

108TH CONGRESS  
1ST SESSION

# H. R. 2227

To encourage innovative school-based activities to help reduce and prevent obesity among children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2003

Mr. CASTLE introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To encourage innovative school-based activities to help reduce and prevent obesity among children, and for other purposes.

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

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Obesity Prevention  
5        Act”.

6        **SEC. 2. STATE AND LOCAL WELLNESS PROJECTS.**

7        Section 18 of the National School Lunch Act (42  
8        U.S.C. 1769) is amended by inserting after subsection (e)  
9        the following new subsections:

1       “(f) STATE NUTRITION AND PHYSICAL FITNESS  
2 PROJECTS.—

3           “(1) IN GENERAL.—Subject to the availability  
4 of funds made available under paragraph (6), the  
5 Secretary, in consultation with the Secretary of Edu-  
6 cation, shall, on a competitive basis, award grants to  
7 not more than 20 State educational agencies for  
8 purposes of creating model nutrition education and  
9 physical fitness programs, consistent with current  
10 dietary and fitness guidelines, for students in ele-  
11 mentary schools and secondary schools.

12           “(2) REQUIREMENTS FOR STATE PARTICIPA-  
13 TION.—To be eligible to receive a grant under this  
14 subsection, a State educational agency shall submit  
15 an application to the Secretary at such time, and in  
16 such manner, and containing such information as  
17 the Secretary may require, including—

18           “(A) a description of how the proposed nu-  
19 trition and physical activity program will pro-  
20 mote healthy eating and physical fitness and  
21 address the health and social consequences of  
22 children who are overweight or obese;

23           “(B) information describing how nutrition  
24 activities are to be coordinated at the State

1 level with other health activities conducted by  
2 education, health, and agriculture agencies;

3 “(C) information describing how physical  
4 fitness activities are to be coordinated at the  
5 State level with other fitness activities con-  
6 ducted by education, health, and parks and  
7 recreation agencies;

8 “(D) a description of the consultative proc-  
9 ess that the State educational agency employed  
10 in the development of the model nutrition and  
11 physical fitness program, including consulta-  
12 tions with individuals and organizations with  
13 expertise in promoting public health, nutrition,  
14 or physical activity, and organizations rep-  
15 resenting the agriculture, food and beverage,  
16 and fitness industries; and

17 “(E) a description of how the State edu-  
18 cational agency will evaluate the effectiveness of  
19 its program.

20 “(3) DURATION.—Subject to the availability of  
21 funds made available to carry out this subsection, a  
22 State educational agency receiving a grant under  
23 this subsection shall conduct the project for a period  
24 of 3 successive school years.

1           “(4) AUTHORIZED ACTIVITIES.—An eligible ap-  
2           plicant that receives a grant under this subsection  
3           may use funds provided under the grant to carry out  
4           one or more of the following activities:

5                   “(A) Collecting, analyzing, and dissemi-  
6                   nating data regarding the extent to which chil-  
7                   dren and youth in the State are overweight or  
8                   physically inactive and the programs and serv-  
9                   ices available to meet those needs.

10                   “(B) Developing and implementing model  
11                   elementary and secondary education curricula  
12                   to create a comprehensive, coordinated nutrition  
13                   and physical fitness awareness and obesity pre-  
14                   vention program.

15                   “(C) Developing and implementing pilot  
16                   programs in schools to increase physical fitness  
17                   and to enhance the nutritional status of stu-  
18                   dents, including through the increased con-  
19                   sumption of fruits and vegetables, whole grains,  
20                   and lowfat dairy products.

21                   “(D) Developing and implementing State  
22                   guidelines in health, which include nutrition  
23                   education, and physical education and empha-  
24                   size regular physical activity during school  
25                   hours.

1           “(E) Collaborating with community based  
2 organizations, volunteer organizations, State  
3 medical associations, and public health groups  
4 to develop and implement nutrition and physical  
5 education programs targeting lower income chil-  
6 dren, ethnic minorities, and other children and  
7 youth at greater risk for obesity.

8           “(F) Collaborating with public or private  
9 organizations that have as a mission the raising  
10 of public awareness of the importance of a bal-  
11 anced diet and an active lifestyle, such as 5-A-  
12 Day, a public-private initiative with the goal to  
13 increase consumption of fruits and vegetables.

14           “(5) LIMITATION.—Funds made available  
15 under this subsection shall not be used to disparage  
16 any agricultural commodity, food, or beverage.

17           “(6) REPORT.—Within 18 months of comple-  
18 tion of the projects and the evaluations, the Sec-  
19 retary shall submit to the Committee on Education  
20 and the Workforce of the House of Representatives  
21 and the Committee on Health, Education, Labor,  
22 and Pensions of the Senate a report describing the  
23 results of the evaluation of the demonstration pro-  
24 grams and shall make such reports available to the  
25 public, including through the Internet.

1           “(7) AUTHORIZATION OF APPROPRIATIONS.—

2           There is authorized to be appropriated for the pur-  
3           pose of carrying out this subsection \$10,000,000 for  
4           each of the fiscal years 2004 through 2008.

5           “(g) LOCAL NUTRITION AND PHYSICAL FITNESS  
6 PROJECT.—

7           “(1) IN GENERAL.—Subject to the availability  
8           of funds made available under paragraph (7), the  
9           Secretary, in consultation with the Secretary of Edu-  
10          cation, shall award grants to not more than 100  
11          local educational agencies, at least one per State, for  
12          the establishment of pilot projects for purposes of  
13          promoting healthy eating habits and increasing  
14          physical fitness, consistent with the Dietary Guide-  
15          lines for Americans established by the Department  
16          of Agriculture, among elementary and secondary  
17          education students.

18          “(2) REQUIREMENT FOR PARTICIPATION IN  
19          PILOT PROJECT.—To be eligible to receive a grant  
20          under this subsection, a local educational agency  
21          shall, in consultation with individuals who possess  
22          education or experience appropriate for representing  
23          the general field of public health, including nutrition  
24          and fitness professionals, submit to the Secretary an  
25          application that shall include—

1           “(A) a description of the local educational  
2 agency’s need for nutrition and fitness pro-  
3 grams;

4           “(B) a description of how the proposed  
5 project will improve health and nutrition  
6 through education and increased access to phys-  
7 ical activity;

8           “(C) a description of how funds under this  
9 subsection will be coordinated with other pro-  
10 grams under this Act, the Child Nutrition Act  
11 of 1966 (42 U.S.C. 1771 et seq.), or other  
12 Acts, as appropriate, to improve student health  
13 and nutrition;

14           “(D) a statement of the local educational  
15 agency’s measurable goals for nutrition and fit-  
16 ness education and promotion; and

17           “(E) a description of the procedures the  
18 agency will use for assessing and publicly re-  
19 porting progress toward meeting those goals.

20           “(3) DURATION.—Subject to the availability of  
21 funds made available to carry out this subsection, a  
22 local educational agency receiving a grant under this  
23 subsection shall conduct the project during a period  
24 of 3 successive school years.

1           “(4) AUTHORIZED ACTIVITIES.—An eligible ap-  
2           plicant that receives a grant under this subsection  
3           may use funds provided under the grant to carry out  
4           one or more of the following activities:

5                   “(A) Promoting healthy eating through the  
6                   development and implementation of nutrition  
7                   education programs and curricula.

8                   “(B) Increasing opportunities for physical  
9                   activity through afterschool programs, athletics,  
10                  intramural activities, and recess.

11                  “(C) Educating parents and students  
12                  about the relationship of a poor diet and inac-  
13                  tivity to obesity and other health problems.

14                  “(D) Promoting and supporting school nu-  
15                  trition services, such as counseling and behavior  
16                  management.

17                  “(E) Developing and implementing phys-  
18                  ical education programs that promote fitness  
19                  and lifelong activity.

20                  “(F) Providing training and technical as-  
21                  sistance to food service professionals to develop  
22                  nutritious, more appealing menus and recipes.

23                  “(G) Incorporating nutrition education  
24                  into physical education, health education, and  
25                  afterschool programs, including athletics.

1           “(H) Involving parents, food service staff,  
2           educators, community leaders, and other inter-  
3           ested parties in assessing the food options in  
4           the school environment and developing and im-  
5           plementing an action plan to promote a bal-  
6           anced and healthy diet.

7           “(I) Providing nutrient content or nutri-  
8           tion information on meals served through the  
9           school lunch or school breakfast programs and  
10          items sold a la carte during meal times.

11          “(J) Encouraging the increased consump-  
12          tion of a variety of healthy foods through new  
13          initiatives such as salad bars and fresh fruit  
14          bars.

15          “(K) Providing nutrition education, includ-  
16          ing sports nutrition education, for teachers,  
17          coaches, food service staff, athletic trainers, and  
18          school nurses.

19          “(5) LIMITATION.—Funds made available  
20          under this subsection shall not be used to disparage  
21          an agricultural commodity, food, or beverage.

22          “(6) REPORT.—Within 18 months of comple-  
23          tion of the projects and evaluations, the Secretary  
24          shall submit to the Committee on Education and the  
25          Workforce of the House of Representatives and the

1 Committee on Health, Education, Labor, and Pen-  
2 sions of the Senate a report describing the results of  
3 the evaluation of the pilot projects and shall make  
4 such reports available to the public, including  
5 through the Internet.

6 “(7) AUTHORIZATION OF APPROPRIATIONS.—  
7 There are authorized to be appropriated for the pur-  
8 pose of carrying out this subsection, \$20,000,000 for  
9 fiscal year 2004 and such sums as may be necessary  
10 for each of fiscal years 2005 through 2008.”.

11 **SEC. 3. INCORPORATION OF OBESITY PREVENTION TREAT-**  
12 **MENT AND SERVICES INTO STATE CHIL-**  
13 **DREN’S HEALTH INSURANCE PROGRAMS.**

14 (a) IN GENERAL.—The Secretary of Health and  
15 Human Services shall, in accordance with subsection (b),  
16 carry out a program to encourage States to implement  
17 plans to carry out activities to assist children with obesity  
18 or children at risk of becoming obese.

19 (b) RELATION TO CHILDREN’S HEALTH INSURANCE  
20 PROGRAM.—

21 (1) IN GENERAL.—Subject to paragraph (2), if  
22 a State child health plan under title XXI of the So-  
23 cial Security Act (42 U.S.C. 1397aa et seq.) pro-  
24 vides for activities described in subsection (a) to an  
25 extent satisfactory to the Secretary, the Secretary

1 shall, with amounts appropriated under subsection  
2 (c), make a grant to that State to assist the State  
3 in carrying out such activities.

4 (2) CRITERIA REGARDING ELIGIBILITY FOR  
5 GRANT.—The Secretary shall publish in the Federal  
6 Register criteria describing the circumstances in  
7 which the Secretary shall consider a State plan to be  
8 satisfactory for purposes of paragraph (1).

9 (3) REQUIREMENT OF MATCHING FUNDS.—

10 (A) IN GENERAL.—With respect to the  
11 costs of the activities to be carried out by a  
12 State pursuant to paragraph (1), the Secretary  
13 may make a grant under such paragraph only  
14 if the State agrees to make available (directly  
15 or through donations from public or private en-  
16 tities) non-Federal contributions toward such  
17 costs in an amount that is not less than 15 per-  
18 cent of the costs.

19 (B) DETERMINATION OF AMOUNT CON-  
20 TRIBUTED.—Non-Federal contributions re-  
21 quired in subparagraph (A) may be in cash or  
22 in kind, fairly evaluated, including equipment or  
23 services. Amounts provided by the Federal Gov-  
24 ernment, or services assisted or subsidized to  
25 any significant extent by the Federal Govern-



1           (1) IN GENERAL.—The duties of the Commis-  
2           sion shall be to—

3                   (A) facilitate coordination between the  
4           Federal agencies involved in obesity treatment  
5           and prevention;

6                   (B) identify State and local needs for obe-  
7           sity treatment and prevention initiatives;

8                   (C) identify ways to streamline the process  
9           through which Federal agencies can aid in the  
10          treatment and prevention of obesity;

11                  (D) share information on successful pro-  
12          grams and initiatives carried out on Federal,  
13          State, and local levels;

14                  (E) create or recommend ways to better  
15          coordinate the Federal response to obesity  
16          treatment and prevention; and

17                  (F) assure the ongoing collection of food  
18          consumption data through a national system of  
19          monitoring and evaluation.

20           (2) CONSULTATION.—In carrying out its duties  
21          under this section, the Commission shall consult  
22          with—

23                   (A) representatives of State and local gov-  
24          ernments;

1 (B) educators, including coaches and nutri-  
2 tion professionals; and

3 (C) community based organizations.

4 (c) MEMBERSHIP.—The Commission shall be com-  
5 posed of not more than 20 members appointed by the  
6 President as follows:

7 (1) 1 representative from the Department of  
8 Health and Human Services.

9 (2) 2 representative from the Department of  
10 Agriculture, 1 of whom shall be a representative  
11 from the Food and Nutrition Service.

12 (3) 1 representative from the Department of  
13 Education.

14 (4) 1 representative from the Center for Medi-  
15 care and Medicaid Services.

16 (5) 1 representative from the National Center  
17 for Chronic Disease Prevention and Health Pro-  
18 motion of the Centers for Disease Control.

19 (6) 1 representative from the President's Coun-  
20 cil for Physical Fitness and Sports.

21 (7) 1 representative from the National Insti-  
22 tutes of Health.

23 (8) At least 1 representative from private sector  
24 nutrition and public health organizations.

1           (9) At least 1 representative from food, fitness,  
2           and other appropriate industries.

3           (10) Representatives from any other Federal  
4           agencies or from the private sector as the President  
5           considers appropriate.

6           (d) CHAIRPERSON.—The Chairperson of the Com-  
7           mission shall be elected by a majority of its members.

8           (e) TERMS AND VACANCIES.—Each member shall be  
9           appointed for a term of 4 years and may be reappointed  
10          for consecutive terms. A vacancy in the Commission shall  
11          be filled in the manner in which the original appointment  
12          was made.

13          (f) MEETINGS.—The Commission shall meet at least  
14          twice a year at the call of the chairperson or a majority  
15          of its members.

16          (g) REPORT.—The Commission shall transmit to the  
17          Congress a report every 2 years which shall—

18                 (1) describe and evaluate Federal efforts being  
19                 taken to reduce and help prevent obesity in the  
20                 United States;

21                 (2) make recommendations for activities and  
22                 policy that may help reduce and prevent obesity;

23                 (3) identify research needs, especially research  
24                 in methods to create and sustain behavior change;  
25                 and

1           (4) identify gaps, inconsistencies, and  
2           redundancies in Federal policy for agriculture, nutri-  
3           tion, and health.

4 **SEC. 5. NATIONAL HEALTH AND PHYSICAL FITNESS**  
5           **AWARDS.**

6           (a) **PRESIDENT’S HEALTH AND FITNESS AWARDS.**—  
7           The Secretary of Health and Human Services, in consulta-  
8           tion with the Secretary of Education, shall establish a rec-  
9           ognition program for the granting of awards, to be known  
10          as the “President’s Health and Fitness Awards”, to ele-  
11          mentary and secondary schools with—

12           (1) outstanding physical fitness and nutrition  
13          education programs; and

14           (2) demonstrated improvements in student fit-  
15          ness, nutrition awareness, and overall student  
16          health.

17          (b) **PRESIDENT’S HEALTH AND FITNESS TEACHER**  
18          **ACHIEVEMENT AWARDS.**—

19           (1) **IN GENERAL.**—The Secretary of Health and  
20          Human Services, in consultation with the Secretary  
21          of Education, shall establish a program for the  
22          granting and administration of awards to recognize  
23          and reward—

24           (A) teachers, coaches, or other related per-  
25          sonnel in elementary and secondary schools who

1 demonstrate excellence in providing innovative  
2 and effective physical fitness and nutrition edu-  
3 cation programs for elementary and secondary  
4 school students; and

5 (B) the local educational agencies that em-  
6 ploy such teachers.

7 (2) ELIGIBILITY.—1 teacher, and the local edu-  
8 cational agency employing such teacher, from each  
9 State, the District of Columbia, and the Common-  
10 wealth of Puerto Rico, shall be eligible for an award  
11 under this subsection.

12 (3) CASH AWARDS.—

13 (A) TEACHERS.—The Secretary of Health  
14 and Human Services is authorized to provide a  
15 cash award of up to \$2,500 to each teacher or  
16 coach selected to receive an award pursuant to  
17 this subsection, which shall be used to further  
18 the recipient's professional development in  
19 physical education or nutrition education.

20 (B) LOCAL EDUCATIONAL AGENCIES.—The  
21 Secretary of Health and Human Services is au-  
22 thorized to provide a cash award of up to  
23 \$2,500 to the local educational agency employ-  
24 ing any teacher or coach selected to receive an  
25 award pursuant to this subsection, which shall

1 be used to fund physical fitness or nutrition  
2 education activities and programs. Awards  
3 granted under this subparagraph shall not be  
4 used for construction costs, general expenses,  
5 salaries, bonuses, or other administrative ex-  
6 penses.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
8 authorized to be appropriated to the Secretary of Health  
9 and Human Services such sums as may be necessary to  
10 carry out this section.

11 **SEC. 6. NUTRITION AND HEALTH EDUCATION IN AFTER-**  
12 **SCHOOL PROGRAMS.**

13 (a) Section 4205(a) of the Elementary and Secondary  
14 Education Act is amended—

15 (1) in paragraph (11) by striking “and”;

16 (2) by inserting “and” at the end of paragraph  
17 (12) ; and

18 (3) by inserting after paragraph (12) the fol-  
19 lowing new paragraph:

20 “(13) nutrition and health education pro-  
21 grams.”.

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