

111TH CONGRESS
2^D SESSION

H. R. 5209

To provide a comprehensive approach to preventing and treating obesity.

IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2010

Mr. KIND (for himself, Mrs. BONO MACK, Mr. BLUMENAUER, and Ms. FUDGE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Agriculture, Transportation and Infrastructure, and Natural Resources, 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 provide a comprehensive approach to preventing and treating 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Healthy Communities through Helping to Offer Incen-
6 tives and Choices to Everyone in Society Act of 2010”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—IMPROVING PREVENTION AND TREATMENT OF
OBESITY IN ADULTS AND CHILDREN

- Sec. 101. Reporting of Body Mass Index Information Requirement.
 Sec. 102. Grants for Body Mass Index data analysis.
 Sec. 103. Requirement to expedite national Medicare coverage determinations for evidence-based preventive services.
 Sec. 104. Expansion of obesity treatment services under Medicare.
 Sec. 105. Coverage of evidence-based preventive services under Medicaid and SCHIP.
 Sec. 106. Coverage of medical nutrition therapy under Medicaid and SCHIP.
 Sec. 107. Clarification of EPSDT inclusion of prevention, screening, and treatment services for obesity and overweight; SCHIP coverage.
 Sec. 108. Grants to increase physical activity, improve nutrition, and promote healthy eating behaviors.
 Sec. 109. Grants to provide training for health profession students.
 Sec. 110. Grants to provide training for health professionals.
 Sec. 111. Preventive health services block grant.

TITLE II—IMPROVING CHILDHOOD NUTRITION

- Sec. 201. Nutrition and wellness goals for meals served through the child and adult care food program.
 Sec. 202. Interagency coordination to promote health and wellness in child care licensing.
 Sec. 203. Study on nutrition and wellness quality of child care settings.
 Sec. 204. Working group to reduce paperwork and improve program administration.
 Sec. 205. Renewal of application materials and permanent operating agreements.
 Sec. 206. Transmission of income information by sponsored family or group day care homes.
 Sec. 207. Simplifying and enhancing administrative payments to sponsoring organizations.
 Sec. 208. Cultivate farm-to-school partnerships.

TITLE III—IMPROVING ACCESS TO AND OPPORTUNITY FOR
PHYSICAL ACTIVITY FOR ADULTS AND CHILDREN

Subtitle A—National Program Promoting Lifelong Active Youth (PLAY) and
Implementation Grants

- Sec. 301. Play assessment tools.
 Sec. 302. Model communities of play implementation grants.

Subtitle B—Moving Outdoors in Nature

- Sec. 311. Definitions.
 Sec. 312. Grants for development or implementation of Moving Outdoors in Nature Strategies.
 Sec. 313. National evaluation of health impacts.
 Sec. 314. Technical assistance and best practices.
 Sec. 315. Authorization of appropriations.

Subtitle C—Other Provisions

- Sec. 321. Authorization of appropriations for Carol M. White Physical Education Program.
- Sec. 322. Physical education guidelines for elementary and secondary schools.
- Sec. 323. Treating physical education as a core academic subject for elementary and secondary education grants.
- Sec. 324. Physical activity guidelines for preschool children.
- Sec. 325. Tracking physical activity in schools.
- Sec. 326. Employer-provided off-premises health club services.
- Sec. 327. Certain amounts paid for physical activity, fitness, and exercise treated as amounts paid for medical care.
- Sec. 328. National youth sports program revitalization.
- Sec. 329. Duplication of the Zuni Youth Enrichment Project Summer Camp on Indian reservations and tribal lands.

TITLE IV—IMPROVING ACCESS TO NUTRITIONAL INFORMATION AND HEALTHY FOODS

- Sec. 401. Consumer education.
- Sec. 402. Expand team nutrition training grants.
- Sec. 403. Department of Agriculture program to support establishment or expansion of retail food stores offering affordable, nutritious foods in underserved communities and coordination with other Federal programs.
- Sec. 404. Virtual Farmers Market Program.
- Sec. 405. Urban and Native-American Community Garden Grant Program.

TITLE V—REALIGNING TRANSPORTATION POLICY TO HELP PROMOTE HEALTHY LIFESTYLES

- Sec. 501. Grants to promote planning decisions and policies that increase access to physical activity.
- Sec. 502. Joint use agreements.
- Sec. 503. Expansion of safe routes to school program.
- Sec. 504. Active transportation infrastructure investment program.

TITLE VI—RESEARCH AND ASSESSMENT TOOLS

- Sec. 601. National Center for Health Statistics.
- Sec. 602. Report on obesity research.

1 **TITLE I—IMPROVING PREVEN-**
2 **TION AND TREATMENT OF**
3 **OBESITY IN ADULTS AND**
4 **CHILDREN**

5 **SEC. 101. REPORTING OF BODY MASS INDEX INFORMATION**
6 **REQUIREMENT.**

7 (a) IN GENERAL.—Subsection (a) of section 2125 of
8 the Public Health Service Act (42 U.S.C. 300aa–25) is
9 amended—

10 (1) by striking “and” at the end of paragraph

11 (3);

12 (2) by striking the period and adding “, and”
13 at the end of paragraph (4); and

14 (3) by adding at the end the following new
15 paragraph:

16 “(5) the age, gender, height, and weight of each
17 person vaccinated to calculate the body mass index
18 of such person.”.

19 (b) REPORTING.—Subsection (b) of such section is
20 amended—

21 (1) in paragraph (1)—

22 (A) by striking “and” at the end of sub-
23 paragraph (B);

24 (B) by redesignating subparagraph (C) as
25 subparagraph (D); and

1 (C) by inserting after subparagraph (B)
2 the following new subparagraph:

3 “(C) the information recorded under sub-
4 section (a)(5), and”; and

5 (2) by adding at the end the following new
6 paragraph:

7 “(4) Each health provider shall also report to
8 the relevant department of the State in which such
9 health care provider practices the data collected
10 under subsection (a)(5).”.

11 **SEC. 102. GRANTS FOR BODY MASS INDEX DATA ANALYSIS.**

12 (a) ESTABLISHMENT.—The Secretary of Health and
13 Human Services may make grants to not more than 20
14 eligible entities to analyze body mass index (hereinafter
15 in this section referred to as “BMI”) measurements of
16 children, ages 2 through 18.

17 (b) ELIGIBILITY.—An eligible entity for purposes of
18 this section is a State (including the District of Columbia,
19 the Commonwealth of Puerto Rico, and each territory of
20 the United States) that has a statewide immunization in-
21 formation system that—

22 (1) has the capacity to store basic demographic
23 information (including date of birth, gender, and ge-
24 ographic area of residence), height, weight, and im-
25 munization data for each resident of the State;

1 (2) is accessible to doctors, nurses, other li-
2 censed medical professionals, and officials of the rel-
3 evant department in the State charged with main-
4 taining health and immunization records; and

5 (3) has the capacity to integrate large amounts
6 of data for the analysis of BMI measurements.

7 (c) USE OF FUNDS.—A State that receives a grant
8 under this section shall use the grant for the following
9 purposes:

10 (1) Analyzing the effectiveness of obesity pre-
11 vention programs and wellness policies carried out in
12 the State.

13 (2) Purchasing new computers, computer equip-
14 ment, and software to upgrade computers to be used
15 for a statewide immunization information system.

16 (3) The hiring and employment of personnel to
17 maintain and analyze BMI data.

18 (4) The development and implementation of
19 training programs for medical professionals to aid
20 such professionals in taking BMI measurements and
21 discussing such measurements with patients.

22 (5) Providing information to parents and legal
23 guardians in accordance with subsection (e)(2).

24 (d) SELECTION CRITERIA.—In selecting recipients of
25 grants under this section, the Secretary shall give priority

1 to States in which a high percentage of public and private
2 health care providers submit data to a statewide immuni-
3 zation information system that—

4 (1) contains immunization data for not less
5 than 20 percent of the population of such State that
6 is under the age of 18; and

7 (2) includes data collected from men and
8 women who are of a wide variety of ages and who
9 reside in a wide variety of geographic areas in a
10 State (as determined by the Secretary).

11 (e) CONDITIONS.—As a condition of receiving a grant
12 under this section, a State shall—

13 (1) ensure that BMI measurements will be re-
14 corded for children ages 2 through 18—

15 (A) on an annual basis by a licensed physi-
16 cian, nurse, nurse practitioner, or physicians as-
17 sistant during an annual physical examination,
18 wellness visit, or similar visit with a physician;
19 and

20 (B) in accordance with data collection pro-
21 tocols published by the American Academy of
22 Pediatrics in the 2007 Expert Committee Rec-
23 ommendations; and

24 (2) for each child in the State for whom such
25 measurements indicate a BMI greater than the 95th

1 percentile for such child’s age and gender, provide to
2 the parents or legal guardians of such child informa-
3 tion on how to lower BMI and information on State
4 and local obesity prevention programs.

5 (f) REPORTS.—

6 (1) REPORTS TO THE SECRETARY.—Not later
7 than 5 years after the receipt of a grant under this
8 section, the State receiving such grant shall submit
9 to the Secretary the following reports:

10 (A) A report containing an analysis of
11 BMI data collected using the grant, including—

12 (i) the differences in obesity trends by
13 gender, disability, geographic area (as de-
14 termined by the State), and socioeconomic
15 status within such State; and

16 (ii) the demographic groups and geo-
17 graphic areas most affected by obesity
18 within such State.

19 (B) A report containing an analysis of the
20 effectiveness of obesity prevention programs
21 and State wellness policies, including—

22 (i) an analysis of the success of such
23 programs and policies prior to the receipt
24 of the grant; and

1 (ii) a discussion of the means to de-
2 termine the most effective strategies to
3 combat obesity in the geographic areas
4 identified under subparagraph (A).

5 (2) REPORT TO CONGRESS AND CERTAIN EXEC-
6 UTIVE AGENCIES.—Not later than 1 year after the
7 Secretary receives all the reports required pursuant
8 to paragraph (1), the Secretary shall submit to the
9 Secretary of Education, the Secretary of Agriculture,
10 and to Congress a report that contains the following:

11 (A) An analysis of trends in childhood obe-
12 sity, including how such trends vary across re-
13 gions of the United States, and how such
14 trends vary by gender and socioeconomic status.

15 (B) A description of any programs that—

16 (i) the Secretary has determined sig-
17 nificantly lower childhood obesity rates for
18 certain geographic areas in the United
19 States, including urban, rural, and subur-
20 ban areas; and

21 (ii) the Secretary recommends to be
22 implemented by the States (including
23 States that did not receive a grant under
24 this section).

1 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary such sums
3 as may be necessary to carry out this section for each of
4 fiscal years 2010 through 2015.

5 **SEC. 103. REQUIREMENT TO EXPEDITE NATIONAL MEDI-**
6 **CARE COVERAGE DETERMINATIONS FOR EVI-**
7 **DENCE-BASED PREVENTIVE SERVICES.**

8 (a) IN GENERAL.—Not later than January 1, 2011,
9 the Secretary of Health and Human Services shall issue
10 national Medicare coverage determinations for evidence-
11 based preventive and treatment services, including services
12 to prevent or treat overweight and obesity that have in
13 effect a rating of “A” or “B” (relating to a classification
14 representing strongly recommended or recommended serv-
15 ices) in the current recommendations of the United States
16 Preventive Services Task Force (in this section referred
17 to as “USPSTF”) and clinical services for preventing and
18 treating overweight and obesity as defined by the National
19 Heart, Lung and Blood Institute’s (in this section referred
20 to as “NHLBI”) Clinical Guidelines on the Identification,
21 Evaluation and Treatment of Overweight and Obesity in
22 Adults. The Secretary shall update such coverage deter-
23 minations based on future updates to such USPSTF and
24 NHLBI guidelines.

1 (b) UPDATING RECOMMENDATIONS.—The Secretary
2 shall instruct—

3 (1) the Agency for Healthcare Research and
4 Quality and the USPSTF to update, by not later
5 than one year after the date of the enactment of this
6 Act and at least once every 5 years thereafter,
7 USPSTF recommendations relating to the preven-
8 tion of overweight and obesity that have in effect a
9 rating of “I” (relating to a classification rep-
10 resenting insufficient evidence to make a rec-
11 ommendation for the service involved) to determine
12 if such rating should be upgraded to a rating of “A”
13 or “B”; and

14 (2) the National Heart, Lung and Blood Insti-
15 tute to update, by not later than December 31,
16 2010, and at least once every 3 years thereafter, the
17 NHLBI Clinical Guidelines described in subsection
18 (a).

19 **SEC. 104. EXPANSION OF OBESITY TREATMENT SERVICES**
20 **UNDER MEDICARE.**

21 (a) COVERAGE.—Section 1861 of the Social Security
22 Act (42 U.S.C. 1395x), as amended by section 4103 of
23 the Patient Protection and Affordable Care Act (Public
24 Law 111–148), is further amended—

25 (1) in subsection (s)(2)—

1 (A) in subparagraph (EE), by striking at
2 the end “and”;

3 (B) in subparagraph (FF), by adding at
4 the end “and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(GG) items and services furnished under
8 an obesity treatment program (as defined in
9 subsection (iii));” and

10 (2) by adding at the end the following new sub-
11 section:

12 “(iii) OBESITY TREATMENT PROGRAM.—The term
13 ‘obesity treatment program’ means—

14 “(1) medical services delivered to eligible indi-
15 viduals under a plan of care for the purpose of re-
16 ducing body mass index and the associated co-
17 morbidities of obesity, including the following:

18 “(A) the development of an initial plan of
19 care and subsequent revisions to that plan of
20 care;

21 “(B) medical and surgical interventions as
22 determined appropriate by the Secretary; and

23 “(C) additional services for which payment
24 would not otherwise be made under this title
25 that the Secretary may specify that encourage

1 the receipt of, or improve the effectiveness of,
2 the services described in the preceding subpara-
3 graphs.

4 In carrying out subparagraph (C), the Secretary
5 shall consider recommendations of the United States
6 Preventive Services Task Force; clinical practice
7 guidelines for treatment of overweight, obesity, and
8 severe obesity issued by professional medical soci-
9 eties; and consensus statements and guidelines on
10 effective treatment of overweight, obesity, and severe
11 obesity issued by the National Institutes of Health,
12 professional medical societies, and other authori-
13 tative sources (such as those identified in the Na-
14 tional Heart Lung and Blood Institute’s Clinical
15 Guidelines on the Identification, Evaluation, and
16 Treatment of Overweight and Obesity in Adults).

17 “(2) For purposes of this subsection, the term
18 ‘eligible individual’ means an individual who has:

19 “(A) been diagnosed with obesity by a phy-
20 sician (as defined in subsection (r)) or provider
21 of services (as defined in subsection (u));

22 “(B) a body mass index of at least 30; or

23 “(C) a body mass index of at least 27 with
24 at least one weight-related comorbid condition.

1 It is not necessary for such individual be diagnosed
 2 with co-morbidities in addition to the obesity diag-
 3 nosis or body mass index of at least 30 in order to
 4 be considered an ‘eligible individual’ under this sub-
 5 section.”.

6 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-
 7 curity Act (42 U.S.C. 1395l(a)(1)), as amended by section
 8 10501(h)(3)(B) of the Patient Protection and Affordable
 9 Care Act (Public Law 111–148), is amended—

10 (1) by striking “and” before “(Z)”; and

11 (2) by inserting before the semicolon at the end
 12 the following: “, and (AA) with respect to items and
 13 services furnished under an obesity treatment pro-
 14 gram (as defined in section 1861(iii)), the amount
 15 paid shall be 80 percent of the lesser of the actual
 16 charge for the services or the amount determined
 17 under a fee schedule established by the Secretary for
 18 purposes of this subparagraph”.

19 **SEC. 105. COVERAGE OF EVIDENCE-BASED PREVENTIVE**
 20 **SERVICES UNDER MEDICAID AND SCHIP.**

21 (a) STATE OPTION TO PROVIDE MEDICAL ASSIST-
 22 ANCE FOR EVIDENCE-BASED PREVENTIVE SERVICES.—

23 (1) IN GENERAL.—Section 1905 of the Social
 24 Security Act (42 U.S.C. 1396d)—

1 (A) in subsection (a), as amended by sec-
2 tion 2301(a) of the Patient Protection and Af-
3 fordable Care Act, is further amended—

4 (i) in paragraph (28), by striking
5 “and” at the end;

6 (ii) by redesignating paragraph (29)
7 as paragraph (30); and

8 (iii) by inserting after paragraph (28)
9 the following:

10 “(29) evidence-based preventive services de-
11 scribed in subsection (dd); and”;

12 (B) as amended by section 10201(c)(6) of
13 the Patient Protection and Affordable Care Act,
14 is further amended by adding at the end the
15 following:

16 “(dd) For purposes of subsection (a)(29), evidence-
17 based preventive services described in this subsection are
18 any preventive services which the Secretary has deter-
19 mined are reasonable and necessary, including, as so de-
20 termined, diet and exercise counseling, healthy weight and
21 obesity counseling, and any other evidence-based, effective
22 clinical intervention for obese individuals, including phar-
23 macological or surgical services, designed to prevent
24 comorbidities of obesity.”.

1 (2) CONFORMING AMENDMENT.—Section
2 1902(a)(10)(C)(iv) of such Act is amended by in-
3 serting “, and (29)” after “(24)”.

4 (b) STATE OPTION TO PROVIDE CHILD HEALTH AS-
5 SISTANCE FOR EVIDENCE-BASED PREVENTIVE SERV-
6 ICES.—Section 2110(a) of the Social Security Act (42
7 U.S.C. 1397jj(a)) is amended—

8 (1) by redesignating paragraph (28) as para-
9 graph (29); and

10 (2) by inserting after paragraph (27) the fol-
11 lowing:

12 “(28) Evidence-based preventive services de-
13 scribed in section 1905(dd).”.

14 **SEC. 106. COVERAGE OF MEDICAL NUTRITION THERAPY**
15 **UNDER MEDICAID AND SCHIP.**

16 (a) STATE OPTION TO PROVIDE MEDICAL ASSIST-
17 ANCE FOR MEDICAL THERAPY SERVICES.—

18 (1) IN GENERAL.—Section 1905(a) of the So-
19 cial Security Act (42 U.S.C. 1396d), as amended by
20 section 105(b), is amended—

21 (A) in paragraph (29), by striking “and”
22 at the end;

23 (B) by redesignating paragraph (30) as
24 paragraph (31); and

1 (C) by inserting after paragraph (29) the
2 following:

3 “(30) medical nutrition therapy services (as de-
4 fined in section 1861(vv)(1)) for individuals with
5 pre-diabetes or obesity, or who are overweight (as
6 defined by the Secretary); and”.

7 (2) CONFORMING AMENDMENT.—Section
8 1902(a)(10)(C)(iv) of such Act, as amended by sec-
9 tion 105(b)(2), is amended by striking “and (29)”
10 and inserting “(29), and (30)”.

11 (b) STATE OPTION TO PROVIDE CHILD HEALTH AS-
12 SISTANCE FOR MEDICAL NUTRITION THERAPY SERV-
13 ICES.—Section 2110(a) of the Social Security Act (42
14 U.S.C. 1397jj(a)), as amended by section 105(e), is
15 amended—

16 (1) by redesignating paragraph (29) as para-
17 graph (30); and

18 (2) by inserting after paragraph (28) the fol-
19 lowing:

20 “(29) Medical nutrition therapy services (as de-
21 fined in section 1861(vv)(1)) for individuals with
22 pre-diabetes or obesity, or who are overweight (as
23 defined by the Secretary).”.

1 **SEC. 107. CLARIFICATION OF EPSDT INCLUSION OF PRE-**
2 **VENTION, SCREENING, AND TREATMENT**
3 **SERVICES FOR OBESITY AND OVERWEIGHT;**
4 **SCHIP COVERAGE.**

5 (a) IN GENERAL.—Section 1905(r)(5) of the Social
6 Security Act (42 U.S.C. 1396d(r)(5)) is amended by in-
7 serting before the period the following: “, including weight
8 and BMI measurement and monitoring, as well as appro-
9 priate treatment services, including medical nutrition ther-
10 apy services (as defined in section 1861(vv)(1)), physical
11 therapy or exercise training, behavioral health counseling,
12 and such other evidence-based services as recommended
13 by the Secretary (after taking into consideration the
14 American Academy of Pediatrics Expert Committee
15 Guidelines Regarding the Prevention, Assessment, and
16 Treatment of Child and Adolescent Overweight and Obe-
17 sity)”.

18 (b) SCHIP.—

19 (1) REQUIRED COVERAGE.—Section 2103 (42
20 U.S.C. 1397ee) is amended—

21 (A) in subsection (a), in the matter pre-
22 ceding paragraph (1), by striking “and (7)”
23 and inserting “(7), and (9)”; and

24 (B) in subsection (c)—

25 (i) by redesignating paragraph (7) as
26 paragraph (9); and

1 (ii) by inserting after paragraph (6),
2 the following:

3 “(7) PREVENTION, SCREENING, AND TREAT-
4 MENT SERVICES FOR OBESITY AND OVERWEIGHT.—
5 The child health assistance provided to a targeted
6 low-income child shall include coverage of weight
7 and BMI measurement and monitoring, as well as
8 appropriate treatment services (including but not
9 limited to) medical nutrition therapy services (as de-
10 fined in section 1861(vv)(1)), physical therapy or ex-
11 ercise training, behavioral health counseling, and
12 such other evidence-based services as recommended
13 by the Secretary. For purposes of the previous sen-
14 tence the Secretary shall take into consideration the
15 American Academy of Pediatrics Expert Committee
16 Guidelines Regarding the Prevention, Assessment,
17 and Treatment of Child and Adolescent Overweight
18 and Obesity.”.

19 (2) CONFORMING AMENDMENT.—Section
20 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended
21 by striking “section 2103(c)(5)” and inserting
22 “paragraphs (5) and (7) of section 2103(c)”.

1 **SEC. 108. GRANTS TO INCREASE PHYSICAL ACTIVITY, IM-**
2 **PROVE NUTRITION, AND PROMOTE HEALTHY**
3 **EATING BEHAVIORS.**

4 Part Q of title III of the Public Health Service Act
5 (42 U.S.C. 280h et seq.) is amended by striking section
6 399W and inserting the following:

7 **“SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY, IM-**
8 **PROVE NUTRITION, AND PROMOTE HEALTHY**
9 **EATING BEHAVIORS.**

10 “(a) ESTABLISHMENT.—

11 “(1) IN GENERAL.—The Secretary, acting
12 through the Director of the Centers for Disease
13 Control and Prevention and in coordination with the
14 Administrator of the Health Resources and Services
15 Administration, the Director of the Indian Health
16 Service, the Secretary of Education, the Secretary of
17 Agriculture, the Secretary of the Interior, the Direc-
18 tor of the National Institutes of Health, the Director
19 of the Office of Women’s Health, and the heads of
20 other appropriate agencies, shall award competitive
21 grants to eligible entities to plan and implement pro-
22 grams that promote healthy eating behaviors and
23 physical activity to prevent obesity, being overweight,
24 and related serious and chronic medical conditions.

25 “(2) SPECIAL PRIORITY.—In awarding grants
26 under this section, the Secretary shall give special

1 priority to grant proposals that target communities
2 or populations disproportionately at-risk from obe-
3 sity or being overweight, including health disparity
4 populations (as defined in section 485E(d)), the un-
5 derserved, and youth.

6 “(3) TERM.—The Secretary shall award grants
7 under this subsection for a period not to exceed 4
8 years.

9 “(b) AWARD OF GRANTS.—An eligible entity desiring
10 a grant under this section shall submit an application to
11 the Secretary at such time, in such manner, and con-
12 taining such information as the Secretary may require, in-
13 cluding—

14 “(1) a plan describing a comprehensive pro-
15 gram of approaches to encourage healthy eating be-
16 haviors and healthy levels of physical activity;

17 “(2) the manner in which the eligible entity will
18 coordinate with appropriate State and local authori-
19 ties and community-based organizations, including—

20 “(A) State and local educational agencies;

21 “(B) departments of health;

22 “(C) chronic disease directors;

23 “(D) State directors of programs under
24 section 17 of the Child Nutrition Act of 1966;

1 “(E) governors’ councils for physical activ-
2 ity and good nutrition;

3 “(F) State and local parks and recreation
4 departments;

5 “(G) State and local departments of trans-
6 portation and city planning; and

7 “(H) community-based organizations serv-
8 ing youth; and

9 “(3) the manner in which the applicant will
10 evaluate the effectiveness of the program carried out
11 under this section.

12 “(c) COORDINATION.—In awarding grants under this
13 section, the Secretary shall ensure that the proposed pro-
14 grams are coordinated in substance and format with pro-
15 grams currently funded through other Federal agencies
16 and operating within the community including the Phys-
17 ical Education Program (PEP) of the Department of Edu-
18 cation.

19 “(d) ELIGIBLE ENTITY.—In this section, the term
20 ‘eligible entity’ means—

21 “(1) a city, county, tribe, territory, or State;

22 “(2) a State educational agency;

23 “(3) a tribal educational agency;

24 “(4) a local educational agency;

1 “(5) a federally qualified health center (as de-
2 fined in section 1861(aa)(4) of the Social Security
3 Act);

4 “(6) a rural health clinic;

5 “(7) a health department;

6 “(8) an Indian Health Service hospital or clinic;

7 “(9) an Indian tribal health facility;

8 “(10) an urban Indian facility;

9 “(11) any health provider;

10 “(12) an accredited university or college;

11 “(13) a community-based organization;

12 “(14) a local city planning agency;

13 “(15) a State or local parks and recreation de-
14 partment; or

15 “(16) any other entity determined appropriate
16 by the Secretary.

17 “(e) USE OF FUNDS.—An eligible entity that receives
18 a grant under this section shall use the funds made avail-
19 able through the grant to—

20 “(1) carry out community-based activities in-
21 cluding—

22 “(A) city planning, transportation initia-
23 tives, and environmental changes that help pro-
24 mote physical activity, such as increasing the

1 use of walking or bicycling as a mode of trans-
2 portation;

3 “(B) forming partnerships and activities
4 with businesses, disability organizations, com-
5 munity-based organizations, and other entities
6 to increase physical activity levels and promote
7 healthy eating behaviors in schools and while
8 traveling to and from schools;

9 “(C) forming partnerships with entities, in-
10 cluding schools, faith-based entities, commu-
11 nity-based organizations, and other organiza-
12 tions providing recreational services, to estab-
13 lish programs that use their facilities or other
14 resources for after-school, weekend, and sum-
15 mer community activities, especially those that
16 promote or involve physical activity;

17 “(D) establishing incentives for retail food
18 stores, farmer’s markets, food co-ops, grocery
19 stores, and other retail food outlets that offer
20 fruits and vegetables and other nutritious foods
21 to encourage such stores and outlets to locate
22 in economically depressed areas;

23 “(E) forming partnerships with senior cen-
24 ters, nursing facilities, retirement communities,
25 and assisted living facilities to establish pro-

1 grams for older people to foster physical activ-
2 ity and healthy eating behaviors;

3 “(F) forming partnerships with daycare
4 and after-school entities to establish programs
5 that promote healthy eating behaviors and
6 physical activity;

7 “(G) developing and evaluating community
8 educational activities targeting good nutrition
9 and promoting healthy eating behaviors; and

10 “(H) providing, directly or in cooperation
11 with State and local parks and recreation de-
12 partments, programs and other opportunities
13 for daily physical activity;

14 “(2) carry out age-appropriate school-based ac-
15 tivities including—

16 “(A) developing and testing educational
17 curricula and intervention programs designed to
18 promote healthy eating behaviors and habits in
19 youth, which may include—

20 “(i) after hours physical activity pro-
21 grams;

22 “(ii) increasing opportunities for stu-
23 dents to make informed choices regarding
24 healthy eating behaviors; and

1 “(iii) science-based interventions with
2 multiple components to prevent obesity and
3 being overweight including nutritional con-
4 tent, understanding and responding to
5 hunger and satiety, positive body image de-
6 velopment, positive self-esteem develop-
7 ment, and learning life skills (such as
8 stress management, communication skills,
9 problem-solving and decisionmaking skills),
10 as well as consideration of cultural and de-
11 velopmental issues, and the role of family,
12 school, and community;

13 “(B) providing education and training to
14 educational professionals regarding a healthy
15 lifestyle and a healthy school environment;

16 “(C) planning and implementing a healthy
17 lifestyle curriculum or program with an empha-
18 sis on healthy eating behaviors and physical ac-
19 tivity; and

20 “(D) planning and implementing healthy
21 lifestyle classes or programs for parents or
22 guardians, with an emphasis on healthy eating
23 behaviors and physical activity;

24 “(3) carry out activities through the local
25 health care delivery systems including—

1 “(A) promoting healthy eating behaviors
2 and physical activity services to treat or prevent
3 obesity and being overweight;

4 “(B) providing patient education and coun-
5 seling to increase physical activity and promote
6 healthy eating behaviors; and

7 “(C) providing community education on
8 good nutrition and physical activity to develop
9 a better understanding of the relationship be-
10 tween diet, physical activity, and obesity or
11 being overweight; or

12 “(4) other activities determined appropriate by
13 the Secretary (including evaluation or identification
14 and dissemination of outcomes and best practices).

15 “(f) MATCHING FUNDS.—In awarding grants under
16 subsection (a), the Secretary may give priority to eligible
17 entities who provide matching contributions. Such non-
18 Federal contributions may be cash or in kind, fairly evalu-
19 ated, including plant, equipment, or services.

20 “(g) TECHNICAL ASSISTANCE.—The Secretary may
21 set aside an amount not to exceed 10 percent of the total
22 amount appropriated for a fiscal year pursuant to sub-
23 section (k) to permit the Director of the Centers for Dis-
24 ease Control and Prevention to provide grantees with tech-
25 nical support in the development, implementation, and

1 evaluation of programs under this section and to dissemi-
2 nate information about effective strategies and interven-
3 tions in preventing and treating obesity through the pro-
4 motion of healthy eating behaviors and physical activity.

5 “(h) LIMITATION ON ADMINISTRATIVE COSTS.—An
6 eligible entity awarded a grant under this section may not
7 use more than 10 percent of funds awarded under such
8 grant for administrative expenses.

9 “(i) REPORT.—Not later than 6 years after the date
10 of enactment of the Improved Nutrition and Physical Ac-
11 tivity Act, the Director of the Centers for Disease Control
12 and Prevention shall review the results of the grants
13 awarded under this section and other related research and
14 identify programs that have demonstrated effectiveness in
15 promoting healthy eating behaviors and physical activity
16 in youth. Such review shall include an identification of
17 model curricula, best practices, and lessons learned, as
18 well as recommendations for next steps to reduce obesity
19 and being overweight. Information derived from such re-
20 view, including model program curricula, shall be dissemi-
21 nated to the public.

22 “(j) DEFINITIONS.—In this section:

23 “(1) HEALTHY EATING BEHAVIORS.—The term
24 ‘healthy eating behaviors’ means—

1 “(A) eating in quantities adequate to meet,
2 but not in excess of, daily energy needs;

3 “(B) choosing foods to promote health and
4 prevent disease;

5 “(C) eating comfortably in social environ-
6 ments that promote healthy relationships with
7 family, peers, and community; and

8 “(D) eating in a manner to acknowledge
9 internal signals of hunger and satiety.

10 “(2) OBESE.—The term ‘obese’ refers to an
11 adult with a Body Mass Index (BMI) of 30 kg/m²
12 or greater, or a child or adolescent with a BMI at
13 or above the 95th percentile on the revised Centers
14 for Disease Control and Prevention growth charts or
15 another appropriate childhood definition, as defined
16 by the Secretary.

17 “(3) OVERWEIGHT.—The term ‘overweight’ re-
18 fers to an adult with a Body Mass Index (BMI) of
19 25 to 29.9 kg/m² or a child or adolescent with a
20 BMI at or above the 85th percentile, but below the
21 95th percentile, on the revised Centers for Disease
22 Control and Prevention growth charts or another ap-
23 propriate childhood definition, as defined by the Sec-
24 retary.

1 (1) in subsection (b), by striking “2005” and
2 inserting “2011”;

3 (2) by redesignating subsection (b) as sub-
4 section (c);

5 (3) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) GRANTS.—

8 “(1) IN GENERAL.—The Secretary may award
9 grants to eligible entities to train primary care phy-
10 sicians and other licensed or certified health profes-
11 sionals on how to treat and prevent obesity and aid
12 individuals who are obese or overweight.

13 “(2) APPLICATION.—An entity that desires a
14 grant under this subsection shall submit an applica-
15 tion at such time, in such manner, and containing
16 such information as the Secretary may require, in-
17 cluding a plan for the use of funds that may be
18 awarded and an evaluation of the training that will
19 be provided.

20 “(3) USE OF FUNDS.—An entity that receives
21 a grant under this subsection shall use the funds
22 made available through such grant to—

23 “(A) use evidence-based findings or rec-
24 ommendations that pertain to the prevention
25 and treatment of obesity and being overweight

1 to conduct educational conferences, including
2 Internet-based courses and teleconferences,
3 on—

4 “(i) how to treat or prevent obesity
5 and being overweight;

6 “(ii) the link between obesity and
7 being overweight and related serious and
8 chronic medical conditions;

9 “(iii) how to discuss varied strategies
10 with patients from at-risk and diverse pop-
11 ulations to promote positive behavior
12 change and healthy lifestyles to avoid obe-
13 sity and being overweight;

14 “(iv) how to identify individuals who
15 are or are at risk for being obese or being
16 overweight and, therefore, are at risk for
17 related serious and chronic medical condi-
18 tions; and

19 “(v) how to conduct a comprehensive
20 assessment of individual and familial
21 health risk factors; and

22 “(B) evaluate the effectiveness of the
23 training provided by such entity in increasing
24 knowledge and changing attitudes and behav-
25 iors of trainees.”; and

1 (4) in subsection (c) (as so redesignated)—

2 (A) by striking “There are authorized to
3 be appropriated to carry out this section” and
4 all that follows and inserting the following:
5 “There are authorized to be appropriated—
6 “(1) to carry out subsection (a),”;

7 (B) by striking the period at the end and
8 inserting “; and”; and

9 (C) by adding at the end the following:

10 “(2) to carry out subsection (b), \$10,000,000
11 for fiscal year 2011, and such sums as may be nec-
12 essary for each of fiscal years 2012 through 2015.”.

13 **SEC. 111. PREVENTIVE HEALTH SERVICES BLOCK GRANT.**

14 Section 1904(a)(1) of the Public Health Service Act
15 (42 U.S.C. 300w-3(a)(1)) is amended by adding at the
16 end the following:

17 “(H) Activities and community education pro-
18 grams designed to address and prevent obesity and
19 being overweight through effective programs to pro-
20 mote healthy eating, and exercise habits and behav-
21 iors.”.

1 **TITLE II—IMPROVING**
2 **CHILDHOOD NUTRITION**

3 **SEC. 201. NUTRITION AND WELLNESS GOALS FOR MEALS**
4 **SERVED THROUGH THE CHILD AND ADULT**
5 **CARE FOOD PROGRAM.**

6 Section 17 of the Richard B. Russell National School
7 Lunch Act (42 U.S.C. 1766) is amended—

8 (1) in subsection (a), by striking “(a) GRANT
9 AUTHORITY” and all that follows through the end of
10 paragraph (1) and inserting the following:

11 “(a) PROGRAM PURPOSE, GRANT AUTHORITY AND
12 INSTITUTION ELIGIBILITY.—

13 “(1) IN GENERAL.—

14 “(A) PROGRAM PURPOSE.—

15 “(i) FINDINGS.—Congress finds
16 that—

17 “(I) eating habits and other
18 wellness-related behavior habits are
19 established early in life; and

20 “(II) good nutrition and wellness
21 are important contributors to the
22 overall health of young children and
23 essential to cognitive development.

24 “(ii) PURPOSE.—The purpose of the
25 program authorized by this section is to

1 provide aid to child care institutions and
2 family or group day care homes for the
3 provision of nutritious foods that con-
4 tribute to the wellness, healthy growth, and
5 development of young children.

6 “(B) GRANT AUTHORITY.—The Secretary
7 may carry out a program to assist States
8 through grants-in-aid and other means to ini-
9 tiate and maintain nonprofit food service pro-
10 grams for children in institutions providing
11 child care.”;

12 (2) by striking subsection (g) and inserting the
13 following:

14 “(g) NUTRITIONAL REQUIREMENTS FOR MEALS AND
15 SNACKS SERVED IN INSTITUTIONS AND FAMILY OR
16 GROUP DAY CARE HOMES.—

17 “(1) DEFINITION OF DIETARY GUIDELINES.—

18 In this subsection, the term ‘Dietary Guidelines’
19 means the Dietary Guidelines for Americans pub-
20 lished under section 301 of the National Nutrition
21 Monitoring and Related Research Act of 1990 (7
22 U.S.C. 5341).

23 “(2) NUTRITIONAL REQUIREMENTS.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (C), reimbursable meals and sup-

1 plements served by institutions and family or
2 group day care homes participating in the pro-
3 gram under this section shall consist of a com-
4 bination of foods that meet minimum nutri-
5 tional requirements prescribed by the Secretary
6 on the basis of tested nutritional research.

7 “(B) CONFORMITY WITH THE DIETARY
8 GUIDELINES AND AUTHORITATIVE SCIENCE.—

9 “(i) IN GENERAL.—Not less fre-
10 quently than once every 10 years, the Sec-
11 retary shall review and, as appropriate, up-
12 date requirements for meals and supple-
13 ments served under the program under
14 this section to ensure that the meals—

15 “(I) are consistent with the goals
16 of the most recent Dietary Guidelines;
17 and

18 “(II) promote the health of the
19 population served by the program au-
20 thorized under this section, as indi-
21 cated by the most recent relevant nu-
22 trition science and appropriate au-
23 thoritative scientific agency and orga-
24 nization recommendations.

1 “(ii) COST REVIEW.—The review re-
2 quired under clause (i) shall include a re-
3 view of the cost to child care centers and
4 group or family day care homes resulting
5 from updated requirements for meals and
6 snacks served under the program under
7 this section.

8 “(iii) REGULATIONS.—Not later than
9 18 months after receipt of recommenda-
10 tions for meal pattern improvements from
11 the Food and Nutrition Board of the Na-
12 tional Research Council of the National
13 Academy of Sciences, the Secretary shall
14 promulgate proposed regulations to update
15 the meal patterns for meals and snacks
16 served under the program under this sec-
17 tion.

18 “(C) EXCEPTIONS.—

19 “(i) SPECIAL DIETARY NEEDS.—The
20 minimum nutritional requirements pre-
21 scribed under subparagraph (A) do not
22 prohibit institutions and family or group
23 day care homes from substituting foods to
24 accommodate the medical or other special
25 dietary needs of individual children.

1 “(ii) EXEMPT INSTITUTIONS.—The
2 Secretary may elect to waive all or part of
3 the requirements of this subsection for
4 emergency shelters and adult day care cen-
5 ters participating in the program under
6 this section.

7 “(3) MEAL SERVICE.—Institutions and family
8 day care homes shall ensure that reimbursable meal
9 service contributes to the development and socializa-
10 tion of enrolled children by providing that food is
11 not used as a punishment or reward.

12 “(4) FLUID MILK.—

13 “(A) IN GENERAL.—Each institution or
14 family or group day care home participating in
15 the program under this section shall provide
16 fluid milk, in accordance with the most recent
17 version of the Dietary Guidelines, as part of
18 each reimbursable meal and supplement served
19 under the program.

20 “(B) MILK SUBSTITUTES.—In the case of
21 children who cannot consume fluid milk due to
22 medical or other special dietary needs other
23 than a disability, an institution or family or
24 group day care home may substitute for the

1 fluid milk required in meals and supplements
2 served, a nondairy beverage that—

3 “(i) is nutritionally equivalent to fluid
4 milk; and

5 “(ii) meets nutritional standards es-
6 tablished by the Secretary, including,
7 among other requirements established by
8 the Secretary, fortification of calcium, pro-
9 tein, vitamin A, and vitamin D to levels
10 found in cow’s milk.

11 “(C) APPROVAL.—

12 “(i) IN GENERAL.—A substitution au-
13 thorized under subparagraph (B) may be
14 made—

15 “(I) at the discretion of and on
16 approval by the participating day care
17 institution; and

18 “(II) if the substitution is re-
19 quested by written statement of a
20 medical authority, or by the parent or
21 legal guardian of the child, that iden-
22 tifies the medical or other special die-
23 tary need that restricts the diet of the
24 child.

1 “(ii) EXCEPTION.—An institution or
2 family or group day care home shall not be
3 required under this paragraph to provide
4 beverages other than beverages the State
5 has identified as acceptable substitutes.

6 “(D) EXCESS EXPENSES BORNE BY INSTI-
7 TUTION.—A participating institution or family
8 or group day care home shall be responsible for
9 any expenses that—

10 “(i) are incurred by the institution or
11 family or group day care home to provide
12 substitutions under this paragraph; and

13 “(ii) are in excess of expenses covered
14 under reimbursements under this Act.

15 “(5) NONDISCRIMINATION POLICY.—No phys-
16 ical segregation or other discrimination against any
17 child shall be made because of the inability of the
18 child to pay, nor shall there be any overt identifica-
19 tion of any such child by special tokens or tickets,
20 different meals or meal service, announced or pub-
21 lished lists of names, or other means.

22 “(6) USE OF ABUNDANT AND DONATED
23 FOODS.—To the maximum extent practicable, each
24 institution shall use in its food service foods that
25 are—

1 “(A) designated from time to time by the
2 Secretary as being in abundance, either nation-
3 ally or in the food service area; or

4 “(B) donated by the Secretary.”; and

5 (3) by adding at the end the following:

6 “(u) PROMOTING HEALTH AND WELLNESS IN CHILD
7 CARE.—

8 “(1) PHYSICAL ACTIVITY AND ELECTRONIC
9 MEDIA USE.—The Secretary shall encourage partici-
10 pating child care centers and family or group day
11 care homes—

12 “(A) to provide to all children under the
13 supervision of the participating child care cen-
14 ters and family or group day care homes daily
15 opportunities for structured and unstructured
16 age-appropriate moderate-intensity to vigorous-
17 intensity physical activity; and

18 “(B) to limit among children under the su-
19 pervision of the participating child care centers
20 and family or group day care homes the use of
21 electronic media to an appropriate level.

22 “(2) WATER CONSUMPTION.—Participating
23 child care centers and family or group day care
24 homes shall make available to children, as nutrition-
25 ally appropriate, water as an acceptable fluid for

1 consumption throughout the day, including at meal
2 times.

3 “(3) TECHNICAL ASSISTANCE AND GUID-
4 ANCE.—

5 “(A) IN GENERAL.—The Secretary shall
6 provide technical assistance to institutions par-
7 ticipating in the program under this section to
8 assist participating child care centers and fam-
9 ily or group day care homes in complying with
10 the nutritional and wellness requirements pre-
11 scribed by the Secretary in accordance with this
12 subsection and subsection (g).

13 “(B) GUIDANCE.—Not later than January
14 1, 2011, the Secretary shall issue guidance to
15 States and institutions to encourage partici-
16 pating child care centers and family or group
17 day care homes serving meals and snacks under
18 this section to—

19 “(i) include foods that are rec-
20 ommended for increased serving consump-
21 tion in amounts recommended by the most
22 recent Dietary Guidelines for Americans
23 published under section 301 of the Na-
24 tional Nutrition Monitoring and Related
25 Research Act of 1990 (7 U.S.C. 5341), in-

1 cluding fresh, canned, frozen, or dried
2 whole fruits and vegetables, whole grain
3 products, lean meat products, and low-fat
4 and non-fat dairy products; and

5 “(ii) reduce sedentary activities and
6 provide opportunities for regular physical
7 activity in quantities recommended by the
8 most recent Dietary Guidelines for Ameri-
9 cans described in clause (i).

10 “(C) NUTRITION.—Technical assistance
11 relating to the nutritional requirements of this
12 subsection and subsection (g) shall include—

13 “(i) nutrition education, including
14 education that emphasizes the relationship
15 between nutrition, physical activity, and
16 health;

17 “(ii) menu planning;

18 “(iii) interpretation of nutrition labels;

19 and

20 “(iv) food preparation and purchasing
21 guidance to produce meals and snacks that
22 are—

23 “(I) consistent with the goals of
24 the most recent Dietary Guidelines;
25 and

1 “(II) promote the health of the
2 population served by the program
3 under this section, as recommended
4 by authoritative scientific organiza-
5 tions.

6 “(D) PHYSICAL ACTIVITY.—Technical as-
7 sistance relating to the physical activity require-
8 ments of this subsection shall include—

9 “(i) education on the importance of
10 regular physical activity to overall health
11 and well being; and

12 “(ii) sharing of best practices for
13 physical activity plans in child care centers
14 and homes as recommended by authori-
15 tative scientific organizations.

16 “(E) ELECTRONIC MEDIA USE.—Technical
17 assistance relating to the electronic media use
18 requirements of this subsection shall include—

19 “(i) education on the health impacts
20 of overuse of and overexposure to elec-
21 tronic media by children; and

22 “(ii) sharing of best practices for the
23 development of daily activity plans that
24 limit use of electronic media.

1 “(F) MINIMUM ASSISTANCE.—At a min-
2 imum, the technical assistance required under
3 this paragraph shall include a handbook, devel-
4 oped by the Secretary in coordination with the
5 Secretary for Health and Human Services, that
6 includes recommendations, guidelines, and best
7 practices for participating institutions and fam-
8 ily or group day care homes that are consistent
9 with the nutrition, physical activity, and
10 wellness requirements and recommendations of
11 this subsection.

12 “(G) ADDITIONAL ASSISTANCE.—In addi-
13 tion to the requirements of this paragraph, the
14 Secretary shall develop and provide such appro-
15 priate training and education materials, guid-
16 ance, and technical assistance as the Secretary
17 considers to be necessary to comply with the
18 nutritional and wellness requirements of this
19 subsection and subsection (g).

20 “(H) FUNDING.—

21 “(i) IN GENERAL.—On October 1,
22 2009, and on each October 1 thereafter
23 through October 1, 2013, out of any funds
24 in the Treasury not otherwise appro-
25 priated, the Secretary of the Treasury

1 shall transfer to the Secretary to provide
2 technical assistance under this subsection
3 \$3,000,000, to remain available until ex-
4 pended.

5 “(ii) RECEIPT AND ACCEPTANCE.—
6 The Secretary shall be entitled to receive,
7 shall accept, and shall use to carry out this
8 subsection the funds transferred under
9 clause (i), without further appropriation.”.

10 **SEC. 202. INTERAGENCY COORDINATION TO PROMOTE**
11 **HEALTH AND WELLNESS IN CHILD CARE LI-**
12 **CENSING.**

13 The Secretary of Agriculture shall coordinate with
14 the Secretary of Health and Human Services to encourage
15 State licensing agencies to include nutrition and wellness
16 standards within State licensing standards that ensure, to
17 the maximum extent practicable, that licensed child care
18 centers and family or group day care homes—

19 (1) provide to all children under the supervision
20 of the child care centers and family or group day
21 care homes daily opportunities for age-appropriate
22 moderate-intensity to vigorous-intensity physical ac-
23 tivity;

24 (2) limit among children under the supervision
25 of the child care centers and family or group day

1 care homes the use of electronic media and the
2 quantity of time spent in sedentary activity to an ap-
3 propriate level;

4 (3) serve meals and snacks that are consistent
5 with the child and adult care food program estab-
6 lished under section 17 of the Richard B. Russell
7 National School Lunch Act (42 U.S.C. 1766); and

8 (4) promote such other nutrition and wellness
9 goals as the Secretaries determine to be necessary.

10 **SEC. 203. STUDY ON NUTRITION AND WELLNESS QUALITY**
11 **OF CHILD CARE SETTINGS.**

12 (a) IN GENERAL.—Not less than 4 years after the
13 date of enactment of this Act, and not less frequently than
14 once every 5 years thereafter, the Secretary of Agriculture
15 shall submit to Congress a report based on—

16 (1) a nationally representative study of child
17 care centers and family or group day care homes
18 that—

19 (A) is designed in consultation with the
20 Secretary of Health and Human Services; and

21 (B) includes an assessment of—

22 (i) the nutritional quality of all foods
23 provided to children in child care settings
24 as compared to the recommendations in
25 most recent Dietary Guidelines for Ameri-

1 cans published under section 301 of the
2 National Nutrition Monitoring and Related
3 Research Act of 1990 (7 U.S.C. 5341);

4 (ii) the quantity and type of opportu-
5 nities for physical activity provided to chil-
6 dren in child care settings; and

7 (iii) the quantity of time spent by chil-
8 dren in child care settings in sedentary ac-
9 tivities; and

10 (2) an assessment of the barriers to and
11 facilitators for—

12 (A) providing foods to children in child
13 care settings that meet the recommendations in
14 the most recent Dietary Guidelines for Ameri-
15 cans published under section 301 of the Na-
16 tional Nutrition Monitoring and Related Re-
17 search Act of 1990 (7 U.S.C. 5341);

18 (B) providing the appropriate quantity and
19 type of opportunities for physical activity for
20 children in child care settings; and

21 (C) participation by child care centers and
22 family or group day care homes in the child and
23 adult care food program established under sec-
24 tion 17 of the Richard B. Russell National
25 School Lunch Act (42 U.S.C. 1766).

1 (b) FUNDING.—

2 (1) IN GENERAL.—On October 1, 2010, out of
3 any funds in the Treasury not otherwise appro-
4 priated, the Secretary of the Treasury shall transfer
5 to the Secretary of Agriculture to carry out this sec-
6 tion \$5,000,000, to remain available until expended.

7 (2) RECEIPT AND ACCEPTANCE.—The Sec-
8 retary of Agriculture shall be entitled to receive,
9 shall accept, and shall use to carry out this section
10 the funds transferred under paragraph (1), without
11 further appropriation.

12 **SEC. 204. WORKING GROUP TO REDUCE PAPERWORK AND**
13 **IMPROVE PROGRAM ADMINISTRATION.**

14 (a) DEFINITIONS.—In this section:

15 (1) PROGRAM.—The term “program” means
16 the child and adult care food program established
17 under section 17 of the Richard B. Russell National
18 School Lunch Act (42 U.S.C. 1766).

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of Agriculture.

21 (b) ESTABLISHMENT.—The Secretary, in conjunction
22 with States and participating institutions, shall reconvene
23 a working group to continue to examine the feasibility of
24 reducing unnecessary or duplicative paperwork resulting
25 from regulations and recordkeeping requirements for

1 State agencies, institutions, family and group day care
2 homes, and sponsored centers participating in the pro-
3 gram.

4 (c) DUTIES.—At a minimum, the working group
5 shall—

6 (1) review and evaluate the recommendations,
7 guidance, and regulatory priorities developed and
8 issued to comply with section 119(i) of the Child
9 Nutrition and WIC Reauthorization Act of 2004 (42
10 U.S.C. 1766 note; Public Law 108–265); and

11 (2) examine additional paperwork and adminis-
12 trative requirements that have been established since
13 February 23, 2007, that could be reduced or sim-
14 plified.

15 (d) ADDITIONAL DUTIES.—In addition to, or oper-
16 ating concurrently with, the working group described in
17 subsection (b), the Secretary may, if determined necessary
18 by the Secretary and in conjunction with States and insti-
19 tutions participating in the program, establish 1 or more
20 working groups to examine any aspect of administration
21 of the program.

22 (e) REPORT.—Not later than 4 years after the date
23 of enactment of this Act, the Secretary shall submit to
24 Congress a report that describes the actions that have
25 been taken to carry out this section, including—

1 (1) actions taken to address administrative and
2 paperwork burdens identified as a result of compli-
3 ance with section 119(i) of the Child Nutrition and
4 WIC Reauthorization Act of 2004 (42 U.S.C. 1766
5 note; Public Law 108–265);

6 (2) administrative and paperwork burdens iden-
7 tified as a result of compliance with section 119(i)
8 of that Act for which no regulatory action or policy
9 guidance has been taken;

10 (3) additional steps that the Secretary is taking
11 or plans to take to address any administrative and
12 paperwork burdens identified under subsection (c)(2)
13 and paragraph (2), including—

14 (A) new or updated regulations, policy,
15 guidance, or technical assistance; and

16 (B) a timeframe for the completion of
17 those steps; and

18 (4) recommendations to Congress for modifica-
19 tions to existing statutory authorities needed to ad-
20 dress identified administrative and paperwork bur-
21 dens.

22 **SEC. 205. RENEWAL OF APPLICATION MATERIALS AND PER-**
23 **MANENT OPERATING AGREEMENTS.**

24 (a) PERMANENT OPERATING AGREEMENTS.—Sec-
25 tion 17(d)(1) of the Richard B. Russell National School

1 Lunch Act (42 U.S.C. 1766(d)(1)) is amended by adding
2 at the end the following:

3 “(E) PERMANENT OPERATING AGREE-
4 MENTS.—

5 “(i) IN GENERAL.—Subject to clauses
6 (ii) and (iii), to participate in the child and
7 adult care food program, an institution
8 that meets the conditions of eligibility de-
9 scribed in this subsection shall be required
10 to enter into a permanent agreement with
11 the applicable State agency.

12 “(ii) AMENDMENTS.—A permanent
13 agreement described in clause (i) may be
14 amended as necessary to ensure that the
15 institution is in compliance with all re-
16 quirements established in this section or by
17 the Secretary.

18 “(iii) TERMINATION.—A permanent
19 agreement described in clause (i)—

20 “(I) may be terminated for con-
21 venience by the institution and State
22 agency that is a party to the perma-
23 nent agreement; and

24 “(II) shall be terminated—

1 “(aa) for cause by the appli-
2 cable State agency in accordance
3 with paragraph (5); or

4 “(bb) on termination of par-
5 ticipation of the institution in the
6 child and adult care food pro-
7 gram.”.

8 (b) APPLICATIONS.—Section 17(d) of the Richard B.
9 Russell National School Lunch Act (42 U.S.C. 1766(d))
10 is amended by striking paragraph (2) and inserting the
11 following:

12 “(2) PROGRAM APPLICATIONS.—

13 “(A) IN GENERAL.—The Secretary shall
14 develop a policy under which each institution
15 providing child care that participates in the
16 program under this section shall—

17 “(i) submit to the State agency an ini-
18 tial application to participate in the pro-
19 gram that meets all requirements estab-
20 lished by the Secretary by regulation;

21 “(ii) annually confirm to the State
22 agency that the institution, and any facili-
23 ties of the institution in which the program
24 is operated by a sponsoring organization, is
25 in compliance with subsection (a)(5); and

1 “(iii) annually submit to the State
2 agency any additional information nec-
3 essary to confirm that the institution is in
4 compliance with all other requirements to
5 participate in the program, as established
6 by the Secretary by regulation.

7 “(B) REVIEWS.—The Secretary shall de-
8 velop a policy under which each sponsoring or-
9 ganization participating in the program shall
10 conduct—

11 “(i) periodic unannounced site visits
12 at not less than 3-year intervals to spon-
13 sored child care centers and family or
14 group day care homes to identify and pre-
15 vent management deficiencies and fraud
16 and abuse under the program;

17 “(ii) at least 1 scheduled site visit at
18 not less than 3-year intervals to sponsoring
19 organizations and nonsponsored child care
20 centers to identify and prevent manage-
21 ment deficiencies and fraud and abuse
22 under the program and to improve pro-
23 gram operations; and

24 “(iii) periodic site visits to private in-
25 stitutions that the State agency determines

1 may assist in the transmission of
2 necessary household income in-
3 formation to the family or group
4 day care home sponsoring organi-
5 zation in accordance with the pol-
6 icy described in item (ee).

7 “(ee) POLICY.—The Sec-
8 retary shall develop a policy
9 under which a sponsored family
10 or group day care home described
11 in item (dd) may, under terms
12 and conditions specified by the
13 Secretary and with the written
14 consent of the parents or guard-
15 ians of a child in a family or
16 group day care home partici-
17 pating in the program, assist in
18 the transmission of the income
19 information of the family to the
20 family or group day care home
21 sponsoring organization.”.

1 **SEC. 207. SIMPLIFYING AND ENHANCING ADMINISTRATIVE**
2 **PAYMENTS TO SPONSORING ORGANIZATIONS.**

3 Section 17(f)(3) of the Richard B. Russell National
4 School Lunch Act (42 U.S.C. 1766(f)(3)) is amended by
5 striking subparagraph (B) and inserting the following:

6 “(B) ADMINISTRATIVE FUNDS.—

7 “(i) IN GENERAL.—In addition to re-
8 imbursement factors described in subpara-
9 graph (A), a family or group day care
10 home sponsoring organization shall receive
11 reimbursement for the administrative ex-
12 penses of the sponsoring organization in an
13 amount that is not less than the product
14 obtained each month by multiplying—

15 “(I) the number of family and
16 group day care homes of the spon-
17 soring organization submitting a claim
18 for reimbursement during the month;
19 by

20 “(II) the appropriate administra-
21 tive rate determined by the Secretary.

22 “(ii) ANNUAL ADJUSTMENT.—The ad-
23 ministrative reimbursement levels specified
24 in clause (i) shall be adjusted July 1 of
25 each year to reflect changes in the Con-
26 sumer Price Index for All Urban Con-

1 sumers published by the Bureau of Labor
2 Statistics of the Department of Labor for
3 the most recent 12-month period for which
4 such data are available.

5 “(iii) CARRYOVER FUNDS.—The Sec-
6 retary shall develop procedures under
7 which not more than 10 percent of the
8 amount made available to sponsoring orga-
9 nizations under this section for administra-
10 tive expenses for a fiscal year may remain
11 available for obligation or expenditure in
12 the succeeding fiscal year.

13 “(iv) RETURN TO SECRETARY.—Any
14 amounts appropriated that are not obli-
15 gated or expended during a fiscal year and
16 are not carried over for the succeeding fis-
17 cal year under clause (iii) shall be returned
18 to the Secretary.”.

19 **SEC. 208. CULTIVATE FARM-TO-SCHOOL PARTNERSHIPS.**

20 (a) PROMOTING LOCAL FOOD.—Section 9(j)(1) of
21 the Richard B. Russell National School Lunch Act (42
22 U.S.C. 1758(j)(1)) is amended by inserting before the
23 semicolon at the end, “, for use in programs under such
24 Acts, including the commodity distribution program, the

1 summer food service program for children, child and adult
2 care food program, and nutrition promotion”.

3 (b) GRANTS FOR FARM-TO-SCHOOL PROGRAMS.—

4 (1) IN GENERAL.—The Richard B. Russell Na-
5 tional School Lunch Act (42 U.S.C. 1751 et seq.) is
6 amended by inserting after section 19, the following:

7 **“SEC. 19A. GRANTS FOR FARM-TO-SCHOOL PROGRAMS.**

8 “(a) IN GENERAL.—The Secretary may provide as-
9 sistance, through competitive matching grants and tech-
10 nical assistance, to schools and nonprofit entities for farm-
11 to-school programs that—

12 “(1) improve access to local foods in schools
13 and institutions participating in programs under this
14 Act and section 4 of the Child Nutrition Act of 1966
15 (42 U.S.C. 1773) through farm-to-cafeteria activi-
16 ties, including school gardens, that may include the
17 acquisition of food and appropriate equipment and
18 the provision of training and education;

19 “(2) are, at a minimum, designed to—

20 “(A) procure local foods from small- and
21 medium-sized farms for school meals; and

22 “(B) support school garden programs;

23 “(3) support nutrition education activities or
24 curriculum planning that promotes healthy food edu-
25 cation in the school curriculum and incorporates the

1 participation of school children in farm-based agri-
2 cultural education activities, that may include school
3 gardens;

4 “(4) develop a sustained commitment to farm-
5 to-cafeteria projects in the community by linking
6 schools, State departments of agriculture, agricul-
7 tural producers, parents, and other community
8 stakeholders;

9 “(5) require \$100,000 or less in Federal con-
10 tributions;

11 “(6) require a Federal share of costs not to ex-
12 ceed 75 percent;

13 “(7) provide matching support in the form of
14 cash or in-kind contributions (including facilities,
15 equipment, or services provided by State and local
16 governments and private sources); and

17 “(8) cooperate in an evaluation carried out by
18 the Secretary.

19 “(b) ADMINISTRATION.—In providing grants under
20 subsection (a), the Secretary shall give priority to pro-
21 grams that can be replicated in schools.

22 “(c) PROGRAM FOR HIGH-POVERTY SCHOOLS.—

23 “(1) DEFINITIONS.—In this subsection:

24 “(A) ELIGIBLE PROGRAM.—The term ‘eli-
25 gible program’ means—

1 “(i) a school-based program with
2 hands-on vegetable gardening and nutri-
3 tion education that is incorporated into the
4 curriculum for 1 or more grades at 2 or
5 more eligible schools; or

6 “(ii) a community-based summer pro-
7 gram with hands-on vegetable gardening
8 and nutrition education that is part of, or
9 coordinated with, a summer enrichment
10 program at 2 or more eligible schools.

11 “(B) ELIGIBLE SCHOOL.—The term ‘eligi-
12 ble school’ means a public school, at least 50
13 percent of the students of which are eligible for
14 free or reduced price meals under this Act.

15 “(2) ESTABLISHMENT.—The Secretary shall
16 carry out a program under which the Secretary shall
17 provide to nonprofit organizations or public entities
18 States grants to develop and run, through eligible
19 programs, community gardens at eligible schools in
20 the States that would—

21 “(A) be planted, cared for, and harvested
22 by students at the eligible schools; and

23 “(B) teach the students participating in
24 the community gardens about agriculture pro-
25 duction practices and diet.

1 “(3) PRIORITY STATES.—Of the States in
2 which grantees under this subsection are located—

3 “(A) at least 1 State shall be among the
4 15 largest States, as determined by the Sec-
5 retary;

6 “(B) at least 1 State shall be among the
7 16th to 30th largest States, as determined by
8 the Secretary; and

9 “(C) at least 1 State shall be a State that
10 is not described in subparagraph (A) or (B).

11 “(4) USE OF PRODUCE.—Produce from a com-
12 munity garden provided a grant under this sub-
13 section may be—

14 “(A) used to supplement food provided at
15 the eligible school;

16 “(B) distributed to students to bring home
17 to the families of the students; or

18 “(C) donated to a local food bank or senior
19 center nutrition program.

20 “(5) NO COST-SHARING REQUIREMENT.—A
21 nonprofit organization or public entity that receives
22 a grant under this subsection shall not be required
23 to share the cost of carrying out the activities as-
24 sisted under this paragraph.

1 “(6) EVALUATION.—A nonprofit organization
2 or public entity that receives a grant under this sub-
3 section shall be required to cooperate in an evalua-
4 tion in accordance with subsection (a)(8).

5 “(d) GUIDANCE FOR STATES.—Not later than 1 year
6 after the date of the enactment of this section, the Sec-
7 retary shall research, evaluate, and make available to
8 States—

9 “(1) best practices for innovative and effective,
10 as determined by the Secretary, farm-to-school pro-
11 grams described in subsection (a);

12 “(2) an identification of the common challenges
13 faced by schools, institutions, and local educational
14 agencies in carrying out such farm-to-school pro-
15 grams; and

16 “(3) a description of schools, institutions, and
17 local educational agencies that are carrying out suc-
18 cessful farm-to-school programs.

19 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated such sums as are nec-
21 essary to carry out this section for each of fiscal years
22 2011 through 2016.”.

23 (2) CONFORMING AMENDMENTS.—Section
24 18(g) of the Richard B. Russell National School
25 Lunch Act (42 U.S.C. 1769(g)) is repealed.

1 **TITLE III—IMPROVING ACCESS**
2 **TO AND OPPORTUNITY FOR**
3 **PHYSICAL ACTIVITY FOR**
4 **ADULTS AND CHILDREN**

5 **Subtitle A—National Program Pro-**
6 **moting Lifelong Active Youth**
7 **(PLAY) and Implementation**
8 **Grants**

9 **SEC. 301. PLAY ASSESSMENT TOOLS.**

10 (a) IN GENERAL.—The Secretary of Health and
11 Human Services (hereafter in this section referred to as
12 the Secretary), acting through the Director of the Centers
13 for Disease Control and Prevention, shall develop a list
14 of well-validated assessment tools, which can measure the
15 policy, program, or environmental barriers in communities
16 to participating in physical activity. Tools on the Sec-
17 retary’s recommended list shall include—

18 (1) cross-cutting measurements that—

19 (A) examine barriers to physical activities
20 across multiple settings, including homes, after-
21 school and child care sites, schools, the commu-
22 nity-at-large, and worksites; and

23 (B) focus on the—

24 (i) availability of adequate spaces and
25 places for physical activity;

1 (ii) availability of, and access to, high-
2 quality physical activity and physical edu-
3 cation programs; and

4 (iii) the availability of programs, ac-
5 tivities, and leaders to educate about the
6 importance of physical activity for the com-
7 munity; and

8 (2) additional measurements to assist economi-
9 cally and culturally diverse communities in exam-
10 ining the social determinants of health.

11 (b) GUIDANCE AND TRAINING.—The Secretary shall
12 provide guidelines and recommendations to develop train-
13 ing on utilizing such tools.

14 **SEC. 302. MODEL COMMUNITIES OF PLAY IMPLEMENTA-**
15 **TION GRANTS.**

16 (a) PROGRAM AUTHORIZED.—

17 (1) IN GENERAL.—The Secretary of Health and
18 Human Services (hereafter in this section referred to
19 as the “Secretary”), acting through the Director of
20 the Centers for Disease Control and Prevention,
21 shall award grants to State health departments to
22 enable the State health departments to work in part-
23 nership with eligible community-based coalitions to
24 plan and implement model communities of play that
25 increase—

1 (A) the physical spaces and places avail-
2 able for physical activity;

3 (B) the opportunities for children and fam-
4 ilies to participate in high-quality play, and the
5 number of children and families participating in
6 high-quality play;

7 (C) knowledge and awareness about the
8 importance of individuals achieving 60 minutes
9 of recommended physical activity every day; and

10 (D) school siting practices in which ele-
11 mentary and secondary schools are located
12 within neighborhoods to increase the likelihood
13 of students walking and biking to school.

14 (2) AMOUNT OF GRANTS.—A grant awarded to
15 a State health department under this subsection
16 shall be in the amount of \$250,000 to \$1,000,000.

17 (b) APPLICATION.—A State health department desir-
18 ing a grant under subsection (a) shall submit an applica-
19 tion to the Secretary at such time, in such manner, and
20 containing such information as the Secretary may require.

21 (c) COORDINATION.—In awarding grants under sub-
22 section (a), the Secretary shall ensure that the proposed
23 programs assisted under each grant are coordinated in
24 substance and format with programs currently funded

1 through other Federal departments and agencies, includ-
2 ing—

3 (1) State-based nutrition and physical activity
4 programs, comprehensive school health education
5 programs, and community-based health and wellness
6 programs of the Centers for Disease Control and
7 Prevention;

8 (2) the physical education programs under sub-
9 part 10 of part D of title V of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7261
11 et seq.);

12 (3) the safe routes to schools program under
13 section 1404 of the Safe, Accountable, Flexible, Effi-
14 cient Transportation Equity Act: A Legacy for
15 Users (23 U.S.C. 402 note); and

16 (4) other health and wellness programs oper-
17 ating within the community.

18 (d) PARTNERSHIP WITH COMMUNITY COALITIONS.—
19 A State health department receiving a grant under sub-
20 section (a) shall use the majority of grant funds to carry
21 out the activities described in subsection (e) in partnership
22 with 1 or more community coalitions that meet all of the
23 following requirements:

24 (1) The community coalition is comprised of a
25 representative sampling of community partners, in-

1 including not less than half of the following types of
2 individuals and entities:

3 (A) A community-based organization that
4 focuses on children and youth, preventive
5 health, physical activity, or physical education.

6 (B) A local parks and recreation depart-
7 ment.

8 (C) A local health department.

9 (D) A local educational agency, as defined
10 in section 9101 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 U.S.C.
12 7801).

13 (E) A local city planning agency.

14 (F) A local health care provider.

15 (G) An institution of higher education, as
16 defined in section 101 of the Higher Education
17 Act of 1965 (20 U.S.C. 1001).

18 (H) A tribal health facility, where applica-
19 ble.

20 (I) A tribal educational agency, where ap-
21 plicable.

22 (J) A federally qualified health center or
23 rural health clinic (as such terms are defined in
24 section 1861(aa) of the Social Security Act (42
25 U.S.C. 1395x(aa)), where applicable.

1 (K) A hospital.

2 (L) A faith-based organization.

3 (M) A policymaker or elected official.

4 (N) A community planning organization.

5 (O) A business.

6 (2) The community coalition completed and
7 submitted to the State health department—

8 (A) an assessment tool identified by the
9 Secretary under section 301 for the community
10 that identifies the gaps and barriers to physical
11 activity in the community to children and
12 youth; and

13 (B) a community action plan describing
14 the programs, policies, and environmental
15 change strategies that will be implemented with
16 grant funds to help children and youth in the
17 community reach the recommended 60 minutes
18 of physical activity every day.

19 (3) The community coalition provided—

20 (A) documentation to the State health de-
21 partment on the manner in which the coalition
22 will coordinate with appropriate State and local
23 authorities, including—

24 (i) State or local health departments;

1 (ii) State educational agencies or local
2 educational agencies, as defined in section
3 9101 of the Elementary and Secondary
4 Education Act of 1965 (20 U.S.C. 7801);

5 (iii) State or local parks and recre-
6 ation departments or associations;

7 (iv) State or local departments of
8 transportation or city planning;

9 (v) community foundations; and

10 (vi) any other entities determined to
11 be appropriate by the Secretary; and

12 (B) a description of the manner in which
13 the coalition will evaluate the effectiveness of
14 the programs carried out with grant funds.

15 (e) AUTHORIZED ACTIVITIES.—A State health de-
16 partment that receives a grant under subsection (a) shall
17 use the majority of funds available through the grant to
18 carry out the following activities:

19 (1) Train community-based coalitions on how to
20 utilize assessment tools to measure the program,
21 policy, and environmental barriers to promoting life-
22 long physical activity for youth.

23 (2) Work in partnership with one or more com-
24 munity coalitions described in subsection (d) to en-
25 able the coalitions to carry out the coalition's com-

1 community action plan and promote a model community
2 of play, which may include the following:

3 (A) Enabling the maximum use of, or the
4 creation of spaces and places for, physical activ-
5 ity for children, families, and communities be-
6 fore, during, and after school or work, which
7 may include increasing the number of—

8 (i) programs that increase the number
9 of safe streets and sidewalks in the com-
10 munity to walk and bike to school, work,
11 or other community destinations, such as
12 recreation sites, parks, or community cen-
13 ters;

14 (ii) schools, faith-based organizations,
15 and recreational facilities serving the com-
16 munity that provide programming on phys-
17 ical activity and physical education before,
18 during, or after school;

19 (iii) schools serving the community
20 that provide recess, physical education, and
21 physical activity for children and youth;

22 (iv) day care, child care, and after-
23 school care sites in the community that
24 provide physical activity for children and
25 youth;

1 (v) venues in the community that pro-
2 vide co-curricular physical activity pro-
3 grams, including sports fields and courts,
4 especially venues for all-inclusive intra-
5 mural programs and physical activity
6 clubs;

7 (vi) playgrounds and activity sites in
8 the community for young children, includ-
9 ing sites that offer programs that provide
10 physical activity instruction that meets the
11 various needs and interests of all students,
12 including those with illness, injury, and
13 physical and developmental disabilities, as
14 well as those who live sedentary lifestyles
15 or have a disinterest in traditional team
16 sports;

17 (vii) capital improvement projects that
18 increase opportunities for physical activity
19 in the community; and

20 (viii) networks of walking and cycling
21 trails where trails do not exist in the com-
22 munity, that offer both a functional alter-
23 native to automobile travel and an oppor-
24 tunity for exercise, recreation, and commu-
25 nity connectedness.

1 (B) Enhancing opportunities and access
2 for children and youth in the community to par-
3 ticipate in high-quality physical activity and
4 physical education programs before, during, and
5 after school, which may include increasing the
6 number of—

7 (i) school and after-school care sites
8 in the community that implement proven
9 health curricula, physical education (in-
10 cluding developing innovative approaches
11 to teaching and staffing physical edu-
12 cation), and physical activity programming;

13 (ii) children and youth in the commu-
14 nity who are able to participate in physical
15 education or activity before, during, or
16 after school, by ensuring that adequate
17 equipment is available to such children and
18 youth;

19 (iii) scholarships to low-income chil-
20 dren and youth for physical activity pro-
21 grams;

22 (iv) education and training programs
23 for education, recreation, leisure, child
24 care, and coaching professionals regarding

1 high-quality physical education and phys-
2 ical activity programs and policies;

3 (v) training programs to assist physi-
4 cians in—

5 (I) carefully communicating the
6 results of body mass index (BMI)
7 tests to parents and, in an age-appro-
8 priate manner, to the children and
9 youth themselves;

10 (II) providing information to
11 families so they may make informed
12 decisions about physical activity and
13 nutrition; and

14 (III) explaining the benefits asso-
15 ciated with physical activity and the
16 risks associated with childhood over-
17 weight and obesity;

18 (vi) assessment tools used to measure
19 the quality of physical activity, sports, and
20 intramural sports programs;

21 (vii) guidelines and informational ma-
22 terials used by teachers, parents, care-
23 givers, and health-care professionals who
24 are interested in promoting physical activ-

1 ity for infants, toddlers, and preschoolers;
2 and

3 (viii) guidelines and informational ma-
4 terials used to promote—

5 (I) physical activity with the in-
6 tent of improving the current health,
7 fitness, and wellness of preadolescent
8 children (ages 6 through 12); and

9 (II) lifelong physical activity.

10 (C) Identifying, engaging, and mobilizing
11 community leaders, decisionmakers, experts,
12 and the media to raise awareness and educate
13 the public about the importance of securing 60
14 minutes of physical activity every day, which
15 may include increasing the number of—

16 (i) school and after-school care faculty
17 and staff, including coaches, who serve as
18 positive role models for students regarding
19 regular physical activity;

20 (ii) businesses that serve as role mod-
21 els by providing physical space and incen-
22 tives for employees to participate in phys-
23 ical activity;

24 (iii) businesses that serve as role mod-
25 els to communities by—

1 (I) providing support to intra-
2 mural teams, clubs, sports leagues,
3 playgrounds, trails, biking and walk-
4 ing paths, and fields and venues for
5 sports, play, and physical activity;

6 (II) incorporating built environ-
7 ment strategies into new construction
8 of facilities;

9 (III) adopting safe routes to
10 school programs;

11 (IV) providing bike racks at the
12 office; and

13 (V) encouraging the use of the
14 stairs;

15 (iv) insurers that cover obesity screen-
16 ing and prevention services in routine clin-
17 ical practice;

18 (v) groups representing low-income in-
19 dividuals or individuals with disabilities,
20 that can promote and secure safer and
21 more accessible sites for activity;

22 (vi) consumer research-driven mar-
23 keting strategies for ongoing initiatives
24 and interventions that enhance physical ac-
25 tivity for children and youth;

1 (vii) products and opportunities pro-
2 vided or offered by leisure, entertainment,
3 and recreation industries that promote reg-
4 ular physical activity and reduce sedentary
5 behaviors;

6 (viii) media advocacy training pro-
7 grams for public health and exercise sci-
8 entists so as to empower the scientists to
9 disseminate their knowledge to a broad au-
10 dience; and

11 (ix) campaigns to foster awareness
12 about the health benefits of regular phys-
13 ical activity of not less than 60 minutes a
14 day for all children and youth.

15 (3) Support the evaluation of community action
16 plans of community coalitions described in sub-
17 section (d) and activities carried out pursuant to
18 this Act.

19 (f) DEFINITION.—In this section, the term “State”
20 includes the District of Columbia and any commonwealth,
21 territory, or possession of the United States.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry
23 out this section, there are authorized to be appropriated
24 such sums as may be necessary for fiscal years 2011
25 through 2016.

1 other eligible entities in lieu of a State, to develop and
2 implement a 5-year strategy, to be known as a Moving
3 Outdoors in Nature State Strategy, for connecting chil-
4 dren and families with the outdoors.

5 (b) SUBMISSION AND APPROVAL OF STRATEGIES.—

6 (1) APPLICATIONS.—An application for a grant
7 under subsection (a) shall—

8 (A) be submitted not later than 120 days
9 after the Secretary publishes guidelines under
10 subsection (g)(1); and

11 (B) include a Moving Outdoors in Nature
12 State Strategy meeting the requirements of
13 subsection (c) or a proposal for development
14 and submission of such a strategy.

15 (2) APPROVAL OF STRATEGY; PEER REVIEW.—

16 Not later than 90 days after submission of a Moving
17 Outdoors in Nature State Strategy, the Secretary
18 shall approve or recommend changes to the strategy.

19 The Secretary shall carry out the preceding sentence
20 through a peer review process that includes partici-
21 pation from Federal, State, and local government
22 and nongovernmental organizations.

23 (3) STRATEGY UPDATE.—An eligible entity re-
24 ceiving funds under this subtitle shall update its
25 Moving Outdoors in Nature State Strategy not less

1 than every 5 years to reflect any changes and modi-
2 fications.

3 (c) COMPREHENSIVE STRATEGY REQUIREMENTS.—

4 The Secretary may approve a Moving Outdoors in Nature
5 State Strategy under subsection (b)(2) only if the strategy
6 includes the following:

7 (1) A description of how the eligible entity will
8 connect children, youth, and families to the great
9 outdoors through State and local—

10 (A) public health systems;

11 (B) public parks and recreation systems;

12 (C) public transportation and city planning
13 systems; and

14 (D) other public systems that connect chil-
15 dren, youth, and families to the great outdoors.

16 (2) A description of how the eligible entity will
17 connect existing governmental systems to networks
18 of nongovernmental partner organizations serving
19 children, youth, and families.

20 (3) A description of how State agencies, such as
21 State departments of health, natural resources, envi-
22 ronmental quality, fish and wildlife, national guard,
23 and transportation, will collaborate with each other
24 and with nongovernmental organizations and local
25 agencies to implement the strategy.

1 (4) A description of how funding will be spent
2 through local planning and implementation grants
3 under subsection (d).

4 (5) A description of how the eligible entity will
5 evaluate the effectiveness of, and measure the im-
6 pact of, the strategy.

7 (6) A description of how the eligible entity will
8 provide opportunities for public involvement in devel-
9 oping and implementing the strategy through a pub-
10 lic comment period, public hearings, or other means.

11 (d) LOCAL PLANNING AND IMPLEMENTATION.—

12 (1) IN GENERAL.—A Moving Outdoors in Na-
13 ture State Strategy shall provide for—

14 (A) local planning; and

15 (B) subgrants by the eligible entity receiv-
16 ing a grant under subsection (a) to local eligible
17 entities to implement the strategy through one
18 or more of the activities described in paragraph
19 (2).

20 (2) PROGRAM ACTIVITIES.—The activities de-
21 scribed in this paragraph are the following:

22 (A) Outdoor recreation programs and ac-
23 tivities that engage children, youth, and families
24 in healthy, active time outdoors through camp-
25 ing, hiking, hunting, fishing, archery, rec-

1 recreational shooting, wildlife watching, and other
2 recreational activities that teach skills for life-
3 long participation in outdoor activities.

4 (B) Public health initiatives to educate
5 parents and caregivers about the health benefits
6 of active time outdoors to fight obesity and in-
7 crease the quality of life for children, youth,
8 and families.

9 (C) Creation of natural play areas within
10 communities, as defined by nationally recog-
11 nized guidelines, to provide opportunities for
12 safe outdoor play in natural environments at
13 daycare and afterschool child care sites, schools,
14 parks, recreation centers, camps, libraries, mili-
15 tary installations, and other areas.

16 (D) Development of trails and greenways
17 to safely connect parks and outdoor recreation
18 areas with military installations, daycare and
19 afterschool child care sites, schools, and com-
20 munities through trail systems that encourage
21 walking, biking, and increased time outdoors by
22 children, youth, and families.

23 (E) Creation of outdoor learning environ-
24 nments such as schoolyard, community, or back-
25 yard wildlife habitats or gardens.

1 (F) Environmental, sustainability, and
2 conservation education and interpretation pro-
3 grams and activities that engage children,
4 youth, and families in learning and physical ac-
5 tivity in the outdoors.

6 (G) Service learning and volunteer oppor-
7 tunities to help restore natural areas, maintain
8 recreational assets, and engage children, youth,
9 and families in the outdoors.

10 (H) Promotional activities that promote
11 the benefits of time spent outdoors and invite
12 children, youth, and families to enjoy the great
13 outdoors by visiting nearby public and private
14 lands.

15 (I) Initiatives that engage health profes-
16 sionals, pediatricians, educators, daycare in-
17 structors, afterschool program providers, camp
18 directors, community planners, local planning
19 commissions, homeowners' associations, envi-
20 ronmental professionals, military, law enforce-
21 ment, and business leaders in identifying inno-
22 vative solutions to connecting children, youth,
23 and families with nature.

24 (e) PRIORITY.—In making grants under subsection
25 (a) and subgrants under subsection (d)(1)(B), the Sec-

1 retary and the recipient of a grant under subsection (a)
2 shall give preference to eligible entities that serve individ-
3 uals who have limited opportunities to experience nature,
4 including those who are socioeconomically disadvantaged
5 or have a disability.

6 (f) ADMINISTRATIVE EXPENSES.—An eligible entity
7 receiving a grant under subsection (a) may not use more
8 than 5 percent of the grant funds for administrative ex-
9 penses.

10 (g) GUIDELINES.—Not later than 180 days after the
11 enactment of this Act, and after notice and opportunity
12 for public comment, the Secretary shall publish in the
13 Federal Register guidelines on the implementation of this
14 subtitle, including guidelines for—

15 (1) developing and submitting strategies under
16 subsection (b); and

17 (2) technical assistance and dissemination of
18 best practices under section 314.

19 (h) REPORTING.—Not later than 2 years after the
20 Secretary approves the Moving Outdoors in Nature State
21 Strategy of an eligible entity receiving funds under this
22 subtitle, and every year thereafter, the entity shall submit
23 to the Secretary a report on the implementation of the
24 strategy based on the entity’s evaluation and assessment
25 of meeting the goals specified in the strategy.

1 **SEC. 313. NATIONAL EVALUATION OF HEALTH IMPACTS.**

2 The Secretary shall enter into an agreement with the
3 Secretary of Health and Human Services and the Director
4 of the Centers for Disease Control and Prevention for—

5 (1) the development of recommendations for ap-
6 propriate evaluation measures and criteria for devel-
7 oping a study of national significance on the health
8 impacts of the programs under this subtitle; and

9 (2) the administration of such a study.

10 **SEC. 314. TECHNICAL ASSISTANCE AND BEST PRACTICES.**

11 The Secretary shall—

12 (1) provide technical assistance to grantees
13 under section 312, including training and technical
14 assistance through national organizations with a
15 proven track record of connecting children to the
16 great outdoors; and

17 (2) disseminate best practices that emerge from
18 strategies funded under this subtitle.

19 **SEC. 315. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated to the Secretary to carry out this subtitle—

22 (1) \$15,000,000 for fiscal year 2011;

23 (2) \$50,000,000 for fiscal year 2012;

24 (3) \$100,000,000 for fiscal year 2013; and

25 (4) such sums as may be necessary for subse-
26 quent fiscal years.

1 (b) LIMITATION.—Of the amounts made available to
2 carry out this subtitle for a fiscal year, not more than 5
3 percent may be made available for carrying out section
4 314.

5 **Subtitle C—Other Provisions**

6 **SEC. 321. AUTHORIZATION OF APPROPRIATIONS FOR** 7 **CAROL M. WHITE PHYSICAL EDUCATION PRO-** 8 **GRAM.**

9 Subpart 10 of part D of title V of the Elementary
10 and Secondary Education Act of 1965 (20 U.S.C. 7261
11 et seq.) is amended by adding at the end the following:

12 **“SEC. 5508. AUTHORIZATION OF APPROPRIATIONS.**

13 “There are authorized to be appropriated to carry out
14 this subpart—

15 “(1) \$100,000,000 for fiscal year 2011;

16 “(2) \$110,000,000 for fiscal year 2012;

17 “(3) \$120,000,000 for fiscal year 2013;

18 “(4) \$130,000,000 for fiscal year 2014;

19 “(5) \$140,000,000 for fiscal year 2015; and

20 “(6) \$150,000,000 for fiscal year 2016.”.

21 **SEC. 322. PHYSICAL EDUCATION GUIDELINES FOR ELE-** 22 **MENTARY AND SECONDARY SCHOOLS.**

23 The Secretary of Health and Human Services, acting
24 through the Director of the Centers for Disease Control
25 and Prevention—

1 (1) not later than 1 year after the date of the
2 enactment of this Act, shall issue and make available
3 to the public guidelines for physical education in ele-
4 mentary and secondary schools; and

5 (2) not less than every 5 years thereafter, up-
6 date such guidelines as appropriate.

7 **SEC. 323. TREATING PHYSICAL EDUCATION AS A CORE ACA-**
8 **DEMIC SUBJECT FOR ELEMENTARY AND SEC-**
9 **ONDARY EDUCATION GRANTS.**

10 Section 9101(11) of the Elementary and Secondary
11 Education Act of 1965 (20 U.S.C. 7801(11)) is amended
12 by inserting “physical education,” after “arts,”.

13 **SEC. 324. PHYSICAL ACTIVITY GUIDELINES FOR PRE-**
14 **SCHOOL CHILDREN.**

15 Not later than 1 year after the date of the enactment
16 of this Act, the Secretary of Health and Human Services,
17 acting through the Centers for Disease Control and Pre-
18 vention, shall—

19 (1) issue physical activity guidelines for pre-
20 school children,

21 (2) make such guidelines available to the public,
22 and

23 (3) make a recommendation to each Head Start
24 agency that such agency implement such guidelines

1 as appropriate in the Head Start program carried
2 out by such agency.

3 **SEC. 325. TRACKING PHYSICAL ACTIVITY IN SCHOOLS.**

4 (a) REPORT CARDS.—Section 1111(h) of the Ele-
5 mentary and Secondary Education Act of 1965 (20 U.S.C.
6 6311(h)) is amended—

7 (1) in paragraph (1)(C)—

8 (A) in clause (vii), by striking “and” after
9 the semicolon;

10 (B) in clause (viii), by striking the period
11 at the end and inserting a semicolon; and

12 (C) by adding at the end the following:

13 “(ix) the amount of time students
14 spend in required physical education as
15 measured against the national standards of
16 150 minutes per week of required physical
17 education for students in elementary school
18 and 225 minutes per week of required
19 physical education for students in middle
20 school and secondary school;

21 “(x) the percentage of local edu-
22 cational agencies in the State that have a
23 required, age-appropriate physical edu-
24 cation curriculum for all students in ele-
25 mentary schools, middle schools, and sec-

1 ondary schools that adheres to national
2 guidelines adopted by the Centers for Dis-
3 ease Control and Prevention and State
4 standards;

5 “(xi) the percentage of elementary
6 school and secondary school physical edu-
7 cation teachers who are State licensed or
8 certified as physical education teachers;
9 and

10 “(xii) the percentage of schools that
11 have a School Health Council that includes
12 parents, students, representatives of the
13 school food authority, representatives of
14 the school board, school administrators
15 and members of the public and that meets
16 monthly to promote a healthy school envi-
17 ronment.”;

18 (2) in paragraph (2)(B)(i)—

19 (A) in subclause (I), by striking “and”
20 after the semicolon;

21 (B) in subclause (II), by striking “and”
22 after the semicolon; and

23 (C) by adding at the end the following:

24 “(III) the percentage of elemen-
25 tary school and secondary school

1 physical education teachers who are
2 State certified as physical education
3 teachers; and

4 “(IV) the amount of square feet
5 of indoor and outdoor facilities that
6 are primarily used for physical edu-
7 cation and the amount of square feet
8 of indoor and outdoor facilities that
9 are primarily used for physical activ-
10 ity; and”; and

11 (3) in paragraph (2)(B)(ii)—

12 (A) in subclause (I), by striking “and”
13 after the semicolon;

14 (B) in subclause (II), by striking the pe-
15 riod at the end and inserting a semicolon; and

16 (C) by adding at the end the following:

17 “(III) the percentage of elemen-
18 tary school and secondary school
19 physical education teachers who are
20 State certified as physical education
21 teachers; and

22 “(IV) the number of meetings of
23 a School Health Council that includes
24 parents, students, representatives of
25 the school food authority, representa-

1 tives of the school board, school ad-
2 ministrators and members of the pub-
3 lic during the school year.”.

4 (b) PROMOTING PHYSICAL EDUCATION AND ACTIV-
5 ITY IN SCHOOL PROGRAMS.—

6 (1) ELEMENTARY AND SECONDARY SCHOOL
7 COUNSELING PROGRAMS.—Section 5421 of the Ele-
8 mentary and Secondary Education Act of 1965 (20
9 U.S.C. 7245) is amended—

10 (A) in subsection (b)(2)(H), by inserting “,
11 which design and implementation shall take
12 into consideration the overall emotional and
13 physical well-being of students” after “the pro-
14 gram”; and

15 (B) in subsection (c)(2)(E), by inserting
16 “health, the importance of regular physical ac-
17 tivity,” after “relationships,”.

18 (2) SMALLER LEARNING COMMUNITIES.—Sec-
19 tion 5441(b) of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 7249(b)) is amended
21 by adding at the end the following:

22 “(14) How the local educational agency will en-
23 sure that smaller learning communities support
24 healthy lifestyles including participation in physical

1 education and physical activity by all students and
2 access to nutritious food and nutrition education.”.

3 (3) 21ST CENTURY COMMUNITY LEARNING CEN-
4 TERS.—

5 (A) PURPOSE; DEFINITIONS.—Section
6 4201 of the Elementary and Secondary Edu-
7 cation Act of 1965 (20 U.S.C. 7171) is amend-
8 ed—

9 (i) in subsection (a)(2), by inserting
10 “nutrition education programs, structured
11 physical activity programs,” after “recre-
12 ation programs,”; and

13 (ii) in subsection (b)(1)(A), by insert-
14 ing “nutrition education, structured phys-
15 ical activity,” after “recreation,”.

16 (B) LOCAL COMPETITIVE GRANT PRO-
17 GRAM.—Section 4204(b)(2) of the Elementary
18 and Secondary Education Act of 1965 (20
19 U.S.C. 7174(b)(2))—

20 (i) in subparagraph (M), by striking
21 “and” after the semicolon;

22 (ii) by redesignating subparagraph
23 (N) as subparagraph (O); and

24 (iii) by inserting after subparagraph
25 (M) the following:

1 “(N) an assurance that the proposed pro-
2 gram is coordinated with the physical education
3 and health education programs offered during
4 the school day; and”.

5 (C) LOCAL ACTIVITIES.—Section 4205(a)
6 of the Elementary and Secondary Education
7 Act of 1965 (20 U.S.C. 7175(a))—

8 (i) in paragraph (11), by striking
9 “and” after the semicolon;

10 (ii) in paragraph (12), by striking the
11 period at the end and inserting “; and”;
12 and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(13) programs that support a healthy, active
16 lifestyle, including nutritional education and regular,
17 structured physical activity programs.”.

18 (4) PARENTAL INVOLVEMENT.—Section 1118
19 of the Elementary and Secondary Education Act of
20 1965 is amended—

21 (A) in subsection (a)(2)—

22 (i) in subparagraph (E), by striking
23 “and” at the end;

24 (ii) by redesignating subparagraph
25 (F) as subparagraph (G); and

1 (iii) by inserting after subparagraph
2 (E) the following:

3 “(F) involve and train parents in encour-
4 aging and supporting a healthy and active life-
5 style, including increased physical activity dur-
6 ing and outside the school day, and nutritional
7 eating habits in the home and at school; and”;

8 (B) in subsection (d)—

9 (i) in the subsection heading, by in-
10 sserting after “ACHIEVEMENT” the fol-
11 lowing: “BY HEALTHY, ACTIVE STU-
12 DENTS”;

13 (ii) in the matter preceding paragraph
14 (1), by striking “standards.” and inserting
15 “standards and to ensure that the children
16 lead healthy, active lives.”; and

17 (iii) in paragraph (1)—

18 (I) by inserting after “sup-
19 portive” the following: “, healthy,”;

20 (II) by striking “; and partici-
21 pating” and inserting “; partici-
22 pating”; and

23 (III) by inserting after “extra-
24 curricular time” the following: “and
25 supporting their children in leading a

1 healthy and active life, such as by
2 providing healthy meals and snacks,
3 encouraging participation in physical
4 education, and sharing in physical ac-
5 tivity outside the school day”; and

6 (C) in subsection (e)—

7 (i) by redesignating paragraphs (6)
8 through (14) as paragraphs (7) through
9 (15), respectively; and

10 (ii) by inserting after paragraph (5)
11 the following:

12 “(6)(A) shall ensure that parents and teachers
13 have information about the importance of a healthy
14 lifestyle, including nutritional eating habits, physical
15 education, and physical activity, to an effective
16 learning environment; and

17 “(B) shall coordinate activities with parents
18 and teachers to ensure that children are provided
19 with nutritious meals and snacks, and have ample
20 opportunities for physical education and physical ac-
21 tivity during and outside the school day;”.

22 (c) PROFESSIONAL DEVELOPMENT FOR TEACHERS
23 AND PRINCIPALS.—

24 (1) STATE APPLICATIONS.—Section 2112(b) of
25 the Elementary and Secondary Education Act of

1 1965 (20 U.S.C. 6612(b)) is amended by adding at
2 the end the following:

3 “(13) A description of how the State edu-
4 cational agency will use funds under this part to
5 provide professional development that is directly re-
6 lated to the fields of physical education and health
7 education to physical education teachers and health
8 education teachers to ensure that children are lead-
9 ing healthy, active lifestyles that are conducive to ef-
10 fective learning.”.

11 (2) STATE USE OF FUNDS.—Section 2113(c)(6)
12 of the Elementary and Secondary Education Act of
13 1965 (20 U.S.C. 6613(c)(6)) is amended—

14 (A) by striking “, in cases in which a State
15 educational agency determines support to be
16 appropriate,”; and

17 (B) by inserting “, physical education
18 teachers, and health education teachers” after
19 “pupil services personnel”.

20 (3) LOCAL APPLICATIONS AND NEEDS ASSESS-
21 MENT.—Section 2122(b)(9) of the Elementary and
22 Secondary Education Act of 1965 (20 U.S.C.
23 6622(b)(9)) is amended—

24 (A) in subparagraph (C), by striking
25 “and” after the semicolon;

1 (B) in subparagraph (D), by striking the
2 period at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(E) improve the health and eating habits
5 of students and increase rates of physical activ-
6 ity of students.”.

7 (4) LOCAL USE OF FUNDS.—Section 2123(a)(3)
8 of the Elementary and Secondary Education Act of
9 1965 (20 U.S.C. 6623(a)(3)) is amended—

10 (A) in subparagraph (A)—

11 (i) in clause (i), by striking “and”
12 after the semicolon; and

13 (ii) by adding at the end the fol-
14 lowing:

15 “(iii) effective strategies for improving
16 the healthy habits of students and the
17 rates of physical activity by students that
18 result in the ability to learn more effec-
19 tively; and”;

20 (B) in subparagraph (B)—

21 (i) in clause (iv), by striking “and”
22 after the semicolon;

23 (ii) in clause (v), by striking the pe-
24 riod at the end and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(vi) provide training, with curricula
4 that is evidence-based, in how to teach
5 physical education and health education
6 that results in the ability of students to
7 learn more effectively.”.

8 (d) NATIONAL RESEARCH COUNCIL STUDY.—Not
9 later than 180 days after the date of enactment of this
10 Act, the Secretary of Education shall enter into a contract
11 with the National Research Council of the National Acad-
12 emy of Sciences to—

13 (1) examine and make recommendations re-
14 garding—

15 (A) various means that may be employed
16 to incorporate physical activity into Head Start
17 and child care settings, elementary, middle, and
18 high school settings, and before- and after-
19 school programs; and

20 (B) innovative and effective ways to in-
21 crease physical activity for all students;

22 (2) study the impact of health, level of physical
23 activity, and amount of physical education on stu-
24 dents’ ability to learn and maximize performance in
25 school; and

1 (3) study and provide specific recommendations
2 for—

3 (A) effectively measuring the progress of
4 students, at the school level, in improving their
5 health and well-being, including improving
6 their—

7 (i) knowledge, awareness, and behav-
8 ior changes, related to nutrition and phys-
9 ical activity;

10 (ii) cognitive development, and fitness
11 improvement, in physical education;

12 (iii) knowledge of lifetime physical ac-
13 tivity and health promotion;

14 (iv) decrease in obesity; and

15 (v) levels on overall health indicators;

16 and

17 (B) effectively measuring the progress of
18 students, at the school level, in increasing phys-
19 ical activity.

20 **SEC. 326. EMPLOYER-PROVIDED OFF-PREMISES HEALTH**
21 **CLUB SERVICES.**

22 (a) TREATMENT AS FRINGE BENEFIT.—Subpara-
23 graph (A) of section 132(j)(4) of the Internal Revenue
24 Code of 1986 (relating to on-premises gyms and other ath-
25 letic facilities) is amended to read as follows:

1 “(A) IN GENERAL.—Gross income shall
2 not include—

3 “(i) the value of any on-premises ath-
4 letic facility provided by an employer to the
5 employer’s employees, and

6 “(ii) so much of the fees, dues, or
7 membership expenses paid by an employer
8 to an athletic or fitness facility described
9 in subparagraph (C) on behalf of the em-
10 ployer’s employees as does not exceed \$900
11 per employer per year.”.

12 (b) ATHLETIC FACILITIES DESCRIBED.—Paragraph
13 (4) of section 132(j) of such Code is amended by adding
14 at the end the following new subparagraph:

15 “(C) CERTAIN ATHLETIC OR FITNESS FA-
16 CILITIES DESCRIBED.—For purposes of sub-
17 paragraph (A)(ii), an athletic or fitness facility
18 described in this subparagraph is a facility—

19 “(i) providing instruction in a pro-
20 gram of physical exercise, offering facilities
21 for the preservation, maintenance, encour-
22 agement, or development of physical fit-
23 ness, or serving as the site of such a pro-
24 gram of a State or local government,

1 “(ii) which is not a private club owned
2 and operated by its members,

3 “(iii) which does not offer golf, hunt-
4 ing, sailing, or riding facilities,

5 “(iv) whose health or fitness facility is
6 not incidental to its overall function and
7 purpose, and

8 “(v) which is fully compliant with the
9 State of jurisdiction and Federal anti-dis-
10 crimination laws.”.

11 (c) EXCLUSION APPLIES TO HIGHLY COMPENSATED
12 EMPLOYEES ONLY IF NO DISCRIMINATION.—Paragraph
13 (1) of section 132(j) of such Code is amended—

14 (1) by striking “Paragraphs (1) and (2) of sub-
15 section (a)” and inserting “Paragraphs (1) and (2)
16 of subsection (a) and paragraph (4) of this sub-
17 section”, and

18 (2) in the heading by striking “EXCLUSIONS
19 UNDER SUBSECTION (A)(1) AND (2)” and inserting
20 “CERTAIN EXCLUSIONS”.

21 (d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN
22 ATHLETIC FACILITIES.—

23 (1) IN GENERAL.—Paragraph (3) of section
24 274(a) of such Code (relating to denial of deduction
25 for club dues) is amended by adding at the end the

1 following new sentence: “The preceding sentence
2 shall not apply to so much of the fees, dues, or
3 membership expenses paid to athletic or fitness fa-
4 cilities (within the meaning of section 132(j)(4)(C))
5 as does not exceed \$900 per employee per year.”.

6 (2) CONFORMING AMENDMENT.—Section
7 274(e)(4) of such Code is amended by inserting “the
8 first sentence of” before “subsection (a)(3)”.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to taxable years beginning after
11 the date of the enactment of this Act.

12 **SEC. 327. CERTAIN AMOUNTS PAID FOR PHYSICAL ACTIV-**
13 **ITY, FITNESS, AND EXERCISE TREATED AS**
14 **AMOUNTS PAID FOR MEDICAL CARE.**

15 (a) IN GENERAL.—Paragraph (1) of section 213(d)
16 of the Internal Revenue Code of 1986 is amended by strik-
17 ing “or” at the end of subparagraph (C), by striking the
18 period at the end of subparagraph (D) and inserting “,
19 or”, and by adding at the end the following new subpara-
20 graph:

21 “(E) for qualified sports and fitness ex-
22 penses.”.

23 (b) QUALIFIED SPORTS AND FITNESS EXPENSES.—
24 Subsection (d) of section 213 of such Code is amended
25 by adding at the end the following paragraph:

1 “(12) QUALIFIED SPORTS AND FITNESS EX-
2 PENSES.—

3 “(A) IN GENERAL.—The term ‘qualified
4 sports and fitness expenses’ means amounts
5 paid—

6 “(i) for membership at a fitness cen-
7 ter,

8 “(ii) for participation or instruction in
9 a program of physical exercise or physical
10 activity, and

11 “(iii) for equipment for use in a pro-
12 gram (including a self-directed program) of
13 physical exercise or physical activity.

14 “(B) OVERALL DOLLAR LIMITATION.—The
15 aggregate amount treated as qualified sports
16 and fitness expenses with respect to any tax-
17 payer for any taxable year shall not exceed
18 \$1,000 (\$2,000 in the case of a joint return or
19 a head of household (as defined in section
20 2(b))).

21 “(C) FITNESS FACILITY DEFINED.—For
22 purposes of subparagraph (A)(i), the term ‘fit-
23 ness facility’ means a facility—

24 “(i) providing instruction in a pro-
25 gram of physical exercise, offering facilities

1 for the preservation, maintenance, encour-
2 agement, or development of physical fit-
3 ness, or serving as the site of such a pro-
4 gram of a State or local government,

5 “(ii) which is not a private club owned
6 and operated by its members,

7 “(iii) which does not offer golf, hunt-
8 ing, sailing, or riding facilities,

9 “(iv) whose health or fitness facility is
10 not incidental to its overall function and
11 purpose, and

12 “(v) which is fully compliant with the
13 State of jurisdiction and Federal anti-dis-
14 crimination laws.

15 “(D) LIMITATIONS RELATED TO SPORTS
16 AND FITNESS EQUIPMENT.—Amounts paid for
17 equipment described in subparagraph (A)(iii)
18 shall be treated as a qualified sports and fitness
19 expense only—

20 “(i) if such equipment is utilized ex-
21 clusively for participation in fitness, exer-
22 cise, sport, or other physical activity pro-
23 grams,

24 “(ii) if such equipment is not apparel
25 or footwear, and

1 “\$15,000,000” and all that follows through “2003”, and
2 inserting “\$20,000,000 for each of the fiscal years 2011
3 through 2021”.

4 **SEC. 329. DUPLICATION OF THE ZUNI YOUTH ENRICHMENT**
5 **PROJECT SUMMER CAMP ON INDIAN RES-**
6 **ERVATIONS AND TRIBAL LANDS.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services shall establish a 2-year pilot program to
9 provide funds to community-based organizations on Indian
10 reservations or tribal lands to plan and implement an en-
11 richment program for children (in the form of a summer
12 camp and a year-round program) for the purpose of—

13 (1) reversing the epidemics of obesity, diabetes,
14 and alcoholism in such areas; and

15 (2) to mitigate other problems stemming from
16 the formation of bad habits and the development of
17 low self esteem during childhood.

18 (b) PARTNERSHIPS.—In order to qualify for funding
19 under subsection (a), a community-based organization
20 shall demonstrate, to the satisfaction of the Secretary of
21 Health and Human Services, that the community-based
22 organization has entered into a partnership with commu-
23 nity entities, local funders, and tribal leaders (including,
24 if applicable, the tribal council) to plan and execute an
25 enrichment program under subsection (a).

1 (c) NUMBER OF SITES.—The Secretary of Health
2 and Human Services, in providing funding under sub-
3 section (a), shall provide funding to no more than 20 com-
4 munity-based organizations.

5 (d) MODEL AND CAMP REQUIREMENT.—The enrich-
6 ment program under subsection (a) shall—

7 (1) be modeled on similar programs established
8 by the Zuni Youth Enrichment Project; and

9 (2) shall include a camp of at least 6 weeks in
10 duration during the summer.

11 (e) SPECIFIC CAMP REQUIREMENTS.—

12 (1) DAILY ACTIVITIES.—With respect to chil-
13 dren attending a camp under subsection (d)(2), the
14 leader of the organization that receives funds under
15 subsection (a) shall, for each day of the camp, en-
16 sure that, such children are—

17 (A) involved in at least 60 minutes of
18 physical activity (with appropriate accommoda-
19 tions made for children with disabilities); and

20 (B) provided with at least two meals that
21 meet national nutritional standards that are
22 aligned with dietary guidelines.

23 (2) OTHER ACTIVITIES.—Such leader shall also
24 ensure that—

1 (A) a community gardening activity is in-
2 cluded in the activities conducted at the camp;
3 and

4 (B) health and wellness education is pro-
5 vided to the children attending the camp.

6 (f) EVALUATION.—

7 (1) IN GENERAL.—A community-based organi-
8 zation that receives funding under subsection (a),
9 shall, as a condition of receiving such funding, con-
10 duct an evaluation of the enrichment program con-
11 ducted by such organization.

12 (2) MODEL.—The form, manner, content, and
13 frequency of the evaluation under paragraph (1)
14 shall be modeled on the Zuni Youth Enrichment
15 Project standard project evaluation.

16 (g) REPORT.—Not later than 1 year after the date
17 on which a community organization first receives funding
18 under subsection (a) and annually thereafter, the organi-
19 zation shall—

20 (1) submit a report to the to the Secretary of
21 Health and Human Services on the outcomes of the
22 enrichment program conducted by the organization
23 under this section, including—

24 (A) the findings of the evaluation con-
25 ducted under subsection (f); and

1 (B) the impact of such enrichment pro-
2 gram on the rates of childhood obesity on the
3 reservation or area of tribal land served by the
4 organization; and

5 (2) provide a copy of the findings under para-
6 graph (1)(A) to community entities, local funders,
7 tribal leaders (including, if applicable, the tribal
8 council), and the families of children participating in
9 the enrichment program.

10 **TITLE IV—IMPROVING ACCESS**
11 **TO NUTRITIONAL INFORMA-**
12 **TION AND HEALTHY FOODS**

13 **SEC. 401. CONSUMER EDUCATION.**

14 Subsection (c) of section 2 of the Nutrition Labeling
15 and Education Act of 1990 (Pub. L. 101–535; 104 Stat.
16 2353, 2357; 21 U.S.C. 343 note) is amended to read as
17 follows:

18 “(c) CONSUMER EDUCATION.—

19 “(1) IN GENERAL.—The Secretary of Health
20 and Human Services shall carry out activities which
21 educate consumers about—

22 “(A) the availability of nutrition informa-
23 tion in the label or labeling of food;

24 “(B) the importance of that information in
25 maintaining healthy dietary practices;

1 “(C) the importance of physical activity
2 and healthy lifestyles; and

3 “(D) the importance of maintaining an en-
4 ergy balance in consumption and activity.

5 “(2) CERTAIN ACTIVITIES.—Activities under
6 paragraph (1) shall include the use of public edu-
7 cation campaigns, public statements, and other re-
8 sources designed to educate consumers about the
9 subjects described in subparagraphs (A) through (D)
10 of such paragraph.”.

11 **SEC. 402. EXPAND TEAM NUTRITION TRAINING GRANTS.**

12 Section 19 of the Child Nutrition Act of 1966 (20
13 U.S.C. 1788) is amended—

14 (1) by redesignating subsection (l) as subsection
15 (m); and

16 (2) by inserting after subsection (k), the fol-
17 lowing:

18 “(l) INFRASTRUCTURE IMPROVEMENT GRANTS.—

19 “(1) IN GENERAL.—Subject to the availability
20 of funds to carry out this subsection, the Secretary
21 shall award one-time grants, on a competitive basis,
22 to eligible State agencies to assist such State agen-
23 cies in carrying out infrastructure improvements for
24 the purpose of improving children’s lifelong eating
25 and physical habits, consistent with the Dietary

1 Guidelines for Americans published under section
2 301 of the National Nutrition Monitoring and Re-
3 lated Research Act of 1990 (7 U.S.C. 5341).

4 “(2) ELIGIBLE STATE AGENCY.—For purposes
5 of this subsection, an ‘eligible State agency’
6 means—

7 “(A) a State agency that participates in—

8 “(i) the school lunch program under
9 the Richard B. Russell National School
10 Lunch Act (42 U.S.C. 1751 et seq.);

11 “(ii) the school breakfast program
12 under section 4 of the Child Nutrition Act
13 of 1966 (42 U.S.C. 1773); or

14 “(iii) the child and adult care food
15 program under the Richard B. Russell Na-
16 tional School Lunch Act (42 U.S.C. 1766);

17 or

18 “(B) a consortium of 2 or more such State
19 agencies—

20 “(i) located in the same State; or

21 “(ii) located in different States.

22 “(3) APPLICATION.—To receive a grant under
23 this subsection, an eligible State agency shall submit
24 to the Secretary an application at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require

3 “(4) USES OF FUNDS.—

4 “(A) REQUIRED USES.—An eligible State
5 agency that receives a grant under this sub-
6 section shall use such funds to cover the costs
7 of infrastructure improvements related to the
8 school lunch program, school breakfast pro-
9 gram, or the child and adult food care program,
10 including improvements in kitchen equipment
11 and other foodservice equipment used to serve
12 or store food offered to children under any such
13 program.

14 “(B) AUTHORIZED USES.—An eligible
15 State agency that receives a grant under this
16 subsection may use such funds to award sub-
17 grants to local educational agencies to carry out
18 the activities described in subparagraph (A).

19 “(5) RECORDKEEPING.—An eligible State agen-
20 cy receiving a grant under this subsection shall keep
21 a record of the use of the grant funds.”.

1 **SEC. 403. DEPARTMENT OF AGRICULTURE PROGRAM TO**
2 **SUPPORT ESTABLISHMENT OR EXPANSION**
3 **OF RETAIL FOOD STORES OFFERING AF-**
4 **FORDABLE, NUTRITIOUS FOODS IN UNDER-**
5 **SERVED COMMUNITIES AND COORDINATION**
6 **WITH OTHER FEDERAL PROGRAMS.**

7 The Food and Nutrition Act of 2008 (7 U.S.C. 2011
8 et seq.) is amended by adding at the end the following
9 new section:

10 **“SEC. 28. LOANS, LOAN GUARANTEES, AND GRANTS TO SUP-**
11 **PORT ESTABLISHMENT OR EXPANSION OF**
12 **RETAIL FOOD STORES OFFERING AFFORD-**
13 **ABLE, NUTRITIOUS FOODS IN UNDERSERVED**
14 **COMMUNITIES AND INTER-DEPARTMENTAL**
15 **COORDINATION.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) AFFORDABLE, NUTRITIOUS FOODS.—The
18 term ‘affordable, nutritious foods’ means fruits and
19 vegetables, meat, fish, grains, dairy, and poultry.

20 “(2) RETAIL FOOD STORE.—The term ‘retail
21 food store’ includes a supermarket, grocery store,
22 farmers market, or other food retail outlet that oper-
23 ates on a self-service basis primarily selling gro-
24 ceries, produce, meat, baked goods, dairy products
25 and other nutritious foods.

1 “(3) UNDERSERVED COMMUNITY.—The term
2 ‘underserved community’ has the meaning given that
3 term in section 25(a)(3).

4 “(b) PROGRAM AUTHORIZED.—The Secretary may
5 provide a loan or loan guarantee or make a grant to sup-
6 port the establishment or expansion of a retail food store
7 that will offer affordable, nutritious foods in an under-
8 served community.

9 “(c) ELIGIBILITY.—For an entity to be eligible for
10 a loan, loan guarantee, or grant under this section, the
11 entity must—

12 “(1) demonstrate to the satisfaction of the Sec-
13 retary the economic viability of the project to estab-
14 lish or expand a retail food store in an underserved
15 community; and

16 “(2) provide a guarantee satisfactory to the
17 Secretary that the retail food store established or ex-
18 panded in an underserved community using the pro-
19 ceeds of the loan or the grant funds will make af-
20 fordable, nutritious foods readily available among
21 the food products offered by the retail food store.

22 “(d) LOAN TERMS.—

23 “(1) DURATION.—A loan made by the Sec-
24 retary under this section shall be for a term not to
25 exceed 15 years.

1 “(2) INTEREST.—The loan shall bear interest
2 at a reduced annual interest rate to be set by the
3 Secretary.

4 “(3) DEFERRAL OF INTEREST AND PRIN-
5 CIPAL.—The Secretary may permit the deferral of
6 payments on principal and interest due on the loan
7 for a two-year period beginning on the date the loan
8 is made.

9 “(e) LIMITATION ON AMOUNT OF LOAN GUARAN-
10 TEES.—The portion of a loan that the Secretary may
11 guarantee under this section shall be not more than 85
12 percent of the principal amount of the loan.

13 “(f) GRANT COST SHARING REQUIREMENTS.—

14 “(1) MATCHING REQUIREMENT.—As a condi-
15 tion of any grant made under this section, the Sec-
16 retary shall require the grant recipient to match not
17 less than 50 percent of the total amount of the
18 grant.

19 “(2) FORM OF NON-FEDERAL SHARE.—The
20 matching requirement may be satisfied through the
21 provision of—

22 “(A) cash (including through fees, grants
23 (including community development block
24 grants), and gifts); or

1 “(B) in-kind contributions acceptable to
2 the Secretary.

3 “(g) COORDINATION WITH OTHER FEDERAL PRO-
4 GRAMS IN UNDERSERVED COMMUNITIES.—The Secretary
5 of Agriculture shall coordinate with the Secretary of
6 Health and Human Services and the Secretary of Treas-
7 ury to identify and target existing tax incentives, loans,
8 grants, and other financial and technical assistance avail-
9 able to each Secretary that can be used to improve access
10 to affordable, nutritious foods in underserved commu-
11 nities.

12 “(h) AUTHORIZATION OF APPROPRIATIONS.—For
13 each of fiscal years 2011 through 2015, there are author-
14 ized to be appropriated \$10,000,000 to the Secretary to
15 provide loans and loan guarantees and to make grants
16 under this section.”.

17 **SEC. 404. VIRTUAL FARMERS MARKET PROGRAM.**

18 (a) ESTABLISHMENT OF GRANT PROGRAM.—From
19 the amounts appropriated to carry out this section, the
20 Secretary of Agriculture, in collaboration with the Sec-
21 retary of Education, shall award grants, on a competitive
22 basis, to eligible entities to enable such entities to carry
23 out a program that provides access to virtual farmers mar-
24 kets and distribution centers to individuals residing in,

1 and organizations located in, communities that are food
2 deserts.

3 (b) ELIGIBLE ENTITIES.—For purposes of this sec-
4 tion, an “eligible entity” means an entity that predomi-
5 nantly serves communities that are food deserts, includ-
6 ing—

7 (1) a local educational agency or bureau-funded
8 school;

9 (2) a non-profit, community-based organization
10 (including a recreation center, child care facility, or
11 senior center); or

12 (3) an entity that the Secretaries deem to be an
13 eligible entity.

14 (c) USE OF FUNDS.—An eligible entity receiving a
15 grant under this section shall use such funds for the fol-
16 lowing:

17 (1) Purchasing virtual farmers market software
18 (including computer kiosks and swipe card stations),
19 or entering into a contract with an eligible organiza-
20 tion to develop and maintain the technology nec-
21 essary, to carry out a virtual farmers market pro-
22 gram to enable individuals residing in, and organiza-
23 tions located in, communities that are food deserts
24 to order and purchase fruits and vegetables and
25 other healthy food items using such technology.

1 (2) Training staff to—

2 (A) assist individuals residing in, and orga-
3 nizations located in, communities that are food
4 deserts to order and purchase food products
5 under the program described in paragraph (1);
6 and

7 (B) purchase and order food products
8 under the program for the eligible entity.

9 (3) Packaging food products purchased under
10 the program in manner that makes transportation of
11 the products possible by foot.

12 (4) Paying staff to manage the program, and
13 package and assist in the distribution and delivery
14 of food products purchased under the program.

15 (5) Raising public awareness about the pro-
16 gram.

17 (6) Developing simple food preparation strate-
18 gies and menus for customers of the program.

19 (7) Coordinating with the Secretary of Agri-
20 culture to develop mechanisms to enable reimburse-
21 ment under the supplemental nutrition assistance
22 program established under the Food and Nutrition
23 Act of 2008 (7 U.S.C. 2011 et seq.) for purchases
24 made under the virtual farmers market program es-
25 tablished by the eligible entity under this section.

1 (d) APPLICATION.—In order to receive a grant under
2 this section, an eligible entity shall submit an applicable
3 to the Secretary at such time, in such manner, and con-
4 taining such information as the Secretary may require.

5 (e) LIMITATIONS ON FOOD PURCHASED.—To the ex-
6 tent practicable, the majority of food under a virtual farm-
7 ers market program carried out by an eligible entity under
8 this section shall be purchased from farmers located with-
9 in a 50 mile radius of the site where the food is ordered
10 and delivered, except in the case where the eligible entity
11 demonstrates to the Secretaries that no such farmers exist
12 or that the farmers are not able to provide a sufficient
13 variety or amount of food for the purposes of the program.

14 (f) REPORT.—Not later than a year after funds are
15 appropriated to carry out this section, the Secretary shall
16 report to Congress on the progress made in carrying out
17 programs funded by grants under this section, including—

18 (1) the number of individuals served by such
19 programs and the barriers and opportunities for ad-
20 ditional such programs; and

21 (2) how such programs have increased access or
22 encouraged permanent farmers markets to be estab-
23 lished near communities that are food deserts.

24 (g) DEFINITIONS.—In this section—

1 (1) BUREAU-FUNDED SCHOOL.—The term “bu-
2 reau-funded school” has the meaning given such
3 term in section 1146 of the Education Amendments
4 of 1978 (25 U.S.C. 2026).

5 (2) ELIGIBLE ORGANIZATION.—The term “eligi-
6 ble organization” means an organization with exper-
7 tise in developing and maintaining a virtual farmers
8 market.

9 (3) LOCAL EDUCATIONAL AGENCY.—The term
10 “local educational agency” has the meaning given
11 such term in section 9101 of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C. 7801).

13 (4) FOOD DESERT.—The term “food desert”
14 has the meaning given such term in section 7527(a)
15 of the Food, Conservation, and Energy Act of 2008
16 (Public law 110–234).

17 (5) SECRETARY.—The term “Secretary” means
18 the Secretary of Agriculture.

19 (6) SECRETARIES.—The term “Secretaries”
20 means the Secretary of Agriculture and the Sec-
21 retary of Education, acting jointly.

22 (7) SWIPE CARD STATIONS.—The term “swipe
23 card stations” may include support for the use of
24 electronic benefit transfer cards.

1 to individuals who reside in the community where
2 the garden is located; and

3 (2) a demonstration that the eligible entity is
4 committed to providing non-Federal financial or in-
5 kind support (such as providing a water supply) for
6 the urban community garden for which the entity re-
7 ceives funds under this section.

8 (d) DEFINITIONS.—In this section:

9 (1) LOW-INCOME COMMUNITY.—The term “low-
10 income communities” includes—

11 (A) communities with a high percentage of
12 children eligible for free and reduced priced
13 lunches under the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et seq.);
15 and

16 (B) any other communities determined by
17 the Secretaries to be low-income for purposes of
18 this section.

19 (2) UNIT OF GENERAL LOCAL GOVERNMENT.—
20 The term “unit of general local government” has the
21 meaning given such term in section 102 of the
22 Housing and Community Development Act of 1974
23 (42 U.S.C. 5302).

1 **TITLE V—REALIGNING TRANS-**
2 **PORTATION POLICY TO HELP**
3 **PROMOTE HEALTHY LIFE-**
4 **STYLES**

5 **SEC. 501. GRANTS TO PROMOTE PLANNING DECISIONS AND**
6 **POLICIES THAT INCREASE ACCESS TO PHYS-**
7 **ICAL ACTIVITY.**

8 (a) GRANTS.—The Secretary of Transportation may
9 make grants to eligible entities for the purpose of assisting
10 local planning decisions and policies that increase the ac-
11 cess of individuals to physical activity.

12 (b) ACTIVITIES UNDER GRANTS.—The activities of
13 eligible entities that may be funded by a grant under sub-
14 section (a) include the following:

15 (1) The coordination of activities carried out by
16 local government officials (including planning, public
17 works, housing, and transportation officials), school
18 boards, and others to increase the access of individ-
19 uals to physical activity through—

20 (A) improved integration of land use, hous-
21 ing, transportation, and infrastructure plan-
22 ning; and

23 (B) consideration of impacts on physical
24 activity levels during such planning.

1 (2) The formulation of strategies to establish
2 and implement—

3 (A) plans and policies that increase infra-
4 structure for pedestrians and bicyclists to con-
5 nect such individuals to schools, recreation op-
6 portunities, jobs, and retail opportunities, in-
7 cluding policies requiring developers to build
8 sidewalks and bicycle lanes; or

9 (B) plans and policies that place schools
10 within neighborhoods and provide bike paths,
11 sidewalks, trails, and other infrastructure to en-
12 courage and make possible the walking and bi-
13 cycling to school of students and staff.

14 (3) The carrying out of health impact assess-
15 ments with respect to proposals for the placement or
16 construction of buildings, sidewalks, roads, trails,
17 schools, or other aspects of the built environment.

18 (c) REPORTING.—

19 (1) IN GENERAL.—An eligible entity that re-
20 ceives a grant under subsection (a) shall submit to
21 Congress and the Secretary of Transportation a re-
22 port on the extent to which such grant has—

23 (A) led to planning decisions and policies
24 that increase the access of individuals to phys-
25 ical activity; and

1 (B) led to an improvement in the health of
2 individuals.

3 (2) TIMING.—A report under paragraph (1)
4 shall be made not less than 3 years and not more
5 than 5 years after the date on which such grant is
6 received.

7 (d) DEFINITIONS.—In this section, the following defi-
8 nitions apply:

9 (1) BUILT ENVIRONMENT.—The term “built
10 environment” means any buildings or spaces that
11 are created or modified by individuals, including
12 homes, schools, workplaces, parks and other recre-
13 ation areas, greenways, business areas, and trans-
14 portation areas.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means a local government agency or group of
17 such agencies with jurisdiction over planning or land
18 use decisions.

19 (3) HEALTH IMPACT ASSESSMENT.—The term
20 “health impact assessment” means, in relation to a
21 proposal, an assessment of the impact that the pro-
22 posal will have on the health of individuals if imple-
23 mented.

1 **SEC. 502. JOINT USE AGREEMENTS.**

2 (a) GRANTS.—The Secretary may make a grant to
3 any eligible school or other public entity for the purposes
4 of meeting either or both of the following:

5 (1) Costs incurred by the school or other entity
6 in negotiating or entering into a joint use agree-
7 ment.

8 (2) Costs payable under a joint use agreement
9 during the first year in which the joint use agree-
10 ment is in force.

11 (b) PRIORITY.—In making grants under subsection
12 (a), the Secretary shall give priority to schools or other
13 public entities in areas—

14 (1) where obesity rates are above the national
15 average;

16 (2) where at least 50 percent of the residents
17 are below the poverty line; or

18 (3) that lack safe, accessible, and affordable fit-
19 ness and recreational facilities.

20 (c) DEFINITIONS.—In this section:

21 (1) ELIGIBLE SCHOOL.—The term “eligible
22 school” means any elementary school or secondary
23 school within the meaning of section 9101 of the El-
24 elementary and Secondary Education Act 1965 (20
25 U.S.C. 7801).

1 (2) JOINT USE AGREEMENT.—The term “joint
2 use agreement” means an agreement between an eli-
3 gible school and another public entity relating to the
4 use of a school’s facilities or equipment by people
5 other than the school’s students or staff.

6 (3) POVERTY LINE.—The term “poverty line”
7 has the meaning given such term in section 673(2)
8 of the Community Services Block Grant Act (42
9 U.S.C. 9902(2)).

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Health and Human Services acting
12 through the Director of the Centers for Disease
13 Control and Prevention.

14 **SEC. 503. EXPANSION OF SAFE ROUTES TO SCHOOL PRO-**
15 **GRAM.**

16 (a) HIGH SCHOOLS STUDENTS INCLUDED.—Section
17 1404(a) of SAFETEA–LU (23 U.S.C. 402 note; 119
18 Stat. 1228) is amended by striking “in primary and mid-
19 dle schools” and inserting the following: “and adolescents
20 in primary, middle, and high schools”.

21 (b) PURPOSES.—

22 (1) IN GENERAL.—Sections 1404(b)(1) of
23 SAFETEA–LU (119 Stat. 1228) is amended by in-
24 serting “and adolescents” after “children”.

1 (2) SAFETY.—Section 1404(b)(2) of
2 SAFETEA–LU (119 Stat. 1228) is amended by in-
3 serting “and throughout adolescence” after “early
4 age”

5 (c) APPORTIONMENT.—Section 1404(c)(1) of
6 SAFETEA–LU (119 Stat. 1228) is amended in subpara-
7 graphs (A) and (B) by striking “and middle schools” and
8 inserting “, middle, and high schools”.

9 (d) ELIGIBLE PROJECTS AND ACTIVITIES.—Section
10 1404(f) of SAFETEA–LU (119 Stat. 1229) is amended
11 by adding at the end the following:

12 “(4) PREFERENCE.—From the amounts appor-
13 tioned to a State under this section, the State shall
14 give priority to projects for primary and middle
15 schools and to projects that propose to serve a com-
16 bination of at least one primary, middle, and high
17 school within the same school district.”.

18 (e) DEFINITIONS.—Section 1404(k)(2) of
19 SAFETEA–LU (119 Stat. 1230) is amended—

20 (1) in the paragraph heading by striking “AND
21 MIDDLE” and inserting “, MIDDLE, AND HIGH
22 SCHOOLS”;

23 (2) by striking “and middle” and inserting “,
24 middle, and high schools”; and

1 (3) by striking “eighth” and inserting
2 “twelfth”.

3 **SEC. 504. ACTIVE TRANSPORTATION INFRASTRUCTURE IN-**
4 **VESTMENT PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Transportation
6 shall carry out an active transportation investment pro-
7 gram in accordance with the requirements of this section.

8 (b) PURPOSE.—The purpose of the program shall be
9 to encourage a mode shift to active transportation within
10 selected communities by providing safe and convenient op-
11 portunities to bicycle and walk for routine travel.

12 (c) SELECTION OF COMMUNITIES.—

13 (1) APPLICATIONS.—A community seeking to
14 participate in the program shall submit to the Sec-
15 retary an application that is in such form and con-
16 tains such information as the Secretary may require.

17 (2) INITIAL AND ADDITIONAL SELECTIONS.—

18 (A) INITIAL SELECTIONS.—The Secretary
19 shall select initial communities to participate in
20 the program. Such communities shall partici-
21 pate in the program in each of fiscal years
22 2011 through 2015.

23 (B) ADDITIONAL SELECTIONS.—Following
24 the initial selections under subparagraph (A),
25 the Secretary shall select additional commu-

1 communities to participate in the program. Such com-
2 munities shall participate in the program in
3 each of fiscal years 2013 through 2015.

4 (3) CRITERIA.—

5 (A) IN GENERAL.—In selecting commu-
6 nities to participate in the program, the Sec-
7 retary shall consider, at a minimum, the extent
8 to which a community—

9 (i) provides a plan for development of
10 walking and bicycling infrastructure that is
11 likely to contribute to a significant trans-
12 portation mode shift to walking and bicy-
13 cling;

14 (ii) demonstrates broad community
15 support that will facilitate successful and
16 expeditious implementation;

17 (iii) demonstrates a cohesive plan in
18 which noninfrastructure elements, where
19 proposed, reinforce achievement of the pur-
20 pose of the program;

21 (iv) provides evidence of regulatory or
22 financial incentives or community design
23 policies that facilitate significant increases
24 in bicycling or walking; and

1 (v) commits State, local, or eligible
2 Federal matching funds, in addition to
3 Federal funds made available under this
4 section, to projects eligible for assistance
5 under this section.

6 (B) STRATEGIC PRIORITIES THAT FACILI-
7 TATE SUCCESS.—For purposes of subparagraph
8 (A)(i), strategic priorities that facilitate success
9 in increasing walking and bicycling include ef-
10 fective plans—

11 (i) to create a network of active trans-
12 portation facilities connecting neighbor-
13 hoods with destinations such as work-
14 places, schools, residences, businesses,
15 recreation areas, and other community ac-
16 tivity centers;

17 (ii) to integrate active transportation
18 facilities with transit services, where avail-
19 able, to improve access to public transpor-
20 tation; and

21 (iii) to deliver safe, convenient, cost-
22 effective mobility via walking and bicycling.

23 (C) INDICATORS OF COMMUNITY SUP-
24 PORT.—For purposes of subparagraph (A)(ii),
25 indicators of community support include—

1 (i) the use of public input in the de-
2 velopment of transportation plans; and

3 (ii) the commitment of community
4 leaders to the success and timely imple-
5 mentation of projects eligible for assistance
6 under this section.

7 (d) GRANTS.—

8 (1) IN GENERAL.—The Secretary shall make
9 grants to each community selected to participate in
10 the program.

11 (2) RECIPIENTS.—A recipient of a grant rep-
12 resenting a community under the program shall be
13 a local or regional governmental organization, multi-
14 county special district, or Indian tribe that the Sec-
15 retary determines is suitably equipped and organized
16 to carry out the objectives and requirements of this
17 section. Such organizations include metropolitan
18 planning organizations and other regional planning
19 organizations.

20 (3) SUBRECIPIENTS.—A recipient of a grant
21 under the program may suballocate funds from the
22 grant to a nonprofit organization to carry out the
23 purposes of the program.

24 (4) INCLUSION OF CERTAIN COMMUNITIES.—To
25 fulfill the Nation's need to achieve and document

1 mode shift to bicycling and walking over time, the
2 4 communities that received pilot funding under sec-
3 tion 1807 of SAFETEA-LU (119 Stat. 1460) may
4 be among the communities selected by the Secretary
5 under subsection (c).

6 (5) GRANTS AMOUNTS.—

7 (A) IN GENERAL.—The Secretary may
8 make a grant as low as \$5,000,000 and as high
9 as \$15,000,000 per fiscal year for a community
10 participating in the program. The Secretary
11 shall ensure that grant awards under the pro-
12 gram are sufficiently high to enable a mode
13 shift to active transportation.

14 (B) JUSTIFICATION FOR LARGER
15 GRANTS.—Subject to the \$15,000,000 per fiscal
16 year limit set forth in subparagraph (A), the
17 Secretary may justify a grant in a higher
18 amount for a community under the program
19 based on the population served, greater oppor-
20 tunities to shift trips to bicycling and walking,
21 or use of innovative design features.

22 (e) ELIGIBLE PROJECTS.—Grants made to commu-
23 nities under this section shall be used for one or more of
24 the following purposes:

1 (1) To carry out projects to construct networks
2 of active transportation infrastructure facilities, in-
3 cluding sidewalks, bikeways, and pedestrian and bi-
4 cycle trails, that connect people with public transpor-
5 tation, workplaces, schools, residences, businesses,
6 recreation areas, and other community activity cen-
7 ters.

8 (2) To carry out projects to provide for bicycle
9 boxes, cycle tracks, bicycle boulevards, dual traffic
10 signals, and bicycle sharing stations.

11 (3) To carry out projects to restore and up-
12 grade current active transportation infrastructure
13 facilities.

14 (4) To carry out projects to support educational
15 activities, safety-oriented activities, and technical as-
16 sistance to further the purpose of the program.

17 (f) PROGRAM MEASURES.—In carrying out the pro-
18 gram, the Secretary shall develop statistical information
19 on changes in motor vehicle, active transportation, and
20 public transportation usage in communities participating
21 in the program and assess how the changes impact conges-
22 tion and energy usage, impact the frequency of bicycling
23 and walking, and impact health, safety, and the environ-
24 ment. In addition, the Secretary shall develop interim
25 measures of progress, which may include indicators of

1 public engagement, educational outcomes, and project ad-
2 vancement into planning and development.

3 (g) DEADLINES.—

4 (1) REQUEST FOR APPLICATIONS.—Not later
5 than 60 days after the date of enactment of this
6 Act, the Secretary shall publish in the Federal Reg-
7 ister a request for applications pursuant to sub-
8 section (c)(1).

9 (2) SELECTION OF INITIAL COMMUNITIES.—
10 Not later than 180 days after such date of enact-
11 ment, the Secretary shall select initial communities
12 to participate in the program under subsection
13 (c)(2)(A).

14 (3) SELECTION OF ADDITIONAL COMMU-
15 NITIES.—Not later than September 30, 2012, the
16 Secretary shall select additional communities to par-
17 ticipate in the program under subsection (c)(2)(B).

18 (4) GRANTS.—The Secretary shall make grants
19 to communities selected to participate in the pro-
20 gram under subsection (c)—

21 (A) for fiscal year 2011, not later than the
22 later of—

23 (i) the 60th day after the date of the
24 selection of communities under subsection
25 (c)(2)(A); and

1 (ii) the 30th day of the fiscal year;

2 and

3 (B) for each of fiscal years 2012 through

4 2015, not later than 30th day of the fiscal year.

5 (h) REPORTS.—

6 (1) IN GENERAL.—The Secretary shall submit

7 to Congress—

8 (A) an interim report on progress made

9 under the program not later than September

10 30, 2014; and

11 (B) a final report on progress made under

12 the program not later than September 30,

13 2016.

14 (2) CONTENTS.—Each report submitted under

15 paragraph (1) shall include the Secretary's findings

16 concerning the best practices of communities partici-

17 pating in the program and the impediments experi-

18 enced by such communities relating to program de-

19 velopment and achieving a mode shift to active

20 transportation.

21 (i) FUNDING.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated out of the

24 Highway Trust Fund (other than the Mass Transit

25 Account) to carry out this section—

- 1 (A) \$300,000,000 for fiscal year 2011;
2 (B) \$300,000,000 for fiscal year 2012;
3 (C) \$466,666,666 for fiscal year 2013;
4 (D) \$466,666,666 for fiscal year 2014;
5 and
6 (E) \$466,666,668 for fiscal year 2015.

7 (2) CONTRACT AUTHORITY.—Funds authorized
8 to be appropriated by this section shall be available
9 for obligation and administered in the same manner
10 as if the funds were apportioned under chapter 1 of
11 title 23, United States Code, except that the Federal
12 share of the cost of a project carried out using the
13 funds shall be 100 percent, and the funds shall re-
14 main available until expended and shall not be trans-
15 ferable.

16 (3) ADMINISTRATIVE COSTS.—

17 (A) SET ASIDE.—Each fiscal year, the Sec-
18 retary shall set aside not more than 1.5 percent
19 of the funds made available to carry out this
20 section to cover the costs of administrative, re-
21 search, technical assistance, communications,
22 and training activities under the program.

23 (B) CONTRACTS AND OTHER AGREE-
24 MENTS.—The Secretary may enter into con-
25 tracts with for-profit organizations, or con-

1 tracts, partnerships, or cooperative agreements
2 with other government agencies, institutions of
3 higher learning, or nonprofit organizations, to
4 perform activities with amounts set aside under
5 subparagraph (A). The Federal share of the
6 cost of such activities may be up to 100 per-
7 cent.

8 (C) LIMITATION ON STATUTORY CON-
9 STRUCTION.—Nothing in this paragraph may
10 be construed to prohibit a community from re-
11 ceiving research or other funds under title 23 or
12 49, United States Code.

13 (j) TREATMENT OF PROJECTS.—

14 (1) NONINFRASTRUCTURE PROJECTS.—Non-
15 infrastructure projects and infrastructure projects
16 that do not involve or lead directly to construction
17 assisted under this subsection shall not be treated as
18 projects on a Federal-aid system under chapter 1 of
19 title 23, United States Code.

20 (2) INFRASTRUCTURE PROJECTS.—Not later
21 than one year after the date of enactment of this
22 Act, the Secretary shall develop regulations or guid-
23 ance (or both) for Federal-aid projects under this
24 section that encourages the use of the programmatic
25 categorical exclusion, expedited procurement tech-

1 niques, and other best practices to facilitate produc-
2 tive and timely expenditure for projects that are
3 small, low impact, and constructed within an exist-
4 ing built environment.

5 (3) STATE PROCESSES.—The Secretary shall
6 work with State departments of transportation to
7 ensure that any guidance or regulation developed
8 under paragraph (2) is being implemented by States
9 and the Federal Highway Administration consist-
10 ently to avoid unnecessary delays in implementing
11 projects and to ensure the effective use of Federal
12 dollars.

13 (k) ASSISTANCE TO INDIAN TRIBES.—Notwith-
14 standing any other provision of law, the Secretary may
15 enter into grants agreements, self-determination con-
16 tracts, and self-governance compacts under the authority
17 of the Indian Self-Determination and Education Assist-
18 ance Act (25 U.S.C. 450 et seq.) with eligible Indian tribes
19 to carry out the purposes of this Act, and such grant
20 agreements, self-determination contracts, and self-govern-
21 ance compacts shall be administered in accordance with
22 that Act.

23 (l) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) ACTIVE TRANSPORTATION.—The term “ac-
2 tive transportation” means mobility options powered
3 solely by human energy, such as bicycling and walk-
4 ing.

5 (2) INDIAN TRIBE.—The term “Indian tribe”
6 has the meaning given that term in section 4(e) of
7 Indian Self-Determination and Education Assistance
8 Act (25 U.S.C. 450b(e)).

9 (3) PROGRAM.—The term “program” means
10 the active transportation investment program estab-
11 lished under this section.

12 **TITLE VI—RESEARCH AND** 13 **ASSESSMENT TOOLS**

14 **SEC. 601. NATIONAL CENTER FOR HEALTH STATISTICS.**

15 Section 306 of the Public Health Service Act (42
16 U.S.C. 242k) is amended—

17 (1) in subsection (m)(4)(B), by striking “sub-
18 section (n)” each place it appears and inserting
19 “subsection (o)”;

20 (2) by redesignating subsection (n) as sub-
21 section (o); and

22 (3) by inserting after subsection (m) the fol-
23 lowing:

24 “(n)(1) The Secretary, acting through the Center,
25 may provide for the—

1 “(A) collection of data for determining the fit-
2 ness levels and energy expenditure of children and
3 youth; and

4 “(B) analysis of data collected as part of the
5 National Health and Nutrition Examination Survey
6 and other data sources.

7 “(2) In carrying out paragraph (1), the Secretary,
8 acting through the Center, may make grants to States,
9 public entities, and nonprofit entities.

10 “(3) The Secretary, acting through the Center, may
11 provide technical assistance, standards, and methodologies
12 to grantees supported by this subsection in order to maxi-
13 mize the data quality and comparability with other stud-
14 ies.”.

15 **SEC. 602. REPORT ON OBESITY RESEARCH.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of Health and
18 Human Services shall submit to the Committee on Health,
19 Education, Labor, and Pensions of the Senate and the
20 Committee on Energy and Commerce of the House of
21 Representatives a report on research conducted on causes
22 and health implications (including mental health implica-
23 tions) of obesity and being overweight.

24 (b) CONTENT.—The report described in subsection
25 (a) shall contain—

1 (1) descriptions on the status of relevant, cur-
2 rent, ongoing research being conducted in the De-
3 partment of Health and Human Services including
4 research at the National Institutes of Health, the
5 Centers for Disease Control and Prevention, the
6 Agency for Healthcare Research and Quality, the
7 Health Resources and Services Administration, and
8 other offices and agencies;

9 (2) information about what these studies have
10 shown regarding the causes, prevention, and treat-
11 ment of, obesity and being overweight; and

12 (3) recommendations on further research that
13 is needed, including research among diverse popu-
14 lations, the plan of the Department of Health and
15 Human Services for conducting such research, and
16 how current knowledge can be disseminated.

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