

113TH CONGRESS  
1ST SESSION

# S. 39

To improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and health promotion.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. HARKIN introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To improve the health of Americans and reduce health care costs by reorienting the Nation's health care system toward prevention, wellness, and health promotion.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Healthy Lifestyles and Prevention America Act” or the  
6 “HeLP America Act”.

7 (b) TABLE OF CONTENTS.—The table of contents of  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—HEALTHIER KIDS AND SCHOOLS

- Sec. 101. Nutrition and physical activity in child care quality improvement.
- Sec. 102. Access to local foods and school gardens at preschools and child care.
- Sec. 103. Fresh fruit and vegetable program.
- Sec. 104. Equal physical activity opportunities for students with disabilities.
- Sec. 105. Physical activity in school settings.

## TITLE II—HEALTHIER COMMUNITIES AND WORKPLACES

## Subtitle A—Creating Healthier Communities

- Sec. 201. Technical assistance for the development of joint/shared use agreements.
- Sec. 202. Community sports programs for individuals with disabilities.
- Sec. 203. Community gardens.
- Sec. 204. Physical activity guidelines for Americans.
- Sec. 205. Tobacco tax increase and parity.
- Sec. 206. Leveraging and coordinating federal resources for improved health.
- Sec. 207. Healthier national parks.

## Subtitle B—Incentives for a Healthier Workforce

- Sec. 211. Tax credit to employers for costs of implementing wellness programs.
- Sec. 212. Employer-provided off-premises athletic facilities.
- Sec. 213. Task force for the promotion of breastfeeding in the workplace.
- Sec. 214. Improving healthy eating and active living options in Federal workplaces.

## TITLE III—RESPONSIBLE MARKETING AND CONSUMER AWARENESS

- Sec. 301. Guidelines for reduction in sodium content in certain foods.
- Sec. 302. Nutrition labeling for food products sold principally for use in restaurants or other retail food establishments.
- Sec. 303. Front-label food guidance systems.
- Sec. 304. Rulemaking authority for advertising to children.
- Sec. 305. Health literacy: research, coordination and dissemination.
- Sec. 306. Disallowance of deductions for advertising and marketing expenses relating to tobacco product use.
- Sec. 307. Incentives to reduce tobacco use.
- Sec. 308. Voluntary standards on food marketing to children.

## TITLE IV—EXPANDED COVERAGE OF PREVENTIVE SERVICES

- Sec. 401. Required coverage of preventive services under the Medicaid program.
- Sec. 402. Coverage for comprehensive workplace wellness program and preventive services.
- Sec. 403. Health professional education and training in healthy eating.
- Sec. 404. Integrative medicine training program.

## TITLE V—RESEARCH

- Sec. 501. National consortium on breastfeeding research.
- Sec. 502. National assessment of mental health needs.

# 1   **TITLE I—HEALTHIER KIDS AND** 2                   **SCHOOLS**

## 3   **SEC. 101. NUTRITION AND PHYSICAL ACTIVITY IN CHILD** 4                   **CARE QUALITY IMPROVEMENT.**

5           (a) STATE PLAN.—Section 658E(c)(2)(F) of the  
 6 Child Care and Development Block Grant Act of 1990 (42  
 7 U.S.C. 9858c(c)(2)(F)) is amended in the second sen-  
 8 tence—

9                   (1) by redesignating clauses (i), (ii), and (iii) as  
 10           subclauses (I), (II), and (III) and indenting the  
 11           margins so as to match the margins of subclause (I)  
 12           of section 658E(c)(2)(A)(i);

13                   (2) by striking “requirements shall include—”  
 14           and inserting “requirements—  
 15                                   “(i) shall include—”;

16                   (3) by striking the period and inserting “;  
 17           and”; and

18                   (4) by adding at the end the following:  
 19                                   “(ii) may include requirements relat-  
 20                                   ing to standards for nutrition and access  
 21                                   to physical activity.”.

22           (b) ACTIVITIES TO IMPROVE THE QUALITY OF  
 23 CHILD CARE.—Section 658G of that Act (42 U.S.C.  
 24 9858e) is amended by adding at the end the following:  
 25 “Funds reserved under this section may be used to sup-

1 port State or local efforts to develop or adopt high-quality  
 2 program standards relating to health, mental health, nu-  
 3 trition, physical activity, and physical development or to  
 4 provide resources to enable eligible child care providers to  
 5 meet, exceed, or sustain success in meeting or exceeding  
 6 such standards. Such standards shall take into account  
 7 existing empirical studies and research and existing stand-  
 8 ards that have been approved by accrediting bodies.”.

9 **SEC. 102. ACCESS TO LOCAL FOODS AND SCHOOL GARDENS**

10 **AT PRESCHOOLS AND CHILD CARE.**

11 Section 18(g) of the Richard B. Russell National  
 12 School Lunch Act (42 U.S.C. 1769(g)) is amended—

13 (1) by striking paragraph (1) and inserting the  
 14 following:

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) CHILD CARE CENTER.—The term  
 17 ‘child care center’ means a child care center  
 18 participating in the program under section 17  
 19 (other than a child care center that solely par-  
 20 ticipates in the program under subsection (r) of  
 21 that section).

22 “(B) ELIGIBLE SCHOOL.—The term ‘eligi-  
 23 ble school’ means a school or institution that  
 24 participates in a program under this Act or the  
 25 school breakfast program established under sec-

1           tion 4 of the Child Nutrition Act of 1966 (42  
2           U.S.C. 1773).

3           “(C) SPONSORING ORGANIZATION.—The  
4           term ‘sponsoring organization’ means an insti-  
5           tution described in subparagraphs (C), (D), or  
6           (E) of section 17(a)(2).”;  
7           (2) in paragraph (2)—

8           (A) by inserting “child care centers, spon-  
9           soring organizations for home-based care,”  
10          after “eligible schools,”; and

11          (B) by inserting “, child care centers, and  
12          sponsoring organizations for home-based care”  
13          before the period at the end;  
14          (3) in paragraph (5)—

15          (A) in subparagraph (A), by inserting “,  
16          child care center, or sponsoring organization for  
17          home-based care” after “eligible school”; and

18          (B) in subparagraph (D), by inserting  
19          “child care centers, sponsoring organizations  
20          for home-based care,” after “eligible schools,”;  
21          and

22          (4) in paragraph (7), in the matter preceding  
23          subparagraph (A), by inserting “child care centers,  
24          sponsoring organizations for home-based care,” after  
25          “eligible schools,”.

1 **SEC. 103. FRESH FRUIT AND VEGETABLE PROGRAM.**

2 Section 19 of the Richard B. Russell National School  
3 Lunch Act (42 U.S.C. 1769a) is amended—

4 (1) by striking subsections (c) and (d) and in-  
5 serting the following:

6 “(c) SCHOOL PARTICIPATION.—

7 “(1) IN GENERAL.—Each State shall carry out  
8 the program in each elementary school (as defined  
9 in section 9101 of the Elementary and Secondary  
10 Education Act of 1965 (20 U.S.C. 7801)) in the  
11 State—

12 “(A) in which not less than 50 percent of  
13 the students are eligible for free or reduced  
14 price meals under this Act; and

15 “(B) that submits an application in ac-  
16 cordance with paragraph (2).

17 “(2) APPLICATION.—

18 “(A) IN GENERAL.—An interested elemen-  
19 tary school shall submit to the State an applica-  
20 tion containing—

21 “(i) information pertaining to the per-  
22 centage of students enrolled in the school  
23 who are eligible for free or reduced price  
24 school lunches under this Act;

25 “(ii) a certification of support for par-  
26 ticipation in the program signed by the

1 school food manager, the school principal,  
 2 and the district superintendent (or equiva-  
 3 lent positions, as determined by the  
 4 school);

5 “(iii) a plan for implementation of the  
 6 program, including efforts to integrate ac-  
 7 tivities carried out under this section with  
 8 other efforts to promote sound health and  
 9 nutrition, reduce overweight and obesity,  
 10 or promote physical activity; and

11 “(iv) such other information as may  
 12 be requested by the Secretary.

13 “(B) PARTNERSHIPS.—Each State shall  
 14 encourage interested elementary schools to sub-  
 15 mit a plan for implementation of the program  
 16 that includes a partnership with 1 or more enti-  
 17 ties that will provide non-Federal resources (in-  
 18 cluding entities representing the fruit and vege-  
 19 table industry).”;

20 (2) by striking subsection (i) and inserting the  
 21 following:

22 “(i) FUNDING.—

23 “(1) IN GENERAL.—Out of any funds in the  
 24 Treasury not otherwise appropriated, the Secretary  
 25 of the Treasury shall transfer to the Secretary to

1 carry out this section such sums as are necessary,  
 2 to remain available until expended.

3 “(2) RECEIPT AND ACCEPTANCE.—The Sec-  
 4 retary shall be entitled to receive, shall accept, and  
 5 shall use to carry out this section the funds trans-  
 6 ferred under paragraph (1), without further appro-  
 7 priation.”; and

8 (3) by redesignating subsections (e) through (i)  
 9 as subsections (d) through (h), respectively.

10 **SEC. 104. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES FOR**  
 11 **STUDENTS WITH DISABILITIES.**

12 (a) IN GENERAL.—Title V of the Rehabilitation Act  
 13 of 1973 (29 U.S.C. 791 et seq.) is amended by adding  
 14 at the end the following:

15 **“SEC. 511. EQUAL PHYSICAL ACTIVITY OPPORTUNITIES**  
 16 **FOR STUDENTS WITH DISABILITIES.**

17 “(a) IN GENERAL.—The Secretary shall promote  
 18 equal opportunities for students with disabilities to be in-  
 19 cluded and to participate in physical education and extra-  
 20 curricular athletics implemented in, or in conjunction  
 21 with, elementary schools, secondary schools, and institu-  
 22 tions of higher education, by ensuring the provision of ap-  
 23 propriate technical assistance and guidance for schools  
 24 and institutions described in this subsection and their per-  
 25 sonnel.



1       “(b) TECHNICAL ASSISTANCE AND GUIDANCE.—The  
 2 provision of technical assistance and guidance described  
 3 in subsection (a) shall include—

4           “(1) providing technical assistance to elemen-  
 5 tary schools, secondary schools, local educational  
 6 agencies, State educational agencies, and institutions  
 7 of higher education, regarding—

8           “(A) inclusion and participation of stu-  
 9 dents with disabilities, in a manner equal to  
 10 that of the other students, in physical education  
 11 opportunities (including classes), and extra-  
 12 curricular athletics opportunities, including  
 13 technical assistance on providing reasonable  
 14 modifications to policies, practices, and proce-  
 15 dures, and providing supports to ensure such  
 16 inclusion and participation;

17           “(B) provision of adaptive sports pro-  
 18 grams, in the physical education and extra-  
 19 curricular athletics opportunities, including pro-  
 20 grams with competitive sports leagues or com-  
 21 petitions, for students with disabilities; and

22           “(C) responsibilities of the schools, institu-  
 23 tions, and agencies involved under section 504,  
 24 the Americans with Disabilities Act of 1990 (42  
 25 U.S.C. 12101 et seq.), and any other applicable

1 Federal law to provide students with disabilities  
 2 equal access to extracurricular athletics;

3 “(2) facilitating information sharing among the  
 4 schools, institutions, and agencies, and students with  
 5 disabilities, on ways to provide inclusive opportuni-  
 6 ties in physical education and extracurricular ath-  
 7 letics for students with disabilities; and

8 “(3) monitoring the extent to which physical  
 9 education and extracurricular athletics opportunities  
 10 for students with disabilities are implemented in, or  
 11 in conjunction with, elementary schools, secondary  
 12 schools, and institutions of higher education.

13 “(c) DEFINITIONS.—In this section:

14 “(1) AGENCIES.—The terms ‘local educational  
 15 agency’ and ‘State educational agency’ have the  
 16 meanings given the terms in section 9101 of the Ele-  
 17 mentary and Secondary Education Act of 1965 (20  
 18 U.S.C. 7801).

19 “(2) SCHOOLS.—The terms ‘elementary school’,  
 20 ‘secondary school’, and ‘institution of higher edu-  
 21 cation’ mean an elementary school, secondary school,  
 22 or institution of higher education, respectively (as  
 23 defined in section 9101 of the Elementary and Sec-  
 24 ondary Education Act of 1965), that receives or has

1       1 or more students who receive, Federal financial as-  
 2       sistance.

3               “(3) STUDENT WITH A DISABILITY.—

4                       “(A) IN GENERAL.—The term ‘student  
 5       with a disability’ means an individual who—

6                               “(i) attends an elementary school, sec-  
 7       ondary school, or institution of higher edu-  
 8       cation; and

9                               “(ii) who—

10                                       “(I) is eligible for, and receiving,  
 11       special education or related services  
 12       under part B of the Individuals with  
 13       Disabilities Education Act (20 U.S.C.  
 14       1411 et seq.); or

15                                       “(II) is an individual with a dis-  
 16       ability, for purposes of section 504 or  
 17       the Americans with Disabilities Act of  
 18       1990.

19                       “(B) STUDENTS WITH DISABILITIES.—The  
 20       term ‘students with disabilities’ means more  
 21       than 1 student with a disability.”.

22       (b) TABLE OF CONTENTS.—The table of contents in  
 23       section 1(b) of the Rehabilitation Act of 1973 is amended  
 24       by inserting after the item relating to section 509 the fol-  
 25       lowing:

“Sec. 510. Establishment of standards for accessible medical diagnostic equipment.

“Sec. 511. Equal physical activity opportunities for students with disabilities.”.

1 **SEC. 105. PHYSICAL ACTIVITY IN SCHOOL SETTINGS.**

2 (a) ANNUAL STATE REPORT CARD.—Section  
3 1111(h)(1)(C) of the Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C. 6311(h)(1)(C)) is amend-  
5 ed—

6 (1) in clause (vii), by striking “and” after the  
7 semicolon;

8 (2) in clause (viii), by striking the period at the  
9 end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(ix) the average number of minutes  
12 during the school day that all students  
13 spend in required physical education, and  
14 the average number of minutes that such  
15 students engage in moderate to vigorous  
16 physical activity during the school day, as  
17 measured against the most recent estab-  
18 lished and recommended guidelines of the  
19 Centers for Disease Control and Preven-  
20 tion and the Secretary of Health and  
21 Human Services;

22 “(x) the percentage of local edu-  
23 cational agencies that have a required, age-  
24 appropriate, physical education curriculum

1 that adheres to the most recent guidelines  
2 developed by the Centers for Disease Con-  
3 trol and Prevention and State standards;

4 “(xi) the percentage of elementary  
5 school and secondary school physical edu-  
6 cation teachers who are licensed or cer-  
7 tified to teach physical education in the  
8 State;

9 “(xii) the percentage of elementary  
10 schools and secondary schools that have a  
11 physical education teacher who is certified  
12 or licensed to teach in the State and who  
13 also is certified or licensed in adapted  
14 physical education;

15 “(xiii) the number of indoor square  
16 feet and the number of outdoor square feet  
17 used primarily for physical education or  
18 physical activity by elementary schools and  
19 secondary schools; and

20 “(xiv) the percentage of local edu-  
21 cational agencies that have a school  
22 wellness council that—

23 “(I) includes members appointed  
24 by the superintendent of the local edu-  
25 cational agency and may include par-

1                   ents, students, representatives of the  
 2                   school food authority, representatives  
 3                   of the school board, school administra-  
 4                   tors, and members of the public; and  
 5                   “(II) meets regularly to promote  
 6                   a healthy school environment.”.

7           (b) PHYSICAL EDUCATION AS A CORE SUBJECT.—  
 8   Section 9101(11) of the Elementary and Secondary Edu-  
 9   cation Act of 1965 (20 U.S.C. 7801(11)) is amended by  
 10   inserting “physical education,” after “economics, arts,”.

11       (c) 21ST CENTURY LEARNING COMMUNITIES.—

12           (1) PURPOSE; DEFINITIONS.—Section 4201 of  
 13   the Elementary and Secondary Education Act of  
 14   1965 (20 U.S.C. 7171) is amended—

15           (A) in subsection (a)(2), by inserting “nu-  
 16   trition education programs, structured physical  
 17   activity programs,” after “recreation pro-  
 18   grams,”; and

19           (B) in subsection (b)(1)(A), by inserting  
 20   “nutrition education, structured physical activ-  
 21   ity,” after “recreation,”.

22       (2) LOCAL ACTIVITIES.—Section 4205(a) of the  
 23   Elementary and Secondary Education Act of 1965  
 24   (20 U.S.C. 7175(a)) is amended—

1 (A) in paragraph (11), by striking “and”  
2 after the semicolon;

3 (B) in paragraph (12), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(13) programs that support a healthy, active  
7 lifestyle, including nutritional education and regular,  
8 structured physical activity programs.”.

9 (d) PARENTAL INVOLVEMENT.—Section 1118(d)(1)  
10 of the Elementary and Secondary Education Act of 1965  
11 (20 U.S.C. 6318(d)(1)) is amended—

12 (1) by inserting “, healthy,” after “supportive”;

13 (2) by striking “; and participating” and insert-  
14 ing “; participating”; and

15 (3) by inserting after “extracurricular time;”  
16 the following: “and supporting their children in lead-  
17 ing a healthy and active life, such as by providing  
18 healthy meals and snacks, encouraging participation  
19 in physical education, and sharing in physical activ-  
20 ity outside the school day to support successful aca-  
21 demic achievement;”.

22 (e) LOCAL APPLICATION AND NEEDS ASSESS-  
23 MENT.—Section 2122(b)(9) of the Elementary and Sec-  
24 ondary Education Act of 1965 (20 U.S.C. 6622) is amend-  
25 ed—

1 (1) in subparagraph (C), by striking “and”  
 2 after the semicolon;

3 (2) in subparagraph (D), by striking a period  
 4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(E) encourage healthy eating habits and  
 7 increased physical activity among students to  
 8 support successful academic achievement.”.

9 **TITLE II—HEALTHIER COMMU-**  
 10 **NITIES AND WORKPLACES**  
 11 **Subtitle A—Creating Healthier**  
 12 **Communities**

13 **SEC. 201. TECHNICAL ASSISTANCE FOR THE DEVELOP-**  
 14 **MENT OF JOINT/SHARED USE AGREEMENTS.**

15 (a) IN GENERAL.—The Secretary of Health and  
 16 Human Services, in coordination with the Secretary of  
 17 Education and in consultation with leading national ex-  
 18 perts and organizations advancing healthy living in the  
 19 school environment, shall develop and disseminate guide-  
 20 lines and best practices, including model documents, and  
 21 provide technical assistance to elementary and secondary  
 22 schools to assist such schools with the development of  
 23 joint/shared use agreements so as to address liability,  
 24 operational and management, and cost issues that may  
 25 otherwise impede the ability of community members to use



1 school facilities for recreational and nutritional purposes  
 2 during nonschool hours.

3 (b) DEFINITION.—In this section, the term “joint/  
 4 shared use agreement” means a formal agreement be-  
 5 tween an elementary or secondary school and another enti-  
 6 ty relating to the use of the school’s facilities, equipment,  
 7 or property, including recreational and food services facili-  
 8 ties, equipment, and property, by individuals other than  
 9 the school’s students or staff.

10 **SEC. 202. COMMUNITY SPORTS PROGRAMS FOR INDIVID-**  
 11 **UALS WITH DISABILITIES.**

12 Part P of title III of the Public Health Service Act  
 13 (42 U.S.C. 280g et seq.) is amended by adding at the end  
 14 the following:

15 **“SEC. 399V-6. COMMUNITY SPORTS PROGRAMS FOR INDI-**  
 16 **VIDUALS WITH DISABILITIES.**

17 “(a) IN GENERAL.—

18 “(1) INDIVIDUAL WITH A DISABILITY DE-  
 19 FINED.—For purposes of this section, the term ‘in-  
 20 dividual with a disability’ means any person who has  
 21 a disability as defined in section 3 of the Americans  
 22 with Disabilities Act of 1990 (42 U.S.C. 12102).

23 “(2) INDIVIDUAL WITH A PHYSICAL DIS-  
 24 ABILITY.—The term ‘individual with a physical dis-

1 ability’ means an individual with a disability that  
 2 has a physical or visual disability.

3 “(3) COMMUNITY SPORTS GRANTS PROGRAM.—

4 The Secretary, in collaboration with the National  
 5 Advisory Committee on Community Sports Pro-  
 6 grams for Individuals with Disabilities, may award  
 7 grants on a competitive basis to public and nonprofit  
 8 private entities to implement community-based,  
 9 sports and athletic programs for individuals with  
 10 disabilities, including youth with disabilities.

11 “(b) APPLICATION.—To be eligible to receive a grant  
 12 under this section, a public or nonprofit private entity  
 13 shall submit to the Secretary an application at such time,  
 14 in such manner, and containing such agreements, assur-  
 15 ances, and information as the Secretary determines to be  
 16 necessary to carry out this section.

17 “(c) AUTHORIZED ACTIVITIES.—Amounts awarded  
 18 under a grant under subsection (a) shall be used for—

19 “(1) community-based sports programs,  
 20 leagues, or competitions in individual or team sports  
 21 for individuals with physical disabilities;

22 “(2) regional sports programs or competitions  
 23 in individual or team sports for individuals with  
 24 physical disabilities;

1           “(3) the development of competitive team and  
2 individual sports programs for individuals with dis-  
3 abilities at the high school and collegiate level; or

4           “(4) the development of mentoring programs to  
5 encourage participation in sports programs for indi-  
6 viduals with disabilities, including individuals with  
7 recently acquired disabilities.

8           “(d) PRIORITIES.—

9           “(1) ADVISORY COMMITTEE.—The Secretary  
10 shall establish a National Advisory Committee on  
11 Community Sports Programs for Individuals with  
12 Disabilities that shall—

13                   “(A) establish priorities for the implemen-  
14 tation of this section;

15                   “(B) review grant proposals;

16                   “(C) make recommendations for distribu-  
17 tion of the available appropriated funds to spe-  
18 cific applicants; and

19                   “(D) annually evaluate the progress of pro-  
20 grams carried out under this section in imple-  
21 menting such priorities.

22           “(2) REPRESENTATION.—The Advisory Com-  
23 mittee established under paragraph (1) shall include  
24 representatives of—

1                   “(A) the Department of Health and  
 2                   Human Services Administration for Community  
 3                   Living;

4                   “(B) the United States Surgeon General;

5                   “(C) the Centers for Disease Control and  
 6                   Prevention;

7                   “(D) disabled sports organizations;

8                   “(E) organizations that represent the in-  
 9                   terests of individuals with disabilities; and

10                  “(F) individuals with disabilities (including  
 11                  athletes with physical disabilities) or their fam-  
 12                  ily members.

13                  “(e) DISSEMINATION OF INFORMATION.—The Sec-  
 14                  retary shall disseminate information about the availability  
 15                  of grants under this section in a manner that is designed  
 16                  to reach public entities and nonprofit private organizations  
 17                  that are dedicated to providing outreach, advocacy, or  
 18                  independent living services to individuals with disabilities.

19                  “(f) TECHNICAL ASSISTANCE.—The Secretary, in  
 20                  conjunction with the United States Olympic Committee  
 21                  and disabled sports organizations, shall establish a tech-  
 22                  nical assistance center to provide training, support, and  
 23                  information to grantees under this section on establishing  
 24                  and operating community sports programs for individuals  
 25                  with disabilities.

1       “(g) REPORT TO CONGRESS.—Not later than 180  
 2 days after the date of the enactment of this section, and  
 3 annually thereafter, the Secretary shall submit to Con-  
 4 gress a report summarizing activities, findings, outcomes,  
 5 and recommendations resulting from the grant projects  
 6 funded under this section during the year for which the  
 7 report is being prepared.

8       “(h) AUTHORIZATION OF APPROPRIATIONS.—

9               “(1) IN GENERAL.—To carry out this section,  
 10 there are authorized to be appropriated such sums  
 11 as may be necessary.

12              “(2) LIMITATION.—Not to exceed 10 percent of  
 13 the amount appropriated in each fiscal year shall be  
 14 used to carry out activities under subsection  
 15 (c)(4).”.

16 **SEC. 203. COMMUNITY GARDENS.**

17       Subtitle D of title X of the Food, Conservation, and  
 18 Energy Act of 2008 (Public Law 110–246; 122 Stat.  
 19 2109) is amended by adding at the end the following:

20 **“SEC. 10405. COMMUNITY GARDEN GRANT PROGRAM.**

21       “(a) DEFINITIONS.—In this section:

22              “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
 23 tity’ means—

24                      “(A) a nonprofit organization; or

1                   “(B) a unit of general local government, or  
2                   tribal government, located on tribal land or in  
3                   a low-income community.

4                   “(2) LOW-INCOME COMMUNITY.—The term  
5                   ‘low-income community’ means—

6                   “(A) a community in which not less than  
7                   50 percent of children are eligible for free or re-  
8                   duced priced meals under the Richard B. Rus-  
9                   sell National School Lunch Act (42 U.S.C.  
10                  1751 et seq.); or

11                  “(B) any other community determined by  
12                  the Secretary to be low-income for purposes of  
13                  this section.

14                  “(3) UNIT OF GENERAL LOCAL GOVERN-  
15                  MENT.—The term ‘unit of general local government’  
16                  has the meaning given the term in section 102 of the  
17                  Housing and Community Development Act of 1974  
18                  (42 U.S.C. 5302).

19                  “(b) PROGRAM ESTABLISHED.—Using such amounts  
20 as are appropriated to carry out this section, the Secretary  
21 shall award grants to eligible entities to expand, establish,  
22 or maintain community gardens.

23                  “(c) APPLICATION.—To be considered for a grant  
24 under this section, an eligible entity shall submit to the  
25 Secretary an application at such time, in such manner,

1 and containing such information as the Secretary may re-  
 2 quire, including—

3 “(1) an assurance that priority for hiring for  
 4 jobs created by the expansion, establishment, or  
 5 maintenance of a community garden funded with a  
 6 grant received under this section will be given to in-  
 7 dividuals who reside in the community in which the  
 8 garden is located; and

9 “(2) a demonstration that the eligible entity is  
 10 committed to providing non-Federal financial or in-  
 11 kind support (such as providing a water supply) for  
 12 the community garden for which the entity receives  
 13 funds under this section.”.

14 **SEC. 204. PHYSICAL ACTIVITY GUIDELINES FOR AMERI-**  
 15 **CANS.**

16 (a) REPORT.—

17 (1) IN GENERAL.—At least every 10 years, the  
 18 Secretary of Health and Human Services (in this  
 19 section referred to as the “Secretary”) shall publish  
 20 a report entitled “Physical Activity Guidelines for  
 21 Americans”. Each such report shall contain physical  
 22 activity information and guidelines for the general  
 23 public, and shall be promoted by each Federal agen-  
 24 cy in carrying out any Federal health program. Not  
 25 later than 5 years after the publication of the first

1 such report, and every 10 years thereafter, the Sec-  
2 retary shall publish a report highlighting the best  
3 practices and continuing issues in the physical activ-  
4 ity arena, which may focus on a particular group,  
5 subsection, or other division of the general public or  
6 a particular issue relating to the physical activity of  
7 Americans.

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

18 (b) APPROVAL BY SECRETARY.—

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

24 (2) BASIS OF REVIEW.—



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

1 (i) publish a notice in the Federal  
2 Register of the availability of the full text  
3 of the proposal and the preamble of such  
4 proposal which shall explain the basis and  
5 purpose for the proposed physical activity  
6 guidance;

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

9 (iii) make available for public inspec-  
10 tion and copying during normal business  
11 hours any comment received by the agency  
12 during such comment period.

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

22 (C) ANNOUNCEMENT.—Any such final  
23 physical activity guidance to be disseminated  
24 under subparagraph (B) shall be announced in  
25 a notice published in the Federal Register, be-

1 fore public dissemination along with an address  
2 where copies may be obtained.

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

11 (E) REVIEW OF DISAPPROVAL.—If a pro-  
12 posed physical activity guidance is disapproved  
13 by the Secretary under subparagraph (D), the  
14 Federal agency proposing such guidance may,  
15 within 15 days after receiving notification of  
16 such disapproval under subparagraph (D), re-  
17 quest the Secretary to review such disapproval.  
18 Within 15 days after receiving a request for  
19 such a review, the Secretary shall conduct such  
20 review. If, pursuant to such review, the Sec-  
21 retary approves such proposed physical activity  
22 guidance, such guidance may be issued by the  
23 Federal agency.

24 (3) DEFINITIONS.—In this subsection:

1 (A) The term “physical activity guidance  
 2 for the general population” does not include  
 3 any rule or regulation issued by a Federal agen-  
 4 cy.

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

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

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

13 (2) the presentation of any scientific or medical  
 14 findings or the exchange or review of scientific or  
 15 medical information by any Federal agency.

16 **SEC. 205. TOBACCO TAX INCREASE AND PARITY.**

17 (a) SHORT TITLE.—This section may be cited as the  
 18 “Saving Lives by Lowering Tobacco Use Act”.

19 (b) INCREASE IN EXCISE TAX ON SMALL CIGARS  
 20 AND CIGARETTES.—

21 (1) SMALL CIGARS.—Section 5701(a)(1) of the  
 22 Internal Revenue Code of 1986 is amended by strik-  
 23 ing “\$50.33” and inserting “\$100.50”.

24 (2) CIGARETTES.—Section 5701(b) of such  
 25 Code is amended—

1 (A) by striking “\$50.33” in paragraph (1)  
 2 and inserting “\$100.50”, and

3 (B) by striking “\$105.69” in paragraph  
 4 (2) and inserting “\$211.04”.

5 (c) TAX PARITY FOR PIPE TOBACCO AND ROLL-  
 6 YOUR-OWN TOBACCO.—

7 (1) PIPE TOBACCO.—Section 5701(f) of the In-  
 8 ternal Revenue Code of 1986 is amended by striking  
 9 “\$2.8311 cents” and inserting “\$49.55”.

10 (2) ROLL-YOUR-OWN TOBACCO.—Section  
 11 5701(g) of such Code is amended by striking  
 12 “\$24.78” and inserting “\$49.55”.

13 (d) CLARIFICATION OF DEFINITION OF SMALL CI-  
 14 GARS.—Paragraphs (1) and (2) of section 5701(a) of the  
 15 Internal Revenue Code of 1986 are each amended by  
 16 striking “three pounds per thousand” and inserting “four  
 17 and one-half pounds per thousand”.

18 (e) CLARIFICATION OF DEFINITION OF CIGA-  
 19 RETTE.—Paragraph (2) of section 5702(b) of the Internal  
 20 Revenue Code of 1986 is amended by inserting before the  
 21 final period the following: “, which includes any roll for  
 22 smoking containing tobacco that weighs no more than four  
 23 and a half pounds per thousand, unless it is wrapped in  
 24 whole tobacco leaf and does not have a cellulose acetate  
 25 or other cigarette-style filter”.

1 (f) TAX PARITY FOR SMOKELESS TOBACCO.—

2 (1) IN GENERAL.—Section 5701(e) of the Inter-  
3 nal Revenue Code of 1986 is amended—

4 (A) in paragraph (1), by striking “\$1.51”  
5 and inserting “\$26.79”;

6 (B) in paragraph (2), by striking “50.33  
7 cents” and inserting “\$10.72”; and

8 (C) by adding at the end the following:

9 “(3) SMOKELESS TOBACCO SOLD IN DISCRETE  
10 SINGLE-USE UNITS.—On discrete single-use units,  
11 \$100.50 per each 1,000 single-use units.”.

12 (2) DISCRETE SINGLE-USE UNIT.—Section  
13 5702(m) of such Code is amended—

14 (A) in paragraph (1), by striking “or chew-  
15 ing tobacco” and inserting “chewing tobacco,  
16 discrete single-use unit”;

17 (B) in paragraphs (2) and (3), by inserting  
18 “that is not a discrete single-use unit” before  
19 the period in each such paragraph; and

20 (C) by adding at the end the following:

21 “(4) DISCRETE SINGLE-USE UNIT.—The term  
22 ‘discrete single-use unit’ means any product con-  
23 taining tobacco that—

24 “(A) is intended or expected to be con-  
25 sumed without being combusted; and

1           “(B) is in the form of a lozenge, tablet,  
2           pill, pouch, dissolvable strip, or other discrete  
3           single-use or single-dose unit.”.

4           (3) OTHER TOBACCO PRODUCTS.—Section 5701  
5           of such Code is amended by adding at the end the  
6           following new subsection:

7           “(i) OTHER TOBACCO PRODUCTS.—Any product not  
8           otherwise described under this section that has been deter-  
9           mined to be a tobacco product by the Food and Drug Ad-  
10          ministration through its authorities under the Family  
11          Smoking Prevention and Control Act shall be taxed at a  
12          level of tax equivalent to the tax rate for cigarettes on  
13          an estimated per use basis as determined by the Sec-  
14          retary.”.

15          (g) CLARIFYING OTHER TOBACCO TAX DEFINI-  
16          TIONS.—

17               (1) TOBACCO PRODUCT DEFINITION.—Section  
18               5702(c) of the Internal Revenue Code of 1986 is  
19               amended by inserting before the period the fol-  
20               lowing: “, and any other product containing tobacco  
21               that is intended or expected to be consumed”.

22               (2) CIGARETTE TUBE DEFINITION.—Section  
23               5702(f) of such Code is amended by inserting before  
24               the period “or cigars”.

1           (3) IMPORTER DEFINITION.—Section 5702(k)  
 2           of such Code is amended by inserting “or any other  
 3           tobacco product” after “cigars or cigarettes”.

4           (4) PIPE TOBACCO DEFINITION.—Section  
 5           5702(n) of such Code is amended—

6                     (A) by striking “The term” and inserting  
 7           the following:

8                     “(1) IN GENERAL.—The term”; and

9                     (B) by adding at the end the following:

10                    “(2) ROLL-YOUR-OWN TOBACCO.—Any tobacco  
 11           that meets the definition under both this subsection  
 12           and section 5702(o) shall be treated as roll-your-own  
 13           tobacco under section 5702(o).

14                    “(3) EXCEPTION.—Paragraph (2) shall not  
 15           apply to a product that, as of January 1, 2009, was  
 16           either commercially marketed in the United States  
 17           in packaging that bore, pursuant to part 40 or 41  
 18           of title 27, Code of Federal Regulations, a designa-  
 19           tion as ‘pipe tobacco’ or ‘Tax Class L’, or is sub-  
 20           stantially equivalent to such product, provided that  
 21           such product is widely used as pipe tobacco.”.

22           (h) INFLATION ADJUSTMENT.—Section 5701 of the  
 23           Internal Revenue Code of 1986, as amended by subsection  
 24           (f)(3), is amended by adding at the end the following new  
 25           subsection:



1       “(j) INFLATION ADJUSTMENT.—In the case of any  
2 calendar year after 2013, each amount set forth in this  
3 section shall be increased by an amount equal to—

4               “(1) such amount, multiplied by

5               “(2) the cost-of-living adjustment determined  
6 under section 1(f)(3) for such calendar year by sub-  
7 stituting ‘calendar year 2012’ for ‘calendar year  
8 1992’ in subparagraph (B) thereof.”.

9       (i) FLOOR STOCKS TAXES.—

10           (1) IMPOSITION OF TAX.—On tobacco products  
11 manufactured in or imported into the United States  
12 which are removed before any tax increase date and  
13 held on such date for sale by any person, there is  
14 hereby imposed a tax in an amount equal to the ex-  
15 cess of—

16               (A) the tax which would be imposed under  
17 section 5701 of the Internal Revenue Code of  
18 1986 on the article if the article had been re-  
19 moved on such date, over

20               (B) the prior tax (if any) imposed under  
21 section 5701 of such Code on such article.

22       (2) CREDIT AGAINST TAX.—Each person shall  
23 be allowed as a credit against the taxes imposed by  
24 paragraph (1) an amount equal to \$500. Such credit  
25 shall not exceed the amount of taxes imposed by

1 paragraph (1) on such date for which such person  
2 is liable.

3 (3) LIABILITY FOR TAX AND METHOD OF PAY-  
4 MENT.—

5 (A) LIABILITY FOR TAX.—A person hold-  
6 ing tobacco products on any tax increase date  
7 to which any tax imposed by paragraph (1) ap-  
8 plies shall be liable for such tax.

9 (B) METHOD OF PAYMENT.—The tax im-  
10 posed by paragraph (1) shall be paid in such  
11 manner as the Secretary shall prescribe by reg-  
12 ulations.

13 (C) TIME FOR PAYMENT.—The tax im-  
14 posed by paragraph (1) shall be paid on or be-  
15 fore the date that is 120 days after the effective  
16 date of the tax rate increase.

17 (4) ARTICLES IN FOREIGN TRADE ZONES.—  
18 Notwithstanding the Act of June 18, 1934 (com-  
19 monly known as the Foreign Trade Zone Act, 48  
20 Stat. 998, 19 U.S.C. 81a et seq.), or any other pro-  
21 vision of law, any article which is located in a for-  
22 eign trade zone on any tax increase date shall be  
23 subject to the tax imposed by paragraph (1) if—

24 (A) internal revenue taxes have been deter-  
25 mined, or customs duties liquidated, with re-

1 spect to such article before such date pursuant  
 2 to a request made under the 1st proviso of sec-  
 3 tion 3(a) of such Act, or

4 (B) such article is held on such date under  
 5 the supervision of an officer of the United  
 6 States Customs and Border Protection of the  
 7 Department of Homeland Security pursuant to  
 8 the 2d proviso of such section 3(a).

9 (5) DEFINITIONS.—For purposes of this sub-  
 10 section—

11 (A) IN GENERAL.—Any term used in this  
 12 subsection which is also used in section 5702 of  
 13 such Code shall have the same meaning as such  
 14 term has in such section.

15 (B) TAX INCREASE DATE.—The term “tax  
 16 increase date” means the effective date of any  
 17 increase in any tobacco product excise tax rate  
 18 pursuant to the amendments made by this sec-  
 19 tion (other than subsection (g) thereof).

20 (C) SECRETARY.—The term “Secretary”  
 21 means the Secretary of the Treasury or the  
 22 Secretary’s delegate.

23 (6) CONTROLLED GROUPS.—Rules similar to  
 24 the rules of section 5061(e)(3) of such Code shall  
 25 apply for purposes of this subsection.

1           (7) OTHER LAWS APPLICABLE.—All provisions  
 2       of law, including penalties, applicable with respect to  
 3       the taxes imposed by section 5701 of such Code  
 4       shall, insofar as applicable and not inconsistent with  
 5       the provisions of this subsection, apply to the floor  
 6       stocks taxes imposed by paragraph (1), to the same  
 7       extent as if such taxes were imposed by such section  
 8       5701. The Secretary may treat any person who bore  
 9       the ultimate burden of the tax imposed by para-  
 10      graph (1) as the person to whom a credit or refund  
 11      under such provisions may be allowed or made.

12      (j) EFFECTIVE DATE.—The amendments made by  
 13      this section shall apply to articles removed (as defined in  
 14      section 5702(j) of the Internal Revenue Code of 1986)  
 15      after December 31, 2013.

16      **SEC. 206. LEVERAGING AND COORDINATING FEDERAL RE-**  
 17                                   **SOURCES FOR IMPROVED HEALTH.**

18      (a) HEALTH IMPACTS OF NON-HEALTH LEGISLA-  
 19      TION.—

20           (1) IN GENERAL.—Not later than 6 months  
 21      after the date of enactment of this Act, the National  
 22      Prevention, Health Promotion and Public Health  
 23      Council, shall enter into a contract with the Institute  
 24      of Medicine of the National Academy of Sciences for  
 25      the conduct of a study to assess the potential health

1 impacts of major non-health related legislation that  
2 is likely to be considered by Congress within a year  
3 of completion of the study. Such study shall identify  
4 the ways in which such legislation involved is likely  
5 to impact the health of Americans and shall contain  
6 recommendations to Congress on ways to maximize  
7 the positive health impacts and minimize the nega-  
8 tive health impacts.

9 (2) TIMING.—The timing of the study under  
10 paragraph (1) shall be determined in a manner that  
11 ensures that the results of the study will be available  
12 at least 3 months prior to the consideration of the  
13 legislation involved by Congress.

14 (3) GUIDELINES.—To the extent practicable,  
15 the Council under paragraph (1) shall ensure that  
16 the study conducted under this subsection complies  
17 with the consensus guidelines on how to carry out a  
18 health impact assessment, including stakeholder en-  
19 gagement guidelines, such as the HIA of the Amer-  
20 icas Practice Guidelines and guidelines promulgated  
21 by the World Health Organization and other con-  
22 sensus bodies.

23 (4) REPORT.—Upon completion of the study  
24 under this subsection, the Institute of Medicine shall

1 submit to the Council under paragraph (1), and  
2 make available to the general public, a report that—

3 (A) summarizes the direct, indirect, and  
4 cumulative health impacts identified in the as-  
5 sessment; and

6 (B) contains recommendations for how to  
7 maximize positive health impacts and minimize  
8 negative health impacts of the legislation in-  
9 volved.

10 (5) TYPE OF LEGISLATION.—For purposes of  
11 this subsection, the term “non-health related legisla-  
12 tion” shall have the meaning given such term by the  
13 Council under paragraph (1), and shall include legis-  
14 lation that is likely to have impacts on the health of  
15 Americans where such impacts are not likely to be  
16 considered by Congress to the extent required by  
17 their scope without the conduct of an assessment  
18 under this subsection. Examples of major non-health  
19 related legislation that could be the subject of the  
20 study include reauthorizations of the Moving Ahead  
21 for Progress in the 21st Century Act (Public Law  
22 112–141), the Food, Conservation, and Energy Act  
23 of 2008 (Public Law 110–246), and the Elementary  
24 and Secondary Education Act of 1965 (20 U.S.C.  
25 6301 et seq.).

1 (b) IMPROVING HEALTH IMPACTS OF FEDERAL  
2 AGENCY ACTIVITIES.—

3 (1) IN GENERAL.—The Secretary, in coordina-  
4 tion with the National Prevention, Health Promotion  
5 and Public Health Council, shall detail employees of  
6 the Department of Health and Human Services to  
7 policy and program planning offices of other Federal  
8 departments and agencies, including the Department  
9 of Transportation, the Department of Housing and  
10 Urban Development, the Department of Agriculture,  
11 the Department of Education, and the Department  
12 of the Interior, in order to assist those departments  
13 and agencies to consider the impacts of their activi-  
14 ties on the health of the populations served and to  
15 assist with the integration of health goals into the  
16 activities of the departments and agencies, as appro-  
17 priate.

18 (2) DUTIES.—Employees detailed under para-  
19 graph (1) shall assist with assessments of the poten-  
20 tial impacts of the programs and activities of the de-  
21 partment or agency involved on the health and well-  
22 being of the populations served, the development of  
23 metrics and performance standards that can be in-  
24 corporated, as appropriate, into the activities, per-  
25 formance measurements, and grant and contract

standards of the department or agency, and the development of the report detailed in paragraph (3).

(3) REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, each department and agency with a detailee under this section shall submit to the National Prevention, Health Promotion and Public Health Council, the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report detailing the health impacts of the department or agency’s activities and any plans to improve those impacts.

**SEC. 207. HEALTHIER NATIONAL PARKS.**

(a) CONCESSIONS CONTRACTS.—Section 403 of the National Park Service Concessions Management Improvement Act of 1998 (16 U.S.C. 5952) is amended—

(1) in paragraph (4)(A), by adding at the end the following:

“(iv) Measures necessary to ensure the easy and plentiful availability of healthy snacks, beverages, and meals (including meals for children) that reflect the most recent Dietary Guidelines for Americans published under section 301 of the



1 National Nutrition Monitoring and Related  
2 Research Act of 1990 (7 U.S.C. 5341).”;  
3 and

4 (2) in paragraph (5)(A), by adding at the end  
5 the following:

6 “(v) The responsiveness of the pro-  
7 posal to the objective of supporting the ef-  
8 forts of visitors to the unit of the National  
9 Park System to make healthy dietary  
10 choices through the easy and plentiful  
11 availability of healthy snacks, beverages,  
12 and meals (including meals for children)  
13 that reflect the most recent Dietary Guide-  
14 lines for Americans published under sec-  
15 tion 301 of the National Nutrition Moni-  
16 toring and Related Research Act of 1990  
17 (7 U.S.C. 5341).”.

18 (b) REPORT.—

19 (1) IN GENERAL.—Not later than 180 days  
20 after the date of enactment of this Act, the Sec-  
21 retary of the Interior (acting through the Director of  
22 the National Park Service) (referred to in this sec-  
23 tion as the “Secretary”) shall submit to Congress a  
24 report that describes the state of food and beverage  
25 offerings in units of the National Park System.

1           (2) COMPONENTS.—The report submitted  
2       under paragraph (1) shall include—

3           (A) an assessment of the nutritional qual-  
4       ity of foods offered in units of the National  
5       Park System, including the approximate per-  
6       centage of food and beverage offerings that re-  
7       flect the most recent Dietary Guidelines for  
8       Americans published under section 301 of the  
9       National Nutrition Monitoring and Related Re-  
10      search Act of 1990 (7 U.S.C. 5341);

11          (B) guidelines for concessioners to ensure  
12      the easy and plentiful availability of healthy  
13      snacks, beverages, and meals (including meals  
14      for children) from National Park Service res-  
15      taurants, retail food outlets, and other food  
16      concessioners that take into account—

17           (i) the most recent Dietary Guidelines  
18          for Americans published under section 301  
19          of the National Nutrition Monitoring and  
20          Related Research Act of 1990 (7 U.S.C.  
21          5341); and

22           (ii) the most recent Sustainability  
23          Guidelines for Federal Concessions and  
24          Vending Operations developed by the Sec-

1           retary of Health and Human Services and  
2           the Administrator of General Services; and

3           (C) a plan to ensure that, not later than  
4           August 25, 2016, there are adequate offerings  
5           of healthy food items from all food conces-  
6           sioners in units of the National Park System.

7       (c) PROMOTING HEALTH, RECREATION, AND OUT-  
8 DOORS.—

9           (1) IN GENERAL.—The Secretary of Health and  
10       Human Services (acting through the Director of the  
11       Centers for Disease Control and Prevention) shall  
12       coordinate with the Secretary (acting through the  
13       Director of the National Park Service), in consulta-  
14       tion with the Program Manager of the Rivers,  
15       Trails, and Conservation Assistance Program, to ad-  
16       vance efforts for the National Park System to en-  
17       hance opportunities for people to engage in physical  
18       activity.

19       (2) ACTION PLAN.—Not later than 1 year after  
20       the date of enactment of this Act, the Secretary of  
21       Health and Human Services (acting through the Di-  
22       rector of the Centers for Disease Control and Pre-  
23       vention), the Secretary (acting through the Director  
24       of the National Park Service), and the Program  
25       Manager of the Rivers, Trails, and Conservation As-

1       sistance Program shall establish a long-range action  
2       plan—

3               (A) that identifies and coordinates mecha-  
4       nisms to advance—

5                   (i) public education on the health im-  
6       portance of physical activity and recreation  
7       outdoors in nature, including in units of  
8       the National Park System; and

9                   (ii) health, physical activity, and  
10      recreation programs that increase the  
11      amount of time and the quality of opportu-  
12      nities spent outdoors in nature, including  
13      in units of the National Park System; and

14               (B) that considers accessibility to units of  
15      the National Park System and barriers to par-  
16      ticipation in outdoor physical activity and recre-  
17      ation opportunities, with an emphasis on access  
18      by and barriers for disadvantaged populations,  
19      including individuals with disabilities.

## **Subtitle B—Incentives for a Healthier Workforce**

### **SEC. 211. TAX CREDIT TO EMPLOYERS FOR COSTS OF IM- PLEMENTING WELLNESS PROGRAMS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

#### **“SEC. 45S. WELLNESS PROGRAM CREDIT.**

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the wellness program credit determined under this section for any taxable year during the credit period with respect to an employer is an amount equal to 50 percent of the costs paid or incurred by the employer in connection with a qualified wellness program during the taxable year.

“(2) LIMITATION.—The amount of credit allowed under paragraph (1) for any taxable year shall not exceed the sum of—

“(A) the product of \$200 and the number of employees of the employer not in excess of 200 employees, plus

“(B) the product of \$100 and the number of employees of the employer in excess of 200 employees.

1       “(b) QUALIFIED WELLNESS PROGRAM.—For pur-  
2 poses of this section—

3               “(1) QUALIFIED WELLNESS PROGRAM.—The  
4 term ‘qualified wellness program’ means a program  
5 which—

6                       “(A) consists of any 3 of the wellness pro-  
7 gram components described in subsection (c),  
8 and

9                       “(B) which is certified by the Secretary of  
10 Health and Human Services, in consultation  
11 with the Secretary of the Treasury and the Sec-  
12 retary of Labor, as a qualified wellness program  
13 under this section.

14               “(2) PROGRAMS MUST BE CONSISTENT WITH  
15 RESEARCH AND BEST PRACTICES.—

16                       “(A) IN GENERAL.—The Secretary of  
17 Health and Human Services shall not certify a  
18 program as a qualified wellness program unless  
19 the program—

20                               “(i) is consistent with evidence-based  
21 research and best practices, as identified  
22 by persons with expertise in employer  
23 health promotion and wellness programs,

24                               “(ii) includes multiple, evidence-based  
25 strategies which are based on the existing

1 and emerging research and careful sci-  
2 entific reviews, including the Guide to  
3 Community Preventive Services, the Guide  
4 to Clinical Preventive Services, and the  
5 National Registry of Evidence-based Pro-  
6 grams and Practices, and

7 “(iii) includes strategies which focus  
8 on employee populations with a dispropor-  
9 tionate burden of health problems.

10 “(B) PERIODIC UPDATING AND REVIEW.—

11 The Secretary of Health and Human Services  
12 shall establish procedures for periodic review  
13 and recertifications of programs under this sub-  
14 section. Such procedures shall require revisions  
15 of programs if necessary to ensure compliance  
16 with the requirements of this section and re-  
17 quire updating of the programs to the extent  
18 the Secretary, in consultation with the Sec-  
19 retary of the Treasury and the Secretary of  
20 Labor, determines necessary to reflect new sci-  
21 entific findings.

22 “(3) HEALTH LITERACY.—The Secretary of  
23 Health and Human Services shall, as part of the  
24 certification process, encourage employers to make  
25 the programs culturally competent and to meet the

1 health literacy needs of the employees covered by the  
2 programs.

3 “(c) WELLNESS PROGRAM COMPONENTS.—For pur-  
4 poses of this section, the wellness program components de-  
5 scribed in this subsection are the following:

6 “(1) HEALTH AWARENESS COMPONENT.—A  
7 health awareness component which provides for the  
8 following:

9 “(A) HEALTH EDUCATION.—The dissemi-  
10 nation of health information which addresses  
11 the specific needs and health risks of employees.

12 “(B) HEALTH SCREENINGS.—The oppor-  
13 tunity for periodic screenings for health prob-  
14 lems and referrals for appropriate follow up  
15 measures.

16 “(2) EMPLOYEE ENGAGEMENT COMPONENT.—  
17 An employee engagement component which provides  
18 for—

19 “(A) the establishment of a committee to  
20 actively engage employees in worksite wellness  
21 programs through worksite assessments and  
22 program planning, delivery, evaluation, and im-  
23 provement efforts, and

24 “(B) the tracking of employee participa-  
25 tion.



1           “(3) BEHAVIORAL CHANGE COMPONENT.—A  
 2           behavioral change component which provides for al-  
 3           tering employee lifestyles to encourage healthy living  
 4           through counseling, seminars, on-line programs, or  
 5           self-help materials which provide technical assistance  
 6           and problem solving skills. Such component may in-  
 7           clude programs relating to—

8                   “(A) tobacco use,

9                   “(B) overweight and obesity,

10                  “(C) stress management,

11                  “(D) physical activity,

12                  “(E) nutrition,

13                  “(F) substance abuse,

14                  “(G) depression, and

15                  “(H) mental health promotion (including  
 16           anxiety).

17           “(4) SUPPORTIVE ENVIRONMENT COMPO-  
 18           NENT.—A supportive environment component which  
 19           includes the following:

20                   “(A) ON-SITE POLICIES.—Policies and  
 21           services at the worksite which promote a  
 22           healthy lifestyle, including policies relating to—

23                   “(i) tobacco use at the worksite,

“(ii) the nutrition of food available at the worksite through cafeterias and vending options,

“(iii) minimizing stress and promoting positive mental health in the workplace,

“(iv) where applicable, accessible and attractive stairs,

“(v) alternative transportation and commuting options and facilities, and

“(vi) the encouragement of physical activity before, during, and after work hours.

“(B) PARTICIPATION INCENTIVES.—

“(i) IN GENERAL.—Qualified incentive benefits for each employee who participates in the health screenings described in paragraph (1)(B) or the behavioral change programs described in paragraph (3).

“(ii) QUALIFIED INCENTIVE BENEFIT.—For purposes of clause (i), the term ‘qualified incentive benefit’ means any benefit which is approved by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor. Such

1           benefit may include an adjustment in  
2           health insurance premiums or co-pays.

3           “(C) EMPLOYEE INPUT.—The opportunity  
4           for employees to participate in the management  
5           of any qualified wellness program to which this  
6           section applies.

7           “(d) PARTICIPATION REQUIREMENT.—

8           “(1) IN GENERAL.—No credit shall be allowed  
9           under subsection (a) unless the Secretary of Health  
10          and Human Services, in consultation with the Sec-  
11          retary of the Treasury and the Secretary of Labor,  
12          as a part of any certification described in subsection  
13          (b), determine that each wellness program compo-  
14          nent of the qualified wellness program applies to all  
15          qualified employees of the employer. The Secretary  
16          of Health and Human Services shall prescribe rules  
17          under which an employer shall not be treated as fail-  
18          ing to meet the requirements of this subsection  
19          merely because the employer provides specialized  
20          programs for employees with specific health needs or  
21          unusual employment requirements or provides a  
22          pilot program to test new wellness strategies.

23          “(2) QUALIFIED EMPLOYEE.—For purposes of  
24          paragraph (1), the term ‘qualified employee’ means

1 an employee who works an average of not less than  
 2 25 hours per week during the taxable year.

3 “(e) OTHER DEFINITIONS AND SPECIAL RULES.—

4 For purposes of this section—

5 “(1) EMPLOYEE AND EMPLOYER.—

6 “(A) PARTNERS AND PARTNERSHIPS.—

7 The term ‘employee’ includes a partner and the  
 8 term ‘employer’ includes a partnership.

9 “(B) CERTAIN RULES TO APPLY.—Rules  
 10 similar to the rules of section 52 shall apply.

11 “(2) CERTAIN COSTS NOT INCLUDED.—Costs  
 12 paid or incurred by an employer for food or health  
 13 insurance shall not be taken into account under sub-  
 14 section (a).

15 “(3) NO CREDIT WHERE GRANT AWARDED.—

16 No credit shall be allowable under subsection (a)  
 17 with respect to any qualified wellness program of  
 18 any taxpayer (other than an eligible employer de-  
 19 scribed in subsection (f)(2)(A)) who receives a grant  
 20 provided by the United States, a State, or a political  
 21 subdivision of a State for use in connection with  
 22 such program. The Secretary shall prescribe rules  
 23 providing for the waiver of this paragraph with re-  
 24 spect to any grant which does not constitute a sig-

1       nificant portion of the funding for the qualified  
2       wellness program.

3           “(4) CREDIT PERIOD.—

4               “(A) IN GENERAL.—The term ‘credit pe-  
5       riod’ means the period of 10 consecutive taxable  
6       years beginning with the taxable year in which  
7       the qualified wellness program is first certified  
8       under this section.

9               “(B) SPECIAL RULE FOR EXISTING PRO-  
10       GRAMS.—In the case of an employer (or prede-  
11       cessor) which operates a wellness program for  
12       its employees on the date of the enactment of  
13       this section, subparagraph (A) shall be applied  
14       by substituting ‘3 consecutive taxable years’ for  
15       ‘10 consecutive taxable years’. The Secretary  
16       shall prescribe rules under which this sub-  
17       section shall not apply if an employer is re-  
18       quired to make substantial modifications in the  
19       existing wellness program in order to qualify  
20       such program for certification as a qualified  
21       wellness program.

22               “(C) CONTROLLED GROUPS.—For pur-  
23       poses of this paragraph, all persons treated as  
24       a single employer under subsection (b), (c),

1 (m), or (o) of section 414 shall be treated as a  
 2 single employer.

3 “(f) PORTION OF CREDIT MADE REFUNDABLE.—

4 “(1) IN GENERAL.—In the case of an eligible  
 5 employer of an employee, the aggregate credits al-  
 6 lowed to a taxpayer under subpart C shall be in-  
 7 creased by the lesser of—

8 “(A) the credit which would be allowed  
 9 under this section without regard to this sub-  
 10 section and the limitation under section 38(c),  
 11 or

12 “(B) the amount by which the aggregate  
 13 amount of credits allowed by this subpart (de-  
 14 termined without regard to this subsection)  
 15 would increase if the limitation imposed by sec-  
 16 tion 38(c) for any taxable year were increased  
 17 by the amount of employer payroll taxes im-  
 18 posed on the taxpayer during the calendar year  
 19 in which the taxable year begins.

20 The amount of the credit allowed under this sub-  
 21 section shall not be treated as a credit allowed under  
 22 this subpart and shall reduce the amount of the  
 23 credit otherwise allowable under subsection (a) with-  
 24 out regard to section 38(c).

1           “(2) ELIGIBLE EMPLOYER.—For purposes of  
2           this subsection, the term ‘eligible employer’ means  
3           an employer which is—

4                   “(A) a State or political subdivision there-  
5                   of, the District of Columbia, a possession of the  
6                   United States, or an agency or instrumentality  
7                   of any of the foregoing, or

8                   “(B) any organization described in section  
9                   501(c) of the Internal Revenue Code of 1986  
10                  which is exempt from taxation under section  
11                  501(a) of such Code.

12           “(3) EMPLOYER PAYROLL TAXES.—For pur-  
13           poses of this subsection—

14                   “(A) IN GENERAL.—The term ‘employer  
15                   payroll taxes’ means the taxes imposed by—

16                           “(i) section 3111(b), and

17                           “(ii) sections 3211(a) and 3221(a)  
18                           (determined at a rate equal to the rate  
19                           under section 3111(b)).

20                   “(B) SPECIAL RULE.—A rule similar to  
21                   the rule of section 24(d)(2)(C) shall apply for  
22                   purposes of subparagraph (A).

23           “(g) TERMINATION.—This section shall not apply to  
24           any amount paid or incurred after December 31, 2017.”.

1 (b) TREATMENT AS GENERAL BUSINESS CREDIT.—

2 Subsection (b) of section 38 of the Internal Revenue Code  
3 of 1986 is amended by striking “plus” at the end of para-  
4 graph (35), by striking the period at the end of paragraph  
5 (36) and inserting “, plus”, and by adding at the end the  
6 following:

7 “(37) the wellness program credit determined  
8 under section 45S.”.

9 (c) DENIAL OF DOUBLE BENEFIT.—Section 280C of  
10 the Internal Revenue Code of 1986 is amended by adding  
11 at the end the following new subsection:

12 “(j) WELLNESS PROGRAM CREDIT.—

13 “(1) IN GENERAL.—No deduction shall be al-  
14 lowed for that portion of the costs paid or incurred  
15 for a qualified wellness program (within the meaning  
16 of section 45S) allowable as a deduction for the tax-  
17 able year which is equal to the amount of the credit  
18 allowable for the taxable year under section 45S.

19 “(2) SIMILAR RULE WHERE TAXPAYER CAP-  
20 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

21 “(A) the amount of the credit determined  
22 for the taxable year under section 45S, exceeds

23 “(B) the amount allowable as a deduction  
24 for such taxable year for a qualified wellness  
25 program,



1 the amount chargeable to capital account for the  
 2 taxable year for such expenses shall be reduced by  
 3 the amount of such excess.

4 “(3) CONTROLLED GROUPS.—In the case of a  
 5 corporation which is a member of a controlled group  
 6 of corporations (within the meaning of section  
 7 41(f)(5)) or a trade or business which is treated as  
 8 being under common control with other trades or  
 9 business (within the meaning of section  
 10 41(f)(1)(B)), this subsection shall be applied under  
 11 rules prescribed by the Secretary similar to the rules  
 12 applicable under subparagraphs (A) and (B) of sec-  
 13 tion 41(f)(1).”.

14 (d) CLERICAL AMENDMENT.—The table of sections  
 15 for subpart D of part IV of subchapter A of chapter 1  
 16 of the Internal Revenue Code of 1986 is amended by add-  
 17 ing at the end the following:

“Sec. 45S. Wellness program credit.”.

18 (e) EFFECTIVE DATE.—The amendments made by  
 19 this section shall apply to taxable years beginning after  
 20 the date of enactment of this Act.

21 (f) OUTREACH.—

22 (1) IN GENERAL.—The Secretary of the Treas-  
 23 ury, in conjunction with the Director of the Centers  
 24 for Disease Control and members of the business  
 25 community, shall institute an outreach program to

1 inform businesses about the availability of the  
 2 wellness program credit under section 45S of the In-  
 3 ternal Revenue Code of 1986 as well as to educate  
 4 businesses on how to develop programs according to  
 5 recognized and promising practices and on how to  
 6 measure the success of implemented programs.

7 (2) AUTHORIZATION OF APPROPRIATIONS.—  
 8 There are authorized to be appropriated such sums  
 9 as are necessary to carry out the outreach program  
 10 described in paragraph (1).

11 **SEC. 212. EMPLOYER-PROVIDED OFF-PREMISES ATHLETIC**  
 12 **FACILITIES.**

13 (a) TREATMENT AS FRINGE BENEFIT.—Subpara-  
 14 graph (A) of section 132(j)(4) of the Internal Revenue  
 15 Code of 1986 is amended to read as follows:

16 “(A) IN GENERAL.—Gross income shall  
 17 not include—

18 “(i) the value of any on-premises ath-  
 19 letic facility provided by an employer to its  
 20 employees, and

21 “(ii) so much of the fees, dues, or  
 22 membership expenses paid by an employer  
 23 to an athletic or fitness facility described  
 24 in subparagraph (C) on behalf of its em-

1                   employees as does not exceed \$900 per em-  
 2                   ployee per year.”.

3           (b) ATHLETIC FACILITIES DESCRIBED.—Paragraph  
 4 (4) of section 132(j) of the Internal Revenue Code of 1986  
 5 is amended by adding at the end the following new sub-  
 6 paragraph:

7                   “(C) CERTAIN ATHLETIC OR FITNESS FA-  
 8                   CILITIES DESCRIBED.—For purposes of sub-  
 9                   paragraph (A)(ii), an athletic or fitness facility  
 10                  described in this subparagraph is a facility—

11                   “(i) which provides instruction in a  
 12                   program of physical exercise, offers facili-  
 13                   ties for the preservation, maintenance, en-  
 14                   couragement, or development of physical  
 15                   fitness, or is the site of such a program of  
 16                   a State or local government,

17                   “(ii) which is not a private club owned  
 18                   and operated by its members,

19                   “(iii) which does not offer golf, hunt-  
 20                   ing, sailing, or riding facilities,

21                   “(iv) whose health or fitness facility is  
 22                   not incidental to its overall function and  
 23                   purpose, and

1 “(v) which is fully compliant with the  
 2 State of jurisdiction and Federal anti-dis-  
 3 crimination laws.”.

4 (c) EXCLUSION APPLIES TO HIGHLY COMPENSATED  
 5 EMPLOYEES ONLY IF NO DISCRIMINATION.—Section  
 6 132(j)(1) of the Internal Revenue Code of 1986 is amend-  
 7 ed—

8 (1) by striking “Paragraphs (1) and (2) of sub-  
 9 section (a)” and inserting “Subsections (a)(1),  
 10 (a)(2), and (j)(4)”, and

11 (2) by striking the heading thereof through  
 12 “APPLY” and inserting “CERTAIN EXCLUSIONS  
 13 APPLY”.

14 (d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN  
 15 ATHLETIC FACILITIES.—

16 (1) IN GENERAL.—Paragraph (3) of section  
 17 274(a) of the Internal Revenue Code of 1986 is  
 18 amended by adding at the end the following new  
 19 sentence: “The preceding sentence shall not apply to  
 20 so much of the fees, dues, or membership expenses  
 21 paid to athletic or fitness facilities (within the mean-  
 22 ing of section 132(j)(4)(C)) as does not exceed \$900  
 23 per employee per year.”.

24 (2) CONFORMING AMENDMENT.—The last sen-  
 25 tence of section 274(e)(4) of such Code is amended

1 by inserting “the first sentence of” before “sub-  
2 section (a)(3)”.

3 (e) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply to taxable years beginning after  
5 the date of the enactment of this Act.

6 **SEC. 213. TASK FORCE FOR THE PROMOTION OF**  
7 **BREASTFEEDING IN THE WORKPLACE.**

8 (a) ESTABLISHMENT.—The Secretary of Health and  
9 Human Services and the Secretary of Labor, or their des-  
10 ignees, shall convene a task force for the purpose of pro-  
11 moting breastfeeding among working mothers (referred to  
12 in this section as the “Task Force”).

13 (b) MEMBERSHIP.—The Task Force shall be com-  
14 posed of members who are—

15 (1) expert staff from the Department of Labor  
16 with expertise in workforce issues;

17 (2) expert staff from the Department of Health  
18 and Human Services with expertise in the areas of  
19 breastfeeding and breastfeeding promotion;

20 (3) members of the United States Breastfeeding  
21 Committee;

22 (4) expert staff from the Department of Agri-  
23 culture; and

1           (5) appointed by the Secretary of Health and  
 2           Human Services and the Secretary of Labor, includ-  
 3           ing—

4                   (A) working mothers who have experience  
 5                   in working and breastfeeding; and

6                   (B) representatives of the human resource  
 7                   departments of both large and small employers  
 8                   that have successfully promoted breastfeeding  
 9                   and breastmilk pumping support at work.

10          (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
 11          bers shall be appointed for the life of the Task Force. Any  
 12          vacancy in the Task Force shall not affect its powers, but  
 13          shall be filled in the same manner as the original appoint-  
 14          ment.

15          (d) CHAIR.—The Task Force shall be chaired jointly  
 16          by the Secretary of Health and Human Services and the  
 17          Secretary of Labor, or their designees.

18          (e) DUTIES OF THE TASK FORCE.—

19                   (1) EXAMINATION.—Consistent with the Sur-  
 20          geon General’s Call to Action to Support  
 21          Breastfeeding (2011), the Task Force shall examine  
 22          the following issues:

23                           (A) The challenges that mothers face with  
 24                           continuing breastfeeding when the mothers re-  
 25                           turn to work after giving birth, including dif-

1           ferent challenges that mothers of varying socio-  
2           economic status and in different professions  
3           may face.

4           (B) The challenges that employers face in  
5           accommodating mothers who seek to continue  
6           to breastfeed or to express milk when the moth-  
7           ers re-enter the workforce.

8           (C) The benefits that accrue to mothers,  
9           babies, and to employers when mothers are able  
10          to continue to breastfeed or to express breast  
11          milk at work after the mothers have re-entered  
12          the workforce.

13          (D) Federal and State statutes that may  
14          have the effect of reducing breastfeeding and  
15          breastfeeding retention rates among working  
16          mothers.

17          (E) The implementation of the reasonable  
18          break time for nursing mothers requirements  
19          under section 7(r) of the Fair Labor Standards  
20          Act of 1938 (29 U.S.C. 207(r)).

21          (2) REPORTS.—

22                (A) IN GENERAL.—Not later than 1 year  
23                after the date of enactment of this section, the  
24                Task Force shall issue a public report with rec-  
25                ommendations on the following:

1 (i) Steps that can be taken to promote  
2 breastfeeding among working mothers and  
3 to remove barriers to breastfeeding among  
4 working mothers.

5 (ii) Potential ways in which the Fed-  
6 eral Government can work with employers  
7 to promote breastfeeding among working  
8 mothers.

9 (iii) Areas in which changes to exist-  
10 ing Federal, State, or local laws would  
11 likely have the effect of making it easier  
12 for working mothers to breastfeed or would  
13 remove impediments to breastfeeding that  
14 currently exist in such laws.

15 (iv) Whether or not increased rates of  
16 breastfeeding among working mothers  
17 would likely have the result of reducing  
18 health care costs among such mothers and  
19 their children, and, in particular, whether  
20 increased rates of breastfeeding would be  
21 likely to result in lower Federal expendi-  
22 tures on health care for such mothers and  
23 their children.

24 (v) Areas in which the Federal Gov-  
25 ernment, through increased efforts by Fed-



1           eral agencies, or changes to existing Fed-  
2           eral law, can and should increase the Fed-  
3           eral Government's efforts to promote  
4           breastfeeding among working mothers.

5           (B) COPY TO CONGRESS.—Upon comple-  
6           tion of the report described in subparagraph  
7           (A), the Task Force shall submit a copy of the  
8           report to the Committee on Health, Education,  
9           Labor, and Pensions of the Senate, the Com-  
10          mittee on Appropriations of the Senate, the  
11          Committee on Education and the Workforce of  
12          the House of Representatives, and the Com-  
13          mittee on Appropriations of the House of Rep-  
14          resentatives.

15       (f) POWERS OF THE TASK FORCE.—

16           (1) HEARINGS.—The Task Force may hold  
17           such hearings, sit and act at such times and places,  
18           take such testimony, and receive such evidence as  
19           the Task Force considers advisable to carry out this  
20           section.

21           (2) INFORMATION FROM FEDERAL AGENCIES.—

22           The Task Force may secure directly from any Fed-  
23           eral department or agency such information as the  
24           Task Force considers necessary to carry out this  
25           section. Upon request of the Chair of the Task

1 Force, the head of such department or agency shall  
 2 furnish such information to the Task Force.

3 (3) POSTAL SERVICES.—The Task Force may  
 4 use the United States mails in the same manner and  
 5 under the same conditions as other departments and  
 6 agencies of the Federal Government.

7 (4) DONATIONS.—The Task Force may accept,  
 8 use, and dispose of donations of services or property.

9 (g) OPERATING EXPENSES.—The operating expenses  
 10 of the Task Force, including travel expenses for members  
 11 of the Task Force, shall be paid for from the general oper-  
 12 ating expenses funds of the Secretary of Health and  
 13 Human Services and the Secretary of Labor.

14 **SEC. 214. IMPROVING HEALTHY EATING AND ACTIVE LIV-**  
 15 **ING OPTIONS IN FEDERAL WORKPLACES.**

16 (a) MENU LABELING IN FEDERAL FOOD ESTAB-  
 17 LISHMENTS.—

18 (1) IN GENERAL.—

19 (A) EXECUTIVE AND JUDICIAL BUILD-  
 20 INGS.—Section 403(q) of the Federal Food,  
 21 Drug, and Cosmetic Act (21 U.S.C. 343(q)) is  
 22 amended by adding at the end the following:

23 “(6)(A) The requirements of subparagraph (5)(H)  
 24 shall apply—

1           “(i) to a restaurant or similar retail food estab-  
 2           lishment located in a Federal building in the same  
 3           manner as such subparagraph applies to a res-  
 4           taurant or similar retail food establishment that is  
 5           part of a chain with 20 or more locations, as de-  
 6           scribed in subparagraph (5)(H)(i); and

7           “(ii) to a person that operates a vending ma-  
 8           chine located in a Federal building in the same man-  
 9           ner as such subparagraph applies to a person who  
 10          is engaged in the business of owning or operating 20  
 11          or more vending machines, as described in subpara-  
 12          graph (5)(H)(viii).

13          “(B) In this subparagraph, the term ‘Federal build-  
 14          ing’ means a building that is—

15               “(i) under the control of the Federal agency (as  
 16               defined in section 102 of title 40, United States  
 17               Code);

18               “(ii) owned by the Federal Government; and

19               “(iii) located in a State, the District of Colum-  
 20               bia, Puerto Rico, or a territory or possession of the  
 21               United States.”.

22               (B) APPLICABILITY.—The requirement in  
 23               the amendment made by paragraph (1) shall  
 24               apply to restaurants or similar retail food es-  
 25               tablishments and vending machines located in a

1 Federal building beginning 12 months after the  
2 date of enactment of this Act.

3 (2) CONGRESSIONAL BUILDINGS.—The Archi-  
4 tect of the Capitol, in coordination with the Com-  
5 mittee on Rules and Administration of the Senate  
6 and the Committee on House Administration of the  
7 House of Representatives, shall establish a program  
8 to apply the requirements of section 403(q)(5)(H) of  
9 the Federal Food, Drug, and Cosmetic Act (21  
10 U.S.C. 343(q)(5)(H)) (as amended by paragraph  
11 (1)) to—

12 (A) food that is served in restaurants or  
13 other similar retail food establishments that are  
14 located in Congressional buildings and installa-  
15 tions;

16 (B) food that is sold through vending ma-  
17 chines that are operated in Congressional build-  
18 ings and installations; and

19 (C) food that is served to individuals with-  
20 in Congressional buildings and installations  
21 pursuant to a contract with a private entity.

22 (b) NUTRITIONAL STANDARDS FOR FOOD IN FED-  
23 ERAL BUILDINGS.—

24 (1) EXECUTIVE AND JUDICIAL BUILDINGS.—  
25 Subchapter V of chapter 5 of subtitle I of title 40,

1 United States Code, is amended by adding at the  
2 end the following:

3 **“SEC. 594. NUTRITIONAL STANDARDS FOR FOOD IN FED-**  
4 **ERAL BUILDINGS.**

5 “(a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this section, the Administrator of  
7 General Services, in consultation with the Secretary of  
8 Health and Human Services, shall establish, by regulation,  
9 nutritional standards for foods and beverages purchased,  
10 served, and sold through Federal buildings and on Federal  
11 property (including food products provided by contractors  
12 or vending machines). Such standards shall reflect the  
13 most recent Dietary Guidelines for Americans.

14 “(b) CONSIDERATIONS.—In developing the nutri-  
15 tional standards under subsection (a), the Administrator  
16 shall consider the following:

17 “(1) Recommendations for nutrition standards  
18 for foods, beverages, or meals made by authoritative  
19 scientific organizations.

20 “(2) Both positive and negative contributions of  
21 nutrients, ingredients, and foods to diets (including  
22 calories or portion size, saturated fat, trans fat, so-  
23 dium, added sugars, and the presence of fruits, vege-  
24 tables, whole grains, and nutrients of concern in  
25 Americans’ diets).

1           “(3) Adaptations of the standards for different  
2           venues, such as childcare, correctional facilities, gov-  
3           ernment meetings, or other settings with unique  
4           populations or circumstances.

5           “(c) PERIODIC REVIEW.—Not later than 5 years  
6           after the date of enactment of this section, and every 5  
7           years thereafter, the Secretary, shall review, and if nec-  
8           essary, revise and update the nutrition standards devel-  
9           oped under subsection (a) to reflect advancements in nu-  
10          trition science, dietary data, and new product availability.

11          “(d) USE OF AMOUNTS.—Amounts appropriated to  
12          an executive agency for installation, repair, and mainte-  
13          nance, generally, may be used to achieve compliance with  
14          the regulations promulgated pursuant to this section.

15          “(e) LIABILITY.—Nothing in this section increases or  
16          enlarges the tort liability of the Federal Government for  
17          any injury to an individual or damage to property.”.

18                 (2) CONGRESSIONAL BUILDINGS.—

19                 (A) IN GENERAL.—Not later than 1 year  
20                 after the date of enactment of this Act, the Ar-  
21                 chitect of the Capitol, in coordination with the  
22                 Committee on Rules and Administration of the  
23                 Senate and the Committee on House Adminis-  
24                 tration of the House of Representatives shall  
25                 adopt nutritional standards for food and bev-

1 erage products purchased, served, or sold  
2 through Congressional buildings and properties  
3 (including food products provided by contrac-  
4 tors and vending machines). Such standards  
5 shall reflect the most recent Dietary Guidelines  
6 for Americans.

7 (B) CONSIDERATIONS.—In developing the  
8 nutritional standards under subparagraph (A),  
9 the Architect shall consider the following:

10 (i) Recommendations for nutrition  
11 standards for foods, beverages, or meals  
12 made by authoritative scientific organiza-  
13 tions.

14 (ii) Both positive and negative con-  
15 tributions of nutrients, ingredients, and  
16 foods to diets (including calories or portion  
17 size, saturated fat, trans fat, sodium,  
18 added sugars, and the presence of fruits,  
19 vegetables, whole grains, and nutrients of  
20 concern in Americans' diets).

21 (C) PERIODIC REVIEW.—Not later than 5  
22 years after the date of enactment of this Act,  
23 and every 5 years thereafter, the Architect,  
24 shall review, and if necessary, revise and update  
25 the nutrition standards developed under sub-

1 paragraph (A) to reflect advancements in nutri-  
 2 tion science, dietary data, and new product  
 3 availability.

4 (c) ENCOURAGEMENT OF USE OF STAIRS.—

5 (1) EXECUTIVE AND JUDICIAL BUILDINGS.—

6 Subchapter V of chapter 5 of subtitle I of title 40,  
 7 United States Code, as amended by subsection (b),  
 8 is further amended by adding at the end the fol-  
 9 lowing:

10 **“SEC. 595. ENCOURAGEMENT OF USE OF STAIRS.**

11 “(a) IN GENERAL.—In the design of new or sub-  
 12 stantively remodeled Federal buildings, each Federal  
 13 agency shall consider including building features that en-  
 14 sure stairs are accessible and attractive. In new and exist-  
 15 ing buildings, each Federal agency shall install point-of-  
 16 decision prompts encouraging individuals to use stairs  
 17 wherever practicable at each relevant building and instal-  
 18 lation that is—

19 “(1) under the control of the Federal agency;

20 “(2) owned by the Federal Government; and

21 “(3) located in a State, the District of Colum-  
 22 bia, Puerto Rico, or a territory or possession of the  
 23 United States.

24 “(b) REIMBURSEMENT.—Subsection (a) may be car-  
 25 ried out by—



1           “(1) reimbursement to a State or political sub-  
 2           division of a State, the District of Columbia, Puerto  
 3           Rico, or a territory or possession of the United  
 4           States; or

5           “(2) grants or contracts.

6           “(c) REGULATIONS.—Subsection (a) shall be carried  
 7           out in accordance with such regulations as the Adminis-  
 8           trator of General Services may promulgate, with the ap-  
 9           proval of the Director of the Office of Management and  
 10          Budget.

11          “(d) USE OF AMOUNTS.—Amounts appropriated to  
 12          a Federal agency for installation, repair, and maintenance,  
 13          generally, shall be available to carry out this section.

14          “(e) LIABILITY.—Nothing in this section increases or  
 15          enlarges the tort liability of the Federal Government for  
 16          any injury to an individual or damage to property.”.

17                 (2) CONGRESSIONAL BUILDINGS.—The Archi-  
 18          tect of the Capitol shall implement a program to in-  
 19          stall point-of-decision prompts encouraging individ-  
 20          uals to use stairs wherever practicable in Congres-  
 21          sional buildings and installations in the same man-  
 22          ner as established under section 595 of title 40,  
 23          United States Code (as added by paragraph (1)).

24          (d) ACCOMMODATIONS FOR BICYCLE COMMUTERS.—

1           (1) EXECUTIVE AND JUDICIAL FEDERAL  
 2 BUILDINGS.—Subchapter V of chapter 5 of subtitle  
 3 I of title 40, United States Code, as amended by  
 4 subsection (c), is further amended by adding at the  
 5 end the following:

6 **“SEC. 596. ACCOMMODATIONS FOR BICYCLE COMMUTERS.**

7           “(a) IN GENERAL.—Each Federal agency shall in-  
 8 stall and maintain a bicycle storage area and equipment  
 9 (such as a bicycle rack) and a shower for bicycle com-  
 10 muters at each relevant parking structure that is—

11                   “(1) under the control of the Federal agency;

12                   “(2) owned by the Federal Government; and

13                   “(3) located in a State, the District of Colum-  
 14 bia, Puerto Rico, or a territory or possession of the  
 15 United States.

16           “(b) REIMBURSEMENT.—Subsection (a) may be car-  
 17 ried out by—

18                   “(1) reimbursement to a State or political sub-  
 19 division of a State, the District of Columbia, Puerto  
 20 Rico, or a territory or possession of the United  
 21 States; or

22                   “(2) grants or contracts.

23           “(c) REGULATIONS.—Subsection (a) shall be carried  
 24 out in accordance with such regulations as the Adminis-  
 25 trator of General Services may promulgate, with the ap-

1 proval of the Director of the Office of Management and  
2 Budget.

3 “(d) USE OF AMOUNTS.—Amounts appropriated to  
4 a Federal agency for installation, repair, and maintenance,  
5 generally, shall be available to carry out this section.

6 “(e) LIABILITY.—Nothing in this section increases or  
7 enlarges the tort liability of the Federal Government for  
8 any injury to an individual or damage to property.”.

9 (2) CONGRESSIONAL BUILDINGS.—The Archi-  
10 tect of the Capitol, in coordination with the Sergeant  
11 at Arms and Doorkeeper of the Senate, the Sergeant  
12 at Arms of the House of Representatives, and the  
13 United States Capitol Police, shall implement, within  
14 their respective jurisdictions, a program to make ac-  
15 commodations for bicycle commuters on the United  
16 States Capitol complex in the same manner as estab-  
17 lished under section 596 of title 40, United States  
18 Code (as added by paragraph (1)).

19 **TITLE III—RESPONSIBLE MAR-**  
20 **KETING AND CONSUMER**  
21 **AWARENESS**

22 **SEC. 301. GUIDELINES FOR REDUCTION IN SODIUM CON-**  
23 **TENT IN CERTAIN FOODS.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Secretary of Health and

1 Human Services shall promulgate regulations establishing  
 2 guidelines for the mandatory reduction, over a 2-year pe-  
 3 riod, in the sodium content of processed food and res-  
 4 taurant food following, as appropriate, the recommenda-  
 5 tions made by the Institute of Medicine report entitled  
 6 “Strategies to Reduce Sodium Intake in the United  
 7 States”.

8 (b) DEFINITIONS.—For purposes of this section—

9 (1) the term “processed food” has the meaning  
 10 given such term in section 201(gg) of the Federal  
 11 Food, Drug, and Cosmetic Act (21 U.S.C. 321(gg));  
 12 and

13 (2) the term “restaurant food” means food sub-  
 14 ject to the requirements of section 403(q)(5)(H) of  
 15 the Federal Food, Drug, and Cosmetic Act (21  
 16 U.S.C. 343(q)(5)(H)).

17 **SEC. 302. NUTRITION LABELING FOR FOOD PRODUCTS**  
 18 **SOLD PRINCIPALLY FOR USE IN RES-**  
 19 **TAURANTS OR OTHER RETAIL FOOD ESTAB-**  
 20 **LISHMENTS.**

21 Section 403(q)(5) of the Federal Food, Drug, and  
 22 Cosmetic Act (21 U.S.C. 343(q)(5)) is amended by strik-  
 23 ing clause (G).

1 **SEC. 303. FRONT-LABEL FOOD GUIDANCE SYSTEMS.**

2 (a) IN GENERAL.—Not later than 6 months after the  
3 date of enactment of this Act, the Secretary of Health and  
4 Human Services (referred to in this section as the “Sec-  
5 retary”) shall begin soliciting public comments regard-  
6 ing—

7 (1) the use of retail front-label food guidance  
8 systems to convey nutrition information to the public  
9 using logos, symbols, signs, emblems, insignia, or  
10 other graphic representations on the labeling of food  
11 intended for human consumption that are intended  
12 to provide simple, standardized, and understandable  
13 nutrition information to the public in graphic form;

14 (2) appropriate nutrition standards by which a  
15 retail front-label food guidance system may convey  
16 the relative nutritional value of different foods in  
17 simple graphic form; and

18 (3) whether American consumers would be bet-  
19 ter served by establishing a single, standardized re-  
20 tail front-label food guidance system regulated by  
21 the Food and Drug Administration, or by allowing  
22 individual food companies, trade associations, non-  
23 profit organizations, and others to continue to de-  
24 velop their own retail front-label food guidance sys-  
25 tems.

1       (b) EFFECT ON NUTRITION FACTS PANEL.—In solici-  
 2     iting public comments under subsection (a), the Secretary  
 3     shall inform the public that any retail front-label food  
 4     guidance system is intended to supplement, not replace,  
 5     the Nutrition Facts Panel that appears on food labels pur-  
 6     suant to section 403(q) of the Federal Food, Drug, and  
 7     Cosmetic Act (21 U.S.C. 343(q)).

8       (c) PROPOSED REGULATION.—Not later than 12  
 9     months following the closure of the public comment solici-  
 10    tation period under subsection (a), the Secretary shall—

11           (1) publish a notice in the Federal Register  
 12           that summarizes the public comments and describes  
 13           the suggested retail front-label food guidance sys-  
 14           tems received through such solicitation; and

15           (2) publish proposed regulations that—

16                   (A) establish a single, standardized retail  
 17                   front-label food guidance system; or

18                   (B) establish the conditions under which  
 19                   individual food companies, trade associations,  
 20                   nonprofit organizations, and other entities may  
 21                   continue to develop their own retail front-label  
 22                   food guidance systems.

1 **SEC. 304. RULEMAKING AUTHORITY FOR ADVERTISING TO**  
2 **CHILDREN.**

3 (a) PURPOSE.—The purpose of this section is to re-  
4 store the authority of the Federal Trade Commission to  
5 issue regulations that restrict the marketing or advertising  
6 of foods and beverages to children under the age of 18  
7 years if the Federal Trade Commission determines that  
8 there is evidence that consumption of certain foods and  
9 beverages is detrimental to the health of children.

10 (b) AUTHORITY.—Section 18 of the Federal Trade  
11 Commission Act (15 U.S.C. 57a) is amended—

12 (1) in subsection (a), by striking “Except as  
13 provided in subsection (h), the” and inserting  
14 “The”;

15 (2) by amending subsection (b) to read as fol-  
16 lows:

17 “(b) PROCEDURE APPLICABLE.—When prescribing a  
18 rule under subsection (a)(1)(B) of this section, the Com-  
19 mission shall proceed in accordance with section 553 of  
20 title 5 (without regard to any reference in such section  
21 to sections 556 and 557 of such title).”;

22 (3) by striking subsections (c), (f), (h), (i), and  
23 (j);

24 (4) by striking subsection (d) and inserting the  
25 following:

1       “(c) When any rule under subsection (a)(1)(B) takes  
 2 effect a subsequent violation thereof shall constitute an  
 3 unfair or deceptive act or practice in violation of section  
 4 5(a)(1) of this Act, unless the Commission otherwise ex-  
 5 pressly provides in such rule.”;

6           (5) by redesignating subsections (e) and (g) as  
 7 subsections (d) and (e), respectively; and

8           (6) in subsection (d), as redesignated—

9           (A) in paragraph (1)(B), by striking “the  
 10 transcript required by subsection (c)(5),”;

11           (B) in paragraph (3), by striking “error)”  
 12 and all that follows through the period at the  
 13 end and inserting “error).”; and

14           (C) in paragraph (5), by striking subpara-  
 15 graph (C).

16 **SEC. 305. HEALTH LITERACY: RESEARCH, COORDINATION**  
 17 **AND DISSEMINATION.**

18       (a) IN GENERAL.—Part A of title IX of the Public  
 19 Health Service Act (42 U.S.C. 299 et seq.) is amended  
 20 by adding at the end the following:

21 **“SEC. 904. HEALTH LITERACY: RESEARCH, COORDINATION**  
 22 **AND DISSEMINATION.**

23       “(a) DEFINITION.—In this section, the term ‘health  
 24 literacy’ means a consumer’s ability to obtain, process,  
 25 and understand basic health information and services



1 needed to make appropriate health care decisions and the  
 2 adaptation of services to enhance a consumer's under-  
 3 standing and navigation of applicable health care services.

4 “(b) HEALTH LITERACY PROGRAM.—

5 “(1) ESTABLISHMENT.—The Director shall es-  
 6 tablish within the Agency a program (referred to in  
 7 this section as the ‘program’) to strengthen health  
 8 literacy by improving measurement, research, devel-  
 9 opment, and information dissemination.

10 “(2) DUTIES.—In carrying out the program,  
 11 the Director shall—

12 “(A) gather health literacy resources from  
 13 public and private sources and make such re-  
 14 sources available to researchers, health care  
 15 providers, and the general public;

16 “(B) identify and fill research gaps relat-  
 17 ing to health literacy that have direct applica-  
 18 bility to—

19 “(i) prevention;

20 “(ii) self-management of chronic dis-  
 21 ease;

22 “(iii) quality improvement;

23 “(iv) the barriers to health literacy;

24 “(v) relationships between health lit-  
 25 eracy and health disparities, particularly

1 with respect to language and cultural com-  
 2 petency; and

3 “(vi) the utilization of information on  
 4 comparative effectiveness of health treat-  
 5 ments;

6 “(C) sponsor demonstration and evaluation  
 7 projects with respect to interventions and tools  
 8 designed to strengthen health literacy, including  
 9 projects focused on—

10 “(i) the provision of simplified, pa-  
 11 tient-centered written materials;

12 “(ii) technology-based communication  
 13 techniques;

14 “(iii) consumer navigation services;  
 15 and

16 “(iv) the training of health profes-  
 17 sional providers;

18 “(D) give preference to health literacy ini-  
 19 tiatives that—

20 “(i) focus on the particular needs of  
 21 vulnerable populations such as the elderly,  
 22 racial and ethnic minorities, children, indi-  
 23 viduals with limited English proficiency,  
 24 and individuals with disabilities; and

1                   “(ii) partner with institutions in the  
 2                   community such as schools, libraries, sen-  
 3                   ior centers, literacy groups, recreation cen-  
 4                   ters, early childhood education centers,  
 5                   area health education centers, and public  
 6                   assistance programs;

7                   “(E) assist appropriate Federal agencies in  
 8                   establishing specific objectives and strategies  
 9                   for carrying out the program, in monitoring the  
 10                  programs of such agencies, and incorporating  
 11                  health literacy into research design, human sub-  
 12                  jects protections, and informed consent in clin-  
 13                  ical research;

14                  “(F) seek to enter into implementation  
 15                  partnerships with organizations and agencies,  
 16                  including other agencies within the Department  
 17                  of Health and Human Services, such as the  
 18                  Centers for Medicare & Medicaid Services and  
 19                  the Health Resources and Services Administra-  
 20                  tion, the Office of the Surgeon General, the  
 21                  Joint Commission on the Accreditation of  
 22                  Healthcare Organizations, the Office of the Na-  
 23                  tional Coordinator for Health Information  
 24                  Technology, and the National Committee for  
 25                  Quality Assurance, to promote the adoption of

1 interventions and tools developed under this  
 2 section, particularly in the training of health  
 3 professionals; and

4 “(G) coordinate with other agencies within  
 5 the Department of Health and Human Services  
 6 to collect data that monitors national trends in  
 7 health literacy by including relevant items in  
 8 surveys such as the Medical Expenditure Panel  
 9 Survey, the National Health Interview Survey,  
 10 and the National Hospital Discharge Survey.

11 “(3) REPORT.—The Agency for Healthcare Re-  
 12 search and Quality shall annually submit to Con-  
 13 gress a report that includes—

14 “(A) a comprehensive and detailed descrip-  
 15 tion of the operations, activities, financial condi-  
 16 tion, and accomplishments of the Agency in the  
 17 field of health literacy; and

18 “(B) a description of how plans for the op-  
 19 eration of the program for the succeeding fiscal  
 20 year will facilitate achievement of the goals of  
 21 the program.

22 “(4) AUTHORIZATION OF APPROPRIATIONS.—  
 23 There are authorized to be appropriated to carry out  
 24 this subsection such sums as may be necessary for  
 25 each of fiscal years 2014 through 2018.

1 “(c) STATE HEALTH LITERACY GRANTS.—

2 “(1) GRANTS.—The Director of the Agency  
3 shall award grants to eligible entities to facilitate  
4 State and community efforts to strengthen health  
5 literacy.

6 “(2) USE OF FUNDS.—An entity receiving a  
7 grant under this subsection shall use amounts re-  
8 ceived under such grant to—

9 “(A) support efforts to monitor and  
10 strengthen health literacy within a State or  
11 community;

12 “(B) assist public and private efforts in  
13 the State or community in coordinating and de-  
14 livering health literacy services;

15 “(C) encourage partnerships among State  
16 and local governments, community organiza-  
17 tions, non-profit entities, academic institutions,  
18 and businesses to coordinate efforts to strength-  
19 en health literacy;

20 “(D) provide technical and policy assist-  
21 ance to State and local governments and service  
22 providers; and

23 “(E) monitor and evaluate programs con-  
24 ducted under this grant.

1           “(3) REPORT.—Not later than September 30 of  
 2           each fiscal year for which a grant is received by an  
 3           entity under this section, the entity shall submit to  
 4           the Director a report that describes the programs  
 5           supported by the grant and the results of monitoring  
 6           and evaluation of those programs.

7           “(4) AUTHORIZATION OF APPROPRIATIONS.—  
 8           There are authorized to be appropriated such sums  
 9           as may be necessary to carry out this subsection for  
 10          each of fiscal years 2014 through 2018.”.

11          (b) INSTITUTE OF MEDICINE STUDY AND REPORT.—

12           (1) STUDY.—The Secretary of Health and  
 13          Human Services shall seek to enter into a contract  
 14          with the Institute of Medicine to conduct a study  
 15          identifying opportunities within the Department of  
 16          Health and Human Services to strengthen the  
 17          health literacy of health care providers and health  
 18          care consumers in accordance with the Patient Pro-  
 19          tection and Affordable Care Act (Public Law 111–  
 20          148).

21           (2) REPORT.—A contract entered into under  
 22          paragraph (1) shall include a provision requiring the  
 23          Institute of Medicine, not later than 1 year after the  
 24          date of enactment of this Act, to submit a report  
 25          concerning the results of the study conducted under

1 paragraph (1) to the Secretary of Health and  
 2 Human Services and the appropriate committees of  
 3 Congress.”.

4 **SEC. 306. DISALLOWANCE OF DEDUCTIONS FOR ADVER-**  
 5 **TISING AND MARKETING EXPENSES RELAT-**  
 6 **ING TO TOBACCO PRODUCT USE.**

7 (a) IN GENERAL.—Part IX of subchapter B of chap-  
 8 ter 1 of subtitle A of the Internal Revenue Code of 1986  
 9 (relating to items not deductible) is amended by adding  
 10 at the end the following new section:

11 **“SEC. 280I. DISALLOWANCE OF DEDUCTION FOR ADVER-**  
 12 **TISING AND MARKETING EXPENSES RELAT-**  
 13 **ING TO TOBACCO PRODUCT USE.**

14 “No deduction shall be allowed under this chapter for  
 15 expenses relating to advertising or marketing cigars, ciga-  
 16 rettes, smokeless tobacco, pipe tobacco, or any other to-  
 17 bacco product. For purposes of this section, any term used  
 18 in this section which is also used in section 5702 shall  
 19 have the same meaning given such term by section 5702.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-  
 21 tions for such part IX is amended by adding after the  
 22 item relating to section 280H the following new item:

“Sec. 280I. Disallowance of deduction for tobacco advertising and marketing  
 expenses.”.

1       (c) EFFECTIVE DATE.—The amendments made by  
 2 this section shall apply to taxable years beginning after  
 3 the date of the enactment of this Act.

4 **SEC. 307. INCENTIVES TO REDUCE TOBACCO USE.**

5       (a) CHILD TOBACCO USE SURVEYS.—

6           (1) ANNUAL PERFORMANCE SURVEY.—

7               (A) IN GENERAL.—Not later than August  
 8 31, 2014, and annually thereafter, the Sec-  
 9 retary of Health and Human Services (referred  
 10 to in this section as the “Secretary”) shall pub-  
 11 lish the results of an annual tobacco use survey,  
 12 to be carried out not later than 18 months after  
 13 the date of enactment of this Act and completed  
 14 on an annual basis thereafter, to determine—

15               (i) the percentage of all young individ-  
 16 uals who used tobacco products within the  
 17 30-day period prior to the conduct of the  
 18 survey involved; and

19               (ii) the percentage of young individ-  
 20 uals who identify each brand of each type  
 21 of tobacco product as the usual brand used  
 22 within such 30-day period.

23           (B) YOUNG INDIVIDUALS.—For the pur-  
 24 poses of this section, the term “young individ-



uals” means individuals who are under 18 years of age.

(2) SIZE AND METHODOLOGY.—

(A) IN GENERAL.—The survey referred to in paragraph (1) may be the National Survey on Drug Use and Health or shall at least be comparable in size and methodology to the NSDUH that was completed in 2009 to measure the use of cigarettes (by brand) by youths under 18 years of age within the 30-day period prior to the conduct of the study. Such survey may be conducted as a component of the National Health and Nutrition Examination Survey or the National Health Interview Survey, if all other requirements provided for in this section are complied with.

(B) CONCLUSIVE ACCURATENESS.—A survey using the methodology described in subparagraph (A) shall be deemed conclusively proper, correct, and accurate for purposes of this section.

(C) DEFINITION.—In this section, the term “National Survey on Drug Use and Health” or “NSDUH” means the annual nationwide survey of randomly selected individ-

1 uals, aged 12 and older, conducted by the Sub-  
2 stance Abuse and Mental Health Services Ad-  
3 ministration.

4 (3) REDUCTION.—The Secretary, based on a  
5 comparison of the results of the first annual tobacco  
6 product survey referred to in paragraph (1) and the  
7 most recent survey data referred to in paragraph  
8 (2)(A) completed prior to the date of enactment of  
9 this Act, shall determine the percentage reduction (if  
10 any) in youth tobacco use for each manufacturer of  
11 tobacco products.

12 (4) PARTICIPATION IN SURVEY.—Notwith-  
13 standing any other provision of law, the Secretary  
14 may conduct a survey under this subsection involv-  
15 ing minors if the results of such survey with respect  
16 to such minors are kept confidential and not dis-  
17 closed.

18 (5) NONAPPLICABILITY.—Chapter 35 of title  
19 44, United States Code, shall not apply to informa-  
20 tion required for the purposes of carrying out this  
21 section.

22 (b) TOBACCO USE REDUCTION GOAL AND NON-  
23 COMPLIANCE.—

24 (1) GOAL.—It shall be the tobacco use reduc-  
25 tion goal that youth tobacco use be reduced by at

1       least 5 percent or a level determined significantly  
 2       sufficient by the Secretary between the most recent  
 3       NSDUH referred to in subsection (a)(2)(A) and the  
 4       completion of the first annual cigarette survey (and  
 5       such subsequent surveys as compared to the pre-  
 6       vious year's survey) referred to in subsection (a)(1).

7               (2) NONCOMPLIANCE.—

8               (A) INDUSTRY-WIDE PENALTY.—If the  
 9       Secretary determines that the tobacco use re-  
 10      duction goal under paragraph (1) has not been  
 11      achieved, the Secretary shall, not later than  
 12      September 10, 2014, and September 10 of each  
 13      year thereafter, impose an industry-wide pen-  
 14      alty on the manufacturers of cigarettes in an  
 15      amount that is in the aggregate equal to  
 16      \$3,000,000,000.

17              (B) PAYMENT.—The industry-wide penalty  
 18      imposed under this subsection shall be paid by  
 19      each manufacturer based on the brand share  
 20      among youth ages 12–17 (as determined by the  
 21      survey described in subsection (a)(1)) as such  
 22      percentage relates to the total amount to be  
 23      paid by all manufacturers.

24              (C) FINAL DETERMINATION.—The deter-  
 25      mination of the Secretary as to the amount and

1 allocation of a surcharge under this section  
 2 shall be final and the manufacturer shall pay  
 3 such surcharge within 10 days of the date on  
 4 which the manufacturer is assessed. Such pay-  
 5 ment shall be retained by the Secretary pending  
 6 final judicial review of what, if any, change in  
 7 the surcharge is appropriate.

8 (D) LIMITATION.—With respect to ciga-  
 9 rettes, a manufacturer with a market share of  
 10 1 percent or less of youth tobacco use shall not  
 11 be liable for the payment of a surcharge under  
 12 this paragraph.

13 (E) USE OF AMOUNTS.—Amounts collected  
 14 under subparagraph (A) shall be deposited into  
 15 the Prevention and Public Health Fund estab-  
 16 lished under section 4002 of the Patient Protec-  
 17 tion and Affordable Care Act (42 U.S.C. 300u-  
 18 11). Such funds shall remain available for  
 19 transfer through September 30th of the fifth  
 20 fiscal year following their collection, subject to  
 21 the terms and conditions of such section 4002.

22 (3) PENALTIES NONDEDUCTIBLE.—The pay-  
 23 ment of penalties under this section shall not be con-  
 24 sidered to be an ordinary and necessary expense in  
 25 carrying on a trade or business for purposes of the

1 Internal Revenue Code of 1986 and shall not be de-  
2 ductible.

3 (4) JUDICIAL REVIEW.—

4 (A) AFTER PAYMENT.—A manufacturer of  
5 cigarettes may seek judicial review of any action  
6 under this section only after the assessment in-  
7 volved has been paid by the manufacturer to  
8 the Department of the Treasury and only in the  
9 United States District Court for the District of  
10 Columbia.

11 (B) REVIEW BY ATTORNEY GENERAL.—

12 Prior to the filing of an action by a manufac-  
13 turer seeking judicial review of an action under  
14 this section, the manufacturer shall notify the  
15 Attorney General of such intent to file and the  
16 Attorney General shall have 30 days in which to  
17 respond to the action.

18 (C) REVIEW.—The amount of any sur-

19 charge paid under this section shall be subject  
20 to judicial review by the United States Court of  
21 Appeals for the District of Columbia Circuit,  
22 based on the arbitrary and capricious standard  
23 of section 706 of title 5, United States Code.  
24 Notwithstanding any other provision of law, no  
25 court shall have the authority to stay any sur-

1 charge payment due to the Secretary under this  
2 section pending judicial review until the Sec-  
3 retary has made or failed to make a compliance  
4 determination, as described under this section,  
5 that has adversely affected the person seeking  
6 the review.

7 (c) ENFORCEMENT.—

8 (1) INITIAL PENALTY.—There is hereby im-  
9 posed an initial penalty on the failure of any manu-  
10 facturer to make any payment required under this  
11 section not later than a period determined sufficient  
12 by the Secretary after the date on which such pay-  
13 ment is due.

14 (2) AMOUNT OF PENALTY.—The amount of the  
15 penalty imposed by paragraph (1) on any failure  
16 with respect to a manufacturer shall be an amount  
17 equal to 2 percent of the penalty owed under sub-  
18 section (b) for each day during the noncompliance  
19 period.

20 (3) NONCOMPLIANCE PERIOD.—For purposes of  
21 this subsection, the term “noncompliance period”  
22 means, with respect to any failure to make the sur-  
23 charge payment required under this section, the pe-  
24 riod—

1 (A) beginning on the due date for such  
2 payment; and

3 (B) ending on the date on which such pay-  
4 ment is paid in full.

5 (4) LIMITATIONS.—No penalty shall be imposed  
6 by paragraph (1) on—

7 (A) any failure to make a surcharge pay-  
8 ment under this section during any period for  
9 which it is established to the satisfaction of the  
10 Secretary that none of the persons responsible  
11 for such failure knew or, exercising reasonable  
12 diligence, would have known, that such failure  
13 existed; or

14 (B) any manufacturer that produces less  
15 than 1 percent of cigarettes used by youth in  
16 that year (as determined by the annual survey).

17 **SEC. 308. VOLUNTARY STANDARDS ON FOOD MARKETING**  
18 **TO CHILDREN.**

19 (a) IN GENERAL.—The Interagency Working Group  
20 on Food Marketed to Children (as established by the Om-  
21 nibus Appropriations Act, 2009 (Public Law 109–8)) and  
22 constituted by the Commissioner of the Federal Trade  
23 Commission, together with the Commissioner of the Food  
24 and Drug Administration, the Director of the Centers for  
25 Disease Control and Prevention, and the Secretary of Ag-

1 riculture, shall develop recommendations for standards for  
 2 the marketing of food when such marketing targets chil-  
 3 dren who are 17 years of age or younger or when such  
 4 food represents a significant component of the diets of  
 5 children.

6 (b) CONSIDERATIONS.—In developing standards  
 7 under subsection (a), the Working Group shall consider—

8 (1) positive and negative contributions of nutri-  
 9 ents, ingredients, and food (including calories, por-  
 10 tion size, saturated fat, trans fat, sodium, added  
 11 sugars, and the presence of nutrients, fruits, vegeta-  
 12 bles, and whole grains) to the diets of such children;  
 13 and

14 (2) evidence concerning the role of the con-  
 15 sumption of nutrients, ingredients, and foods in pre-  
 16 venting or promoting the development of obesity  
 17 among such children.

18 (c) SCOPE.—The Working Group shall determine the  
 19 scope of the media to which the standards developed under  
 20 subsection (a) should apply.

21 (d) SUBMISSION TO CONGRESS.—Not later than July  
 22 15, 2014, the Working Group shall submit to the relevant  
 23 Committees of Congress a report containing the findings  
 24 and recommendations of the Working Group under this  
 25 section.



1 **TITLE IV—EXPANDED COV-**  
 2 **ERAGE OF PREVENTIVE**  
 3 **SERVICES**

4 **SEC. 401. REQUIRED COVERAGE OF PREVENTIVE SERVICES**  
 5 **UNDER THE MEDICAID PROGRAM.**

6 (a) MANDATORY COVERAGE.—Section 1905 of the  
 7 Social Security Act (42 U.S.C. 1396d), as amended by  
 8 section 4107(a)(1) of the Patient Protection and Afford-  
 9 able Care Act (Public Law 111–148), is amended—

10 (1) in subsection (a)(4)—

11 (A) by striking “and” before “(D)”;

12 (B) by inserting before the semicolon at  
 13 the end the following new subparagraph: “; and

14 (E) preventive services described in subsection  
 15 (ee);”; and

16 (2) by adding at the end the following new sub-  
 17 section:

18 “(ee) PREVENTIVE SERVICES.—For purposes of sub-  
 19 section (a)(4)(E), the preventive services described in this  
 20 subsection are diagnostic, screening, preventive, and reha-  
 21 bilitative services not otherwise described in subsection (a)  
 22 or (r) that the Secretary determines are appropriate for  
 23 individuals entitled to medical assistance under this title,  
 24 including—

1 “(1) evidence-based services that are assigned a  
2 grade of A or B by the United States Preventive  
3 Services Task Force; and

4 “(2) with respect to an adult individual, ap-  
5 proved vaccines recommended for routine use by the  
6 Advisory Committee on Immunization Practices of  
7 the Centers for Disease Control and Prevention.”.

8 (b) ELIMINATION OF COST-SHARING.—

9 (1) Subsections (a)(2)(D) and (b)(2)(D) of sec-  
10 tion 1916 of the Social Security Act (42 U.S.C.  
11 1396o) are each amended by inserting “preventive  
12 services described in section 1905(ee),” after “emer-  
13 gency services (as defined by the Secretary),”.

14 (2) Section 1916A(a)(1) of such Act (42 U.S.C.  
15 1396o–1(a)(1)) is amended by inserting “, preven-  
16 tive services described in section 1905(ee),” after  
17 “subsection (c)”.

18 (c) CONFORMING AMENDMENT.—Effective as if in-  
19 cluded in the enactment of the Patient Protection and Af-  
20 fordable Care Act (Public Law 111–148), the provisions  
21 of, and amendments made by, section 4106 of such Act  
22 are repealed.

23 (d) INTERVAL PERIOD FOR INCLUSION OF NEW REC-  
24 OMMENDATIONS IN STATE PLANS.—With respect to a rec-  
25 ommendation issued on or after the date of enactment of

1 this Act by an organization described in subsection (ee)  
2 of section 1905 of the Social Security Act for a preventive  
3 service included under such subsection, the Secretary of  
4 Health and Human Services shall establish a minimum  
5 interval period, which shall be not less than 12 months,  
6 between the date on which the recommendation is issued  
7 and the plan year for which a State plan for medical as-  
8 sistance under title XIX of the Social Security Act shall  
9 be required to include such preventive service.

10 (e) EFFECTIVE DATE.—

11 (1) IN GENERAL.—Except as provided in para-  
12 graph (2), the amendments made by subsections (a)  
13 and (b) take effect on the date of enactment of this  
14 Act.

15 (2) EXTENSION OF EFFECTIVE DATE FOR  
16 STATE LAW AMENDMENT.—In the case of a State  
17 plan under title XIX of the Social Security Act (42  
18 U.S.C. 1396 et seq.) which the Secretary of Health  
19 and Human Services determines requires State legis-  
20 lation or State regulation in order for the plan to  
21 meet the additional requirements imposed by the  
22 amendments made by subsections (a) and (b), the  
23 State plan shall not be regarded as failing to comply  
24 with the requirements of such title solely on the  
25 basis of its failure to meet these additional require-

ments before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

**SEC. 402. COVERAGE FOR COMPREHENSIVE WORKPLACE WELLNESS PROGRAM AND PREVENTIVE SERVICES.**

Section 8904(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following:

“(G) Comprehensive workplace wellness program benefits that meet the requirements of section 10408 of the Patient Protection and Affordable Care Act (Public Law 111–148).

“(H) Preventive services benefits deemed an ‘A’ or ‘B’ service by the United States Preventive Services Taskforce.

“(I) Immunizations that have in effect a recommendation from the Advisory Committee on Immunization Practices of the Centers for

1 Disease Control and Prevention with respect to  
2 the individuals involved.

3 “(J) With respect to infants, children, and  
4 adolescents, evidence-informed preventive care  
5 and screenings provided for in the comprehen-  
6 sive guidelines supported by the Health Re-  
7 sources and Services Administration of the De-  
8 partment of Health and Human Services.”; and  
9 (2) in paragraph (2), by adding at the end the  
10 following:

11 “(G) Comprehensive workplace wellness  
12 program benefits that meet the requirements of  
13 section 10408 of the Patient Protection and Af-  
14 fordable Care Act (Public Law 111–148).

15 “(H) Preventive services benefits deemed  
16 an ‘A’ or ‘B’ service by the United States Pre-  
17 ventive Services Taskforce.

18 “(I) Immunizations that have in effect a  
19 recommendation from the Advisory Committee  
20 on Immunization Practices of the Centers for  
21 Disease Control and Prevention with respect to  
22 the individuals involved.

23 “(J) With respect to infants, children, and  
24 adolescents, evidence-informed preventive care  
25 and screenings provided for in the comprehen-

1           sive guidelines supported by the Health Re-  
 2           sources and Services Administration of the De-  
 3           partment of Health and Human Services.”.

4 **SEC. 403. HEALTH PROFESSIONAL EDUCATION AND TRAIN-**  
 5 **ING IN HEALTHY EATING.**

6           Part Q of title III of the Public Health Service Act  
 7 (42 U.S.C. 280h et seq.) is amended by striking section  
 8 399Z and inserting the following:

9 **“SEC. 399Z. HEALTH PROFESSIONAL EDUCATION AND**  
 10 **TRAINING IN HEALTHY EATING.**

11           “(a) IN GENERAL.—The Secretary, in collaboration  
 12 with the Director of the Centers for Disease Control and  
 13 Prevention, the Administrator of the Health Resources  
 14 and Services Administration, and the heads of other agen-  
 15 cies, and in consultation with appropriate health profes-  
 16 sional associations, shall develop and carry out a program  
 17 to educate and train health professionals in effective strat-  
 18 egies to—

19           “(1) better identify patients at-risk of becoming  
 20 overweight or obese or developing an eating disorder;

21           “(2) detect overweight or obesity or eating dis-  
 22 orders among a diverse patient population;

23           “(3) counsel, refer, or treat patients with over-  
 24 weight or obesity or an eating disorder;

1           “(4) educate patients and the families of pa-  
 2           tients about effective strategies to establish healthy  
 3           eating habits and appropriate levels of physical ac-  
 4           tivity; and

5           “(5) assist in the creation and administration of  
 6           community-based overweight and obesity and eating  
 7           disorder prevention efforts.

8           “(b) EATING DISORDER.—In this section, the term  
 9           ‘eating disorder’ includes anorexia nervosa, bulimia  
 10          nervosa, binge eating disorder, and eating disorders not  
 11          otherwise specified, as defined in the fourth edition of the  
 12          Diagnostic and Statistical Manual of Mental Disorders or  
 13          any subsequent edition.

14          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 15          are authorized to be appropriated to carry out this section  
 16          such sums as may be necessary for each of the fiscal years  
 17          2014 through 2018.”.

18   **SEC. 404. INTEGRATIVE MEDICINE TRAINING PROGRAM.**

19          Title VII of the Public Health Service Act is amended  
 20          by inserting after section 768 (42 U.S.C. 295c) the fol-  
 21          lowing:

22   **“SEC. 768A. INTEGRATIVE MEDICINE TRAINING PROGRAM.**

23          “(a) NATIONAL COORDINATING CENTER FOR TRAIN-  
 24          ING IN INTEGRATIVE MEDICINE.—

1           “(1) IN GENERAL.—the Secretary, acting  
2           through the Administrator, shall award a single  
3           grant to an eligible entity that shall serve as the Na-  
4           tional Coordinating Center for Training in Integra-  
5           tive Medicine.

6           “(2) ELIGIBILITY.—To be eligible to receive a  
7           grant under paragraph (1), an entity shall—

8                   “(A) be—

9                           “(i) an accredited school of medicine  
10                           or osteopathic medicine;

11                           “(ii) an accredited public or private  
12                           nonprofit hospital;

13                           “(iii) a State, local, or tribal health  
14                           department; or

15                           “(iv) a consortium of 2 or more of the  
16                           entities described in clause (i) or (ii);

17                   “(B) submit an application to the Sec-  
18                   retary at such time, in such manner, and con-  
19                   taining such information as the Secretary may  
20                   require; and

21                           “(C) demonstrate a capacity to perform  
22                           the duties described in paragraph (3).

23           “(3) DUTIES.—An entity that receives a grant  
24           under paragraph (2) shall—



1           “(A) plan, develop, or design an integrative  
 2           medicine curriculum that can be incorporated  
 3           into an accredited residency training program  
 4           in specialties, including family medicine, inter-  
 5           nal medicine, pediatrics, and obstetrics and  
 6           gynecology, physical medicine and rehabilitation  
 7           and psychiatry;

8           “(B) provide technical assistance to the  
 9           network of grantees under subsection (b);

10           “(C) develop, administer, and coordinate  
 11           the network of grantees under such subsection;

12           “(D) conduct an evaluation and oversee  
 13           data collection of integrative medicine training  
 14           programs; and

15           “(E) develop, distribute, and provide edu-  
 16           cational and faculty development materials and  
 17           programs to train medical professionals in inte-  
 18           grative medicine.

19           “(b) GRANTS TO INCORPORATE INTEGRATIVE MEDI-  
 20           CINE INTO RESIDENCY TRAINING PROGRAMS.—

21           “(1) IN GENERAL.—The Secretary shall award  
 22           grants to, or enter into contracts with, eligible enti-  
 23           ties to develop graduate medical education training  
 24           programs in integrative medicine.

1           “(2) ELIGIBILITY.—To be eligible to receive a  
2           grant or contract under paragraph (1) an entity  
3           shall—

4                   “(A) operate an accredited medical resi-  
5                   dency program; and

6                   “(B) submit an application to the Sec-  
7                   retary at such time, in such manner, and con-  
8                   taining such information as the Secretary may  
9                   require.

10           “(3) USE OF FUNDS.—Amounts received under  
11           a grant or contract under this subsection shall be  
12           used to incorporate curriculum in integrative medi-  
13           cine into residency programs to enhance teaching in  
14           prevention and wellness and to work collaboratively  
15           with other grantees and the national coordinating  
16           center to evaluate outcomes and best practices in  
17           teaching Integrative Medicine.

18           “(c) DEFINITION.—In this section, the term ‘integra-  
19           tive medicine’ means the integration of alternative treat-  
20           ment, diagnostic and prevention systems, modalities, and  
21           disciplines with the practice of conventional medicine as  
22           a complement to such medicine and into health care deliv-  
23           ery systems in the United States.

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

1 such sums as may be necessary for each of fiscal years  
 2 2014 through 2018.”.

## 3 **TITLE V—RESEARCH**

### 4 **SEC. 501. NATIONAL CONSORTIUM ON BREASTFEEDING RE-** 5 **SEARCH.**

6 (a) ESTABLISHMENT.—The Secretary of Health and  
 7 Human Services, acting through the Director of the Na-  
 8 tional Institutes of Health, shall establish a national con-  
 9 sortium on breastfeeding research (referred to in this sec-  
 10 tion as the “consortium”), to be composed of researchers  
 11 determined appropriate by the Secretary, in consultation  
 12 with the Director, to—

13 (1) assist in overcoming the limitations faced by  
 14 researchers in designing breastfeeding studies;

15 (2) increase the generalizability of research on  
 16 breastfeeding;

17 (3) assist in prioritizing key breastfeeding re-  
 18 search areas;

19 (4) enable the performance of expanded and ad-  
 20 vanced breastfeeding research; and

21 (5) foster the timely translation of such re-  
 22 search into practice.

23 (b) REQUIREMENTS.—The consortium shall seek  
 24 to—

1           (1) standardize definitions of specific terms and  
2       measures used to classify the variables used in re-  
3       search on breastfeeding;

4           (2) promote the use of the definitions standard-  
5       ized under paragraph (1);

6           (3) identify ethical study designs that would ex-  
7       pand the knowledge that has been generated from  
8       observational breastfeeding studies;

9           (4) develop and update national agendas for  
10      surveillance and research on topics related to  
11      breastfeeding and infant nutrition;

12          (5) spearhead funding strategies to help accom-  
13      plish the agenda developed by the consortium;

14          (6) facilitate communication among researchers;  
15      and

16          (7) promote the dissemination of research find-  
17      ings and monitor the translation of research into  
18      best practices.

19      (c) AUTHORIZATION OF APPROPRIATIONS.—There  
20      are authorized to be appropriated to carry out this section,  
21      such sums as may be necessary for each of the fiscal years  
22      2014 through 2018.

1 **SEC. 502. NATIONAL ASSESSMENT OF MENTAL HEALTH**  
2 **NEEDS.**

3 Title V of the Public Health Service Act (42 U.S.C.  
4 290aa et seq.) is amended by inserting after section 506B  
5 (42 U.S.C. 290aa–5b) the following:

6 **“SEC. 506C. NATIONAL ASSESSMENT OF MENTAL HEALTH**  
7 **NEEDS.**

8 “(a) IN GENERAL.—The Secretary, in consultation  
9 with the Administrator, the Director of the Centers for  
10 Disease Control and Prevention and the Director of the  
11 National Institutes of Health, shall establish and imple-  
12 ment public health monitoring measures to address the  
13 mental health and substance use disorder status of the  
14 population of the United States and other populations  
15 served by the Administration, that include—

16 “(1) monitoring the mental health status of the  
17 population, including the incidence and prevalence of  
18 mental health conditions and substance use dis-  
19 orders across the lifespan;

20 “(2) monitoring access to appropriate diag-  
21 nostic and treatment services for mental health con-  
22 ditions and substance use disorders, including trends  
23 in unmet need for services;

24 “(3) monitoring mental health conditions as  
25 risk factors for obesity and chronic diseases to the  
26 extent practicable;

1           “(4) enhancing existing public health moni-  
2           toring systems by including measures assessing men-  
3           tal health and substance use disorders and associ-  
4           ated risk factors; and

5           “(5) to the extent practicable, monitoring the  
6           immediate and long-term impact of disasters or cat-  
7           astrophic events, whether natural or man-made on  
8           the mental health of affected populations.

9           “(b) DISTINGUISHING AMONG AGE GROUPS.—In de-  
10          signing and implementing the measures described in sub-  
11          section (a) the Secretary shall ensure that data collection  
12          and reporting standards stratify data by age groups, in  
13          particular, to the extent practicable, children under the  
14          age of 5 years.

15          “(c) REPORT.—Not later than 1 year after the date  
16          of enactment of this section, the Secretary shall submit  
17          a report to Congress that describes the progress on the  
18          implementation of the monitoring measures described in  
19          subsection (a).

20          “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
21          is authorized to be appropriated to carry out this section  
22          such sums as may be necessary to carry out this section  
23          for each of fiscal years 2014 through 2018.”.

○