

107TH CONGRESS
2D SESSION

H. R. 5306

To provide assistance for the development of indoor disease prevention and health promotion centers in urban and rural areas throughout the United States.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2002

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

A BILL

To provide assistance for the development of indoor disease prevention and health promotion centers in urban and rural areas throughout the United States.

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 “Urban and Rural Dis-
5 ease Prevention and Health Promotion Act of 2002”.

6 **SEC. 2. CONGRESSIONAL FINDINGS.**

7 The Congress finds that—

1 (1) in 1999, 61 percent of adults in the United
2 States were overweight or obese;

3 (2) all age, racial, and ethnic groups, and both
4 genders, have experienced increases in the percent-
5 age of persons who are overweight or obese;

6 (3) each year in the United States, approxi-
7 mately 300,000 deaths are associated with obesity;

8 (4) overweight and obesity are associated with
9 heart disease, certain types of cancer, type 2 diabe-
10 tes, stroke, arthritis, breathing problems, and psy-
11 chological disorders, such as depression;

12 (5) in 2000, the economic cost of obesity in the
13 United States was approximately \$117,000,000,000;

14 (6) it is recommended that American adults ac-
15 cumulate at least 30 minutes, and American chil-
16 dren accumulate at least 60 minutes, of moderate
17 physical activity most days of the week, though more
18 may be needed to prevent weight gain, to lose
19 weight, or to maintain weight loss;

20 (7) less than one-third of American adults en-
21 gage in these recommended amounts of physical ac-
22 tivity;

23 (8) 40 percent of adults in the United States do
24 not participate in any leisure-time physical activity;

1 (9) physical activity is important in preventing
2 and treating overweight and obesity and is extremely
3 helpful in maintaining weight loss, especially when
4 combined with healthy eating;

5 (10) there is a direct positive relationship be-
6 tween the level of individual and community use of
7 public recreational facilities and services, access to
8 and condition of such facilities, and the diversity and
9 quality of services relative to current and potential
10 uses; and

11 (11) medical and other research document a di-
12 rect positive relationship between active recreation
13 and disease prevention and general wellness.

14 **SEC. 3. GRANT AND LOAN PROGRAM FOR INDOOR DISEASE**
15 **PREVENTION AND HEALTH PROMOTION CEN-**
16 **TERS.**

17 (a) **AUTHORITY.**—The Secretary of Housing and
18 Urban Development may make grants and loans in accord-
19 ance with this Act to eligible entities under section 4 for
20 the development of indoor centers for disease prevention
21 and health promotion.

22 (b) **CENTERS.**—For purposes of this Act, the term
23 “indoor disease prevention and health promotion center”
24 means a structure or facility, or a portion thereof, that—

1 (1) is used principally as an indoor recreational
2 facility providing services, programs, and activities
3 that result in disease prevention and health pro-
4 motion, including direct recreation services for indi-
5 viduals and groups, information on public and per-
6 sonal health and wellness, health screening, and
7 other necessary services in collaboration with public
8 and private health professionals and other entities;

9 (2) is owned or controlled by the eligible entity
10 that receives the grant or loan under this Act;

11 (3) is available for use by, and provides services
12 to, residents of the jurisdiction of such eligible entity
13 free of charge or at a charge not exceeding that nec-
14 essary to provide for operation and maintenance of
15 the facility and for appropriate public recreation
16 services; and

17 (4) is subject to such legally binding and en-
18 forceable commitments, as the Secretary shall re-
19 quire, to ensure that the structure or facility, or por-
20 tion thereof, is used as provided in paragraph (1) for
21 the 25-year period beginning upon the receipt of a
22 grant or loan made under this Act; except that the
23 Secretary may, upon the request of a entity that re-
24 ceived a grant or loan under this Act, waive the ap-

1 plicability of such commitments if the Secretary
2 finds that—

3 (A) environmental or other conditions have
4 substantially reduced the public value of the fa-
5 cility or public access to the facility; or

6 (B) the site or facility has substantially de-
7 teriorated, through no fault of the entity that
8 received the grant or loan, and such entity en-
9 ters into an agreement with the Secretary to
10 obtain or provide a replacement facility that
11 generally provides access to services for persons
12 that were served at the original facility.

13 **SEC. 4. ELIGIBLE ENTITIES.**

14 Grants and loans under this Act may be made only
15 to the following entities:

16 (1) A unit of general local government.

17 (2) An official State, metropolitan, regional, or
18 other area agency, district, public-purpose corpora-
19 tion, or other limited-purpose political subdivision of
20 a State, that is empowered under State or local laws
21 or under an interstate compact or agreement to
22 manage, administer, or provide public parks and rec-
23 reational facilities.

24 (3) Public authorities or agencies associated
25 with economic or community development or restora-

1 tion, whose activities support capital investments for
2 public recreation.

3 **SEC. 5. ELIGIBLE USES OF ASSISTANCE.**

4 Amounts from a grant or loan under this Act may
5 be used only for the development of indoor centers for dis-
6 ease prevention and health promotion, which shall include
7 the following activities:

8 (1) Planning.

9 (2) Design.

10 (3) Site acquisition, preparation, and construc-
11 tion.

12 (4) Assessment of, and response to, site envi-
13 ronmental conditions.

14 (5) Landscaping.

15 (6) New construction.

16 (7) Rehabilitation of existing recreational struc-
17 tures and facilities.

18 (8) Enhancement and expansion of public infra-
19 structure.

20 (9) Acquisition and conversion of existing non-
21 recreational structures and facilities.

22 **SEC. 6. GRANT AND LOAN REQUIREMENTS.**

23 (a) AMOUNT.—The Secretary may not make a grant
24 or loan under this Act for any fiscal year to any eligible

1 entity that has received a grant or loan during any of the
2 preceding three fiscal years.

3 (b) LOANS.—Loans made with amounts made avail-
4 able under this Act shall be subject to the following re-
5 quirements:

6 (1) NO INTEREST LOANS.—Loans shall not
7 bear interest.

8 (2) TERM.—Loans shall have a term to matu-
9 rity not to exceed 10 years.

10 (3) REVOLVING LOAN FUND.—Loan amounts
11 repaid to the Secretary shall be available to the Sec-
12 retary, without fiscal year limitation, for making ad-
13 ditional loans under this Act.

14 (4) OTHER CONDITIONS.—Loans shall be sub-
15 ject to such other terms and conditions as the Sec-
16 retary may establish.

17 (c) APPLICATIONS.—The Secretary shall provide for
18 eligible entities to submit applications for grants and loans
19 under this Act.

20 (d) SELECTION CRITERIA.—Not later than 60 days
21 after the date of the enactment of this Act, the Secretary
22 shall cause to be published in the Federal Register a list
23 of criteria for the selection of applicant eligible entities
24 for grants and loans under this Act. Such criteria shall
25 be based upon factors that the Secretary considers are ap-

1 appropriate to determine need among communities for Fed-
2 eral financial assistance for development of indoor disease
3 prevention and health promotion centers.

4 (e) REVIEW OF APPLICATIONS AND SELECTION.—

5 (1) REVIEW PANEL.—The Secretary shall ap-
6 point a panel of experts in the fields of public recre-
7 ation, public health, and community health care to
8 review applications for grants and loans under this
9 Act and to make recommendations to the Secretary
10 for selection of such applications for grants and
11 loans based upon the criteria established pursuant to
12 subsection (d).

13 (2) SELECTION.—The Secretary shall select eli-
14 gible entities that have submitted applications for
15 grants and loans under this Act to receive such as-
16 sistance, based upon the criteria established pursu-
17 ant to subsection (d) and taking into consideration
18 the recommendations of the panel established pursu-
19 ant to paragraph (1) of this subsection.

20 **SEC. 7. ALLOCATION OF AMOUNTS.**

21 (a) REGIONAL ALLOCATION.—Of any amounts made
22 available for assistance under this Act for each fiscal
23 year—

24 (1) 50 percent shall be made available for
25 grants and loans for the development of indoor dis-

1 ease prevention and health promotion centers that
2 will be located in units of general local government
3 having a population of 50,000 or less; and

4 (2) 50 percent shall be made available for
5 grants and loans for the development of indoor dis-
6 ease prevention and health promotion centers that
7 will be located in units of general local government
8 having a population of more than 50,000.

9 (b) ALLOCATION FOR GRANTS AND LOANS.—Of any
10 amounts made available for assistance under this Act for
11 each fiscal year, the Secretary shall make not more than
12 10 percent available for loans under this Act.

13 **SEC. 8. MATCHING FUNDS REQUIREMENT.**

14 (a) IN GENERAL.—The amount of a grant made
15 under this Act by the Secretary to any eligible entity may
16 not exceed the amount that the eligible entity certifies, as
17 the Secretary shall require, that the entity will contribute
18 from non-Federal sources for the activities under section
19 5.

20 (b) SUPPLEMENTAL FUNDS.—In determining the
21 amount contributed for purposes of meeting the require-
22 ment under subsection (a), an eligible entity may include
23 the value of any donated material or building, the value
24 of any lease on a building, and the value of any adminis-
25 trative or other costs incurred by an eligible entity relating

1 to carrying out the activities assisted with amounts pro-
2 vided under this Act and amounts contributed under this
3 section.

4 **SEC. 9. LABOR.**

5 (a) IN GENERAL.—Any contract for activities de-
6 scribed in section 5 for an indoor center for disease pre-
7 vention and health promotion that is developed in whole
8 or in part with amounts made available under this Act
9 shall contain—

10 (1) a provision requiring that not less than the
11 wages prevailing in the locality, as determined or
12 adopted (subsequent to a determination under appli-
13 cable State or local law) by the Secretary, shall be
14 paid to all architects, technical engineers, draftsmen,
15 and technicians employed in the development of the
16 center involved; and

17 (2) a provision requiring that not less than the
18 wages prevailing in the locality, as predetermined by
19 the Secretary of Labor pursuant to the Davis-Bacon
20 Act (40 U.S.C. 276a—276a–5), shall be paid to all
21 laborers and mechanics employed in the development
22 of the center involved.

23 (b) COMPLIANCE.—Each eligible entity receiving as-
24 sistance under this Act shall require certification as to

1 compliance with the provisions of this section before mak-
2 ing any payment under such contract.

3 (c) INAPPLICABILITY TO VOLUNTEERS.—Subsection
4 (a) shall not apply if the individual receives no compensa-
5 tion or is paid expenses, reasonable benefits, or a nominal
6 fee to perform the services for which the individual volun-
7 teered and such persons are not otherwise employed at any
8 time in the development work.

9 **SEC. 10. DEFINITIONS.**

10 For purposes of this Act, the following definitions
11 shall apply:

12 (1) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means any entity that, under section 4, is eligi-
14 ble to receive a grant or loan under this Act.

15 (2) SECRETARY.—The term “Secretary” means
16 the Secretary of Housing and Urban Development.

17 (3) UNIT OF GENERAL LOCAL GOVERNMENT.—
18 The term “unit of general local government” means
19 any city, town, township, county, parish, village, or
20 other general purpose political subdivision of a
21 State.

22 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to the Sec-
24 retary for grants and loans under this Act—

25 (1) \$100,000,000 for fiscal year 2003;

- 1 (2) \$125,000,000 for fiscal year 2004;
- 2 (3) \$150,000,000 for fiscal year 2005;
- 3 (4) \$175,000,000 for fiscal year 2006; and
- 4 (5) \$200,000,000 for fiscal year 2007.

5 **SEC. 12. REGULATIONS.**

6 The Secretary may issue any regulations necessary
7 to carry out this Act.

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