public or private
6 organizations that have as a mission the raising
7 of public awareness of the importance of a bal-
8 anced diet and an active lifestyle, such as 5-A-
9 Day, a nonprofit organization which seeks to in-
10 crease consumption of fruits and vegetables.

11 “(5) REPORT.—Within 18 months of comple-
12 tion of the projects and the evaluations, the Sec-
13 retary shall submit to the Committee on Education
14 and the Workforce of the House of Representatives
15 and the Committee on Health, Education, Labor,
16 and Pensions of the Senate a report describing the
17 results of the evaluation of the demonstration pro-
18 grams and shall make such reports available to the
19 public, including through the Internet.

20 “(6) AUTHORIZATION OF APPROPRIATIONS.—
21 There is authorized to be appropriated for the pur-
22 pose of carrying out this subsection \$10,000,000 for
23 each of the fiscal years 2003 through 2007.

24 “(g) LOCAL NUTRITION AND PHYSICAL FITNESS
25 PROJECT.—

1 “(1) IN GENERAL.—Subject to the availability
2 of funds made available under paragraph (7), the
3 Secretary, in consultation with the Secretary of Edu-
4 cation, shall award grants to not more than 100
5 local educational agencies, at least one per State, for
6 the establishment of pilot projects for purposes of
7 promoting healthy eating habits and increasing
8 physical fitness, consistent with current dietary and
9 fitness guidelines, among elementary and secondary
10 education students.

11 “(2) REQUIREMENT FOR PARTICIPATION IN
12 PILOT PROJECT.—To be eligible to receive a grant
13 under this subsection, a local educational agency
14 shall, in consultation with individuals who possess
15 education or experience appropriate for representing
16 the general field of public health, including nutrition
17 and fitness professionals, submit to the Secretary an
18 application that shall include—

19 “(A) a description of the local educational
20 agency’s need for nutrition and fitness pro-
21 grams;

22 “(B) a description of how the proposed
23 project will improve health and nutrition
24 through education and increased access to phys-
25 ical activity;

1 “(C) a description of how funds under this
2 subsection will be coordinated with other pro-
3 grams under this Act, the Child Nutrition Act
4 of 1966 (42 U.S.C. 1771 et seq.), or other
5 Acts, as appropriate, to improve student health
6 and nutrition;

7 “(D) a statement of the local educational
8 agency’s measurable goals for nutrition and fit-
9 ness education and promotion and a description
10 of the procedures the agency will use for assess-
11 ing and publicly reporting progress toward
12 meeting those goals; and

13 “(E) a description of how the local edu-
14 cational agency will evaluate the effectiveness of
15 its program.

16 “(3) DURATION.—Subject to the availability of
17 funds made available to carry out this subsection, a
18 local educational agency receiving a grant under this
19 subsection shall conduct the project during a period
20 of 3 successive school years.

21 “(4) AUTHORIZED ACTIVITIES.—An eligible ap-
22 plicant that receives a grant under this subsection
23 may use funds provided under the grant to carry out
24 one or more of the following activities:

1 “(A) Promoting healthy eating through the
2 development and implementation of nutrition
3 education programs and curricula.

4 “(B) Increasing opportunities for physical
5 activity through afterschool programs, athletics,
6 intramural activities, and recess;

7 “(C) Educating parents and students
8 about the relationship of a poor diet and inac-
9 tivity to obesity and other health problems;

10 “(D) Promoting and supporting school nu-
11 trition services, such as counseling and behavior
12 management.

13 “(E) Developing and implementing phys-
14 ical education programs that promote fitness
15 and lifelong activity.

16 “(F) Providing training and technical as-
17 sistance to food service professionals to develop
18 nutritious, more appealing menus and recipes.

19 “(G) Incorporating nutrition education
20 into physical education, health education, and
21 afterschool programs, including athletics.

22 “(H) Involving parents, food service staff,
23 educators, community leaders, and other inter-
24 ested parties in assessing the food options in
25 the school environment and developing and im-

1 plementing an action plan to promote a bal-
2 anced and healthy diet.

3 “(I) Providing nutrient content or nutri-
4 tion information on meals served through the
5 school lunch or school breakfast programs and
6 items sold a la carte during meal times.

7 “(J) Encouraging the increased consump-
8 tion of a variety of healthy foods through new
9 initiatives such as salad bars and fresh fruit
10 bars.

11 “(K) Providing nutrition education, includ-
12 ing sports nutrition education, for teachers,
13 coaches, food service staff, athletic trainers, and
14 school nurses.

15 “(5) REPORT.—Within 18 months of comple-
16 tion of the projects and evaluations, the Secretary
17 shall submit to the Committee on Education and the
18 Workforce of the House of Representatives and the
19 Committee on Health, Education, Labor, and Pen-
20 sions of the Senate a report describing the results of
21 the evaluation of the pilot projects and shall make
22 such reports available to the public, including
23 through the Internet.

24 “(6) AUTHORIZATION OF APPROPRIATIONS.—
25 There are authorized to be appropriated for the pur-

1 pose of carrying out this subsection, \$20,000,000 for
 2 fiscal year 2003 and such sums as may be necessary
 3 for each of fiscal years 2004 through 2007.”.

4 **SEC. 3. INCORPORATION OF OBESITY PREVENTION TREAT-**
 5 **MENT AND SERVICES INTO STATE CHIL-**
 6 **DREN’S HEALTH INSURANCE PROGRAMS.**

7 (a) IN GENERAL.—The Secretary of Health and
 8 Human Services shall, in accordance with subsection (b),
 9 carry out a program to encourage States to implement
 10 plans to carry out activities to assist children with obesity
 11 or children at risk of becoming obese.

12 (b) RELATION TO CHILDREN’S HEALTH INSURANCE
 13 PROGRAM.—

14 (1) IN GENERAL.—Subject to paragraph (2), if
 15 a State child health plan under title XXI of the So-
 16 cial Security Act (42 U.S.C. 1397aa et seq.) pro-
 17 vides for activities described in subsection (a) to an
 18 extent satisfactory to the Secretary, the Secretary
 19 shall, with amounts appropriated under subsection
 20 (c), make a grant to that State to assist the State
 21 in carrying out such activities.

22 (2) CRITERIA REGARDING ELIGIBILITY FOR
 23 GRANT.—The Secretary shall publish in the Federal
 24 Register criteria describing the circumstances in

1 which the Secretary shall consider a State plan to be
2 satisfactory for purposes of paragraph (1).

3 (3) REQUIREMENT OF MATCHING FUNDS.—

4 (A) IN GENERAL.—With respect to the
5 costs of the activities to be carried out by a
6 State pursuant to paragraph (1), the Secretary
7 may make a grant under such paragraph only
8 if the State agrees to make available (directly
9 or through donations from public or private en-
10 tities) non-Federal contributions toward such
11 costs in an amount that is not less than 15 per-
12 cent of the costs.

13 (B) DETERMINATION OF AMOUNT CON-
14 TRIBUTED.—Non-Federal contributions re-
15 quired in subparagraph (A) may be in cash or
16 in kind, fairly evaluated, including equipment or
17 services. Amounts provided by the Federal Gov-
18 ernment, or services assisted or subsidized to
19 any significant extent by the Federal Govern-
20 ment, may not be included in determining the
21 amount of such non-Federal contributions.

22 (4) TECHNICAL ASSISTANCE.—With respect to
23 State child health plans under title XXI of the So-
24 cial Security Act (42 U.S.C. 1397aa et seq.), the
25 Secretary, acting through the Director of the Cen-

1 ters for Disease Control and Prevention, in consulta-
2 tion with the heads of other Federal agencies in-
3 volved in obesity treatment and prevention, shall
4 make available to the States technical assistance in
5 developing the provision of such plans that will pro-
6 vide for activities pursuant to paragraph (1).

7 (c) FUNDING.—For the purpose of carrying out this
8 section, there is authorized to be appropriated \$5,000,000
9 for each of the fiscal years 2003 through 2007.

10 **SEC. 4. COMMISSION ON OBESITY TREATMENT AND PRE-**
11 **VENTION.**

12 (a) ESTABLISHMENT AND PURPOSE.—There is es-
13 tablished the Commission on Obesity Treatment and Pre-
14 vention (in this Act referred to as the “Commission”)
15 whose purpose shall be to oversee the research, policy for-
16 mation, and other activities of the Federal government re-
17 garding the prevention and treatment of obesity.

18 (b) DUTIES OF COMMISSION.—

19 (1) IN GENERAL.—The duties of the Commis-
20 sion shall be to—

21 (A) facilitate coordination between the
22 Federal agencies involved in obesity treatment
23 and prevention;

24 (B) identify State and local needs for obe-
25 sity treatment and prevention initiatives;

1 (C) identify ways to streamline the process
2 through which Federal agencies can aid in the
3 treatment and prevention of obesity;

4 (D) share information on successful pro-
5 grams and initiatives carried out on Federal,
6 State, and local levels;

7 (E) create or recommend ways to better
8 coordinate the Federal response to obesity
9 treatment and prevention; and

10 (F) assure the ongoing collection of food
11 consumption data through a national system of
12 monitoring and evaluation.

13 (2) CONSULTATION.—In carrying out its duties
14 under this section, the Commission shall consult
15 with—

16 (A) representatives of State and local gov-
17 ernments;

18 (B) educators, including coaches and dieti-
19 cians; and

20 (C) community based organizations.

21 (c) MEMBERSHIP.—The Commission shall be com-
22 posed of not more than 20 members appointed by the
23 President as follows:

24 (1) 1 representative from the Department of
25 Health and Human Services.

1 (2) 2 representative from the Department of
2 Agriculture, 1 of whom shall be a representative of
3 the Food and Nutrition Service.

4 (3) 1 representative from the Department of
5 Education.

6 (4) 1 representative of the Center for Medicare
7 and Medicaid Services.

8 (5) 1 representative of the National Center for
9 Chronic Disease Prevention and Health Promotion
10 of the Centers for Disease Control.

11 (6) 1 representative of the President's Council
12 for Physical Fitness and Sports.

13 (7) 1 representative from the National Insti-
14 tutes of Health.

15 (8) At least 1 representative from private sector
16 nutrition and public health organizations.

17 (9) At least 1 representative from food, fitness,
18 and other appropriate industries.

19 (10) Representatives of any other Federal agen-
20 cies or from the private sector as the President con-
21 siders appropriate.

22 (d) CHAIRPERSON.—The Chairperson of the Com-
23 mission shall be elected by a majority of its members.

24 (e) TERMS AND VACANCIES.—Each member shall be
25 appointed for a term of 4 years and may be reappointed

1 for consecutive terms. A vacancy in the Commission shall
2 be filled in the manner in which the original appointment
3 was made.

4 (f) MEETINGS.—The Commission shall meet at least
5 twice a year at the call of the chairperson or a majority
6 of its members.

7 (g) REPORT.—The Commission shall transmit to the
8 Congress a report every 2 years which shall—

9 (1) describe and evaluate the actions that are
10 being taken, and will be taken, to treat and prevent
11 obesity in the United States; and

12 (2) make recommendations for legislative and
13 regulatory action that should be taken to coordinate
14 the Federal plan to treat and prevent the problem
15 of obesity in the United States and which addresses
16 the objectives of Healthy People 2010, the health ob-
17 jectives of the Nation established by the Department
18 of Health and Human Services.

19 **SEC. 5. NATIONAL HEALTH AND PHYSICAL FITNESS**
20 **AWARDS.**

21 (a) PRESIDENT’S HEALTH AND FITNESS AWARDS.—
22 The Secretary of Health and Human Services, in consulta-
23 tion with the Secretary of Education, shall establish a rec-
24 ognition program for the granting of awards, to be known

1 as the “President’s Health and Fitness Awards”, to ele-
2 mentary and secondary schools with—

3 (1) outstanding physical fitness and nutrition
4 education programs; and

5 (2) demonstrated improvements in student fit-
6 ness, nutrition awareness, and overall student
7 health.

8 (b) PRESIDENT’S HEALTH AND FITNESS TEACHER
9 ACHIEVEMENT AWARDS.—

10 (1) IN GENERAL.—The Secretary of Health and
11 Human Services, in consultation with the Secretary
12 of Education, shall establish a program for the
13 granting and administration of awards to recognize
14 and reward—

15 (A) teachers, coaches, or other related per-
16 sonnel in elementary and secondary schools who
17 demonstrate excellence in providing innovative
18 and effective physical fitness and nutrition edu-
19 cation programs for elementary and secondary
20 school students; and

21 (B) the local educational agencies that em-
22 ploy such teachers.

23 (2) ELIGIBILITY.—1 teacher, and the local edu-
24 cational agency employing such teacher, from each
25 State, the District of Columbia, and the Common-

1 wealth of Puerto Rico, shall be eligible for an award
2 under this subsection.

3 (3) CASH AWARDS.—

4 (A) TEACHERS.—The Secretary of Health
5 and Human Services is authorized to provide a
6 cash award of up to \$2,500 to each teacher or
7 coach selected to receive an award pursuant to
8 this subsection, which shall be used to further
9 the recipient's professional development in
10 physical education or nutrition education.

11 (B) LOCAL EDUCATIONAL AGENCIES.—The
12 Secretary of Health and Human Services is au-
13 thorized to provide a cash award of up to
14 \$2,500 to the local educational agency employ-
15 ing any teacher or coach selected to receive an
16 award pursuant to this subsection, which shall
17 be used to fund physical fitness or nutrition
18 education activities and programs. Awards
19 granted under this subparagraph shall not be
20 used for construction costs, general expenses,
21 salaries, bonuses, or other administrative ex-
22 penses.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Health

1 and Human Services such sums as may be necessary to
2 carry out this section.

3 **SEC. 6. NUTRITION AND HEALTH EDUCATION IN AFTER-**
4 **SCHOOL PROGRAMS.**

5 (a) Section 4205(a) of the Elementary and Secondary
6 Education Act is amended—

7 (1) in paragraph (11) by striking “and”;

8 (2) by inserting “and” at the end of paragraph

9 (12) ; and

10 (3) by inserting after paragraph (12) the fol-
11 lowing new paragraph:

12 “(13) nutrition and health education pro-
13 grams.”.

○