

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.

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

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. 9858e(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”;

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

1 standards of the department or agency, and the de-
2 velopment of the report detailed in paragraph (3).

3 (3) REPORTS.—Not later than 1 year after the
4 date of enactment of this Act, and annually there-
5 after, each department and agency with a detailee
6 under this section shall submit to the National Pre-
7 vention, Health Promotion and Public Health Coun-
8 cil, the Committee on Health, Education, Labor, and
9 Pensions of the Senate and the Committee on En-
10 ergy and Commerce of the House of Representatives
11 a report detailing the health impacts of the depart-
12 ment or agency’s activities and any plans to improve
13 those impacts.

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

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

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

20 “(iv) Measures necessary to ensure
21 the easy and plentiful availability of
22 healthy snacks, beverages, and meals (in-
23 cluding meals for children) that reflect the
24 most recent Dietary Guidelines for Ameri-
25 cans 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 assistance 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.

1 **Subtitle B—Incentives for a**
2 **Healthier Workforce**

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

5 (a) IN GENERAL.—Subpart D of part IV of sub-
6 chapter A of chapter 1 of the Internal Revenue Code of
7 1986 is amended by adding at the end the following:

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

9 “(a) ALLOWANCE OF CREDIT.—

10 “(1) IN GENERAL.—For purposes of section 38,
11 the wellness program credit determined under this
12 section for any taxable year during the credit period
13 with respect to an employer is an amount equal to
14 50 percent of the costs paid or incurred by the em-
15 ployer in connection with a qualified wellness pro-
16 gram during the taxable year.

17 “(2) LIMITATION.—The amount of credit al-
18 lowed under paragraph (1) for any taxable year shall
19 not exceed the sum of—

20 “(A) the product of \$200 and the number
21 of employees of the employer not in excess of
22 200 employees, plus

23 “(B) the product of \$100 and the number
24 of employees of the employer in excess of 200
25 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 dispro-
9 portionate 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,

1 “(ii) the nutrition of food available at
2 the worksite through cafeterias and vend-
3 ing options,

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

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

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

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

13 “(B) PARTICIPATION INCENTIVES.—

14 “(i) IN GENERAL.—Qualified incentive
15 benefits for each employee who participates
16 in the health screenings described in para-
17 graph (1)(B) or the behavioral change pro-
18 grams described in paragraph (3).

19 “(ii) QUALIFIED INCENTIVE BEN-
20 EFIT.—For purposes of clause (i), the
21 term ‘qualified incentive benefit’ means
22 any benefit which is approved by the Sec-
23 retary of Health and Human Services, in
24 consultation with the Secretary of the
25 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-

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

3 (2) SIZE AND METHODOLOGY.—

4 (A) IN GENERAL.—The survey referred to
5 in paragraph (1) may be the National Survey
6 on Drug Use and Health or shall at least be
7 comparable in size and methodology to the
8 NSDUH that was completed in 2009 to meas-
9 ure the use of cigarettes (by brand) by youths
10 under 18 years of age within the 30-day period
11 prior to the conduct of the study. Such survey
12 may be conducted as a component of the Na-
13 tional Health and Nutrition Examination Sur-
14 vey or the National Health Interview Survey, if
15 all other requirements provided for in this sec-
16 tion are complied with.

17 (B) CONCLUSIVE ACCURATENESS.—A sur-
18 vey using the methodology described in sub-
19 paragraph (A) shall be deemed conclusively
20 proper, correct, and accurate for purposes of
21 this section.

22 (C) DEFINITION.—In this section, the
23 term “National Survey on Drug Use and
24 Health” or “NSDUH” means the annual na-
25 tionwide 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)”; and

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 (e)”.

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 COMMENDATIONS 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-

1 ments before the first day of the first calendar quar-
 2 ter beginning after the close of the first regular ses-
 3 sion of the State legislature that begins after the
 4 date of enactment of this Act. For purposes of the
 5 previous sentence, in the case of a State that has a
 6 2-year legislative session, each year of the session is
 7 considered to be a separate regular session of the
 8 State legislature.

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

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

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

16 “(G) Comprehensive workplace wellness
 17 program benefits that meet the requirements of
 18 section 10408 of the Patient Protection and Af-
 19 fordable Care Act (Public Law 111–148).

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

23 “(I) Immunizations that have in effect a
 24 recommendation from the Advisory Committee
 25 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.”.

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