

118TH CONGRESS
1ST SESSION

S. 397

To provide for the publication by the Secretary of Health and Human Services of physical activity recommendations for Americans.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2023

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

A BILL

To provide for the publication by the Secretary of Health and Human Services of physical activity recommendations 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 “Promoting Physical
5 Activity for Americans Act”.

6 **SEC. 2. PHYSICAL ACTIVITY RECOMMENDATIONS FOR**
7 **AMERICANS.**

8 (a) REPORTS.—

1 (1) IN GENERAL.—Not later than December 31,
2 2029, and at least every 10 years thereafter, the
3 Secretary of Health and Human Services (referred
4 to in this section as the “Secretary”) shall publish
5 a report that provides physical activity recommenda-
6 tions for the people of the United States. Each such
7 report shall contain physical activity information and
8 recommendations for consideration and use by the
9 general public, and shall be considered, as applicable
10 and appropriate, by relevant Federal agencies in car-
11 rying out relevant Federal health programs.

12 (2) BASIS OF RECOMMENDATIONS.—The infor-
13 mation contained in each report required under
14 paragraph (1) shall be based on the most current
15 evidence-based scientific and medical knowledge at
16 the time the report is prepared, and shall include ad-
17 ditional recommendations for population subgroups,
18 such as children or individuals with disabilities, in-
19 cluding information regarding engagement in appro-
20 priate physical activity and avoiding inactivity.

21 (3) UPDATE REPORTS.—Not later than 5 years
22 after the publication of the first report under para-
23 graph (1), and at least every 10 years thereafter, the
24 Secretary shall publish an updated report detailing
25 evidence-based practices and highlighting continuing

1 issues with respect to physical activity. The contents
2 of reports under this paragraph may focus on a par-
3 ticular group, subsection, or other division of the
4 general public or on a particular issue relating to
5 physical activity.

6 (b) INTERACTION WITH OTHER RECOMMENDA-
7 TIONS.—Federal agencies proposing to issue physical ac-
8 tivity recommendations that differ from the recommenda-
9 tions in the most recent report published under subsection
10 (a)(1) shall, as applicable and appropriate, take into con-
11 sideration the recommendations provided through reports
12 issued under this Act.

13 (c) EXISTING AUTHORITY NOT AFFECTED.—This
14 section is not intended to limit the support of biomedical
15 research by any Federal agency or to limit the presen-
16 tation or communication of scientific or medical findings
17 or review of such findings by any Federal agency.

18 (d) LIMITATION.—Notwithstanding any other provi-
19 sion of this Act, no physical fitness standard established
20 under this Act shall be binding on any individual as a mat-
21 ter of Federal law or regulation.

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