

113TH CONGRESS  
1ST SESSION

# S. 531

To provide for the publication by the Secretary of Human Services of physical activity guidelines for Americans.

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IN THE SENATE OF THE UNITED STATES

MARCH 12, 2013

Mr. HARKIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To provide for the publication by the Secretary of Human Services of physical activity guidelines for Americans.

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 “Physical Activity  
5 Guidelines for Americans Act”.

6 **SEC. 2. PHYSICAL ACTIVITY GUIDELINES FOR AMERICANS.**

7 (a) REPORT.—

8 (1) IN GENERAL.—At least every 10 years, the  
9 Secretary of Health and Human Services (in this  
10 section referred to as the “Secretary”) shall publish

1 a report entitled “Physical Activity Guidelines for  
2 Americans”. Each such report shall contain physical  
3 activity information and guidelines for the general  
4 public, and shall be promoted by each Federal agen-  
5 cy in carrying out any Federal health program. Not  
6 later than 5 years after the publication of the first  
7 such report, and every 10 years thereafter, the Sec-  
8 retary shall publish a report highlighting the best  
9 practices and continuing issues in the physical activ-  
10 ity arena, which may focus on a particular group,  
11 subsection, or other division of the general public or  
12 a particular issue relating to the physical activity of  
13 Americans.

14 (2) BASIS OF GUIDELINES.—The information  
15 and guidelines contained in each report required  
16 under paragraph (1) shall be based on the prepon-  
17 derance of the scientific and medical knowledge  
18 which is current at the time the report is prepared,  
19 and shall include guidelines for identified population  
20 subgroups, including children, if the preponderance  
21 of scientific and medical knowledge indicates those  
22 subgroups require different levels of physical activ-  
23 ity.

24 (b) APPROVAL BY SECRETARY.—

1           (1) REVIEW.—Any Federal agency that pro-  
2           poses to issue any physical activity guidance for the  
3           general population or identified population sub-  
4           groups shall submit the text of such guidance to the  
5           Secretary for a 60-day review period.

6           (2) BASIS OF REVIEW.—

7           (A) IN GENERAL.—During the 60-day re-  
8           view period established in paragraph (1), the  
9           Secretary shall review and approve or dis-  
10          approve such guidance to assure that the guid-  
11          ance either is consistent with the “Physical Ac-  
12          tivity Guidelines for Americans” or that the  
13          guidance is based on medical or new scientific  
14          knowledge which is determined to be valid by  
15          the Secretary. If after such 60-day review pe-  
16          riod the Secretary has not notified the pro-  
17          posing agency that such guidance has been dis-  
18          approved, then such guidance may be issued by  
19          the agency. If the Secretary disapproves such  
20          guidance, it shall be returned to the agency. If  
21          the Secretary finds that such guidance is incon-  
22          sistent with the “Physical Activity Guidelines  
23          for Americans” and so notifies the proposing  
24          agency, such agency shall follow the procedures  
25          set forth in this subsection before disseminating

1 such proposal to the public in final form. If  
2 after such 60-day period, the Secretary dis-  
3 approves such guidance as inconsistent with the  
4 “Physical Activity Guidelines for Americans”  
5 the proposing agency shall—

6 (i) publish a notice in the Federal  
7 Register of the availability of the full text  
8 of the proposal and the preamble of such  
9 proposal which shall explain the basis and  
10 purpose for the proposed physical activity  
11 guidance;

12 (ii) provide in such notice for a public  
13 comment period of 30 days; and

14 (iii) make available for public inspec-  
15 tion and copying during normal business  
16 hours any comment received by the agency  
17 during such comment period.

18 (B) REVIEW OF COMMENTS.—After review  
19 of comments received during the comment pe-  
20 riod, the Secretary may approve for dissemina-  
21 tion by the proposing agency a final version of  
22 such physical activity guidance along with an  
23 explanation of the basis and purpose for the  
24 final guidance which addresses significant and

1 substantive comments as determined by the  
2 proposing agency.

3 (C) ANNOUNCEMENT.—Any such final  
4 physical activity guidance to be disseminated  
5 under subparagraph (B) shall be announced in  
6 a notice published in the Federal Register, be-  
7 fore public dissemination along with an address  
8 where copies may be obtained.

9 (D) NOTIFICATION OF DISAPPROVAL.—If  
10 after the 30-day period for comment as pro-  
11 vided under subparagraph (A)(ii), the Secretary  
12 disapproves a proposed physical activity guid-  
13 ance, the Secretary shall notify the Federal  
14 agency submitting such guidance of such dis-  
15 approval, and such guidance may not be issued,  
16 except as provided in subparagraph (E).

17 (E) REVIEW OF DISAPPROVAL.—If a pro-  
18 posed physical activity guidance is disapproved  
19 by the Secretary under subparagraph (D), the  
20 Federal agency proposing such guidance may,  
21 within 15 days after receiving notification of  
22 such disapproval under subparagraph (D), re-  
23 quest the Secretary to review such disapproval.  
24 Within 15 days after receiving a request for  
25 such a review, the Secretary shall conduct such

1 review. If, pursuant to such review, the Sec-  
2 retary approves such proposed physical activity  
3 guidance, such guidance may be issued by the  
4 Federal agency.

5 (3) DEFINITIONS.—In this subsection:

6 (A) The term “physical activity guidance  
7 for the general population” does not include  
8 any rule or regulation issued by a Federal agen-  
9 cy.

10 (B) The term “identified population sub-  
11 groups” shall include, but not be limited to,  
12 groups based on factors such as age, sex, race,  
13 or physical disability.

14 (c) EXISTING AUTHORITY NOT AFFECTED.—This  
15 section does not place any limitations on—

16 (1) the conduct or support of any scientific or  
17 medical research by any Federal agency; or

18 (2) the presentation of any scientific or medical  
19 findings or the exchange or review of scientific or  
20 medical information by any Federal agency.

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