

HR 2227 IH

108th CONGRESS

1st Session

H. R. 2227

To encourage innovative school-based activities to help reduce and prevent obesity among children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 22, 2003

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 encourage innovative school-based activities to help reduce and prevent obesity among children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Obesity Prevention Act'.

SEC. 2. STATE AND LOCAL WELLNESS PROJECTS.

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

`(f) STATE NUTRITION AND PHYSICAL FITNESS PROJECTS-

`(1) IN GENERAL- Subject to the availability of funds made available under paragraph (6), the Secretary, in consultation with the Secretary of Education, shall, on a competitive basis, award grants to not more than 20 State educational agencies for purposes of creating model nutrition education and physical fitness programs,

consistent with current dietary and fitness guidelines, for students in elementary schools and secondary schools.

`(2) REQUIREMENTS FOR STATE PARTICIPATION- To be eligible to receive a grant under this subsection, a State educational agency shall submit an application to the Secretary at such time, and in such manner, and containing such information as the Secretary may require, including--

`(A) a description of how the proposed nutrition and physical activity program will promote healthy eating and physical fitness and address the health and social consequences of children who are overweight or obese;

`(B) information describing how nutrition activities are to be coordinated at the State level with other health activities conducted by education, health, and agriculture agencies;

`(C) information describing how physical fitness activities are to be coordinated at the State level with other fitness activities conducted by education, health, and parks and recreation agencies;

`(D) a description of the consultative process that the State educational agency employed in the development of the model nutrition and physical fitness program, including consultations with individuals and organizations with expertise in promoting public health, nutrition, or physical activity, and organizations representing the agriculture, food and beverage, and fitness industries; and

`(E) a description of how the State educational agency will evaluate the effectiveness of its program.

`(3) DURATION- Subject to the availability of funds made available to carry out this subsection, a State educational agency receiving a grant under

this subsection shall conduct the project for a period of 3 successive school years.

`(4) AUTHORIZED ACTIVITIES- An eligible applicant that receives a grant under this subsection may use funds provided under the grant to carry out one or more of the following activities:

`(A) Collecting, analyzing, and disseminating data regarding the extent to which children and youth in the State are overweight or physically inactive and the programs and services available to meet those needs.

`(B) Developing and implementing model elementary and secondary education curricula to create a comprehensive, coordinated nutrition and physical fitness awareness and obesity prevention program.

`(C) Developing and implementing pilot programs in schools to increase physical fitness and to enhance the nutritional status of students, including through the increased consumption of fruits and vegetables, whole grains, and lowfat dairy products.

`(D) Developing and implementing State guidelines in health, which include nutrition education, and physical education and emphasize regular physical activity during school hours.

`(E) Collaborating with community based organizations, volunteer organizations, State medical associations, and public health groups to develop and implement nutrition and physical education programs targeting lower income children, ethnic minorities, and other children and youth at greater risk for obesity.

`(F) Collaborating with public or private organizations that have as a mission the raising of public awareness of the importance of a balanced diet and an active lifestyle, such as 5-A-Day, a public-private initiative with the goal to increase consumption of fruits and vegetables.

`(5) LIMITATION- Funds made available under this subsection shall not be used to disparage any agricultural commodity, food, or beverage.

`(6) REPORT- Within 18 months of completion of the projects and the evaluations, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report describing the results of the evaluation of the demonstration programs and shall make such reports available to the public, including through the Internet.

`(7) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated for the purpose of carrying out this subsection \$10,000,000 for each of the fiscal years 2004 through 2008.

`(g) LOCAL NUTRITION AND PHYSICAL FITNESS PROJECT-

`(1) IN GENERAL- Subject to the availability of funds made available under paragraph (7), the Secretary, in consultation with the Secretary of Education, shall award grants to not more than 100 local educational agencies, at least one per State, for the establishment of pilot projects for purposes of promoting healthy eating habits and increasing physical fitness, consistent with the Dietary Guidelines for Americans established by the Department of Agriculture, among elementary and secondary education students.

`(2) REQUIREMENT FOR PARTICIPATION IN PILOT PROJECT- To be eligible to receive a grant 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 local educational agency's need for nutrition and fitness programs;

`(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 funds under this subsection will be coordinated with other programs under this Act, the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or other Acts, as appropriate, to improve student health and nutrition;

`(D) a statement of the local educational agency's measurable goals for nutrition and fitness education and promotion; and

`(E) a description of the procedures the agency will use for assessing and publicly reporting progress toward meeting those goals.

`(3) DURATION- Subject to the availability of funds made available to carry out this subsection, a local educational agency receiving a grant under this

subsection shall conduct the project during a period of 3 successive school years.

`(4) AUTHORIZED ACTIVITIES- An eligible applicant that receives a grant under this subsection may use funds provided under the grant to carry out one or more of the following activities:

`(A) Promoting healthy eating through the development and implementation of nutrition education programs and curricula.

`(B) Increasing opportunities for physical activity through afterschool programs, athletics, intramural activities, and recess.

`(C) Educating parents and students about the relationship of a poor diet and inactivity to obesity and other health problems.

`(D) Promoting and supporting school nutrition services, such as counseling and behavior management.

`(E) Developing and implementing physical education programs that promote fitness and lifelong activity.

`(F) Providing training and technical assistance to food service professionals

to develop nutritious, more appealing menus and recipes.

`(G) Incorporating nutrition education into physical education, health education, and afterschool programs, including athletics.

`(H) Involving parents, 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.

`(I) Providing nutrient content or nutrition information on meals served through the school lunch or school breakfast programs and items sold a la carte during meal times.

`(J) Encouraging the increased consumption of a variety of healthy foods through new initiatives such as salad bars and fresh fruit bars.

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

`(5) LIMITATION- Funds made available under this subsection shall not be used to disparage an agricultural commodity, food, or beverage.

`(6) REPORT- Within 18 months of completion of the projects and evaluations, the Secretary shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report describing the results of the evaluation of the pilot projects and shall make such reports available to the public, including through the Internet.

`(7) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated for the purpose of carrying out this subsection, \$20,000,000 for fiscal year 2004 and such sums as may be necessary for each of fiscal years 2005 through 2008.'.

SEC. 3. INCORPORATION OF OBESITY PREVENTION TREATMENT AND SERVICES INTO STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.

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

(b) RELATION TO CHILDREN'S HEALTH INSURANCE PROGRAM-

(1) IN GENERAL- Subject to paragraph (2), if a State child health plan under title

XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) provides for activities described in subsection (a) to an extent satisfactory to the Secretary, the Secretary shall, with amounts appropriated under subsection (c), make a grant to that State to assist the State in carrying out such activities.

(2) CRITERIA REGARDING ELIGIBILITY FOR GRANT- The Secretary shall publish in the Federal Register criteria describing the circumstances in which the Secretary shall consider a State plan to be satisfactory for purposes of paragraph (1).

(3) REQUIREMENT OF MATCHING FUNDS-

(A) IN GENERAL- With respect to the costs of the activities to be carried out by a State pursuant to paragraph (1), the Secretary may make a grant under such paragraph only if the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 15 percent of the costs.

(B) DETERMINATION OF AMOUNT CONTRIBUTED- Non-Federal contributions

required in subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(4) TECHNICAL ASSISTANCE- With respect to State child health plans under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the heads of other Federal agencies involved in obesity treatment and prevention, shall make available to the States technical assistance in developing the provision of such plans that will provide for activities pursuant to paragraph (1).

(c) FUNDING- For the purpose of carrying out this section, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 2004 through 2008.

SEC. 4. COMMISSION ON OBESITY TREATMENT AND PREVENTION.

(a) ESTABLISHMENT AND PURPOSE- There is established the Commission on Obesity Treatment and Prevention (in this Act referred to as the 'Commission') whose purpose shall be to oversee the research, policy formation, and other activities of the Federal government regarding the prevention and treatment of obesity.

(b) DUTIES OF COMMISSION-

(1) IN GENERAL- The duties of the Commission shall be to--

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

(B) identify State and local needs for obesity treatment and prevention initiatives;

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

(D) share information on successful programs and initiatives carried out on Federal, State, and local levels;

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

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

(2) CONSULTATION- In carrying out its duties under this section, the Commission shall consult with--

(A) representatives of State and local governments;

(B) educators, including coaches and nutrition professionals; and

(C) community based organizations.

(c) MEMBERSHIP- The Commission shall be composed of not more than 20 members appointed by the President as follows:

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

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

(3) 1 representative from the Department of Education.

(4) 1 representative from the Center for Medicare and Medicaid Services.

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

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

(7) 1 representative from the National Institutes of Health.

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

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

(10) Representatives from any other Federal agencies or from the private sector as the President considers appropriate.

(d) CHAIRPERSON- The Chairperson of the Commission shall be elected by a majority of its members.

(e) TERMS AND VACANCIES- Each member shall be appointed for a term of 4 years and may be reappointed for consecutive terms. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

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

(g) REPORT- The Commission shall transmit to the Congress a report every 2 years which shall--

(1) describe and evaluate Federal efforts being taken to reduce and help prevent obesity in the United States;

(2) make recommendations for activities and policy that may help reduce and prevent obesity;

(3) identify research needs, especially research in methods to create and sustain behavior change; and

(4) identify gaps, inconsistencies, and redundancies in Federal policy for agriculture, nutrition, and health.

SEC. 5. NATIONAL HEALTH AND PHYSICAL FITNESS AWARDS.

(a) PRESIDENT'S HEALTH AND FITNESS AWARDS- The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish a recognition program for the granting of awards, to be known as the 'President's Health and Fitness Awards', to elementary and secondary schools with--

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

(2) demonstrated improvements in student fitness, nutrition awareness, and overall student health.

(b) PRESIDENT'S HEALTH AND FITNESS TEACHER ACHIEVEMENT AWARDS-

(1) IN GENERAL- The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish a program for the granting and administration of awards to recognize and reward--

(A) teachers, coaches, or other related personnel in elementary and secondary schools who demonstrate excellence in providing innovative and effective physical fitness and nutrition education programs for elementary and secondary school students; and

(B) the local educational agencies that employ such teachers.

(2) ELIGIBILITY- 1 teacher, and the local educational agency employing such teacher, from each State, the District of Columbia, and the Commonwealth of Puerto Rico, shall be eligible for an award under this subsection.

(3) CASH AWARDS-

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

(B) LOCAL EDUCATIONAL AGENCIES- The Secretary of Health and Human Services is authorized to provide a cash award of up to \$2,500 to the local educational agency employing any teacher or coach selected to receive an award pursuant to this subsection, which shall be used to fund physical fitness or nutrition education activities and programs. Awards granted under this subparagraph shall not be used for construction costs, general expenses, salaries, bonuses, or other administrative expenses.

(c) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to the Secretary of Health and Human Services such sums as may be necessary to carry out this section.

SEC. 6. NUTRITION AND HEALTH EDUCATION IN AFTERSCHOOL PROGRAMS.

(a) Section 4205(a) of the Elementary and Secondary Education Act is amended--

(1) in paragraph (11) by striking `and';

(2) by inserting `and' at the end of paragraph (12) ; and

(3) by inserting after paragraph (12) the following new paragraph:

`(13) nutrition and health education programs.'.

END