

# Calendar No. 479

113TH CONGRESS  
2D SESSION

# S. 531

To provide for the publication by the Secretary of Human Services of physical activity guidelines for Americans.

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## IN THE SENATE OF THE UNITED STATES

MARCH 12, 2013

Mr. HARKIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

JULY 23, 2014

Reported by Mr. HARKIN, with an amendment and an amendment to the title  
[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To provide for the publication by the Secretary of Human Services of physical activity guidelines for Americans.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Physical Activity  
5 Guidelines for Americans Act”.

1 **SEC. 2. PHYSICAL ACTIVITY GUIDELINES FOR AMERICANS.**

2 (a) REPORT.—

3 (1) IN GENERAL.—At least every 10 years, the  
4 Secretary of Health and Human Services (in this  
5 section referred to as the “Secretary”) shall publish  
6 a report entitled “Physical Activity Guidelines for  
7 Americans”. Each such report shall contain physical  
8 activity information and guidelines for the general  
9 public, and shall be promoted by each Federal agen-  
10 cy in carrying out any Federal health program. Not  
11 later than 5 years after the publication of the first  
12 such report, and every 10 years thereafter, the Sec-  
13 retary shall publish a report highlighting the best  
14 practices and continuing issues in the physical activ-  
15 ity arena, which may focus on a particular group,  
16 subsection, or other division of the general public or  
17 a particular issue relating to the physical activity of  
18 Americans.

19 (2) BASIS OF GUIDELINES.—The information  
20 and guidelines contained in each report required  
21 under paragraph (1) shall be based on the prepon-  
22 derance of the scientific and medical knowledge  
23 which is current at the time the report is prepared,  
24 and shall include guidelines for identified population  
25 subgroups, including children, if the preponderance  
26 of scientific and medical knowledge indicates those

1 subgroups require different levels of physical activ-  
2 ity.

3 (b) APPROVAL BY SECRETARY.—

4 (1) REVIEW.—Any Federal agency that pro-  
5 poses to issue any physical activity guidance for the  
6 general population or identified population sub-  
7 groups shall submit the text of such guidance to the  
8 Secretary for a 60-day review period.

9 (2) BASIS OF REVIEW.—

10 (A) IN GENERAL.—During the 60-day re-  
11 view period established in paragraph (1), the  
12 Secretary shall review and approve or dis-  
13 approve such guidance to assure that the guid-  
14 ance either is consistent with the “Physical Ac-  
15 tivity Guidelines for Americans” or that the  
16 guidance is based on medical or new scientific  
17 knowledge which is determined to be valid by  
18 the Secretary. If after such 60-day review pe-  
19 riod the Secretary has not notified the pro-  
20 posing agency that such guidance has been dis-  
21 approved, then such guidance may be issued by  
22 the agency. If the Secretary disapproves such  
23 guidance, it shall be returned to the agency. If  
24 the Secretary finds that such guidance is incon-  
25 sistent with the “Physical Activity Guidelines

1 for Americans” and so notifies the proposing  
2 agency, such agency shall follow the procedures  
3 set forth in this subsection before disseminating  
4 such proposal to the public in final form. If  
5 after such 60-day period, the Secretary dis-  
6 approves such guidance as inconsistent with the  
7 “Physical Activity Guidelines for Americans”  
8 the proposing agency shall—

9 (i) publish a notice in the Federal  
10 Register of the availability of the full text  
11 of the proposal and the preamble of such  
12 proposal which shall explain the basis and  
13 purpose for the proposed physical activity  
14 guidance;

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

17 (iii) make available for public inspec-  
18 tion and copying during normal business  
19 hours any comment received by the agency  
20 during such comment period.

21 (B) REVIEW OF COMMENTS.—After review  
22 of comments received during the comment pe-  
23 riod, the Secretary may approve for dissemina-  
24 tion by the proposing agency a final version of  
25 such physical activity guidance along with an

1 explanation of the basis and purpose for the  
2 final guidance which addresses significant and  
3 substantive comments as determined by the  
4 proposing agency.

5 (C) ANNOUNCEMENT.—Any such final  
6 physical activity guidance to be disseminated  
7 under subparagraph (B) shall be announced in  
8 a notice published in the Federal Register, be-  
9 fore public dissemination along with an address  
10 where copies may be obtained.

11 (D) NOTIFICATION OF DISAPPROVAL.—If  
12 after the 30-day period for comment as pro-  
13 vided under subparagraph (A)(ii), the Secretary  
14 disapproves a proposed physical activity guid-  
15 ance, the Secretary shall notify the Federal  
16 agency submitting such guidance of such dis-  
17 approval, and such guidance may not be issued,  
18 except as provided in subparagraph (E).

19 (E) REVIEW OF DISAPPROVAL.—If a pro-  
20 posed physical activity guidance is disapproved  
21 by the Secretary under subparagraph (D), the  
22 Federal agency proposing such guidance may,  
23 within 15 days after receiving notification of  
24 such disapproval under subparagraph (D), re-  
25 quest the Secretary to review such disapproval.

1           Within 15 days after receiving a request for  
2           such a review, the Secretary shall conduct such  
3           review. If, pursuant to such review, the Sec-  
4           retary approves such proposed physical activity  
5           guidance, such guidance may be issued by the  
6           Federal agency.

7           ~~(3) DEFINITIONS.—~~In this subsection:

8                   (A) The term “physical activity guidance  
9                   for the general population” does not include  
10                  any rule or regulation issued by a Federal agen-  
11                  cy.

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

16           ~~(c) EXISTING AUTHORITY NOT AFFECTED.—~~This  
17           section does not place any limitations on—

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

20                   (2) the presentation of any scientific or medical  
21                   findings or the exchange or review of scientific or  
22                   medical information by any Federal agency.

23           **SECTION 1. SHORT TITLE.**

24                   *This Act may be cited as the “Promoting Physical Ac-*  
25                   *tivity for Americans Act”.*

1 **SEC. 2. PHYSICAL ACTIVITY RECOMMENDATIONS FOR**  
2 **AMERICANS.**

3 (a) *REPORTS.*—

4 (1) *IN GENERAL.*—Not later than December 31,  
5 2018, and at least every 10 years thereafter, the Sec-  
6 retary of Health and Human Services (referred to in  
7 this section as the “Secretary”) shall publish a report  
8 that provides physical activity recommendations for  
9 the people of the United States. Each such report shall  
10 contain physical activity information and rec-  
11 ommendations for consideration and use by the gen-  
12 eral public, and shall be considered, as applicable and  
13 appropriate, by relevant Federal agencies in carrying  
14 out relevant Federal health programs.

15 (2) *BASIS OF RECOMMENDATIONS.*—The infor-  
16 mation contained in each report required under para-  
17 graph (1) shall be based on the most current evidence-  
18 based scientific and medical knowledge at the time the  
19 report is prepared, and shall include additional infor-  
20 mation for population subgroups, such as children or  
21 individuals with disabilities, if scientific and medical  
22 evidence indicates that physical activity recommenda-  
23 tions vary in such a manner that such stratification  
24 is warranted.

25 (3) *UPDATE REPORTS.*—Not later than 5 years  
26 after the publication of the first report under para-

1        *graph (1), and every 10 years thereafter, the Sec-*  
2        *retary shall publish an update report detailing evi-*  
3        *dence-based practices and highlighting continuing*  
4        *issues with respect to physical activity. The contents*  
5        *of reports under this paragraph may focus on a par-*  
6        *ticular group, subsection, or other division of the gen-*  
7        *eral public or on a particular issue relating to phys-*  
8        *ical activity.*

9        *(b) INTERACTION WITH OTHER RECOMMENDA-*  
10       *TIONS.—Federal agencies proposing to issue physical activ-*  
11       *ity recommendations that differ from the recommendations*  
12       *in the most recent report published under subsection (a)(1)*  
13       *shall submit such proposed recommendations to the Sec-*  
14       *retary for review, and as appropriate, approval, to ensure*  
15       *that such recommendations are either consistent with the*  
16       *physical activity recommendations published under such*  
17       *subsection or based on the most current evidence-based sci-*  
18       *entific and medical knowledge.*

19       *(c) EXISTING AUTHORITY NOT AFFECTED.—This sec-*  
20       *tion is not intended to limit the support of biomedical re-*  
21       *search by any Federal agency or to limit the presentation*  
22       *or communication of scientific or medical findings or re-*  
23       *view of such findings by any Federal agency.*

Amend the title so as to read: “A bill to provide for the publication by the Secretary of Health and Human



Services of physical activity recommendations for Americans.”.

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