

111TH CONGRESS
1ST SESSION

H. R. 3894

To amend the Public Health Service Act to authorize a community-based overweight and obesity prevention program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2009

Mrs. DAHLKEMPER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to authorize a community-based overweight and obesity prevention program.

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. COMMUNITY-BASED OVERWEIGHT AND OBE-**
4 **SITY PREVENTION PROGRAM.**

5 Part Q of title III (42 U.S.C. 280h et seq.) is amend-
6 ed by inserting after section 399W the following:

7 **“SEC. 399W-1. COMMUNITY-BASED OVERWEIGHT AND OBE-**
8 **SITY PREVENTION PROGRAM.**

9 “(a) PROGRAM.—The Secretary shall establish a
10 community-based overweight and obesity prevention pro-

1 gram consisting of awarding grants and contracts under
2 subsection (b).

3 “(b) GRANTS.—The Secretary shall award grants to,
4 or enter into contracts with, eligible entities—

5 “(1) to plan evidence-based programs for the
6 prevention of overweight and obesity among children
7 and their families through improved nutrition and
8 increased physical activity; or

9 “(2) to implement such programs.

10 “(c) ELIGIBILITY.—To be eligible for a grant or con-
11 tract under subsection (b), an entity shall be a community
12 partnership that demonstrates community support and in-
13 cludes—

14 “(1) a broad cross section of stakeholders, such
15 as—

16 “(A) hospitals, health care systems, com-
17 munity health centers, or other health care pro-
18 viders;

19 “(B) universities, local educational agen-
20 cies, or childcare providers;

21 “(C) State, local, and tribal health depart-
22 ments;

23 “(D) State, local, and tribal park and
24 recreation departments;

25 “(E) employers; and

1 “(F) health insurance companies;

2 “(2) residents of the community; and

3 “(3) representatives of public and private enti-
4 ties that have a history of working within and serv-
5 ing the community.

6 “(d) PERIOD OF AWARDS.—

7 “(1) IN GENERAL.—The period of a grant or
8 contract under this section shall be 5 years, subject
9 to renewal under paragraph (2).

10 “(2) RENEWAL.—At the end of each fiscal year,
11 the Secretary may renew a grant or contract award
12 under this section only if the grant or contract re-
13 cipient demonstrates to the Secretary’s satisfaction
14 that the recipient has made appropriate, measurable
15 progress in preventing overweight and obesity.

16 “(e) REQUIREMENTS.—

17 “(1) IN GENERAL.—The Secretary may award
18 a grant or contract under this section to an entity
19 only if the entity demonstrates to the Secretary’s
20 satisfaction that—

21 “(A) not later than 90 days after receiving
22 the grant or contract, the entity will establish
23 a steering committee to provide input on the as-
24 sessment of, and recommendations on improve-

1 ments to, the entity’s program funded through
2 the grant or contract; and

3 “(B) the entity has conducted or will con-
4 duct an assessment of the overweight and obe-
5 sity problem in its community, including the ex-
6 tent of the problem and factors contributing to
7 the problem.

8 “(2) MATCHING REQUIREMENT.—The Sec-
9 retary may award a grant or contract to an eligible
10 entity under this section only if the entity agrees to
11 provide, from non-Federal sources, an amount equal
12 to \$1 (in cash or in kind) for each \$9 provided
13 through the grant or contract to carry out the activi-
14 ties supported by the grant or contract.

15 “(3) PAYOR OF LAST RESORT.—The Secretary
16 may award a grant or contract under this section to
17 an entity only if the entity demonstrates to the satis-
18 faction of the Secretary that funds received through
19 the grant or contract will not be expended for any
20 activity to the extent that payment has been made,
21 or can reasonably be expected to be made—

22 “(A) under any insurance policy;

23 “(B) under any Federal or State health
24 benefits program (including titles XIX and XXI
25 of the Social Security Act); or

1 “(C) by an entity which provides health
2 services on a prepaid basis.

3 “(4) MAINTENANCE OF EFFORT.—The Sec-
4 retary may award a grant or contract under this sec-
5 tion to an entity only if the entity demonstrates to
6 the satisfaction of the Secretary that—

7 “(A) funds received through the grant or
8 contract will be expended only to supplement,
9 and not supplant, non-Federal and Federal
10 funds otherwise available to the entity for the
11 activities to be funded through the grant or
12 contract; and

13 “(B) with respect to such activities, the en-
14 tity will maintain expenditures of non-Federal
15 amounts for such activities at a level not less
16 than the lesser of such expenditures maintained
17 by the entity for the fiscal year preceding the
18 fiscal year for which the entity receives the
19 grant or contract.

20 “(f) PREFERENCES.—In awarding grants and con-
21 tracts under this section, the Secretary shall give pref-
22 erence to eligible entities that—

23 “(1) will serve communities with high levels of
24 overweight and obesity and related chronic diseases;
25 or

1 “(2) will plan or implement activities for the
2 prevention of overweight and obesity in school or
3 workplace settings.

4 “(g) REPORT.—The Secretary shall submit to the
5 Congress an annual report on the program of grants and
6 contracts awarded under this section.

7 “(h) DEFINITIONS.—In this section:

8 “(1) The term ‘evidence-based’ means that
9 methodologically sound research has demonstrated a
10 beneficial health effect in the judgment of the Sec-
11 retary and includes the Ways to Enhance Children’s
12 Activity and Nutrition (We Can) program and cur-
13 riculum of the National Institutes of Health.

14 “(2) The term ‘local educational agency’ has
15 the meaning given to the term in section 9101 of the
16 Elementary and Secondary Education Act of 1965.

17 “(i) AUTHORIZATION OF APPROPRIATIONS.—To
18 carry out this section, there are authorized to be appro-
19 priated \$10,000,000 for fiscal year 2011 and such sums
20 as may be necessary for each of fiscal years 2012 through
21 2015.”.

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