

109TH CONGRESS  
1ST SESSION

# S. 799

To amend the Public Health Service Act to provide for the coordination of Federal Government policies and activities to prevent obesity in childhood, to provide for State childhood obesity prevention and control, and to establish grant programs to prevent childhood obesity within homes, schools, and communities.

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## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. KENNEDY 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 amend the Public Health Service Act to provide for the coordination of Federal Government policies and activities to prevent obesity in childhood, to provide for State childhood obesity prevention and control, and to establish grant programs to prevent childhood obesity within homes, schools, and communities.

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 “Prevention of Child-  
5 hood Obesity Act”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Childhood overweight and obesity is a major  
4 public health threat to the United States. The rates  
5 of obesity have doubled in preschool children and tri-  
6 pled in adolescents in the past 25 years. About  
7 9,000,000 young people are considered overweight.8 (2) Overweight and obesity is more prevalent in  
9 Mexican American and African American youth.  
10 Among Mexican Americans, 24 percent of children  
11 (6 to 11 years) and adolescents (12 to 19 years) are  
12 obese and another 40 percent of children and 44  
13 percent of adolescents are overweight. Among Afri-  
14 can Americans, 20 percent of children and 24 per-  
15 cent of adolescents are obese and another 36 percent  
16 of children and 41 percent of adolescents are over-  
17 weight.18 (3) Childhood overweight and obesity is related  
19 to the development of a number of preventable  
20 chronic diseases in childhood and adulthood, such as  
21 type 2 diabetes and hypertension.22 (4) Overweight adolescents have up to an 80  
23 percent chance of becoming obese adults. In 2003,  
24 obesity-related health conditions in adults resulted in  
25 approximately \$11,000,000,000 in medical expendi-  
26 tures.

1 (5) Childhood overweight and obesity is pre-  
2 ventable but will require changes across the multiple  
3 environments to which our children are exposed.  
4 This includes homes, schools, communities, and soci-  
5 ety at large.

6 (6) Overweight and obesity in children are  
7 caused by unhealthy eating habits and insufficient  
8 physical activity.

14 (8) More than one third of young people do not  
15 meet recommended guidelines for physical activity.  
16 Daily participation in high school physical education  
17 classes dropped from 42 percent in 1991 to 28 per-  
18 cent in 2003.

19 (9) Children spend an average of 5½ hours per  
20 day using media, more time than they spend doing  
21 anything besides sleeping.

22 (10) Children are exposed to an average of  
23 40,000 television advertisements each year for  
24 candy, high sugar cereals, and fast food. Fast food  
25 outlets alone spend \$3,000,000,000 in advertise-

1       ments targeting children. Children are exposed to 1  
2       food commercial every 5 minutes.

3               (11) A coordinated effort involving evidence-  
4       based approaches is needed to ensure children de-  
5       velop in a society in which healthy lifestyle choices  
6       are available and encouraged.

7       **TITLE I—FEDERAL OBESITY**  
8       **PREVENTION**

9       **SEC. 101. FEDERAL LEADERSHIP COMMISSION TO PRE-**  
10       **VENT CHILDHOOD OBESITY.**

11       Part Q of title III of the Public Health Service Act  
12 (42 U.S.C. 280h et seq.) is amended by inserting after  
13 section 399W, the following:

14       **“SEC. 399W-1. FEDERAL LEADERSHIP COMMISSION TO PRE-**  
15       **VENT CHILDHOOD OBESITY.**

16       “(a) IN GENERAL.—The Secretary shall ensure that  
17 the Federal Government coordinates efforts to develop,  
18 implement, and enforce policies that promote messages  
19 and activities designed to prevent obesity among children  
20 and youth.

21       “(b) ESTABLISHMENT OF LEADERSHIP COMMI-  
22 SION.—The Secretary, acting through the Director of the  
23 Centers for Disease Control and Prevention, shall estab-  
24 lish within the Centers for Disease Control and Prevention  
25 a Federal Leadership Commission to Prevent Childhood

1 Obesity (referred to in this section as the ‘Commission’)  
2 to assess and make recommendations for Federal depart-  
3 mental policies, programs, and messages relating to the  
4 prevention of childhood obesity. The Director shall serve  
5 as the chairperson of the Commission.

6       “(c) MEMBERSHIP.—The Commission shall include  
7 representatives of offices and agencies within—

8           “(1) the Department of Health and Human  
9 Services;

10          “(2) the Department of Agriculture;

11          “(3) the Department of Commerce;

12          “(4) the Department of Education;

13          “(5) the Department of Housing and Urban  
14 Development;

15          “(6) the Department of the Interior;

16          “(7) the Department of Labor;

17          “(8) the Department of Transportation;

18          “(9) the Federal Trade Commission; and

19          “(10) other Federal entities as determined ap-  
20 propriate by the Secretary.

21        “(d) DUTIES.—The Commission shall—

22           “(1) serve as a centralized mechanism to co-  
23 ordinate activities related to obesity prevention  
24 across all Federal departments and agencies;

1           “(2) establish specific goals for obesity prevention,  
2           and determine accountability for reaching these  
3           goals, within and across Federal departments and  
4           agencies;

5           “(3) review evaluation and economic data relating  
6           to the impact of Federal interventions on the  
7           prevention of childhood obesity;

8           “(4) provide a description of evidence-based  
9           best practices, model programs, effective guidelines,  
10           and other strategies for preventing childhood obesity;

12           “(5) make recommendations to improve Federal  
13           efforts relating to obesity prevention and to ensure  
14           Federal efforts are consistent with available standards  
15           and evidence; and

16           “(6) monitor Federal progress in meeting specific  
17           obesity prevention goals.

18           “(e) STUDY; SUMMIT; GUIDELINES.—

19           “(1) STUDY.—The Government Accountability  
20           Office shall—

21           “(A) conduct a study to assess the effect  
22           of Federal nutrition assistance programs and  
23           agricultural policies on the prevention of childhood  
24           obesity, and prepare a report on the results of such study that shall include a descrip-

5                   “(B) make recommendations to guide or  
6                   revise Federal policies for ensuring access to  
7                   nutritional foods in Federal nutrition assistance  
8                   programs; and

9                             “(C) complete the activities provided for  
10                             under this section not later than 18 months  
11                             after the date of enactment of this section.

12                   “(2) INSTITUTE OF MEDICINE STUDY.—

13                             “(A) IN GENERAL.—Not later than 6  
14 months after the date of enactment of this sec-  
15 tion, the Secretary shall request that the Insti-  
16 tute of Medicine (or similar organization) con-  
17 duct a study and make recommendations on  
18 guidelines for nutritional food and physical ac-  
19 tivity advertising and marketing to prevent  
20 childhood obesity. In conducting such study the  
21 Institute of Medicine shall—

22 “(i) evaluate children’s advertising  
23 and marketing guidelines and evidence-  
24 based literature relating to the impact of

1 advertising on nutritional foods and phys-  
2 ical activity in children and youth; and

3 “(ii) make recommendations on na-  
4 tional guidelines for advertising and mar-  
5 keting practices relating to children and  
6 youth that—

7 “(I) reduce the exposure of chil-  
8 dren and youth to advertising and  
9 marketing of foods of poor or minimal  
10 nutritional value and practices that  
11 promote sedentary behavior; and

12 “(II) increase the number of  
13 media messages that promote physical  
14 activity and sound nutrition.

15 “(B) GUIDELINES.—Not later than 2  
16 years after the date of enactment of this sec-  
17 tion, the Institute of Medicine shall submit to  
18 the Commission the final report concerning the  
19 results of the study, and making the rec-  
20 ommendations, required under this paragraph.

21 “(3) NATIONAL SUMMIT.—

22 “(A) IN GENERAL.—Not later than 1 year  
23 after the date on which the report under para-  
24 graph (2)(B) is submitted, the Commission  
25 shall convene a National Summit to Implement

1 Food and Physical Activity Advertising and  
2 Marketing Guidelines to Prevent Childhood  
3 Obesity (referred to in this section as the ‘Sum-  
4 mit’).

5 “(B) COLLABORATIVE EFFORT.—The  
6 Summit shall be a collaborative effort and in-  
7 clude representatives from—

8 “(i) education and child development  
9 groups;

10 “(ii) public health and behavioral  
11 science groups;

12 “(iii) child advocacy and health care  
13 provider groups; and

14 “(iv) advertising and marketing indus-  
15 try.

16 “(C) ACTIVITIES.—The participants in the  
17 Summit shall develop a 5-year plan for imple-  
18 menting the national guidelines recommended  
19 by the Institute of Medicine in the report sub-  
20 mitted under paragraph (2)(B).

21 “(D) EVALUATION AND REPORTS.—Not  
22 later than 1 year after the date of enactment of  
23 this section, and biannually thereafter, the  
24 Commission shall evaluate and submit a report  
25 to Congress on the efforts of the Federal Gov-

6       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to carry out this section,  
8 such sums as may be necessary for each of fiscal years  
9 2006 through 2010.

10        “(g) DEFINITIONS.—For purposes of this section, the  
11 definitions contained in section 401 of the Prevention of  
12 Childhood Obesity Act shall apply.”.

13 SEC. 102. FEDERAL TRADE COMMISSION AND MARKETING  
14 TO CHILDREN AND YOUTH.

15 (a) IN GENERAL.—Notwithstanding section 18 of the  
16 Federal Trade Commission Act (15 U.S.C. 57a), the Fed-  
17 eral Trade Commission is authorized to promulgate regu-  
18 lations and monitor compliance with the guidelines for ad-  
19 vertising and marketing of nutritional foods and physical  
20 activity directed at children and youth, as recommended  
21 by the National Summit to Implement Food and Physical  
22 Activity Advertising and Marketing Guidelines to Prevent  
23 Childhood Obesity (as established under section 399W–  
24 1(e)(3) of the Public Health Service Act).

1       (b) FINES.—Notwithstanding section 18 of the Fed-  
2 eral Trade Commission Act (15 U.S.C. 57a), the Federal  
3 Trade Commission may assess fines on advertisers or net-  
4 work and media groups that fail to comply with the guide-  
5 lines described in subsection (a).

6 **TITLE II—STATE CHILDREN AND**  
7 **YOUTH OBESITY PREVENTION**  
8 **AND CONTROL**

9 **SEC. 201. AMENDMENT TO THE PUBLIC HEALTH SERVICE**  
10 **ACT.**

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

14 **“PART R—OBESITY PREVENTION AND CONTROL**  
15 **“SEC. 399AA. STATE CHILDHOOD OBESITY PREVENTION**  
16 **AND CONTROL PROGRAMS.**

17       “(a) IN GENERAL.—The Secretary, acting through  
18 the Director of the Centers for Disease Control and Pre-  
19 vention, shall award competitive grants to eligible entities  
20 to support activities that implement the children’s obesity  
21 prevention and control plans contained in the applications  
22 submitted under subsection (b)(2).

23       “(b) ELIGIBILITY.—To be eligible to receive a grant  
24 under this section, an entity shall—

1           “(1) be a State, territory, or an Indian tribe;

2       and

3           “(2) submit to the Secretary an application at  
4       such time, in such manner, and containing such  
5       agreements, assurances, and information as the Sec-  
6       retary may require, including a children’s obesity  
7       prevention and control plan that—

8           “(A) is developed with the advice of stake-  
9       holders from the public, private, and nonprofit  
10      sectors that have expertise relating to obesity  
11      prevention and control;

12           “(B) targets prevention and control of  
13      childhood obesity;

14           “(C) describes the obesity-related services  
15      and activities to be undertaken or supported by  
16      the applicant; and

17           “(D) describes plans or methods to eval-  
18      uate the services and activities to be carried out  
19      under the grant.

20           “(c) USE OF FUNDS.—An eligible entity shall  
21      use amounts received under a grant under this sec-  
22      tion to conduct, in a manner consistent with the  
23      children’s obesity prevention and control plan under  
24      subsection (b)(2)—

1           “(1) an assessment of the prevalence and inci-  
2        dence of obesity in children;

3           “(2) an identification of evidence-based and  
4        cost-effective best practices for preventing childhood  
5        obesity;

6           “(3) innovative multi-level behavioral or envi-  
7        ronmental interventions to prevent childhood obesity;

8           “(4) demonstration projects for the prevention  
9        of obesity in children and youth through partner-  
10        ships between private industry organizations, com-  
11        munity-based organizations, academic institutions,  
12        schools, hospitals, health insurers, researchers,  
13        health professionals, or other health entities deter-  
14        mined appropriate by the Secretary;

15           “(5) ongoing coordination of efforts between  
16        governmental and nonprofit entities pursuing obesity  
17        prevention and control efforts, including those enti-  
18        ties involved in related areas that may inform or  
19        overlap with childhood obesity prevention and con-  
20        trol efforts, such as activities to promote school nu-  
21        trition and physical activity; and

22           “(6) evaluations of State and local policies and  
23        programs related to obesity prevention in children.

24        “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
25        are authorized to be appropriated to carry out this section,

1 such sums as may be necessary for each of fiscal years  
2 2006 through 2010.

3 **“SEC. 399AA-1. COMPREHENSIVE OBESITY PREVENTION AC-**  
4 **TION GRANTS.**

5 “(a) IN GENERAL.—The Secretary shall award  
6 grants on a competitive basis to eligible entities to enable  
7 such entities to implement activities related to obesity pre-  
8 vention and control.

9 “(b) ELIGIBILITY.—To be eligible to receive a grant  
10 under this section, an entity shall—

11 “(1) be a public or private nonprofit entity; and  
12 “(2) submit to the Secretary an application at  
13 such time, in such manner, and containing such  
14 agreements, assurances, and information as the Sec-  
15 retary may require, including a description of how  
16 funds received under a grant awarded under this  
17 section will be used to—

18 “(A) supplement or fulfill unmet needs  
19 identified in the children’s obesity prevention  
20 and control plan of a State, Indian tribe, or ter-  
21 ritory (as prepared under this part); and

22 “(B) otherwise help achieve the goals of  
23 obesity prevention as established by the Sec-  
24 retary or the Commission.

1       “(c) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to eligible entities  
3 submitting applications proposing to carry out programs  
4 for preventing obesity in children and youth from at-risk  
5 populations or reducing health disparities in underserved  
6 populations.

7       “(d) USE OF FUNDS.—An eligible entity shall use  
8 amounts received under a grant awarded under subsection  
9 (a) to implement and evaluate behavioral and environ-  
10 mental change programs for childhood obesity prevention.

11       “(e) EVALUATION.—An eligible entity that receives a  
12 grant under this section shall submit to the Secretary an  
13 evaluation of the operations and activities carried out  
14 under such grant that includes an analysis of the utiliza-  
15 tion and benefit of public health programs relevant to the  
16 activities described in subsection (d).

17       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
18 are authorized to be appropriated to carry out this section,  
19 such sums as may be necessary for each of fiscal years  
20 2006 through 2010.

1   **“SEC. 399AA-2. DISCOVERY TO PRACTICE CENTERS OF EX-**  
2                   **CELLENCE WITHIN THE HEALTH PROMOTION**  
3                   **AND DISEASE PREVENTION RESEARCH CEN-**  
4                   **TERS OF THE CENTERS FOR DISEASE CON-**  
5                   **TROL AND PREVENTION.**

6       “(a) IN GENERAL.—The Secretary, acting through  
7   the Director of the Centers for Disease Control and Pre-  
8   vention, shall award grants to eligible entities for the es-  
9   tablishment of Centers of Excellence for Discovery to  
10   Practice (referred to in this section as the ‘Centers’) im-  
11   plemented through the Health Promotion and Disease  
12   Prevention Research Centers of the Centers for Disease  
13   Control and Prevention. Such eligible entities shall use  
14   grant funds to disseminate childhood obesity prevention  
15   evidence-based practices to individuals, families, schools,  
16   organizations, and communities.

17       “(b) ELIGIBILITY.—To be eligible to receive a grant  
18   under this section, an entity shall—

19               “(1) be a Health Promotion and Disease Pre-  
20   vention Research Center of the Centers for Disease  
21   Control and Prevention;

22               “(2) demonstrate a history of service to and  
23   collaboration with populations with a high incidence  
24   of childhood obesity; and

25               “(3) submit to the Secretary an application at  
26   such time, in such manner, and containing such

1 agreements, assurances, and information as the Sec-  
2 retary may require.

3 “(c) PRIORITY.—In awarding grants under this sec-  
4 tion, the Secretary shall give priority to applications tar-  
5 geting childhood obesity prevention activities in under-  
6 served populations.

7 “(d) USE OF FUNDS.—An eligible entity shall use  
8 amounts received under a grant under this section to dis-  
9 seminate childhood obesity prevention evidence-based  
10 practices through activities that—

11 “(1) expand the availability of evidence-based  
12 nutrition and physical activity programs designed  
13 specifically for the prevention of childhood obesity;  
14 and

15 “(2) train lay and professional individuals on  
16 determinants of and methods for preventing child-  
17 hood obesity.

18 “(e) EVALUATION.—An eligible entity that receives a  
19 grant under this section shall submit to the Secretary an  
20 evaluation of the operations and activities carried out  
21 under such a grant that includes an analysis of increased  
22 utilization and benefit of programs relevant to the activi-  
23 ties described in subsection (d).

1       “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to carry out this section,  
3 \$50,000,000 for each of fiscal years 2006 through 2010.

4 **“SEC. 399AA-3. DEFINITIONS.**

5       “For purposes of this part, the definitions contained  
6 in section 401 of the Prevention of Childhood Obesity Act  
7 shall apply.”.

8 **TITLE III—FEDERAL PROGRAMS  
9           TO PREVENT CHILDHOOD  
10          OBESITY**

11 **Subtitle A—Preventing Obesity at  
12           Home**

13 **SEC. 301. DEVELOPMENT OF OBESITY PREVENTION BEHAV-  
14           IOR CHANGE CURRICULA FOR EARLY CHILD-  
15          HOOD HOME VISITATION PROGRAMS.**

16       Title III of the Public Health Service Act (42 U.S.C.  
17 241 et seq.), as amended by section 201, is further amend-  
18 ed by adding at the end the following:

19       **“PART S—PREVENTING CHILDHOOD OBESITY**  
20       **“SEC. 399BB. DEVELOPMENT OF OBESITY PREVENTION BE-  
21           HAVIOR CHANGE CURRICULA FOR EARLY  
22          CHILDHOOD HOME VISITATION PROGRAMS.**

23       “(a) IN GENERAL.—The Secretary, in collaboration  
24 with the Director of the Centers for Disease Control and  
25 Prevention and the Secretary of Education, shall award

1 grants for the development of obesity prevention behavior  
2 change curricula to be incorporated into early childhood  
3 home visitation programs.

4       “(b) ELIGIBILITY.—To be eligible to receive a grant  
5 under this section, an entity shall—

6           “(1) be an academic center collaborating with a  
7 public or private nonprofit organization that has the  
8 capability of testing behavior change curricula in  
9 service delivery settings and disseminating results to  
10 home visiting programs nationally, except that an  
11 organization testing the behavior change curricula  
12 developed under the grant shall implement a model  
13 of home visitation that—

14           “(A) focuses on parental education and  
15 care of children who are prenatal through 5  
16 years of age;

17           “(B) promotes the overall health and well-  
18 being of young children; and

19           “(C) adheres to established quality stand-  
20 ards; and

21           “(2) submit to the Secretary an application at  
22 such time, in such manner, and containing such  
23 agreements, assurances, and information as the Sec-  
24 retary may require.

1       “(c) PRIORITY.—In awarding grants under this sec-  
2 tion, the Secretary shall give priority to eligible entities  
3 submitting applications that propose to develop and imple-  
4 ment programs for preventing childhood obesity and re-  
5 ducing health disparities in underserved populations.

6       “(d) USE OF FUNDS.—An eligible entity shall use  
7 amounts received under a grant under this section to de-  
8 velop, implement, and evaluate the impact of behavior  
9 change curricula for early childhood home visitation pro-  
10 grams that—

11           “(1) encourage breast-feeding of infants;  
12           “(2) promote age-appropriate portion sizes for  
13           a variety of nutritious foods;  
14           “(3) promote consumption of fruits and vegeta-  
15           bles and low-energy dense foods; and  
16           “(4) encourage education around parental mod-  
17           eling of physical activity and reduction in television  
18           viewing and other sedentary activities by toddlers  
19           and young children.

20       “(e) EVALUATION.—Not later than 3 years after the  
21 date on which a grant is awarded under this section, the  
22 grantee shall submit to the Secretary a report that de-  
23 scribes the activities carried out with funds received under  
24 the grant and the effectiveness of such activities in pre-

1 venting obesity by improving nutrition and increasing  
2 physical activity.

3       “(f) INCORPORATION INTO EVIDENCE-BASED PRO-  
4    GRAMS.—The Secretary, in consultation with the heads of  
5    other Federal departments and agencies, shall ensure that  
6    policies that prevent childhood obesity are incorporated  
7    into evidence-based early childhood home visitation pro-  
8    grams in a manner that provides for measurable outcomes.

9       “(g) AUTHORIZATION OF APPROPRIATIONS.—There  
10 is authorized to be appropriated to carry out this section,  
11 \$25,000,000 for each of fiscal years 2006 through 2010.”.

## 12 **Subtitle B—Preventing Childhood** 13 **Obesity in Schools**

## 14 SEC. 311. PREVENTING CHILDHOOD OBESITY IN SCHOOLS.

15 (a) IN GENERAL.—Part S of title III of the Public  
16 Health Service Act (as added by section 301) is amended  
17 by adding at the end the following:

18 "SEC. 399BB-1. PREVENTING CHILDHOOD OBESITY IN  
19 SCHOOLS.

20        "(a) IN GENERAL.—The Secretary, in collaboration  
21 with the Director of the Centers for Disease Control and  
22 Prevention, the Secretary of Education, the Secretary of  
23 Agriculture, and the Secretary of the Interior shall estab-  
24 lish and implement activities to prevent obesity by encour-

1 aging healthy nutrition choices and physical activity in  
2 schools.

3       “(b) SCHOOLS.—The Secretary, in consultation with  
4 the Secretary of Education, shall require that each local  
5 educational agency that receives Federal funds establish  
6 policies to ban vending machines that sell foods of poor  
7 or minimal nutritional value in schools.

8       “(c) SCHOOL DISTRICTS.—

9       “(1) IN GENERAL.—The Secretary shall award  
10 grants to local educational agencies to enable ele-  
11 mentary and secondary schools to promote good nu-  
12 trition and physical activity among children.

13       “(2) CAROL M. WHITE PHYSICAL EDUCATION  
14 PROGRAM.—The Secretary of Education, in collabora-  
15 tion with the Secretary, may give priority in  
16 awarding grants under the Carol M. White Physical  
17 Education Program under subpart 10 of part D of  
18 title V of the Elementary and Secondary Education  
19 Act of 1965 to local educational agencies and other  
20 eligible entities that have a plan to—

21           “(A) implement behavior change curricula  
22 that promotes the concepts of energy balance,  
23 good nutrition, and physical activity;

24           “(B) implement policies that encourage the  
25 appropriate portion sizes and limit access to

1 soft drinks or other foods of poor or minimal  
2 nutritional value on school campuses, and at  
3 school events;

4 “(C) provide age-appropriate daily physical  
5 activity that helps students to adopt, maintain,  
6 and enjoy a physically active lifestyle;

7 “(D) maintain a minimum number of func-  
8 tioning water fountains (based on the number  
9 of individuals) in school buildings;

10 “(E) prohibit advertisements and mar-  
11 keting in schools and on school grounds for  
12 foods of poor or minimal nutritional value such  
13 as fast foods, soft drinks, and candy; and

14 “(F) develop and implement policies to  
15 conduct an annual assessment of each student’s  
16 body mass index and provide such assessment  
17 to the student and the parents of that student  
18 with appropriate referral mechanisms to ad-  
19 dress concerns with respect to the results of  
20 such assessments.

21 “(3) GRANTS FOR ADDITIONAL ACTIVITIES.—  
22 The Director of the Centers for Disease Control and  
23 Prevention, in collaboration with the Secretary, the  
24 Secretary of Agriculture, and the Secretary of Edu-

1 cation, shall award grants for the implementation  
2 and evaluation of activities that—

3 “(A) educate students about the health  
4 benefits of good nutrition and moderate or vig-  
5 orous physical activity by integrating it into  
6 other subject areas and curriculum;

7 “(B) provide food options that are low in  
8 fat, calories, and added sugars such as fruit,  
9 vegetables, whole grains, and dairy products;

10 “(C) develop and implement guidelines for  
11 healthful snacks and foods for sale in vending  
12 machines, school stores, and other venues with-  
13 in the school’s control;

14 “(D) restrict student access to vending  
15 machines, school stores, and other venues that  
16 contain foods of poor or minimal nutritional  
17 value;

18 “(E) encourage adherence to single-portion  
19 sizes, as defined by the Food and Drug Admin-  
20 istration, in foods offered in the school environ-  
21 ment;

22 “(F) provide daily physical education for  
23 students in prekindergarten through grade 12  
24 through programs that are consistent with the  
25 Guidelines for Physical Activity as reported by

1        Centers for Disease Control and Prevention and  
2        the American College of Sports Medicine and  
3        National Physical Education Standards;

4                “(G) encourage the use of school facilities  
5        for physical activity programs offered by the  
6        school or community-based organizations out-  
7        side of school hours;

8                “(H) promote walking or bicycling to and  
9        from school using such programs as Walking  
10      School Bus and Bike Train;

11                “(I) train school personnel in a manner  
12        that provides such personnel with the knowl-  
13        edge and skills needed to effectively teach life-  
14        long healthy eating and physical activity; and

15                “(J) evaluate the impact of school nutri-  
16        tion and physical education programs and facili-  
17        ties on body mass index and related fitness cri-  
18        teria at annual intervals to determine the extent  
19        to which national guidelines are met.

20        “(d) EVALUATION.—Not later than 3 years after the  
21        date on which a grant is awarded under this section, the  
22        grantee shall submit to the Director of the Centers for  
23        Disease Control and Prevention a report that describes the  
24        activities carried out with funds received under the grant

1 and the effectiveness of such activities in improving nutrition and increasing physical activity.

3       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
4 is authorized to be appropriated to carry out this section,  
5 \$50,000,000 for each of fiscal years 2006 through 2010.”.

6       (b) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Subpart 10 of part D of title V of the Elementary  
7 and Secondary Education Act of 1965 (20 U.S.C. 7261  
8 et seq.) is amended by adding at the end the following:

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

11       “There are authorized to be appropriated to carry out  
12 this subpart, \$150,000,000 for each of fiscal years 2006  
13 through 2010.”.

14 **Subtitle C—Preventing Childhood  
15       Obesity in Afterschool Programs**

16 **SEC. 321. CHILDHOOD OBESITY PREVENTION GRANTS TO  
17       AFTERSCHOOL PROGRAMS.**

18       Part S of title III of the Public Health Service Act  
19 (as amended by section 311) is further amended by adding  
20 at the end the following:

21 **“SEC. 399BB-2. CHILDHOOD OBESITY PREVENTION GRANTS  
22       TO AFTERSCHOOL PROGRAMS.**

23       “(a) IN GENERAL.—The Secretary, in collaboration  
24 with the Director of the Centers for Disease Control and  
25 Prevention and the Secretary of Education, shall award

1 grants for the development of obesity prevention behavior  
2 change curricula for afterschool programs for children.

3       “(b) ELIGIBILITY.—To be eligible to receive a grant  
4 under this section, an entity shall—

5           “(1) be an academic center collaborating with a  
6 public or private nonprofit organization that has the  
7 capability of testing behavior change curricula in  
8 service delivery settings and disseminating results to  
9 afterschool programs on a nationwide basis, except  
10 that an organization testing the behavior change  
11 curricula developed under the grant shall implement  
12 a model of afterschool programming that shall—

13           “(A) focus on afterschool programs for  
14 children up to the age of 13 years;

15           “(B) promote the overall health and well-  
16 being of children and youth; and

17           “(C) adhere to established quality stand-  
18 ards; and

19           “(2) submit to the Secretary an application at  
20 such time, in such manner, and containing such  
21 agreements, assurances, and information as the Sec-  
22 retary may require.

23        “(c) PRIORITY.—In awarding grants under this sec-  
24 tion, the Secretary shall give priority to eligible entities  
25 submitting applications proposing to develop, implement,

1 and evaluate programs for preventing and controlling  
2 childhood obesity or reducing health disparities in under-  
3 served populations.

4       “(d) USE OF FUNDS.—An eligible entity shall use  
5 amounts received under a grant under this section to de-  
6 velop, implement, and evaluate, and disseminate the re-  
7 sults of such evaluations, the impact of curricula for after-  
8 school programs that promote—

9           “(1) age-appropriate portion sizes;

10          “(2) consumption of fruits and vegetables and  
11 low-energy dense foods;

12          “(3) physical activity; and

13          “(4) reduction in television viewing and other  
14 passive activities.

15        “(e) EVALUATION.—Not later than 3 years after the  
16 date on which a grant is awarded under this section, the  
17 grantee shall submit to the Secretary a report that de-  
18 scribed the activities carried out with funds received under  
19 the grant and the effectiveness of such activities in pre-  
20 venting obesity, improving nutrition, and increasing phys-  
21 ical activity.

22        “(f) INCORPORATION OF POLICIES INTO FEDERAL  
23 PROGRAMS.—The Secretary, in consultation with the  
24 heads of other Federal departments and agencies, shall  
25 ensure that policies that prevent childhood obesity are in-

1 corporated into evidence-based afterschool programs in a  
2 manner that provides for measurable outcomes.

3       “(g) DEFINITION.—In this section, the term ‘after-  
4 school programs’ means programs providing structured  
5 activities for children during out-of-school time, including  
6 before school, after school, and during the summer  
7 months.

8       “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
9 is authorized to be appropriated to carry out this section,  
10 \$25,000,000 for each of fiscal years 2006 through 2010.”.

11 **Subtitle D—Training Early Child-  
12       hood and Afterschool Profes-  
13       sionals to Prevent Childhood  
14       Obesity**

15 **SEC. 331. TRAINING EARLY CHILDHOOD AND AFTER-  
16                   SCHOOL PROFESSIONALS TO PREVENT  
17                   CHILDHOOD OBESITY.**

18       Part S of title III of the Public Health Service Act  
19 (as amended by section 321) is further amended by adding  
20 at the end the following:

21 **“SEC. 399BB-3. TRAINING EARLY CHILDHOOD AND AFTER-  
22                   SCHOOL PROFESSIONALS TO PREVENT  
23                   CHILDHOOD OBESITY.**

24       “(a) IN GENERAL.—The Secretary, acting through  
25 the Administrator of the Health Resources and Services

1 Administration, shall award grants to support the training  
2 of early childhood professionals (such as parent educators  
3 and child care providers) about obesity prevention, with  
4 emphasis on nationally accepted standards.

5       “(b) ELIGIBILITY.—To be eligible to receive a grant  
6 under this section, an entity shall—

7           “(1) be a public or private nonprofit organiza-  
8       tion that conducts or supports early childhood and  
9       afterschool programs, home visitation, or other ini-  
10      tiatives that—

11           “(A) focus on parental education and care  
12       of children;

13           “(B) promote the overall health and well-  
14       being of children;

15           “(C) adhere to established quality stand-  
16       ards; and

17           “(D) have the capability to provide or dis-  
18       tribute training on a nationwide basis; and

19           “(2) submit to the Secretary an application at  
20       such time, in such manner, and containing such  
21       agreements, assurances, and information as the Sec-  
22       retary may require.

23       “(c) EVALUATION.—Not later than 3 years after the  
24       date on which a grant is awarded under this section, the  
25       grantee shall submit to the Administrator of the Health

1 Resources and Services Administration a report that de-  
2 scribes the activities carried out with funds received under  
3 the grant and the effectiveness of such activities in im-  
4 proving the practice of child care and afterschool profes-  
5 sionals with respect to the prevention of obesity.

6       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 is authorized to be appropriated to carry out this section,  
8 \$10,000,000 for each of fiscal years 2006 through 2010.”.

## 9 **Subtitle E—Preventing Childhood** 10 **Obesity in Communities**

11 SEC. 341. PREVENTING CHILDHOOD OBESITY IN COMMU-  
12 NITIES.

13        Part S of title III of the Public Health Service Act  
14 (as amended by section 331) is further amended by adding  
15 at the end the following:

16 "SEC. 399BB-4. PREVENTING CHILDHOOD OBESITY IN COM-  
17 MUNITIES.

18        "(a) IN GENERAL.—The Director of the Centers for  
19 Disease Control and Prevention, in collaboration with the  
20 Secretary, the Secretary of Transportation, and Secretary  
21 of the Interior, shall award grants and implement activi-  
22 ties to encourage healthy nutrition and physical activity  
23 by children in communities.

24        "(b) ELIGIBILITY.—To be eligible to receive a grant  
25 under this section, an entity shall—

1               “(1) be a public or private nonprofit organiza-  
2        tion or community-based organizations that conduct  
3        initiatives that—

4               “(A) focus on parental education and care  
5        of children;

6               “(B) promote the overall health and well-  
7        being of children;

8               “(C) adhere to established quality stand-  
9        ards; and

10               “(D) have the capability to provide train-  
11        ing on a nationwide basis; and

12               “(2) submit to the Secretary an application at  
13        such time, in such manner, and containing such  
14        agreements, assurances, and information as the Sec-  
15        retary may require.

16        “(c) COMMUNITIES.—

17               “(1) IN GENERAL.—The Director of the Cen-  
18        ters for Disease Control and Prevention, in collabora-  
19        tion with the Secretary, the Secretary of Trans-  
20        portation, and Secretary of the Interior, shall award  
21        grants to eligible entities to develop broad partner-  
22        ships between private and public and nonprofit enti-  
23        ties to promote healthy nutrition and physical activ-  
24        ity for children by assessing, modifying, and improv-  
25        ing community planning and design.

1           “(2) ACTIVITIES.—Amounts awarded under a  
2           grant under paragraph (1) shall be used for the im-  
3           plementation and evaluation of activities—

4               “(A) to create neighborhoods that encour-  
5           age healthy nutrition and physical activity;

6               “(B) to promote safe walking and biking  
7           routes to schools;

8               “(C) to design pedestrian zones and con-  
9           struct safe walkways, cycling paths, and play-  
10           grounds;

11               “(D) to implement campaigns, in commu-  
12           nities at risk for sedentary activity, designed to  
13           increase levels of physical activity, which should  
14           be evidence-based, and may incorporate infor-  
15           mational, behavioral, and social, or environ-  
16           mental and policy change interventions;

17               “(E) to implement campaigns, in commu-  
18           nities at risk for poor nutrition, that are de-  
19           signed to promote intake of foods by children  
20           consistent with established dietary guidelines  
21           through the use of different types of media in-  
22           cluding television, radio, newspapers, movie the-  
23           aters, billboards, and mailings; and

24               “(F) to implement campaigns, in commu-  
25           nities at risk for poor nutrition, that promote

water as the main daily drink of choice for children through the use of different types of media including television, radio, newspapers, movie theaters, billboards, and mailings.

5       “(d) EVALUATION.—Not later than 3 years after the  
6 date on which a grant is awarded under this section, the  
7 grantee shall submit to the Director of the Centers for  
8 Disease Control and Prevention a report that describes the  
9 activities carried out with funds received under the grant  
10 and the effectiveness of such activities in increasing phys-  
11 ical activity and improving dietary intake.

12        "(e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 is authorized to be appropriated to carry out this section,  
14 \$50,000,000 for each of fiscal years 2006 through 2010.".

15 SEC. 342. GRANTS AND CONTRACTS FOR A NATIONAL CAM-  
16 PAIGN TO CHANGE CHILDREN'S HEALTH BE-  
17 HAVIORS.

18 Section 399Y of the Public Health Service Act (42  
19 U.S.C. 280h-2) is amended by striking subsection (b) and  
20 inserting the following:

21        "(b) GRANTS.—

22               “(1) IN GENERAL.—The Secretary, acting  
23       through the Director of the Centers for Disease  
24       Control and Prevention, shall award grants or con-  
25       tracts to eligible entities to design and implement

1       culturally and linguistically appropriate and com-  
2       petent campaigns to change children's health behav-  
3       iors.

4       “(2) ELIGIBLE ENTITY.—In this subsection, the  
5       term ‘eligible entity’ means a marketing, public rela-  
6       tions, advertising, or other appropriate entity.

7       “(3) CONTENT.—An eligible entity that receives  
8       a grant under this subsection shall use funds re-  
9       ceived through such grant or contract to utilize mar-  
10       keting and communication strategies to—

11       “(A) communicate messages to help young  
12       people develop habits that will foster good  
13       health over a lifetime;

14       “(B) provide young people with motivation  
15       to engage in sports and other physical activi-  
16       ties;

17       “(C) influence youth to develop good  
18       health habits such as regular physical activity  
19       and good nutrition;

20       “(D) educate parents of young people on  
21       the importance of physical activity and improv-  
22       ing nutrition, how to maintain healthy behav-  
23       iors for the entire family, and how to encourage  
24       children to develop good nutrition and physical  
25       activity habits; and

1               “(E) discourage stigmatization and dis-  
2               crimination based on body size or shape.

3               “(4) REPORT.—The Secretary shall evaluate  
4               the effectiveness of the campaign described in para-  
5               graph (1) in changing children’s behaviors and re-  
6               port such results to the Committee on Health, Edu-  
7               cation, Labor, and Pensions of the Senate and the  
8               Committee on Energy and Commerce of the House  
9               of Representatives.

10               “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
11               is authorized to be appropriated to carry out this section,  
12               \$125,000,000 for fiscal year 2006, and such sums as may  
13               be necessary for each of fiscal years 2007 through 2011.”.

14               **SEC. 343. PREVENTION OF CHILDHOOD OBESITY RE-  
15               SEARCH THROUGH THE NATIONAL INSTI-  
16               TUTES OF HEALTH.**

17               (a) IN GENERAL.—The Director of the National In-  
18               stitutes of Health, in accordance with the National Insti-  
19               tutes of Health’s Strategic Plan for Obesity Research,  
20               shall expand and intensify research that addresses the pre-  
21               vention of childhood obesity.

22               (b) PLAN.—The Director of the National Institutes  
23               of Health shall—

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to carry out this section,  
9 such sums as may be necessary for each of fiscal years  
10 2006 through 2011. Amounts appropriated under this sec-  
11 tion shall be in addition to other amounts available for  
12 carrying out activities of the type described in this section.

13 SEC. 344. RESEARCH ON THE RELATIONSHIP BETWEEN THE  
14 PHYSICAL ACTIVITY OF CHILDREN AND THE  
15 BUILT ENVIRONMENT.

16        Part S of title III of the Public Health Service Act  
17 (as amended by section 341) is further amended by adding  
18 at the end the following:

19 "SEC. 399BB-5. RESEARCH ON THE RELATIONSHIP BE-  
20 TWEEN THE PHYSICAL ACTIVITY OF CHIL-  
21 DBREN AND THE BUILT ENVIRONMENT.

“(a) IN GENERAL.—The Secretary shall support research efforts to promote physical activity in children through enhancement of the built environment.

1        “(b) ELIGIBILITY.—In this section, the term ‘eligible  
2 institution’ means a public or private nonprofit institution  
3 that submits to the Secretary an application at such time,  
4 in such manner, and containing such agreements, assur-  
5 ances, and information as the Secretary may require.

6        “(c) GRANT PROGRAMS.—

7            “(1) RESEARCH.—The Secretary, in collabora-  
8 tion with the Transportation Research Board of the  
9 National Research Council, shall award grants to eli-  
10 gible institutions to expand, intensify, and coordi-  
11 nate research that will—

12            “(A) investigate and define causal links be-  
13 tween the built environment and levels of phys-  
14 ical activity in children;

15            “(B) include focus on a variety of geo-  
16 graphic scales, with particular focus given to  
17 smaller geographic units of analysis such as  
18 neighborhoods and areas around elementary  
19 schools and secondary schools;

20            “(C) identify or develop effective interven-  
21 tion strategies to promote physical activity  
22 among children with focus on behavioral inter-  
23 ventions and enhancements of the built environ-  
24 ment that promote increased use by children;  
25 and

1                   “(D) assure the generalizability of inter-  
2                   vention strategies to high-risk populations and  
3                   high-risk communities, including low-income  
4                   urban and rural communities.

5               “(2) INTERVENTION PILOT PROGRAMS.—The  
6               Secretary, in collaboration with the Transportation  
7               Research Board of the National Research Council  
8               and with appropriate Federal agencies, shall award  
9               grants to pilot test the intervention strategies identi-  
10               fied or developed through research activities de-  
11               scribed in paragraph (1) relating to increasing use  
12               of the built environment by children.

13       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to carry out this section  
15 such sums as may be necessary for each of fiscal years  
16 2006 through 2010.

## 17 "SEC. 399BB-6. DEFINITIONS.

18        “For purposes of this part, the definitions contained  
19 in section 401 of the Prevention of Childhood Obesity Act  
20 shall apply.”.

21                   **TITLE IV—MISCELLANEOUS**  
22                   **PROVISIONS**

## 23 SEC. 401. DEFINITIONS.

24 In this Act:

20 (6) OBESITY PREVENTION.—The term “obesity  
21 prevention” means prevention of obesity or over-  
22 weight.

○