

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

# H. R. 6258

To address childhood obesity, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Ms. FUDGE (for herself, Mr. CAO, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. RUSH, Mr. PAYNE, Mr. HARE, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. HONDA, Ms. ROYBAL-ALLARD, and Ms. CHU) 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, Natural Resources, Agriculture, the Judiciary, and Financial Services, 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

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## A BILL

To address childhood obesity, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fit for LIFE Act of  
5 2010” or the “Fit for Local Investments in the Future  
6 of Every Child Act of 2010”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents of this Act is as follows:

- Sec. 1. Short title.  
 Sec. 2. Table of contents.

TITLE I—IMPROVING THE NUTRITIONAL QUALITY OF AND  
 ACCESS TO FOODS IN UNDERSERVED AMERICAN COMMUNITIES

Subtitle A—Nutritional Quality of Foods in Underserved American  
 Communities

- Sec. 101. Food swamps: green and healthy corner store initiative.  
 Sec. 102. Virtual Farmers Market Program: Making It Easier To Access Food  
 from the Farm in the City.  
 Sec. 103. Community Gardening Grant Program: Fresh Foods Grown in Our  
 Communities by Residents.  
 Sec. 104. Study to certify the adequacy of cafeteria equipment for the prepara-  
 tion and storage of foods within the dietary guidelines.

Subtitle B—Access to Nutritious and Quality Foods in Underserved American  
 Communities

- Sec. 111. Food deserts: Addressing the Lack of Supermarkets in Underserved  
 Communities.  
 Sec. 112. Expansion of the Child Care and Adult Food Care Program to In-  
 crease Availability of After School Snacks.  
 Sec. 113. Expansion of the Fresh Fruit and Vegetable Program.  
 Sec. 114. Expanding Access to the Summer Food Service Program for Chil-  
 dren.  
 Sec. 115. Grants for expansion of school breakfast programs to improve the  
 health and education of children.  
 Sec. 116. Study and report on physical activity and nutritional quality of meals  
 and snacks served, in juvenile justice facilities.  
 Sec. 117. Local food insecurity assessments: assessing the unique nutritional  
 needs of local communities.

Subtitle C—Ensuring a Healthy Start for Children in Underserved American  
 Communities

- Sec. 121. Improving Healthy Eating and Physical Activity Among our Young-  
 est Children.  
 Sec. 122. Health and fitness school programs: training America’s youth to live  
 healthy lifestyles.

TITLE II—ADVANCING PREVENTATIVE MEASURES AND TREAT-  
 MENT OF OBESITY IN ADULTS AND CHILDREN IN UNDER-  
 SERVED COMMUNITIES

- Sec. 201. Community health and wellness navigators pilot program: connecting  
 America’s health professional with our schools.  
 Sec. 202. Requirement to expedite national Medicare coverage determinations  
 for evidence-based preventive services.  
 Sec. 203. Expansion of obesity treatment services under Medicare.  
 Sec. 204. Coverage of evidence-based preventive services under Medicaid and  
 SCHIP.  
 Sec. 205. Coverage of medical nutrition therapy under Medicaid and SCHIP.  
 Sec. 206. Clarification of EPSDT inclusion of prevention, screening, and treat-  
 ment services for obesity and overweight; SCHIP coverage.  
 Sec. 207. National commission on child obesity.

Sec. 208. GAO report.

**TITLE III—ENCOURAGING PHYSICAL ACTIVITY IN UNDERSERVED  
AMERICAN COMMUNITIES**

Sec. 301. Renovation of foreclosed and abandoned properties to create spaces that encourage physical activity in American neighborhoods.

Sec. 302. National youth sports program revitalization.

Sec. 303. Expansion of the Zuni Youth Enrichment Project Summer Camp.

Sec. 304. Making routes to schools in underserved communities safe and accessible with public participation through the Community Oriented Policing Services program.

Sec. 305. Land and Water Conservation Fund Program Grants in Low-Income Communities and Expand Tribal Participation.

Sec. 306. Changing Hearts, Attitudes, and Minds by Participating in Sports (CHAMPS) Program.

Sec. 307. Coordinated School Health Initiatives.

Sec. 308. Rewarding elementary and secondary schools for outstanding student performance in physical fitness programs.

**1 TITLE I—IMPROVING THE NU-  
2 TRITIONAL QUALITY OF AND  
3 ACCESS TO FOODS IN UNDER-  
4 SERVED AMERICAN COMMU-  
5 NITIES**

**6 Subtitle A—Nutritional Quality of  
7 Foods in Underserved American  
8 Communities**

**9 SEC. 101. FOOD SWAMPS: GREEN AND HEALTHY CORNER  
10 STORE INITIATIVE.**

11 (a) IN GENERAL.—The Secretary of Agriculture shall  
12 carry out a program, to be known as the Green and  
13 Healthy Corner Store Initiative, of awarding grants to  
14 units of general local government, nonprofit organizations,  
15 and tribal governments to assist qualified convenience  
16 stores to expand and sustain their offering of fruits and  
17 vegetables.

1 (b) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to applicants pro-  
3 posing to provide assistance to qualified convenience stores  
4 in low-income communities.

5 (c) ASSISTANCE.—Assistance provided to a qualified  
6 convenience store pursuant to this section may include the  
7 following:

8 (1) Seed money for the purchase of fruits and  
9 vegetables and for equipment needed to sell fruits  
10 and vegetables, such as but not limited to refrig-  
11 erators.

12 (2) Seed money for converting to energy-saving  
13 equipment, such as but not limited to energy-effi-  
14 cient lighting and refrigerators and a ductless  
15 HVAC system, to minimize the additional energy  
16 costs associated with the refrigeration needed to  
17 stock fruits and vegetables.

18 (3) Educational tools and information on the  
19 importance of fresh fruits and vegetables.

20 (4) Simple recipes to assist customers in  
21 healthy food preparation.

22 (d) REQUIREMENTS FOR CONVENIENCE STORES.—  
23 As a condition on receipt of funds under this section, a  
24 grantee shall agree to ensure that any qualified conven-  
25 ience store receiving assistance through the grant will—

1           (1) maintain its expanded offering of fruits and  
2           vegetables for a minimum time to be determined by  
3           the Secretary;

4           (2) limit the number of its advertisements for  
5           alcoholic beverages and cigarettes and offer at least  
6           an equal amount of advertising for fruits and vege-  
7           tables;

8           (3) place advertisements for fruits and vegeta-  
9           bles prominently in the front of the store;

10          (4) advertise that the store is participating in  
11          the Green and Healthy Corner Store Initiative; and

12          (5) work to partner with rural and urban farm-  
13          ers markets to obtain fruits and vegetables for sale.

14          (e) COOPERATION AMONG STORES TO DECREASE  
15          PRICES.—The Secretary shall encourage grant recipients  
16          under this section to encourage qualified convenience  
17          stores receiving assistance through the grant to combine  
18          efforts with other convenience stores when ordering fruits  
19          and vegetables from distributors in an effort to decrease  
20          the price of such goods.

21          (f) DEFINITIONS.—In this section:

22                 (1) The term “Bureau-funded school” has the  
23                 meaning given to such term in section 1141 of the  
24                 Education Amendments of 1978 (25 U.S.C. 2021).

1           (2) The terms “elementary school”, “local edu-  
2           cational agency”, and “secondary school” have the  
3           meanings given to such terms in section 9101 of the  
4           Elementary and Secondary Education Act of 1965  
5           (20 U.S.C. 7801).

6           (3) The term “low-income communities” in-  
7           cludes—

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

13                   (B) any other communities determined by  
14                  the Secretary to be low-income for purposes of  
15                  this section.

16           (4) The term “Secretary” means the Secretary  
17           of Agriculture.

18           (5) The term “qualified convenience store”  
19           means a convenience store located within a quarter  
20           mile of an elementary school or a secondary school  
21           that is a public school or a Bureau-funded school.

1 **SEC. 102. VIRTUAL FARMERS MARKET PROGRAM: MAKING**  
2 **IT EASIER TO ACCESS FOOD FROM THE FARM**  
3 **IN THE CITY.**

4 (a) ESTABLISHMENT OF GRANT PROGRAM.—From  
5 the amounts appropriated to carry out this section, the  
6 Secretary of Agriculture shall award grants, on a competi-  
7 tive basis, to eligible entities to enable such entities to  
8 carry out a program that provides access to farmers mar-  
9 kets to communities that are food deserts.

10 (b) USE OF FUNDS.—An eligible entity receiving a  
11 grant under this section shall use such funds for the fol-  
12 lowing:

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

22 (2) Training staff to—

23 (A) assist individuals and organizations in  
24 communities that are food deserts to order and  
25 purchase food products under the program de-  
26 scribed in paragraph (1); and

1 (B) purchase and order food products  
2 under the program for the eligible entity.

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

6 (4) Paying staff to manage the program, and  
7 package and assist in the distribution and delivery  
8 of food products purchased under the program.

9 (5) Raising public awareness about the pro-  
10 gram.

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

13 (7) Coordinating with the Secretary of Agri-  
14 culture to develop mechanisms to enable reimburse-  
15 ment under the supplemental nutrition assistance  
16 program established under the Food and Nutrition  
17 Act of 2008 (7 U.S.C. 2011 et seq.) for purchases  
18 made under the program.

19 (8) Purchasing or rehabilitating buses, includ-  
20 ing buses that were formerly used as school buses,  
21 that may be used to transport to the eligible enti-  
22 ty—

23 (A) the foods ordered and purchased under  
24 the program using the technology described in  
25 paragraph (1); or



1           (B) other fruits and vegetables that meet  
2           the requirements of subsection (e) in order to  
3           provide additional opportunities for individuals  
4           and organizations in communities that are food  
5           deserts to purchase locally grown fruits and  
6           vegetables.

7           (c) APPLICATION.—In order to receive a grant under  
8           this section, an eligible entity shall submit an application  
9           to the Secretary at such time, in such manner, and con-  
10          taining such information as the Secretary may require.

11          (d) GRANT AMOUNT.—A grant awarded under this  
12          section may not be greater than \$10,000.

13          (e) LIMITATIONS ON FOOD PURCHASED.—To the ex-  
14          tent practicable, the majority of food purchased under a  
15          virtual farmers market program carried out by an eligible  
16          entity under this section shall be from farmers located  
17          within a 50 mile radius of the site where the food is or-  
18          dered and delivered under the program, except in the case  
19          where the eligible entity demonstrates to the Secretary  
20          that no such farmers exist or that the farmers are not  
21          able to provide a sufficient variety or amount of food for  
22          the purposes of the program.

23          (f) REPORT.—Not later than 1 year after the first  
24          fiscal year in which funds are appropriated to carry out  
25          this section, the Secretary shall report to Congress on the

1 progress made in carrying out programs funded by grants  
2 under this section, including—

3 (1) the number of individuals served by such  
4 programs and the barriers and opportunities for ad-  
5 ditional such programs; and

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

9 (g) DEFINITIONS.—In this section—

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

14 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
15 ty” means an entity that predominantly serves com-  
16 munities that are food deserts, including—

17 (A) a local educational agency or bureau-  
18 funded school;

19 (B) a nonprofit, community-based organi-  
20 zation or entity (including a park and recre-  
21 ation department, recreation center, child care  
22 facility, or senior center);

23 (C) a convenience store; or

24 (D) other entity that the Secretaries deem  
25 to be an eligible entity.

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

5           (4) LOCAL EDUCATIONAL AGENCY.—The term  
6           “local educational agency” has the meaning given  
7           such term in section 9101 of the Elementary and  
8           Secondary Education Act of 1965 (20 U.S.C. 7801).

9           (5) FOOD DESERT.—The term “food desert”  
10          has the meaning given such term in section 7527(a)  
11          of the Food, Conservation, and Energy Act of 2008  
12          (Public Law 110–234).

13          (6) SECRETARY.—The term “Secretary” means  
14          the Secretary of Agriculture.

15          (7) SWIPE CARD STATIONS.—The term “swipe  
16          card stations” shall include support for the use of  
17          electronic benefit transfer cards.

18          (8) VIRTUAL FARMERS MARKET.—The term  
19          “virtual farmers market” means an online grocery  
20          store that enables individuals to purchase foods from  
21          local farms and distributors.

1 **SEC. 103. COMMUNITY GARDENING GRANT PROGRAM:**  
2 **FRESH FOODS GROWN IN OUR COMMUNITIES**  
3 **BY RESIDENTS.**

4 (a) PROGRAM ESTABLISHED.—From the amounts  
5 appropriated to carry out this section, the Secretary of  
6 Agriculture shall award grants to eligible entities to ex-  
7 pand, establish, or maintain urban and Native American  
8 community gardens.

9 (b) APPLICATION.—In order to receive a grant under  
10 this section, an eligible entity shall submit to the Secretary  
11 an application at such time, in such manner, and con-  
12 taining such information as the Secretary may require, in-  
13 cluding—

14 (1) an assurance that priority for hiring for  
15 jobs created by the expansion, establishment, or  
16 maintenance of an urban community garden funded  
17 with a grant received under this section will be given  
18 to individuals who reside in the community where  
19 the garden is located; and

20 (2) a demonstration that the eligible entity is  
21 committed to providing non-Federal financial or in-  
22 kind support (such as, but not limited to, providing  
23 a water supply) for the community garden for which  
24 the entity receives funds under this section.

25 (c) DEFINITIONS.—In this section:

1           (1) ELIGIBLE ENTITY.—The term “eligible enti-  
2           ty” means—

3                   (A) a for profit or nonprofit organization;

4                   or

5                   (B) a unit of general local government, or  
6           tribal government, located on tribal land or in  
7           a low-income community.

8           (2) LOW-INCOME COMMUNITY.—The term “low-  
9           income community” has the meaning given such  
10          term by the Secretary of Agriculture.

11          (3) UNIT OF GENERAL LOCAL GOVERNMENT.—  
12          The term “unit of general local government” means  
13          any city, county, town, township, parish, village, or  
14          other general purpose political subdivision of a  
15          State.

16          (4) STATE.—The term “State” includes, in ad-  
17          dition to the several States of the United States, the  
18          Commonwealth of Puerto Rico, the District of Co-  
19          lumbia, the Virgin Islands, Guam, American Samoa,  
20          and the Commonwealth of the Northern Mariana Is-  
21          lands.

1 **SEC. 104. STUDY TO CERTIFY THE ADEQUACY OF CAFETE-**  
2 **RIA EQUIPMENT FOR THE PREPARATION**  
3 **AND STORAGE OF FOODS WITHIN THE DIE-**  
4 **TARY GUIDELINES.**

5 Not later than 4 years after the date of the enact-  
6 ment of this Act or the Improving Nutrition for America's  
7 Children Act, whichever occurs first, from the amounts ap-  
8 propriated to carry out this section, the Secretary of Agri-  
9 culture shall—

10 (1) conduct a study—

11 (A) on the adequacy of cafeteria equipment  
12 used by schools participating in the school  
13 lunch program established under the Richard  
14 B. Russell National School Lunch Act (42  
15 U.S.C. 1751 et seq.) to store and prepare fruits  
16 and vegetables and other foods that are within  
17 the Dietary Guidelines for Americans published  
18 under section 301 of the National Nutrition  
19 Monitoring and Related Research Act of 1990  
20 (7 U.S.C. 5341); and

21 (B) on the barriers of the schools in ac-  
22 quiring cafeteria equipment that adequately  
23 stores and prepares such foods; and

24 (2) transmit a report to Congress on—

25 (A) the findings of the study; and

1 (B) any recommendations based on the  
2 study, including whether any cafeteria equip-  
3 ments should be updated or exchanged.

4 **Subtitle B—Access to Nutritious**  
5 **and Quality Foods in Under-**  
6 **served American Communities**

7 **SEC. 111. FOOD DESERTS: ADDRESSING THE LACK OF SU-**  
8 **PERMARKETS IN UNDERSERVED COMMU-**  
9 **NITIES.**

10 (a) ESTABLISHMENT OF GRANT PROGRAM.—From  
11 the amounts appropriated to carry out this section, the  
12 Secretary of Agriculture shall award grants to local part-  
13 nerships to establish supermarkets that sell fresh fruits  
14 and produce in low-income communities located in food  
15 deserts.

16 (b) APPLICATION.—In order to receive a grant under  
17 this section, a local partnership shall submit an applica-  
18 tion to the Secretary at such time, in such manner, and  
19 containing such information as the Secretary may require.

20 (c) USES OF FUNDS.—A local partnership shall use  
21 grant funds received under this section to establish a su-  
22 permarket in a low-income community located in a food  
23 desert and assist the supermarket in carrying out the fol-  
24 lowing activities:

1           (1) Selling fresh fruit and produce at a price  
2           comparable to the price of fresh fruits and produce  
3           sold at supermarkets in nearby suburban commu-  
4           nities.

5           (2) Making the supermarket available for  
6           youth-centered, hands-on educational instruction and  
7           information on healthy cooking and nutrition.

8           (3) Providing community outreach services to  
9           the low-income community that encourage health  
10          and wellness.

11         (d) REPORTING.—

12           (1) LOCAL PARTNERSHIPS.—Not later than 2  
13          years after receiving a grant under this section a  
14          local partnership shall submit a report to the Sec-  
15          retary on the success of the supermarket established  
16          using such funds.

17           (2) SECRETARY.—Upon receipt of a report  
18          under paragraph (1), the Secretary shall transmit  
19          such report to Congress.

20         (e) DEFINITIONS.—In this section:

21           (1) FOOD DESERT.—The term “food desert”  
22          has the meaning given such term in section 7527(a)  
23          of the Food, Conservation, and Energy Act of 2008  
24          (Public Law 110–234).



1           (2) LOCAL PARTNERSHIP.—The term “local  
2 partnership” means a partnership between—

3                   (A) a unit of general local government, a  
4 State, or a tribal government; and

5                   (B) a public or private organization.

6           (3) LOW-INCOME COMMUNITY.—The term “low-  
7 income community” includes a low-income commu-  
8 nity (as such term is defined by the Secretary) lo-  
9 cated in an urban area.

10           (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of Agriculture.

12           (5) SUBURBAN COMMUNITY.—The term “sub-  
13 urban community” has the meaning given such term  
14 by the Secretary.

15           (6) STATE.—The term “State” includes, in ad-  
16 dition to the several States of the United States, the  
17 Commonwealth of Puerto Rico, the District of Co-  
18 lumbia, the Virgin Islands, Guam, American Samoa,  
19 and the Commonwealth of the Northern Mariana Is-  
20 lands.

21           (7) SUPERMARKET.—The term “supermarket”  
22 means any establishment under Code 445110 of the  
23 North American Industry Classification System.

24           (8) UNIT OF GENERAL LOCAL GOVERNMENT.—  
25 The term “unit of general local government” means

1 any city, county, town, township, parish, village, or  
2 other general purpose political subdivision of a  
3 State.

4 **SEC. 112. EXPANSION OF THE CHILD CARE AND ADULT**  
5 **FOOD CARE PROGRAM TO INCREASE AVAIL-**  
6 **ABILITY OF AFTER SCHOOL SNACKS.**

7 Section 17(r)(5) of the Richard B. Russell National  
8 School Lunch Act (42 U.S.C. 1766(r)(5)) is amended—

9 (1) by striking “The Secretary” and inserting  
10 the following:

11 “(A) IN GENERAL.—Except as provided in  
12 subparagraph (B), the Secretary”; and

13 (2) by adding at the end the following:

14 “(B) PROGRAM EXPANSION.—Beginning  
15 with the first full school year after the date of  
16 enactment of the Fit for LIFE Act of 2010, the  
17 Secretary shall expand reimbursement under  
18 this subsection for meals served under a pro-  
19 gram to institutions located in any State that  
20 elects to participate under this subsection.”.

21 **SEC. 113. EXPANSION OF THE FRESH FRUIT AND VEGE-**  
22 **TABLE PROGRAM.**

23 Section 19 of the Richard B. Russell National School  
24 Lunch Act (42 U.S.C. 1769a) is amended—

1           (1) in subsection (a), by inserting “, secondary  
2           schools, child care centers, and family child care  
3           homes” after “elementary schools”;

4           (2) in subsection (b), by inserting “, center, or  
5           home” after each place “school” appears;

6           (3) in subsection (d)—

7                 (A) in the heading, by inserting “, CEN-  
8                 TERS, OR HOMES”;

9                 (B) in paragraph (1)—

10                     (i) in the matter preceding subpara-  
11                     graph (A), by inserting “, centers, or  
12                     homes” after “schools”;

13                     (ii) in subparagraph (A), by inserting  
14                     “, center, or home” after “school”;

15                     (iii) in subparagraph (B), by inserting  
16                     “, centers, or homes” after “schools”;

17                     (iv) by amending subparagraph (C) to  
18                     read as follows;

19                     “(C) ensure that each school selected is an  
20                     elementary school or secondary school (as such  
21                     terms are defined in section 9101 of the Ele-  
22                     mentary and Secondary Education Act of 1965  
23                     (20 U.S.C. 7801)), each center selected is a  
24                     child care center (as such term is defined in  
25                     section 39900 of the Public Health Service

1 Act), and each home selected is a family child  
2 care home (as such term is defined in section  
3 39900 of the Public Health Service Act).”; and

4 (v) in subparagraph (D)—

5 (I) in the matter preceding clause  
6 (i), by inserting “, centers, or homes”  
7 after “schools”;

8 (II) in clause (i), by inserting “,  
9 center, or home” after “school”; and

10 (III) in clause (ii), by inserting “,  
11 center, or home” after “as determined  
12 by the school”;

13 (C) in paragraph (2), by inserting “, cen-  
14 ters, or homes” after each place “schools” ap-  
15 pears; and

16 (D) in paragraph (3), by inserting “, cen-  
17 ters, or homes” after each place “schools” ap-  
18 pears; and

19 (4) in subsection (e), by inserting “, center, or  
20 home” after “school”.

21 **SEC. 114. EXPANDING ACCESS TO THE SUMMER FOOD**  
22 **SERVICE PROGRAM FOR CHILDREN.**

23 Section 13(a) of the Richard B. Russell National  
24 School Lunch (42 U.S.C. 1761(a)) is amended—

1 (1) in paragraph (1)(C), by striking “50 per-  
2 cent” and inserting “40 percent”;

3 (2) by repealing paragraph (9);

4 (3) in paragraph (10)—

5 (A) in subparagraph (A)—

6 (i) by striking “The Secretary” and  
7 inserting “From the amounts appropriated  
8 to carry out this paragraph, the Sec-  
9 retary”; and

10 (ii) by striking “not more than 5”;

11 (B) in subparagraph (C), by striking “fis-  
12 cal year 2006” and inserting “fiscal year  
13 2011”;

14 (C) in subparagraph (D)—

15 (i) by striking “January 1, 2008” and  
16 inserting “January 1, 2011”; and

17 (ii) by striking “January 1, 2009”  
18 and inserting “January 1, 2012”; and

19 (D) by striking subparagraph (E); and

20 (4) by adding at the end the following:

21 “(11) START-UP AND EXPANSION GRANTS.—

22 From the amounts appropriated to carry out this  
23 paragraph, the Secretary shall award grants to eligi-  
24 ble service institutions in high-poverty districts, as  
25 defined by the Secretary, to assist such institutions

1 in participating, or expanding the participation of  
2 such institutions, in the program under this section,  
3 for the purpose of serving additional children under  
4 the program.”.

5 **SEC. 115. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**  
6 **PROGRAMS TO IMPROVE THE HEALTH AND**  
7 **EDUCATION OF CHILDREN.**

8 The Child Nutrition Act of 1966 (42 U.S.C. 1771  
9 et seq.) is amended by adding at the end the following:  
10 **“SEC. 23. GRANTS FOR EXPANSION OF SCHOOL BREAKFAST**  
11 **PROGRAMS TO IMPROVE THE HEALTH AND**  
12 **EDUCATION OF CHILDREN.**

13 “(a) DEFINITION OF QUALIFYING SCHOOL.—In this  
14 section, the term ‘qualifying school’ means—

15 “(1) a school providing elementary or secondary  
16 education where at least 65 percent of the enrolled  
17 students are eligible for free or reduced-price school  
18 lunches under the school lunch program established  
19 under the Richard B. Russell National School Lunch  
20 Act (42 U.S.C. 1751 et seq.); or

21 “(2) an after-school program operating on  
22 school grounds.

23 “(b) ESTABLISHMENT.—The Secretary shall estab-  
24 lish a program under which the Secretary shall provide  
25 grants, on a competitive basis, to local educational agen-

1 cies or bureau-funded schools for use in accordance with  
2 this section.

3 “(c) GRANTS TO LOCAL EDUCATIONAL AGENCIES OR  
4 BUREAU-FUNDED SCHOOLS.—The amount of grants pro-  
5 vided by the Secretary to local educational agencies or bu-  
6 reau-funded schools for a fiscal year under this section  
7 shall not exceed the lesser of—

8 “(1) the product obtained by multiplying—

9 “(A) the number of qualifying schools re-  
10 ceiving subgrants or other benefits under sub-  
11 section (d) for the fiscal year; and

12 “(B) the maximum amount of a subgrant  
13 provided to a qualifying school under subsection  
14 (d)(3)(B); or

15 “(2) \$2,000,000.

16 “(d) SUBGRANTS TO QUALIFYING SCHOOLS.—

17 “(1) IN GENERAL.—A local educational agency  
18 or a bureau-funded school receiving a grant under  
19 this section shall use funds made available under the  
20 grant to award subgrants to individual or groups of  
21 qualifying schools to carry out activities in accord-  
22 ance with this section.

23 “(2) STATE AND DISTRICT SUPPORT.—A local  
24 educational agency or a bureau-funded school may  
25 allocate a portion of each subgrant to support State

1 or local educational agency or a bureau-funded  
2 school activities in support of qualified schools for  
3 which it is more efficient or appropriate to support  
4 the activities in a centralized manner.

5 “(3) AMOUNT; TERM.—

6 “(A) IN GENERAL.—Except as otherwise  
7 provided in this paragraph, a subgrant provided  
8 by a local educational agency or a bureau-fund-  
9 ed school to a qualifying school under this sec-  
10 tion shall be in such amount, and shall be pro-  
11 vided for such term, as the local educational  
12 agency or a bureau-funded school determines  
13 appropriate.

14 “(B) MAXIMUM AMOUNT.—The amount of  
15 a subgrant provided by a local educational  
16 agency or a bureau-funded school to a quali-  
17 fying school under this subsection shall not ex-  
18 ceed—

19 “(i) \$50,000 for a single fiscal year;

20 or

21 “(ii) \$100,000 for all fiscal years.

22 “(C) MAXIMUM GRANT TERM.—A local  
23 educational agency or a bureau-funded school  
24 shall not provide subgrants to a qualifying



1 school under this subsection for more than 5  
2 fiscal years.

3 “(e) PREFERENCE.—In providing subgrants under  
4 this section, a local educational agency or a bureau-funded  
5 school shall give priority to qualifying schools—

6 “(1) in which 75 percent or more of the stu-  
7 dents enrolled in such schools are eligible for free or  
8 reduced-price school lunches under the school lunch  
9 program established under the Richard B. Russell  
10 National School Lunch Act (42 U.S.C. 1751 et  
11 seq.); and

12 “(2) that demonstrate—

13 “(A) an intent to use the grants or sub-  
14 grants to establish or support connections be-  
15 tween the qualifying schools and local agricul-  
16 tural producers and food providers;

17 “(B) that the qualifying schools have es-  
18 tablished, or intend to establish, a universal  
19 free breakfast program; or

20 “(C) that the qualifying schools have con-  
21 sidered, or intend to establish, service methods  
22 that make breakfast a part of the school day.

23 “(f) BEST PRACTICES.—Prior to awarding grants  
24 under this section, the Secretary shall make available to  
25 State educational agencies and local educational agencies

1 or bureau-funded schools information regarding the most  
2 effective mechanisms by which to increase school breakfast  
3 participation among eligible children at qualifying schools,  
4 including best practices of schools who have increased  
5 breakfast participation..

6 “(g) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a  
8 grant under this section, a local educational agency  
9 or a bureau-funded school shall submit to the Sec-  
10 retary an application at such time, in such manner,  
11 and containing such information as the Secretary  
12 may require.

13 “(2) ADMINISTRATION.—In carrying out this  
14 section, the Secretary shall—

15 “(A) develop an appropriate application  
16 process; and

17 “(B) advertise the availability of funds  
18 under this section to qualified schools, local  
19 educational agencies or bureau-funded schools,  
20 and State educational agencies.

21 “(h) USE OF FUNDS.—

22 “(1) IN GENERAL.—A qualifying school may  
23 use a grant provided under this section—

24 “(A) to establish, promote, or expand a  
25 school breakfast program of the qualifying

1 school under this section, which shall include a  
2 nutritional education component;

3 “(B) to increase the quantity of local or  
4 fresh food available under the school breakfast  
5 program of the qualifying school under this sec-  
6 tion;

7 “(C) to provide school breakfast to stu-  
8 dents of the qualifying school during the school  
9 day; and

10 “(D) to increase participation in the school  
11 breakfast program, including through a uni-  
12 versal free breakfast program.

13 “(2) REQUIREMENT.—Each activity of a quali-  
14 fying school under this subsection shall be carried  
15 out in accordance with applicable nutritional guide-  
16 lines and regulations issued by the Secretary.

17 “(i) MAINTENANCE OF EFFORT.—Grants made  
18 available under this section shall not diminish or otherwise  
19 affect the expenditure of funds from State and local  
20 sources for the maintenance of the school breakfast pro-  
21 gram.

22 “(j) REPORTS.—

23 “(1) IN GENERAL.—The Secretary, in consulta-  
24 tion with local educational agencies or bureau-fund-  
25 ed schools and qualifying schools that receive grants

1 and subgrants under this section, shall submit to  
2 Congress an annual report describing the impact of  
3 the school breakfast programs of the qualifying  
4 schools on classroom performance and environment.

5 “(2) DATA COLLECTION.—The Secretary shall  
6 provide guidance and minimum standards for data  
7 collection to grant recipients and any collaborating  
8 local institutions of higher education or research en-  
9 tities as necessary to ensure that annual reports  
10 under this section are able to provide an adequate  
11 qualitative and quantitative evaluation of the grant  
12 impacts.

13 “(k) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to carry out this section  
15 such sums as are necessary for each of fiscal years 2011  
16 through 2015.”.

17 **SEC. 116. STUDY AND REPORT ON PHYSICAL ACTIVITY AND**  
18 **NUTRITIONAL QUALITY OF MEALS AND**  
19 **SNACKS SERVED, IN JUVENILE JUSTICE FA-**  
20 **CILITIES.**

21 (a) STUDY.—The Administrator of the Office of Ju-  
22 venile Justice and Delinquency Prevention, in consultation  
23 with the Secretary of Agriculture, shall conduct a study  
24 on—

1           (1) the amount of physical activity by juveniles  
2           in juvenile justice facilities, including the types of  
3           physical activities in which such juveniles partici-  
4           pate, how many hours per day such juveniles partici-  
5           pate in physical activities, and the adequacy of the  
6           amount and type of physical activity of such juve-  
7           niles; and

8           (2) the nutritional quality of meals and snacks  
9           served in juvenile justice facilities.

10          (b) REPORT.—Not later than 2 years after the date  
11 of enactment of this Act, the Administrator of the Office  
12 of Juvenile Justice and Delinquency Prevention, in con-  
13 sultation with the Secretary of Agriculture, shall submit  
14 to Congress a report on the findings of the study con-  
15 ducted under subsection (a), including an evaluation of  
16 whether the amount and type of physical activity by juve-  
17 niles, and the nutritional quality of meals and snacks  
18 served, in juvenile justice facilities are adequate to ensure  
19 the health and wellness of such juveniles.

20 **SEC. 117. LOCAL FOOD INSECURITY ASSESSMENTS: ASSESS-**  
21 **ING THE UNIQUE NUTRITIONAL NEEDS OF**  
22 **LOCAL COMMUNITIES.**

23          (a) IN GENERAL.—The Secretary of Health and  
24 Human Services shall establish a 3-year pilot program to  
25 award grants to local and tribal governments, on a com-

1 petitive basis, to allow such local and tribal governments,  
2 in partnership with the local community organizations  
3 under subsection (e), to—

4 (1) conduct a food security assessment; and

5 (2) make an inventory of the system in order to  
6 identify the strengths and gaps in such system.

7 (b) DATA POINTS FOR ASSESSMENT.—For purposes  
8 of conducting an Assessment and making an inventory  
9 under a grant under subsection (a), with respect to the  
10 community served by a local or tribal government, such  
11 government shall examine the following food security and  
12 food system issues in the community:

13 (1) The prevalence of childhood obesity.

14 (2) The availability of safe routes to school for  
15 children.

16 (3) The quality of food served in school and  
17 child care settings.

18 (4) The availability of supermarkets.

19 (5) The cost and availability of fresh fruits and  
20 vegetables.

21 (6) The concentration of convenience stores,  
22 and other food vendors that sell a disproportionate  
23 amount of foods that are not fresh fruits and vegeta-  
24 bles.

25 (7) The availability of products.

1           (8) The concentration of fast food restaurants.

2           (9) The availability of green space or recreation  
3 areas, and the extent to which such space or areas  
4 encourage physical activity by adults and children.

5           (10) Any other issues determined to be relevant  
6 by the local or tribal government.

7           (11) Any other issues determined to be relevant  
8 by the Secretary of Health and Human Services.

9           (c) NUMBER OF SITES.—The Secretary of Health  
10 and Human Services, in awarding grants under subsection  
11 (a), shall award grants to no more than—

12           (1) 20 local governments; and

13           (2) 5 tribal governments.

14           (d) PRIORITY.—In awarding grants under subsection  
15 (a), the Secretary of Health and Human Services shall  
16 give priority to those local and tribal governments that  
17 serve communities with the highest concentrations of pov-  
18 erty.

19           (e) REQUIREMENT OF PARTNERSHIPS.—In order to  
20 qualify for a grant under subsection (a), a local or tribal  
21 government shall demonstrate, to the satisfaction of the  
22 Secretary of Health and Human Services, that the local  
23 or tribal government has entered into a partnership (for  
24 the purpose of conducting an assessment and making an

1 inventory under subsection (a)) with at least one of the  
2 following local community organizations:

3 (1) A nonprofit community-based organization  
4 or entity.

5 (2) A developer or urban planning institution.

6 (3) An accredited college or university.

7 **Subtitle C—Ensuring a Healthy**  
8 **Start for Children in Under-**  
9 **served American Communities**

10 **SEC. 121. IMPROVING HEALTHY EATING AND PHYSICAL AC-**  
11 **TIVITY AMONG OUR YOUNGEST CHILDREN.**

12 Title III of the Public Health Service Act (42 U.S.C.  
13 241 et seq.) is amended by adding at the end the fol-  
14 lowing:

15 **“PART W—HEALTHY KIDS PROGRAM**

16 **“SEC. 3990O. DEFINITIONS.**

17 “In this part:

18 “(1) CHILD CARE CENTER.—The term ‘child  
19 care center’ means a center licensed or otherwise au-  
20 thorized to provide child care services for fewer than  
21 24 hours per day per child in a non-residential set-  
22 ting, unless care in excess of 24 hours is due to the  
23 nature of the parents’ work.

24 “(2) EARLY LEARNING COUNCIL.—The term  
25 ‘early learning council’ means an early childhood as-



1       sembly that is established to advise governors, State  
2       legislators, or State agency administrators on how  
3       best to meet the needs of young children and their  
4       families specifically through improvement of pro-  
5       grams and services.

6           “(3) FAMILY CHILD CARE HOME.—The term  
7       ‘family child care home’ means a private family  
8       home where home-based child care is provided for a  
9       portion of the day, unless care in excess of 24 hours  
10      is due to the nature of the parents’ work, and that  
11      is certified, registered, or licensed in the State in  
12      which it is located.

13          “(4) SCREEN TIME LIMITS.—The term ‘screen  
14      time limits’ means policies or guidelines, such as  
15      those developed by the American Academy of Pediat-  
16      rics, designed to reduce the daily amount of time  
17      that children spend watching or looking at digital  
18      monitors or displays, including television sets, com-  
19      puter monitors, or hand-held gaming devices.

20          “(5) SECRETARY.—The term ‘Secretary’ means  
21      the Secretary of Health and Human Services.

22   **“SEC. 39900-1. GRANTS.**

23          “(a) IN GENERAL.—The Secretary, in consultation  
24      with appropriate entities within the Department of Health  
25      and Human Services, shall award 3-year competitive

1 grants to 5 State health departments (or other appro-  
2 priate child care licensing entities within such States) to  
3 help reduce and prevent obesity among the birth to 5 year  
4 old population of the State in child care settings outside  
5 a child’s place of residence.

6 “(b) USE OF FUNDS.—State grantees shall use  
7 amounts received under a grant under this subsection to—

8 “(1) provide, or enter into contracts to provide,  
9 training (that meets the requirements of subsection  
10 (c)) to the staff of national, State, or community-  
11 based organizations with networks of child care cen-  
12 ters, or a consortium of child care centers and fam-  
13 ily child care homes consisting of at least 10 centers,  
14 for the purpose of implementing evidence-based or  
15 data-informed healthy eating and physical activity  
16 policies and practices, including curricula and other  
17 interventions; and

18 “(2) provide grants to child care centers and  
19 family child care homes, whose staff received the  
20 training described in paragraph (1), to implement  
21 practice, curricula, and policy changes (that meet  
22 the requirements of subsection (d)) that promote  
23 healthy eating and physical activity among the birth  
24 to 5 years of age population.

1 Preference in awarding grants shall be given to those  
2 States that demonstrate collaboration between relevant  
3 State entities related to child care and health and with  
4 key stakeholders, such as State early learning councils and  
5 other community-based organizations working with child  
6 care centers or family child care homes.

7 “(c) TRAINING REQUIREMENTS.—

8 “(1) IN GENERAL.—Training provided under  
9 subsection (b) shall—

10 “(A) include the provision of information  
11 concerning age-appropriate healthy eating and  
12 physical activity interventions and culturally  
13 competent curricula for the birth to 5 years of  
14 age population in the State involved, which at  
15 a minimum shall include—

16 “(i) a handbook that includes rec-  
17 ommendations, guidelines, and best prac-  
18 tices for child care centers and family child  
19 care homes relating to healthy eating,  
20 physical activity, and screen time reduc-  
21 tion;

22 “(ii) information about the availability  
23 of and services provided by child care  
24 health consultants; and

1                   “(iii) health and wellness resources  
2                   available through the Child Care Bureau  
3                   and the Maternal and Child Health Bu-  
4                   reau;

5                   “(B) identify, improve upon, and expand  
6                   nutrition and physical activity best practices  
7                   targeted to the birth to 5 years of age popu-  
8                   lation in the State involved and identify strate-  
9                   gies for incorporating parental education and  
10                  other parental involvement; and

11                  “(C) provide instruction on how to appro-  
12                  priately model, direct, and encourage child care  
13                  staff behavior to apply the best practices and  
14                  strategies identified under subparagraph (B).

15                  “(2) TRAINING ENTITIES.—A grantee may con-  
16                  duct the training required under this section di-  
17                  rectly, or may provide such training through a con-  
18                  tract with—

19                         “(A) an appropriate national, State, or  
20                         community organization with relevant expertise;

21                         “(B) a health care provider or professional  
22                         organization with relevant expertise;

23                         “(C) a university or research center that  
24                         employs faculty with relevant expertise; or

1           “(D) any other entity determined appro-  
2           priate by the State and approved by the Sec-  
3           retary.

4           “(3) REQUIREMENT OF CONTRACT.—If a grant-  
5           ee elects to provide the training under this section  
6           through a contract, the grantee shall ensure that a  
7           consistent healthy eating and physical activity cur-  
8           riculum is being developed for all child care entities  
9           participating in the pilot program in the State.

10          “(d) PRACTICE, CURRICULA, AND POLICY  
11 CHANGES.—After training is provided as required under  
12 subsection (c), a State grantee shall ensure that the orga-  
13 nizations and consortium involved—

14           “(1) implement, in child care settings, evidence-  
15           based or data-informed policy changes that promote  
16           healthy eating, physical activity, and appropriate  
17           screen time limits among the birth to 5 years of age  
18           population;

19           “(2) utilize an evidence-based or data-informed,  
20           culturally competent healthy eating and physical ac-  
21           tivity curriculum in child care settings focusing on  
22           such birth to age 5 population;

23           “(3) implement programs, activities, and proce-  
24           dures for incorporating parental education and in-  
25           volvement of parents in programs, including dissemi-

1 nating a written parental involvement policy, and co-  
2 ordinating and integrating parental involvement  
3 strategies under this section, to the extent feasible  
4 and appropriate, with parental involvement strate-  
5 gies under other programs, such as the Head Start  
6 program and the Early Head Start Program; and

7 “(4) find innovative ways to remove barriers  
8 that exist to providing opportunities for healthy eat-  
9 ing and physical activity.

10 All activities described in this paragraph shall be evidence-  
11 based and data-informed and be consistent with the cur-  
12 riculum presented through training activities described in  
13 subsection (c).

14 **“SEC. 39900-2. GRANTS FOR THE EVALUATION OF PILOT**  
15 **PROGRAMS.**

16 “The Secretary shall award competitive grants to  
17 Prevention Research Centers or universities to evaluate  
18 the programs carried out with grants under section  
19 39900-1, including baseline, process, and outcome meas-  
20 urements.

21 **“SEC. 39900-3. COORDINATION.**

22 “(a) INTERAGENCY COORDINATION.—To the extent  
23 practicable, the Secretary shall coordinate activities con-  
24 ducted under this part with activities undertaken by the  
25 National Prevention, Health Promotion and Public Health

1 Council established under section 4001 of the Patient Pro-  
2 tection and Affordable Care Act (Public Law 111–148).

3 Where practicable, such coordination shall—

4 “(1) include the sharing of current and emerg-  
5 ing best practices concerning healthy eating, physical  
6 activity, and screen time limits that have a popu-  
7 lation-level impact in promoting nutrition and phys-  
8 ical activity in child care settings;

9 “(2) promote the effective implementation and  
10 sustainability of such programs; and

11 “(3) avoid unnecessary duplication of effort.

12 “(b) PILOT COORDINATION.—The Secretary shall  
13 designate an individual (directly or through contract) to  
14 provide technical assistance to States and pilot centers in  
15 the development, implementation, and evaluation of activi-  
16 ties and dissemination of information described in para-  
17 graphs (1), (2), and (3) of subsection (a).

18 **“SEC. 39900–4. EVALUATION AND REPORTING.**

19 “(a) TECHNICAL ASSISTANCE AND INFORMATION.—  
20 The Secretary shall—

21 “(1) provide technical assistance to grantees  
22 and other entities providing training under a grant  
23 under this part; and

24 “(2) disseminate to health departments and  
25 trainers under grants under this part information

1 concerning evidence-based or data-informed ap-  
2 proaches, including dissemination of existing tool-  
3 kits, curricula, and existing or emerging best prac-  
4 tices that can be expanded or improved upon  
5 through a program conducted under this part.

6 “(b) EVALUATION REQUIREMENTS.—With respect to  
7 evaluations conducted under section 39900–2, the Sec-  
8 retary shall ensure that—

9 “(1) evaluation metrics are consistent across all  
10 programs funded under this part;

11 “(2) interim outcomes are measured by the  
12 number of centers that have implemented policy and  
13 environmental strategies that support use of cur-  
14 ricula and practices supporting healthy eating, phys-  
15 ical activity, and screen time limits;

16 “(3) interim outcomes are measured, to the ex-  
17 tent possible, by behavior changes in healthy eating,  
18 physical activity, and screen time; and

19 “(4) upon completion of the program, the eval-  
20 uation shall include an identification of best prac-  
21 tices relating to behavior change and reductions in  
22 the increasing prevalence of overweight and obesity  
23 that could be replicated in other settings.

24 “(c) DISSEMINATION OF INFORMATION.—Upon the  
25 conclusion of the programs carried out under this part,



1 the Secretary shall disseminate to all appropriate agencies  
2 within the Department of Health and Human Services evi-  
3 dence, best practices, and lessons learned from grantees.  
4 Such agencies shall encourage the adoption of the best  
5 practices.

6 “(d) REPORT TO CONGRESS.—Not later than 6  
7 months after the completion of the pilot program under  
8 this part, the Secretary shall submit to Congress a report  
9 concerning the evaluation of the pilot programs, including  
10 recommendations as to how lessons learned from such pro-  
11 grams can be incorporated into future guidance docu-  
12 ments developed and provided by the Secretary and other  
13 Federal agencies, as appropriate.

14 **“SEC. 39900-5. AUTHORIZATION OF APPROPRIATIONS.**

15 “There is authorized to be appropriated to carry out  
16 this part, \$2,500,000 for each of fiscal years 2011, 2012  
17 and 2013.”.

18 **SEC. 122. HEALTH AND FITNESS SCHOOL PROGRAMS:**  
19 **TRAINING AMERICA’S YOUTH TO LIVE**  
20 **HEALTHY LIFESTYLES.**

21 (a) IN GENERAL.—The Secretaries shall carry out a  
22 2-year pilot program consisting of awarding grants to eli-  
23 gible entities for the purpose of establishing or expanding  
24 evidence-informed health and fitness programs in sec-  
25 ondary schools in low-income communities.

1 (b) HEALTH AND FITNESS PROGRAM REQUIRE-  
2 MENTS.—As a condition on receipt of a grant under this  
3 section, an eligible entity shall agree that any health and  
4 fitness program at a secondary school funded through the  
5 grant will—

6 (1) be conducted in partnership with the sec-  
7 ondary school, community entities, local contributors  
8 of funds, and tribal councils;

9 (2) include services by recent graduates of insti-  
10 tutions of higher education who are interested in  
11 pursuing graduate degrees in medicine, nursing, nu-  
12 trition science, exercise physiology, public health, or  
13 a related discipline;

14 (3) use services by such graduates to supple-  
15 ment rather than supplant the health and fitness  
16 curriculum of the secondary school;

17 (4) include a highly effective student-mentor  
18 intervention and education program conducted by  
19 such graduates for a maximum of 2 years of service  
20 in 1 secondary school per graduate;

21 (5) build a healthier community through  
22 wellness activities and increased awareness about  
23 and access to healthy foods;

24 (6) provide daily health and fitness instruction  
25 to both students and faculty;

1           (7) conduct an annual in-school health fair  
2           using the services of secondary school students with  
3           the objective of building a healthier community  
4           through wellness activities and increased awareness  
5           about and access to healthy foods;

6           (8) conduct an annual school-based and an an-  
7           nual community-based health fair using the services  
8           of secondary school students with the objective of  
9           building a healthier community through wellness ac-  
10          tivities and increased awareness about and access to  
11          healthy foods; and

12          (9) expose secondary school students to a vari-  
13          ety of career choices in wellness and health-related  
14          disciplines, including careers in medicine, nursing,  
15          nutrition science, and exercise physiology.

16          (c) NON-FEDERAL FUNDS.—The Secretaries shall  
17          encourage grantees under this section to contribute funds  
18          from non-Federal sources to increase—

19                 (1) the number of secondary schools at which  
20                 health and fitness programs are offered; or

21                 (2) the longevity of such programs.

22          (d) MINIMUM NUMBER OF SCHOOLS.—The Secre-  
23          taries shall ensure that grants under this section are used  
24          to establish or expand health and fitness programs at a  
25          total of not less than 20 schools.

1 (e) ASSESSMENT; REPORTING.—As conditions on re-  
2 ceipt of a grant under this section, an eligible entity shall  
3 agree to—

4 (1) conduct an annual assessment of health and  
5 fitness programs funded through the grant using the  
6 Centers for Disease Control and Prevention’s School  
7 Health Index;

8 (2) on an annual basis, report the findings of  
9 each assessment under paragraph (1) to the partici-  
10 pating school, community partners, local contribu-  
11 tors of funds, and tribal councils; and

12 (3) not later than the end of fiscal year 2012,  
13 submit a report to the Secretaries and an appro-  
14 priate representative of the Centers for Disease Con-  
15 trol and Prevention on the success of the programs  
16 in educating children and families and thereby pre-  
17 venting or reducing childhood obesity, including data  
18 from each assessment under paragraph (1).

19 (f) DEFINITIONS.—In this section:

20 (1) The term “secondary school” has the mean-  
21 ing given to such term in section 9101 of the Ele-  
22 mentary and Secondary Education Act of 1965 (20  
23 U.S.C. 7801).

24 (2) The term “eligible entity” means a non-  
25 profit organization or entity with the ability to meet

1 the requirements applicable to a grantee under this  
2 section, as determined by the Secretaries.

3 (3) The term “low-income communities” in-  
4 cludes—

5 (A) communities with a high percentage of  
6 children eligible for free and reduced priced  
7 lunches under the Richard B. Russell National  
8 School Lunch Act (42 U.S.C. 1751 et seq.);  
9 and

10 (B) any other communities determined by  
11 the Secretaries to be low-income for purposes of  
12 this section.

13 (4) The term “Secretaries” means the Sec-  
14 retary of Health and Human Services and the Sec-  
15 retary of Education, acting jointly and in conjunc-  
16 tion with the Director of the Centers for Disease  
17 Control and Prevention.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—To carry  
19 out this section, there is authorized to be appropriated  
20 \$1,400,000 for the period of fiscal years 2011 through  
21 2012.

1 **TITLE II—ADVANCING PREVENT-**  
2 **ATIVE MEASURES AND**  
3 **TREATMENT OF OBESITY IN**  
4 **ADULTS AND CHILDREN IN**  
5 **UNDERSERVED COMMU-**  
6 **NITIES**

7 **SEC. 201. COMMUNITY HEALTH AND WELLNESS NAVIGA-**  
8 **TORS PILOT PROGRAM: CONNECTING AMER-**  
9 **ICA'S HEALTH PROFESSIONAL WITH OUR**  
10 **SCHOOLS.**

11 (a) IN GENERAL.—The Secretary of Health and  
12 Human Services shall award grants to 5 or more States  
13 for the establishment of a community navigator program,  
14 consisting of each such State making subgrants to 1 or  
15 more eligible entities for a local community navigator pro-  
16 gram described in subsection (b).

17 (b) PROGRAM DESCRIPTION.—A local community  
18 navigator program described in this subsection shall con-  
19 sist of the following:

20 (1) An eligible entity, in partnership with a  
21 local educational agency, a bureau-funded school, or  
22 a nonprofit health or education organization, will  
23 hire and train 2 or more community navigators.

24 (2) The community navigators will facilitate a  
25 relationship between the eligible entity and the local

1 educational agency, bureau-funded school, or non-  
2 profit health or education organization in low-income  
3 communities to ensure increased access to medical  
4 care through educating parents and school adminis-  
5 trators.

6 (3) The community navigators will carry out  
7 educational activities for elementary school and sec-  
8 ondary school students and their parents in low-in-  
9 come communities with the goal of—

10 (A) increasing familial intake of nutritious  
11 meals;

12 (B) increasing physical activity both in and  
13 out of the school setting; and

14 (C) increasing access to medical care.

15 (c) REPORT.—Not later than 2 years after the date  
16 of the enactment of this Act, the Secretary shall submit  
17 a report to the Congress on the effectiveness of the pro-  
18 gram under this section.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “bureau-funded school” has the  
21 meaning given such term in section 1146 of the  
22 Education Amendments of 1978 (25 U.S.C. 2026).

23 (2) The terms “elementary school”, “local edu-  
24 cational agency”, and “secondary school” have the  
25 meanings given to such terms in section 9101 of the

1 Elementary and Secondary Education Act of 1965  
2 (20 U.S.C. 7801).

3 (3) The term “eligible entity” includes a Feder-  
4 ally qualified health center (as defined in section  
5 1861(aa) of the Social Security Act (42 U.S.C.  
6 1395x(aa))), a facility operated by the Indian  
7 Health Service (including a facility operated by an  
8 Indian tribe or tribal organization through a con-  
9 tract or compact with the Service under the Indian  
10 Self-Determination and Education Assistance Act  
11 (25 U.S.C. 450 et seq.)), a free-standing children’s  
12 hospital that is described in subparagraph (L) or  
13 (M) of section 340B(a)(4) of the Public Health  
14 Service Act (42 U.S.C. 256b(a)(4)), a non-profit  
15 with demonstrated effectiveness in the area of  
16 healthcare and with a focus on serving low-income  
17 communities, a rural hospital, and a rural health  
18 clinic.

19 (4) The term “low-income communities” in-  
20 cludes—

21 (A) communities with a high percentage of  
22 children eligible for free and reduced priced  
23 lunches under the Richard B. Russell National  
24 School Lunch Act (42 U.S.C. 1751 et seq.);  
25 and



1 (B) any other communities determined by  
2 the Secretaries to be low-income for purposes of  
3 this section.

4 (5) The term “nonprofit health or education or-  
5 ganization” shall be defined by the Secretary.

6 (6) The term “Secretary” means the Secretary  
7 of Health and Human Services.

8 (7) The term “State” includes the District of  
9 Columbia and any commonwealth, territory, or pos-  
10 session of the United States, including the Common-  
11 wealth of Puerto Rico, the Virgin Islands, Guam,  
12 American Samoa, and the Commonwealth of the  
13 Northern Mariana Islands.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry  
15 out this section, there are authorized to be appropriated  
16 such sums as may be necessary for fiscal years 2011 and  
17 2012.

18 **SEC. 202. REQUIREMENT TO EXPEDITE NATIONAL MEDI-**  
19 **CARE COVERAGE DETERMINATIONS FOR EVI-**  
20 **DENCE-BASED PREVENTIVE SERVICES.**

21 (a) IN GENERAL.—Not later than January 1, 2011,  
22 the Secretary of Health and Human Services shall issue  
23 national Medicare coverage determinations for evidence-  
24 based preventive and treatment services, including services  
25 to prevent or treat overweight and obesity that have in

1 effect a rating of ‘A’ or ‘B’ (relating to a classification  
2 representing strongly recommended or recommended serv-  
3 ices) in the current recommendations of the United States  
4 Preventive Services Task Force (in this section referred  
5 to as “USPSTF”) and clinical services for preventing and  
6 treating overweight and obesity as defined by the National  
7 Heart, Lung and Blood Institute’s (in this section referred  
8 to as “NHLBI”) Clinical Guidelines on the Identification,  
9 Evaluation and Treatment of Overweight and Obesity in  
10 Adults. The Secretary shall update such coverage deter-  
11 minations based on future updates to such USPSTF and  
12 NHLBI guidelines.

13 (b) UPDATING RECOMMENDATIONS.—The Secretary  
14 shall instruct—

15 (1) the Agency for Healthcare Research and  
16 Quality and the USPSTF to update, by not later  
17 than one year after the date of the enactment of this  
18 Act and at least once every 5 years thereafter,  
19 USPSTF recommendations relating to the preven-  
20 tion of overweight and obesity that have in effect a  
21 rating of ‘I’ (relating to a classification representing  
22 insufficient evidence to make a recommendation for  
23 the service involved) to determine if such rating  
24 should be upgraded to a rating of “A” or “B”; and



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

5                   “(A) the development of an initial plan of  
6                   care and subsequent revisions to that plan of  
7                   care;

8                   “(B) medical and surgical interventions as  
9                   determined appropriate by the Secretary; and

10                   “(C) additional services for which payment  
11                   would not otherwise be made under this title  
12                   that the Secretary may specify that encourage  
13                   the receipt of, or improve the effectiveness of,  
14                   the services described in the preceding subpara-  
15                   graphs.

16           In carrying out subparagraph (C), the Secretary  
17           shall consider recommendations of the United States  
18           Preventive Services Task Force; clinical practice  
19           guidelines for treatment of overweight, obesity, and  
20           severe obesity issued by professional medical soci-  
21           eties; and consensus statements and guidelines on  
22           effective treatment of overweight, obesity, and severe  
23           obesity issued by the National Institutes of Health,  
24           professional medical societies, and other authori-  
25           tative sources (such as those identified in the Na-

1 tional Heart Lung and Blood Institute’s Clinical  
2 Guidelines on the Identification, Evaluation, and  
3 Treatment of Overweight and Obesity in Adults).

4 “(2) For purposes of this subsection, the term  
5 ‘eligible individual’ means an individual who has—

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

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

10 “(C) a body mass index of at least 27 with

11 at least one weight-related comorbid condition.

12 It is not necessary for such individual to be diag-  
13 nosed with co-morbidities in addition to the obesity  
14 diagnosis or body mass index of at least 30 in order  
15 to be considered an ‘eligible individual’ under this  
16 subsection.”.

17 (b) PAYMENT.—Section 1833(a)(1) of the Social Se-  
18 curity Act (42 U.S.C. 1395l(a)(1)), as amended by section  
19 10501(h)(3)(B) of the Patient Protection and Affordable  
20 Care Act (Public Law 111–148), is amended—

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

22 (2) by inserting before the semicolon at the end  
23 the following: “, and (AA) with respect to items and  
24 services furnished under an obesity treatment pro-  
25 gram (as defined in section 1861(iii)), the amount

1       paid shall be 80 percent of the lesser of the actual  
 2       charge for the services or the amount determined  
 3       under a fee schedule established by the Secretary for  
 4       purposes of this subparagraph”.

5   **SEC. 204. COVERAGE OF EVIDENCE-BASED PREVENTIVE**  
 6                   **SERVICES UNDER MEDICAID AND SCHIP.**

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

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

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

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

16               (ii) by redesignating paragraph (29)  
 17       as paragraph (30); and

18               (iii) by inserting after paragraph (28)  
 19       the following:

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

22               (B) as amended by section 10201(c)(6) of  
 23       the Patient Protection and Affordable Care Act,  
 24       is further amended by adding at the end the  
 25       following:

1 “(dd) For purposes of subsection (a)(29), evidence-  
2 based preventive services described in this subsection are  
3 any preventive services which the Secretary has deter-  
4 mined are reasonable and necessary, including, as so de-  
5 termined, diet and exercise counseling, healthy weight and  
6 obesity counseling, and any other evidence-based, effective  
7 clinical intervention for obese individuals, including phar-  
8 macological or surgical services, designed to prevent  
9 comorbidities of obesity.”.

10 (2) CONFORMING AMENDMENT.—Section  
11 1902(a)(10)(C)(iv) of such Act is amended by in-  
12 serting “, and (29)” after “(24)”.

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

17 (1) by redesignating paragraph (28) as para-  
18 graph (29); and

19 (2) by inserting after paragraph (27) the fol-  
20 lowing:

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

1 **SEC. 205. COVERAGE OF MEDICAL NUTRITION THERAPY**  
2 **UNDER MEDICAID AND SCHIP.**

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

5 (1) IN GENERAL.—Section 1905(a) of the So-  
6 cial Security Act (42 U.S.C. 1396d), as amended by  
7 section 204(a), is amended—

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

10 (B) by redesignating paragraph (30) as  
11 paragraph (31); and

12 (C) by inserting after paragraph (29) the  
13 following:

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

18 (2) CONFORMING AMENDMENT.—Section  
19 1902(a)(10)(C)(iv) of such Act, as amended by sec-  
20 tion 204(a)(2), is amended by striking “and (29)”  
21 and inserting “(29), and (30)”.

22 (b) STATE OPTION TO PROVIDE CHILD HEALTH AS-  
23 SISTANCE FOR MEDICAL NUTRITION THERAPY SERV-  
24 ICES.—Section 2110(a) of the Social Security Act (42  
25 U.S.C. 1397jj(a)), as amended by section 204(b), is  
26 amended—



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

3 (2) by inserting after paragraph (28) the fol-  
4 lowing:

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

9 **SEC. 206. CLARIFICATION OF EPSDT INCLUSION OF PRE-**  
10 **VENTION, SCREENING, AND TREATMENT**  
11 **SERVICES FOR OBESITY AND OVERWEIGHT;**  
12 **SCHIP COVERAGE.**

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

1 (b) SCHIP.—

2 (1) REQUIRED COVERAGE.—Section 2103 (42  
3 U.S.C. 1397cc) is amended—

4 (A) in subsection (a), in the matter pre-  
5 ceding paragraph (1), by striking “and (7)”  
6 and inserting “(7), and (9)”; and

7 (B) in subsection (c)—

8 (i) by redesignating paragraph (7) as  
9 paragraph (9); and

10 (ii) by inserting after paragraph (6),  
11 the following:

12 “(7) PREVENTION, SCREENING, AND TREAT-  
13 MENT SERVICES FOR OBESITY AND OVERWEIGHT.—

14 The child health assistance provided to a targeted  
15 low-income child shall include coverage of weight  
16 and BMI measurement and monitoring, as well as  
17 appropriate treatment services (including but not  
18 limited to) medical nutrition therapy services (as de-  
19 fined in section 1861(vv)(1)), physical therapy or ex-  
20 ercise training, behavioral health counseling, and  
21 such other evidence based services as recommended  
22 by the Secretary. For purposes of the previous sen-  
23 tence the Secretary shall take into consideration the  
24 American Academy of Pediatrics Expert Committee  
25 Guidelines Regarding the Prevention, Assessment,

1 and Treatment of Child and Adolescent Overweight  
2 and Obesity.”.

3 (2) CONFORMING AMENDMENT.—Section  
4 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended  
5 by striking “section 2103(c)(5)” and inserting  
6 “paragraphs (5) and (7) of section 2103(c)”.

7 **SEC. 207. NATIONAL COMMISSION ON CHILD OBESITY.**

8 (a) ESTABLISHMENT.—There is established a com-  
9 mission to be known as the National Commission on Child  
10 Obesity (in this section referred to as the “Commission”).

11 (b) DUTIES OF COMMISSION.—The Commission  
12 shall—

13 (1) conduct a comprehensive study that exam-  
14 ines and assesses the needs of children relating to  
15 the prevalence, prevention, and treatment of child-  
16 hood overweight and obesity, including specific find-  
17 ings relating to—

18 (A) best practices for the prevention and  
19 treatment of childhood overweight and obesity;

20 (B) child physical health and mental  
21 health;

22 (C) child care in all settings;

23 (D) child welfare;

24 (E) elementary and secondary education;

25 (F) food availability in neighborhoods;

1 (G) access to health care;

2 (H) health care utilization;

3 (I) built environment;

4 (J) parent physical health and education;

5 (K) underserved communities, including  
6 tribal communities, health professional shortage  
7 areas designated under section 332 of the Pub-  
8 lic Health Service Act (42 U.S.C. 254e), medi-  
9 cally underserved areas (as defined in section  
10 799B of such Act (42 U.S.C. 295p), and areas  
11 in the Appalachian region (as defined in section  
12 14102(a) of title 40, United States Code);

13 (L) relevant activities in childhood over-  
14 weight and obesity; and

15 (M) the availability of information on State  
16 and Federal supportive nutrition programs,  
17 such as the Summer Food Service Program, the  
18 Women, Infants, and Children Program, the  
19 State Children's Health Insurance Program  
20 under title XXI of the Social Security Act, and  
21 the Supplemental Nutrition Assistance Pro-  
22 gram;

23 (2) identify, review, and evaluate existing laws,  
24 regulations, policies, programs, and public health ini-  
25 tiatives relevant to best practices for the prevalence,

1 prevention, and treatment of childhood overweight  
2 and obesity;

3 (3) identify, review, and evaluate the lessons  
4 learned from past laws, regulations, policies, pro-  
5 grams, and public health initiatives relevant to the  
6 prevalence, prevention, and treatment of childhood  
7 overweight and obesity;

8 (4) advise on the need to revise laws, regula-  
9 tions, policies, and programs relative to addressing  
10 best practices for the prevalence, prevention, and  
11 treatment of childhood overweight and obesity at  
12 regular intervals as new knowledge is gained;

13 (5) include in the interim report required by  
14 subsection (i)(1) recommendations on—

15 (A) the appropriate Federal agency to es-  
16 tablish the infrastructure for the creation of a  
17 comprehensive nationwide registry of patient  
18 data associated with children living with obe-  
19 sity;

20 (B) the specific criteria needed for such  
21 registry to allow the field of pediatric clinicians  
22 access to patient-level, clinical data suitable for  
23 research and the development of best practices;

24 (C) the appropriate funding level required  
25 for the establishment and implementation of

1 such the registry described in subparagraph  
2 (A); and

3 (D) how to capture large-scale data that  
4 are currently unavailable on adolescent and  
5 child patients who are currently obese; and

6 (6) include in the final report required by sub-  
7 section (i)(3) the Commission's specific findings,  
8 conclusions, and recommendations to address the  
9 needs of children relating to the prevention and  
10 treatment of childhood overweight and obesity, in-  
11 cluding specific recommendations on—

12 (A) the need for planning and establishing  
13 a national resource center for children and obe-  
14 sity; and

15 (B) such coordination of resources and  
16 services, administrative actions, policies, regula-  
17 tions, and legislative changes as the Commis-  
18 sion considers appropriate.

19 (c) COMPOSITION.—

20 (1) MEMBERS.—The Commission shall be com-  
21 posed of 15 members, of whom—

22 (A) 3 members, each of a different political  
23 party, shall be appointed by the President;

24 (B) 3 members shall be appointed by the  
25 majority leader of the Senate;

1           (C) 3 members shall be appointed by the  
2 minority leader of the Senate;

3           (D) 3 members shall be appointed by the  
4 Speaker of the House of Representatives; and

5           (E) 3 members shall be appointed by the  
6 minority leader of the House of Representa-  
7 tives.

8           (2) APPOINTMENT.—Members of the Commis-  
9 sion shall be appointed not later than 6 months after  
10 the date of the enactment of this Act.

11           (3) CHAIRPERSON, VICE CHAIRPERSON, AND  
12 MEETINGS.—

13           (A) IN GENERAL.—Not later than 30 days  
14 after the date on which all members of the  
15 Commission are appointed under paragraph (1),  
16 such members shall meet to elect a Chairperson  
17 and Vice Chairperson from among such mem-  
18 bers and shall determine a schedule of Commis-  
19 sion meetings.

20           (B) INITIAL MEETING.—The Commission  
21 shall meet and begin the operations of the Com-  
22 mission not later than 120 days after the ap-  
23 pointment of members of the Commission.

1           (4) GOVERNMENTAL APPOINTEES.—An indi-  
2           vidual appointed to the Commission may not be an  
3           official or employee of the Federal Government.

4           (5) COMMISSION REPRESENTATION.—The Com-  
5           mission shall include at least one—

6                   (A) representative from each of a nonprofit  
7                   and for-profit entity with demonstrated exper-  
8                   tise in addressing the needs of children relating  
9                   to the prevalence, prevention, and treatment of  
10                  childhood overweight and obesity;

11                  (B) State or local director of health; and

12                  (C) tribal health representative.

13           (6) QUALIFICATIONS.—Members appointed  
14           under paragraph (1) may include—

15                   (A) individuals involved with providing  
16                   services to children, including health and other  
17                   social services;

18                   (B) individuals involved with administering  
19                   health insurance coverage to children;

20                   (C) individuals with experience in public  
21                   health initiatives relating to the prevention and  
22                   treatment of childhood overweight and obesity,  
23                   including coordination of resources and services  
24                   among State and local governments, the Fed-  
25                   eral Government, and nongovernmental entities;



1 (D) individuals with philanthropic experi-  
2 ence focused on the needs of children relating  
3 to the prevalence, prevention, and treatment of  
4 childhood overweight and obesity; and

5 (E) individuals who have conducted aca-  
6 demic research relating to the prevalence, pre-  
7 vention, and treatment of childhood overweight  
8 and obesity.

9 (7) QUORUM AND VACANCY.—

10 (A) QUORUM.—A majority of the members  
11 of the Commission shall constitute a quorum,  
12 but a lesser number of members may hold hear-  
13 ings.

14 (B) VACANCY.—Any vacancy in the Com-  
15 mission shall not affect its powers and shall be  
16 filled in the same manner in which the original  
17 appointment was made.

18 (d) POWERS OF COMMISSION.—

19 (1) HEARINGS.—The Commission may hold  
20 such hearings, meet and act at such times and  
21 places, and receive such evidence as may be nec-  
22 essary to carry out the functions of the Commission.

23 (2) INFORMATION FROM FEDERAL AGENCIES.—

24 (A) IN GENERAL.—The Commission may  
25 access, to the extent authorized by law, from

1 any executive department, bureau, agency,  
2 board, commission, office, independent estab-  
3 lishment, or instrumentality of the Federal Gov-  
4 ernment such information, suggestions, esti-  
5 mates, and statistics as the Commission con-  
6 siders necessary to carry out this section.

7 (B) PROVISION OF INFORMATION.—On  
8 written request of the Chairperson of the Com-  
9 mission, each department, bureau, agency,  
10 board, commission, office, independent estab-  
11 lishment, or instrumentality of the Federal Gov-  
12 ernment shall, to the extent authorized by law,  
13 provide the requested information to the Com-  
14 mission.

15 (C) RECEIPT, HANDLING, STORAGE, AND  
16 DISSEMINATION.—Information shall only be re-  
17 ceived, handled, stored, and disseminated by  
18 members of the Commission and its staff con-  
19 sistent with all applicable statutes, regulations,  
20 and Executive orders.

21 (3) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (A) GENERAL SERVICES ADMINISTRA-  
23 TION.—On request of the Chairperson of the  
24 Commission, the Administrator of General  
25 Services shall provide to the Commission, on a

1 reimbursable basis, administrative support and  
2 other assistance necessary for the Commission  
3 to carry out its duties.

4 (B) OTHER DEPARTMENTS AND AGEN-  
5 CIES.—In addition to assistance under subpara-  
6 graph (A), departments and agencies of the  
7 United States may provide to the Commission  
8 such assistance as they determine advisable and  
9 as authorized by law.

10 (4) CONTRACTING.—The Commission may  
11 enter into financially reasonable contracts to enable  
12 the Commission to discharge its duties under this  
13 section.

14 (5) POSTAL SERVICES.—The Commission may  
15 use the United States mails in the same manner and  
16 under the same conditions as a department or agen-  
17 cy of the United States.

18 (e) STAFF OF COMMISSION.—

19 (1) IN GENERAL.—The Chairperson of the  
20 Commission, in consultation with the Vice Chair-  
21 person, in accordance with rules agreed upon by the  
22 Commission, may appoint and fix the compensation  
23 of a staff director, policy director, and administra-  
24 tive assistant (and other staff if agreed upon by a  
25 majority of Commission members) to enable the

1 Commission to carry out its functions, in accordance  
2 with the provisions of title 5, United States Code,  
3 except that no rate of pay fixed under this para-  
4 graph may exceed the equivalent of that payable for  
5 a position at level V of the Executive Schedule under  
6 section 5316 of title 5, United States Code.

7 (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
8 quest of the Chairperson of the Commission, the  
9 head of any executive department, bureau, agency,  
10 board, commission, office, independent establish-  
11 ment, or instrumentality of the Federal Government  
12 may detail, without reimbursement, any of its per-  
13 sonnel to the Commission to assist it in carrying out  
14 its duties under this section. Any detail of an em-  
15 ployee shall be without interruption or loss of civil  
16 service status or privilege.

17 (3) CONSULTANT SERVICES.—The Commission  
18 is authorized to procure (pursuant to a majority vote  
19 of the Commission members) the services of experts  
20 and consultants in accordance with section 3109 of  
21 title 5, United States Code, but at rates not to ex-  
22 ceed the daily equivalent of the annual rate of basic  
23 pay for level IV of the Executive Schedule under sec-  
24 tion 5315 of title 5, United States Code.

1           (f) TRAVEL EXPENSES.—Each member of the Com-  
2 mission shall serve without compensation, but shall receive  
3 travel expenses, including per diem in lieu of subsistence,  
4 in accordance with applicable provisions in the same man-  
5 ner as persons employed intermittently in the Government  
6 service are allowed expenses under section 5703 of title  
7 5, United States Code.

8           (g) APPLICABILITY OF FACA.—The Federal Advi-  
9 sory Committee Act, including any provisions applicable  
10 to staff, is deemed to apply to the Commission.

11          (h) REPORTS OF COMMISSION; TERMINATION.—

12           (1) INTERIM REPORT.—The Commission shall,  
13 not later than 1 year after the date of its first meet-  
14 ing, submit to the President and the Congress an in-  
15 terim report containing specific findings, conclu-  
16 sions, and recommendations required under this sec-  
17 tion and agreed to by a majority of Commission  
18 members.

19           (2) OTHER REPORTS AND INFORMATION.—

20           (A) REPORTS.—The Commission may  
21 issue additional reports as the Commission de-  
22 termines necessary.

23           (B) INFORMATION.—The Commission may  
24 hold public hearings to collect information and

1           shall make such information available for use  
2           by the public.

3           (3) FINAL REPORT.—The Commission shall,  
4           not later than 2 years after the date of its first  
5           meeting, submit to the President and Congress a  
6           final report containing specific findings, conclusions,  
7           and recommendations required under this section  
8           and agreed to by a majority of Commission mem-  
9           bers.

10          (4) TERMINATION.—

11           (A) IN GENERAL.—Unless reauthorized by  
12           statute, the Commission, and all the authorities  
13           of this section, shall terminate 180 days after  
14           the date on which the final report is submitted  
15           under paragraph (3).

16           (B) RECORDS.—Not later than the date of  
17           termination of the Commission under subpara-  
18           graph (A), all records and papers of the Com-  
19           mission shall be delivered to the Archivist of the  
20           United States for deposit in the National Ar-  
21           chives.

22          (i) DEFINITIONS.—In this section:

23           (1) OBESITY.—The term “obesity” with respect  
24           to children means having a body mass index (BMI)  
25           greater than or equal to the 95th percentile for age

1 and sex according to the Centers for Disease Control  
2 and Prevention.

3 (2) CHILD; CHILDREN.—The terms “child” and  
4 “children” mean an individual or individuals, respec-  
5 tively, who have not attained 18 years of age.

6 (j) AUTHORIZATION OF APPROPRIATIONS.—There is  
7 authorized to be appropriated to carry out this section,  
8 \$1,500,000 for each of fiscal years 2011 and 2012.

9 **SEC. 208. GAO REPORT.**

10 Not later than 2 years after the first appropriation  
11 of Federal funds to carry out this Act, the Comptroller  
12 General of the United States shall submit to Congress a  
13 report on the effectiveness of the activities carried out  
14 under this Act in reducing child obesity, which shall in-  
15 clude an analysis of the costs and the benefits of such ac-  
16 tivities.

1 **TITLE III—ENCOURAGING PHYS-**  
2 **ICAL ACTIVITY IN UNDER-**  
3 **SERVED AMERICAN COMMU-**  
4 **NITIES**

5 **SEC. 301. RENOVATION OF FORECLOSED AND ABANDONED**  
6 **PROPERTIES TO CREATE SPACES THAT EN-**  
7 **COURAGE PHYSICAL ACTIVITY IN AMERICAN**  
8 **NEIGHBORHOODS.**

9 Section 106(a) of the Housing and Community De-  
10 velopment Act of 1974 (42 U.S.C. 5306(a)) is amended—

11 (1) in paragraph (3)—

12 (A) by striking “(1) and” and inserting  
13 “(1),”; and

14 (B) by inserting “and after reserving such  
15 amounts for units of general local government,  
16 special district governments, and Indian tribes  
17 with high foreclosure rates and great infrastruc-  
18 ture need under paragraph (4),” after “para-  
19 graph (2),”;

20 (2) by redesignating paragraph (4) as para-  
21 graph (5);

22 (3) in paragraph (5), as redesignated by para-  
23 graph (2) of this section, by striking “paragraphs  
24 (1), (2), and (3)” and inserting “paragraphs (1),  
25 (2), (3), and (4)”;



1           (4) by inserting after paragraph (3) the fol-  
2           lowing new paragraph:

3           “(4)(A) For each fiscal year, of the amount ap-  
4           proved in appropriation Acts under section 103 for  
5           grants for such fiscal year (excluding the amounts  
6           provided for use in accordance with section 107), the  
7           Secretary shall reserve for grants to units of general  
8           local government, special district governments, and  
9           Indian tribes that the Secretary determines have  
10          both high foreclosure rates and the greatest infra-  
11          structure needs, based on the scope of the needs, an  
12          amount the Secretary determines necessary.

13          “(B) Grants under this paragraph may be used  
14          by units of general local government, special district  
15          governments, and Indian tribes to—

16                 “(i) renovate foreclosed commercial prop-  
17                 erties, abandoned commercial properties, or  
18                 both, to be transformed in community centers,  
19                 public recreation facilities, swimming pools, or  
20                 any other type of facility that will encourage in-  
21                 door physical activity;

22                 “(ii) demolish foreclosed or abandoned  
23                 commercial and residential properties, or both,  
24                 to use the sites for—

1           “(I) the construction of parks, play-  
2           grounds, outdoor swimming pools, tracks,  
3           soccer fields, baseball diamonds, or any  
4           other type of facility that will encourage  
5           outdoor physical activity;

6           “(II) community gardens or urban  
7           farms, particularly in areas that are food  
8           deserts (as such term is defined in section  
9           7527(a) of the Food, Conservation, and  
10          Energy Act of 2008 (Public Law 110–  
11          234); or

12          “(III) mixed used facilities that are  
13          used for both of the purposes under sub-  
14          clauses (I) and (II) of this clause; and

15          “(iii) reconstruct and repair dilapidated  
16          sidewalks, bike and pedestrian trails, and in-  
17          door and outdoor facilities that encourage phys-  
18          ical activity.

19          “(C) In making grants under this paragraph,  
20          the Secretary shall give priority among units of gen-  
21          eral local government, special district governments,  
22          and Indian tribes eligible pursuant to subparagraph  
23          (A)—

24                 “(i) to units of general local government,  
25                 special district governments, and Indian tribes

1 that demonstrate the ability and willingness to  
2 work with local educational agencies, devel-  
3 opers, and other community-based organizations  
4 to enter into mixed-use agreements to maximize  
5 the use and efficiency of properties renovated,  
6 constructed, or reconstructed and repaired  
7 through the use of grant funds;

8 “(ii) to units of general local government,  
9 special district governments, and Indian tribes  
10 that demonstrate the willingness to recognize  
11 and promote the involvement of individuals en-  
12 rolled in a national service program authorized  
13 under the National and Community Service Act  
14 of 1990 (42 U.S.C. 12501 et seq.) or the Do-  
15 mestic Volunteer Service Act of 1973 (42  
16 U.S.C. 4950 et seq.) in the renovation, con-  
17 struction, or reconstruction and repair of prop-  
18 erties through the use of grant funds; and

19 “(iii) to projects proposed by units of gen-  
20 eral local government, special district govern-  
21 ments, and Indian tribes that are easily acces-  
22 sible, on foot or by public transportation, for  
23 persons in low-income communities.

24 “(D) For purposes of this paragraph, the term  
25 ‘special district government’ means any organized

1 local entity, known by a variety of titles, including  
2 districts, authorities, boards, and commissions, other  
3 than a unit of general local government or local edu-  
4 cational agency, authorized by State law to provide  
5 only one or a limited number of designated func-  
6 tions, and with sufficient administrative and fiscal  
7 autonomy to qualify as a separate government unit,  
8 as determined by the Secretary.”.

9 **SEC. 302. NATIONAL YOUTH SPORTS PROGRAM REVITAL-**  
10 **IZATION.**

11 Section 682(g) of the Community Services Block  
12 Grant Act (42 U.S.C. 9923(g)) is amended by striking  
13 “\$15,000,000” and all that follows through “2003”, and  
14 inserting “\$20,000,000 for each of the fiscal years 2011  
15 through 2021”.

16 **SEC. 303. EXPANSION OF THE ZUNI YOUTH ENRICHMENT**  
17 **PROJECT SUMMER CAMP.**

18 (a) IN GENERAL.—The Secretary of Health and  
19 Human Services shall establish a 2-year pilot program to  
20 provide funds to community-based organizations on Indian  
21 reservations or tribal lands to plan and implement an en-  
22 richment program for children (in the form of a summer  
23 camp and a year-round program) for the purpose of—

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

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

4           (b) PARTNERSHIPS.—In order to qualify for funding  
5           under subsection (a), a community-based organization  
6           shall demonstrate, to the satisfaction of the Secretary of  
7           Health and Human Services, that the community-based  
8           organization has entered into a partnership with commu-  
9           nity entities, local funders, and tribal leaders (including,  
10          if applicable, the tribal council) to plan and execute an  
11          enrichment program under subsection (a).

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

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

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

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

22          (e) SPECIFIC CAMP REQUIREMENTS.—

23                 (1) DAILY ACTIVITIES.—With respect to chil-  
24                 dren attending a camp under subsection (d)(2), the  
25                 leader of the organization that receives funds under

1 subsection (a) shall, for each day of the camp, en-  
2 sure that, such children are—

3 (A) involved in at least 60 minutes of  
4 physical activity (with appropriate accommoda-  
5 tions made for children with disabilities); and

6 (B) provided with at least two meals that  
7 meet national nutritional standards.

8 (2) OTHER ACTIVITIES.—Such leader shall also  
9 ensure that—

10 (A) a community gardening activity is in-  
11 cluded in the activities conducted at the camp;  
12 and

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

15 (f) EVALUATION.—

16 (1) IN GENERAL.—A community-based organi-  
17 zation that receives funding under subsection (a),  
18 shall, as a condition of receiving such funding, con-  
19 duct an evaluation of the enrichment program con-  
20 ducted by such organization.

21 (2) MODEL.—The form, manner, content, and  
22 frequency of the evaluation under paragraph (1)  
23 shall be modeled on the Zuni Youth Enrichment  
24 Project standard project evaluation.

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

5 (1) submit a report to the to the Secretary of  
6 Health and Human Services on the outcomes of the  
7 enrichment program conducted by the organization  
8 under this section, including—

9 (A) the findings of the evaluation con-  
10 ducted under subsection (f); and

11 (B) the impact of such enrichment pro-  
12 gram on the rates of childhood obesity on the  
13 reservation or area of tribal land served by the  
14 organization; and

15 (2) provide a copy of the findings under para-  
16 graph (1)(A) to community entities, local funders,  
17 tribal leaders (including, if applicable, the tribal  
18 council), and the families of children participating in  
19 the enrichment program.

1 **SEC. 304. MAKING ROUTES TO SCHOOLS IN UNDERSERVED**  
2 **COMMUNITIES SAFE AND ACCESSIBLE WITH**  
3 **PUBLIC PARTICIPATION THROUGH THE COM-**  
4 **MUNITY ORIENTED POLICING SERVICES PRO-**  
5 **GRAM.**

6 Section 1701 of the Omnibus Crime Control and Safe  
7 Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (16), by striking “and”  
10 after the semicolon;

11 (B) in paragraph (17), by striking the pe-  
12 riod and inserting “; and”; and

13 (C) by adding at the end the following new  
14 paragraph:

15 “(18) award grants for Safe Routes to School-  
16 Community Oriented Policing Services programs, in  
17 accordance with subsection (j).”; and

18 (2) by adding at the end the following new sub-  
19 section:

20 “(j) **SAFE ROUTES TO SCHOOL-COMMUNITY ORI-**  
21 **ENTED POLICING SERVICES PROGRAMS.—**

22 “(1) **GRANT PROGRAM.—**The Director of the  
23 Office of Community Oriented Policing Services, in  
24 collaboration with the Secretary of Education, shall  
25 award grants to not fewer than 10 local and tribal  
26 law enforcement agencies in low-income communities



1 for the planning, development, and assessment of  
2 Safe Routes to School-Community Oriented Policing  
3 Services programs in accordance with this sub-  
4 section.

5 “(2) GRANT PERIOD.—Each grant awarded  
6 under this subsection shall be for a 3-year period be-  
7 ginning with the first fiscal year that begins after  
8 the date of enactment of the Fit for LIFE Act of  
9 2010, and may not be renewed.

10 “(3) USE OF GRANTS.—A grant awarded under  
11 this subsection shall be used by each grantee to—

12 “(A) assess the needs of the low-income  
13 community served by the grantee with respect  
14 to the ability of elementary and secondary  
15 school students to get to and from school safely;  
16 and

17 “(B) establish and maintain a Safe Routes  
18 to School-Community Oriented Policing Serv-  
19 ices program that ensures the availability of  
20 safe routes to and from school for elementary  
21 and secondary school students in underserved  
22 communities by addressing the unique personal  
23 safety dangers to students in such communities  
24 that may cause routes to or from school to be  
25 unsafe, such as dangers associated with crime,

1 drug or gang activity, abandoned properties,  
2 and the presence of sexual predators.

3 “(4) REPORTS.—Not later than one year after  
4 receiving a grant award under this subsection, and  
5 annually thereafter, each grantee shall submit to the  
6 Director of the Office of Community Oriented Polic-  
7 ing Services a report on the Safe Routes to School-  
8 Community Oriented Policing Services program car-  
9 ried out by the grantee that includes—

10 “(A) a description of the activities carried  
11 out with such grant during the preceding year;

12 “(B) the effectiveness of such activities in  
13 ensuring safe routes to and from school for ele-  
14 mentary and secondary school students;

15 “(C) a description of the activities the  
16 grantee plans to carry out with such grant in  
17 succeeding years; and

18 “(D) best practices, plans, and findings for  
19 purposes of incorporation into urban planning  
20 and development in underserved communities in  
21 succeeding years.

22 “(5) DEFINITION.—The term ‘low-income com-  
23 munities’ includes—

24 “(A) communities with a high percentage  
25 of children eligible for free and reduced priced

1           lunches under the Richard B. Russell National  
2           School Lunch Act (42 U.S.C. 1751 et seq.);  
3           and

4                   “(B) any other communities determined by  
5           the Director of the Office of Community Ori-  
6           ented Policing Services to be low-income for  
7           purposes of this section.”.

8   **SEC. 305. LAND AND WATER CONSERVATION FUND PRO-**  
9                   **GRAM GRANTS IN LOW-INCOME COMMU-**  
10                   **NITIES AND EXPAND TRIBAL PARTICIPATION.**

11           Section 6(e) of the Land and Water Conservation Act  
12 of 1965 (16 U.S.C. 4601–8(e)) is amended by adding at  
13 the end the following:

14                   “(3) LOW-INCOME COMMUNITIES AND INDIAN  
15           RESERVATIONS.—For development of programs to  
16           increase the use of and access to parks and open  
17           space in low-income communities and on or near In-  
18           dian reservations.”.

19   **SEC. 306. CHANGING HEARTS, ATTITUDES, AND MINDS BY**  
20                   **PARTICIPATING IN SPORTS (CHAMPS) PRO-**  
21                   **GRAM.**

22           Part B of title III of the Public Health Service Act  
23 is amended by inserting after section 317T (42 U.S.C.  
24 247b–22) the following:

1 **“SEC. 317U. CHANGING HEARTS, ATTITUDES, AND MINDS BY**  
2 **PARTICIPATING IN SPORTS (CHAMPS) PRO-**  
3 **GRAM.**

4 “(a) **IN GENERAL.**—The Secretary, acting through  
5 the Director of the Centers for Disease Control and Pre-  
6 vention, may make grants to eligible entities to carry out  
7 nationally-based or community-based qualified childhood  
8 obesity prevention initiatives.

9 “(b) **ELIGIBLE ENTITIES.**—To be eligible to seek a  
10 grant under this section, an entity shall be—

11 “(1) a nationally-based nonprofit organization  
12 proposing to implement programs described in sub-  
13 section (c), each serving at least 1,000 individuals,  
14 at 5 or more locations across the Nation; or

15 “(2) a community-based nonprofit organization  
16 proposing to implement a program described in sub-  
17 section (c) serving at least 1,000 individuals.

18 “(c) **QUALIFIED CHILDHOOD OBESITY PREVENTION**  
19 **INITIATIVE.**—To qualify as a childhood obesity prevention  
20 initiative eligible for funding under this section, an initia-  
21 tive shall consist of programs that—

22 “(1) serve children or adolescents most at risk  
23 for being overweight and obese in predominantly  
24 economically disadvantaged communities;

25 “(2) serve children or adolescents during after-  
26 school hours, weekends, or summer hours;

1           “(3) provide structured physical fitness activi-  
2 ties, including organized sports, which engage each  
3 participant in a minimum of 60 minutes of moderate  
4 to vigorous physical activity at least three days per  
5 week for a period of at least 24 weeks in a given  
6 year;

7           “(4) provide adult supervision and guidance or  
8 coaches who encourage and teach proper exercise  
9 techniques and skills;

10           “(5) combine physical fitness activities with nu-  
11 tritional counseling and education; and

12           “(6) demonstrate measurable results for reduc-  
13 ing childhood obesity on the part of participants, in-  
14 cluding through—

15           “(A) measurement and study of partici-  
16 pants’ moderate to vigorous physical activity  
17 (MVPA) each day, both as part of the pro-  
18 grams funded under this section and on the  
19 participants’ own initiative;

20           “(B) increased knowledge of and aware-  
21 ness about the importance of physical activity  
22 and exercise as well as the nutritional value of  
23 food and beverage choices;

24           “(C) keeping track of and reporting mean-  
25 ingful reductions in the consumption of food

1 and beverages with low nutritional value, in-  
2 creased consumption of healthy items, and in-  
3 creased levels of unstructured, self-initiated  
4 physical activity outside of the programs funded  
5 under this section; and

6 “(D) measurement and study of partici-  
7 pants’ body mass index (BMI) indicating  
8 that—

9 “(i) children entering programs fund-  
10 ed under this section with a healthy body  
11 mass index maintain it while participating  
12 in such programs; and

13 “(ii) children participating in such  
14 programs with an unhealthy body mass  
15 index halt any negative trend lines towards  
16 obesity or begin trend lines in a positive di-  
17 rection.

18 “(d) PRIORITY.—In selecting among applicants for  
19 grants under this section, the Secretary shall give priority  
20 to eligible entities proposing to carry out programs that  
21 will provide additional societal benefits, such as—

22 “(1) improvements to academic performance in  
23 school;

24 “(2) character building and leadership develop-  
25 ment;

1           “(3) gang and juvenile delinquency prevention  
2           and reduction;

3           “(4) gender equality and female empowerment;

4           “(5) mentoring, volunteerism promotion, and  
5           service-learning opportunities;

6           “(6) family and community engagement and  
7           participation; or

8           “(7) workforce education and career develop-  
9           ment opportunities.

10          “(e) DISTRIBUTION OF FUNDS.—Of the amount  
11          made available to carry out this section for a fiscal year,  
12          the Secretary shall award—

13                 “(1) not less than 25 percent of such amount  
14                 to nationally-based nonprofit organizations described  
15                 in subsection (b)(1); and

16                 “(2) not more than 75 percent of such amount  
17                 to community-based nonprofit organizations de-  
18                 scribed in subsection (b)(2).

19          “(f) COST-SHARE REQUIREMENTS.—

20                 “(1) IN GENERAL.—With respect to the costs of  
21                 a qualified childhood obesity prevention initiative to  
22                 be carried out under this section—

23                         “(A) in the case of an applicant that is a  
24                         nationally-based nonprofit organization, a grant  
25                         under subsection (a) may be made only if the

1 organization agrees to make available (directly  
2 or through donations from public or private en-  
3 tities) non-Federal contributions toward such  
4 costs in an amount that is not less than one-  
5 third of such costs (\$1 for each \$2 of Federal  
6 funds provided in the grant); and

7 “(B) in the case of an applicant that is a  
8 community-based nonprofit organization, a  
9 grant under subsection (a) may be made only if  
10 the organization agrees to make available (di-  
11 rectly or through donations from public or pri-  
12 vate entities) non-Federal contributions toward  
13 such costs in an amount that is not less than  
14 one-fourth of such costs (\$1 for each \$3 of Fed-  
15 eral funds provided in the grant).

16 “(2) NON-FEDERAL CONTRIBUTIONS BY SUB-  
17 GRANTEES.—If a nationally-based nonprofit organi-  
18 zation chooses to provide grant funds received under  
19 this section to a subgrantee to carry out one or more  
20 programs as part of the organization’s qualified  
21 childhood obesity prevention initiative, the organiza-  
22 tion shall require the subgrantee to make available  
23 (directly or through donations from public or private  
24 entities) non-Federal contributions toward the costs  
25 of such programs in an amount that is not less than



1 one-third of such costs (\$1 for each \$2 of Federal  
2 funds provided in the grant). The amount of non-  
3 Federal contributions by subgrantees required under  
4 this paragraph is in addition to the amount of non-  
5 Federal contributions by the nationally-based non-  
6 profit organization required under paragraph (1).

7 “(3) DETERMINATION OF AMOUNT CONTRIB-  
8 UTED.—

9 “(A) IN GENERAL.—Non-Federal contribu-  
10 tions required by paragraph (1) or (2)—

11 “(i) in the case of a nationally-based  
12 nonprofit organization, shall be made in  
13 cash; and

14 “(ii) in the case of a subgrantee de-  
15 scribed in paragraph (2) or a community-  
16 based nonprofit organization, may be in  
17 cash or in kind, fairly evaluated, including  
18 plant, equipment, or services.

19 “(B) EXCLUSION OF FEDERAL CONTRIBU-  
20 TIONS.—Amounts provided by the Federal Gov-  
21 ernment, or services assisted or subsidized to  
22 any significant extent by the Federal Govern-  
23 ment, may not be included in determining the  
24 amount of non-Federal contributions required  
25 by paragraph (1) or (2).

1       “(g) REPORT TO CONGRESS.—Not later than one  
2 year after the first appropriation of Federal funds to carry  
3 out this section, the Secretary shall report to the Congress  
4 on the progress made in carrying out programs funded  
5 by grants under this section.

6       “(h) BEST PRACTICES GUIDELINES.—Based on the  
7 results of programs funded through grants under this sec-  
8 tion during the first two fiscal years of such funding, the  
9 Secretary shall develop publicly-accessible best practices  
10 guidelines for obesity reduction programs. The Secretary  
11 shall update these guidelines every two years.

12       “(i) AUTHORIZATION OF APPROPRIATIONS.—To  
13 carry out this section, there is authorized to be appro-  
14 priated \$50,000,000 for each of fiscal years 2011 through  
15 2015.”.

16 **SEC. 307. COORDINATED SCHOOL HEALTH INITIATIVES.**

17       (a) IN GENERAL.—From the amounts appropriated  
18 to carry out this section, the Secretary of Education shall  
19 carry out a pilot program to award grants to not more  
20 than 5 eligible entities to carry out coordinated school  
21 health initiatives in schools.

22       (b) AMOUNT OF GRANT.—A grant awarded under  
23 subsection (a) may not exceed \$15,000.

24       (c) USE OF FUNDS.—An eligible entity receiving a  
25 grant under this section shall carry out a coordinated

1 school health initiative in each school under the jurisdic-  
2 tion of the entity under which the entity shall—

3 (1) carry out a program, such as a fitnessgram,  
4 to assess the physical fitness (including aerobic ca-  
5 pacity, muscular strength and endurance, flexibility,  
6 and body composition) of each student served by the  
7 entity; and

8 (2) evaluate such assessments to—

9 (A) establish baselines with respect to aer-  
10 obic capacity, muscular strength and endur-  
11 ance, flexibility, and body composition that each  
12 such student should meet by a certain period;  
13 and

14 (B) identify interventions to assist each  
15 such student in meeting such baselines;

16 (3) review the interventions identified under  
17 paragraph (2)(B) to determine the best practices  
18 with respect to such interventions;

19 (4) use the determinations for best practices  
20 under paragraph (3) to implement interventions in  
21 each school under the jurisdiction of the entity; and

22 (5) not later than 1 year after the implementa-  
23 tion of the interventions, assess the physical fitness  
24 of each student served by the entity.

25 (d) REPORTING.—

1           (1) ELIGIBLE ENTITY.—Each eligible entity re-  
2           ceiving a grant under this section shall submit to the  
3           Secretary at such time and in such manner as deter-  
4           mined by the Secretary, a report on—

5                   (A) the initial physical fitness assessments  
6                   carried out under subsection (c)(1);

7                   (B) the interventions implemented under  
8                   subsection (c)(4); and

9                   (C) the physical fitness assessments car-  
10                  ried out under subsection (c)(5) after the inter-  
11                  ventions have been implemented.

12          (2) SECRETARY.—Not later than the first ap-  
13          propriation of Federal funds to carry out this sec-  
14          tion, the Secretary shall use the reports received  
15          under paragraph (1) to prepare and transmit to  
16          Congress a report on—

17                   (A) the average physical fitness levels of  
18                   students participating in the coordinated school  
19                   health initiative under this section—

20                           (i) prior to the interventions imple-  
21                           mented by each eligible entity under this  
22                           section; and

23                           (ii) 1 year after the implementation of  
24                           the interventions;

1 (B) the best practices with respect to the  
2 interventions; and

3 (C) recommendations on how schools and  
4 local educational agencies may incorporate such  
5 best practices.

6 (e) APPLICATION.—To receive a grant under this sec-  
7 tion, an eligible entity shall submit an application to the  
8 Secretary of Education at such time, in such manner, and  
9 containing such information as the Secretary may require.

10 (f) SUPPLEMENT, NOT SUPPLANT.—Funds received  
11 under this section shall be used to supplement, and not  
12 supplant, non-Federal funds that would otherwise be used  
13 for activities authorized under this section.

14 (g) DEFINITIONS.—For purposes of this section:

15 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
16 ty” means a local educational agency—

17 (A) that serves—

18 (i) a high percentage of students eligi-  
19 ble for free or reduced price lunches under  
20 the Richard B. Russell National School  
21 Lunch Act; or

22 (ii) a community otherwise determined  
23 by the Secretary to be a low-income com-  
24 munity; and

1 (B) that forms a partnership with an insti-  
2 tution of higher education or a nonprofit health  
3 or education organization, as determined by the  
4 Secretary, for the purposes of carrying out the  
5 coordinated school health initiative described in  
6 subsection (c).

7 (2) INSTITUTION OF HIGHER EDUCATION.—The  
8 term “institution of higher education” has the  
9 meaning given the term in section 101 of the Higher  
10 Education Act of 1965 (20 U.S.C. 1001).

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

15 (4) SECRETARY.—The term “Secretary” means  
16 the Secretary of Agriculture.

17 **SEC. 308. REWARDING ELEMENTARY AND SECONDARY**  
18 **SCHOOLS FOR OUTSTANDING STUDENT PER-**  
19 **FORMANCE IN PHYSICAL FITNESS PRO-**  
20 **GRAMS.**

21 (a) IN GENERAL.—The Secretary of Health and  
22 Human Services may make grants to elementary and sec-  
23 ondary schools as rewards for their students’ outstanding  
24 performance in the President’s Challenge or other feder-  
25 ally supported physical fitness programs.

1 (b) PREFERENCE.—In making grants under sub-  
2 section (a), the Secretary shall give preference to elemen-  
3 tary and secondary schools that—

4 (1) have the highest percentage of students  
5 earning a Presidential Physical Fitness Award  
6 through the President’s Challenge; and

7 (2) demonstrate the greatest improvement in  
8 the number or percentage of students earning the  
9 National Physical Fitness Award and the Partici-  
10 pant Physical Fitness Award through the Presi-  
11 dent’s Challenge.

12 (c) USE OF FUNDS.—As a condition on receipt of a  
13 grant under this section, a school shall agree to use the  
14 grant funds for programs and activities to further improve  
15 the physical fitness of students.

16 (d) APPLICATION.—To seek a grant under this sec-  
17 tion, a school shall submit an application at such time,  
18 in such manner, and containing such information as the  
19 Secretary may require. At a minimum, an application  
20 under this subsection shall include—

21 (1) a description of the school’s programs and  
22 activities for improving physical fitness;

23 (2) an assurance of compliance with applicable  
24 requirements of physical fitness programs of the De-  
25 partment of Health and Human Services; and

1           (3) an assessment of physical fitness levels of  
2 students in the school before, during, and after im-  
3 plementation such programs.

4           (e) REPORTS.—

5           (1) HHS.—Not later than 18 months after the  
6 date of the enactment of this Act, and annually  
7 thereafter, the Secretary shall submit a report to the  
8 Congress on the program of grants under this sec-  
9 tion, including—

10                   (A) a description of best practices by ele-  
11                   mentary and secondary schools for improving  
12                   physical fitness; and

13                   (B) any recommendations for improving  
14                   the program under this section.

15           (2) GAO.—Not later than 24 months after the  
16 date of the enactment of this Act, the Comptroller  
17 General of the United States shall complete a study  
18 and submit a report to the Congress—

19                   (A) analyzing physical fitness levels of stu-  
20                   dents in elementary and secondary schools  
21                   across the Nation;

22                   (B) evaluating the President’s Challenge to  
23                   determine whether the standards for Presi-  
24                   dential Physical Fitness Awards, National  
25                   Physical Fitness Awards, and Participant Phys-



1           ical Fitness Awards are accurate, up-to-date,  
2           and appropriate; and

3                   (C) evaluating the effectiveness of the  
4           awards described in subparagraph (B).

5       (f) DEFINITIONS.—In this section:

6           (1) The term “elementary and secondary  
7           schools” means public or private elementary schools  
8           and secondary schools (as defined in section 9101 of  
9           the Elementary and Secondary Education Act of  
10          1965 (20 U.S.C. 7801)).

11          (2) The term “President’s Challenge” refers to  
12          the premier program of the President’s Council on  
13          Fitness, Sports & Nutrition, under the Secretary of  
14          Health and Human Services, for increasing physical  
15          activity and improving physical fitness.

16          (3) The term “Secretary” means the Secretary  
17          of Health and Human Services.

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