

110TH CONGRESS
2D SESSION

H. R. 5639

To direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2008

Mr. UDALL of Colorado (for himself and Mr. WAMP) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, 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 “Physical Activity
5 Guidelines for Americans Act of 2008”.

6 **SEC. 2. ESTABLISHMENT OF PHYSICAL ACTIVITY GUIDE-**
7 **LINES.**

8 (a) REPORT.—

9 (1) IN GENERAL.—At least every 5 years, the
10 Secretary of Health and Human Services (in this

1 Act referred to as the “Secretary”) shall publish a
2 report entitled “Physical Activity Guidelines for
3 Americans”. Each such report shall contain physical
4 activity information and guidelines for the general
5 public, and shall be promoted by each Federal agen-
6 cy in carrying out any Federal health program.

7 (2) BASIS OF GUIDELINES.—The information
8 and guidelines contained in each report required
9 under paragraph (1) shall be based on the prepon-
10 derance of the scientific and medical knowledge
11 which is current at the time the report is prepared.

12 (b) APPROVAL BY SECRETARY.—

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

18 (2) BASIS OF REVIEW.—

19 (A) IN GENERAL.—During the 60-day re-
20 view period established in paragraph (1), the
21 Secretary shall review and approve or dis-
22 approve such guidance to assure that the guid-
23 ance either is consistent with the “Physical Ac-
24 tivity Guidelines for Americans” or that the
25 guidance is based on medical or new scientific

1 knowledge which is determined to be valid by
2 the Secretary. If after such 60-day review pe-
3 riod the Secretary has not notified the pro-
4 posing agency that such guidance has been dis-
5 approved, then such guidance may be issued by
6 the agency. If the Secretary disapproves such
7 guidance, it shall be returned to the agency. If
8 the Secretary finds that such guidance is incon-
9 sistent with the “Physical Activity Guidelines
10 for Americans” and so notifies the proposing
11 agency, such agency shall follow the procedures
12 set forth in this subsection before disseminating
13 such proposal to the public in final form. If
14 after such 60-day period, the Secretary dis-
15 approves such guidance as inconsistent with the
16 “Physical Activity Guidelines for Americans”
17 the proposing agency shall—

18 (i) publish a notice in the Federal
19 Register of the availability of the full text
20 of the proposal and the preamble of such
21 proposal which shall explain the basis and
22 purpose for the proposed physical activity
23 guidance;

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

1 (iii) make available for public inspec-
2 tion and copying during normal business
3 hours any comment received by the agency
4 during such comment period.

5 (B) REVIEW OF COMMENTS.—After review
6 of comments received during the comment pe-
7 riod, the Secretary may approve for dissemina-
8 tion by the proposing agency a final version of
9 such physical activity guidance along with an
10 explanation of the basis and purpose for the
11 final guidance which addresses significant and
12 substantive comments as determined by the
13 proposing agency.

14 (C) ANNOUNCEMENT.—Any such final
15 physical activity guidance to be disseminated
16 under subparagraph (B) shall be announced in
17 a notice published in the Federal Register, be-
18 fore public dissemination along with an address
19 where copies may be obtained.

20 (D) NOTIFICATION OF DISAPPROVAL.—If
21 after the 30-day period for comment as pro-
22 vided under subparagraph (A)(ii), the Secretary
23 disapproves a proposed physical activity guid-
24 ance, the Secretary shall notify the Federal
25 agency submitting such guidance of such dis-

1 approval, and such guidance may not be issued,
2 except as provided in subparagraph (E).

3 (E) REVIEW OF DISAPPROVAL.—If a pro-
4 posed physical activity guidance is disapproved
5 by the Secretary under subparagraph (D), the
6 Federal agency proposing such guidance may,
7 within 15 days after receiving notification of
8 such disapproval under subparagraph (D), re-
9 quest the Secretary to review such disapproval.
10 Within 15 days after receiving a request for
11 such a review, the Secretary shall conduct such
12 review. If, pursuant to such review, the Sec-
13 retary approves such proposed physical activity
14 guidance, such guidance may be issued by the
15 Federal agency.

16 (3) DEFINITIONS.—In this subsection:

17 (A) The term “physical activity guidance
18 for the general population” does not include
19 any rule or regulation issued by a Federal agen-
20 cy.

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

1 (c) EXISTING AUTHORITY NOT AFFECTED.—This
2 section does not place any limitations on—
3 (1) the conduct or support of any scientific or
4 medical research by any Federal agency; or
5 (2) the presentation of any scientific or medical
6 findings or the exchange or review of scientific or
7 medical information by any Federal agency.

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