

118TH CONGRESS
1ST SESSION

S. 3171

To amend the Public Health Service Act to promote healthy eating and physical activity among children.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2023

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to promote healthy eating and physical activity among children.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reducing Obesity in
5 Youth Act of 2023”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) establish a program that will enhance the
9 training and knowledge of early care and education
10 providers and influence practices, policies, and envi-

1 ronments in early care and education settings to
 2 support healthy eating and physical activity for chil-
 3 dren ages birth through 5, including by addressing
 4 the growing threat of food insecurity;

5 (2) provide support to States on ways to link
 6 early care and education programs to nutrition sup-
 7 ports;

8 (3) monitor progress of healthy eating and
 9 physical activity promotion in early care and edu-
 10 cation settings; and

11 (4) identify emerging, and expand existing, ap-
 12 proaches to engaging families and parents of chil-
 13 dren ages birth to 5 in healthy eating and physical
 14 activity.

15 **SEC. 3. HEALTHY KIDS PROGRAM.**

16 Title III of the Public Health Service Act (42 U.S.C.
 17 241 et seq.) is amended by adding at the end the fol-
 18 lowing:

19 **“PART W—HEALTHY KIDS PROGRAM**

20 **“SEC. 39900. GRANT PROGRAM TO IMPROVE HEALTHY EAT-**
 21 **ING AND PHYSICAL ACTIVITY AND TO AD-**
 22 **DRESS FOOD INSECURITY AMONG CHILDREN.**

23 “(a) IN GENERAL.—The Secretary, acting through
 24 the Director of the Centers for Disease Control and Pre-
 25 vention and in coordination with the Assistant Secretary

1 for the Administration for Children and Families, shall
 2 award 5-year competitive grants to one or more eligible
 3 entities to improve healthy eating and physical activity
 4 and to address food insecurity among children ages birth
 5 through 5 years in early care and education settings.

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

8 “(1) be—

9 “(A) a nonprofit organization with exper-
 10 tise in early childhood health and childhood obe-
 11 sity prevention;

12 “(B) an institution of higher education or
 13 research center that employs faculty with rel-
 14 evant expertise and has expertise in training
 15 early care and education providers; or

16 “(C) a consortium of entities described in
 17 subparagraphs (A) and (B) that submit a single
 18 application to carry out activities under the
 19 grant jointly; and

20 “(2) submit to the Director an application at
 21 such time, in such manner, and containing such in-
 22 formation as the Director may require.

23 “(c) USE OF FUNDS.—

24 “(1) IN GENERAL.—An entity shall use
 25 amounts received under a grant under this section to

1 work directly with implementing partners, which
2 may include States, territories, Indian Tribes, mu-
3 nicipalities, and nonprofit organizations, to—

4 “(A) create sustainable programs to train
5 early care and education providers through di-
6 rect coaching and peer-learning, access to qual-
7 ity technical assistance, and professional devel-
8 opment opportunities that are focused on
9 healthy eating, physical activity, addressing
10 food insecurity, and other topics that support
11 children’s healthy development, as determined
12 by the Director;

13 “(B) build State capacity through training,
14 technical assistance, and resources to integrate
15 the promotion of healthy eating and physical
16 activity into existing early care and education
17 programs, systems, and initiatives, including
18 linking early care and education programs to
19 new and existing resources for nutrition sup-
20 ports, with a focus on promoting equity; or

21 “(C) test innovative or evidence-informed
22 approaches to promoting healthy habits and
23 healthy child development in early care and
24 education settings, which may include linking
25 early care and education and health care pro-

1 viders, enhancing early care and education staff
2 wellness, enhancing access to quality foods in
3 the early care and education settings, and en-
4 gaging families of children ages birth to 5 years
5 served in the early care and education programs
6 supported by a grant under this section.

7 “(2) IMPLEMENTING PARTNERS.—In selecting
8 States, territories, Indian tribes, municipalities, or
9 nonprofit organizations to be implementing partners
10 under a grant under this section, a grantee shall en-
11 sure that such partners, collectively—

12 “(A) serve populations that are racially,
13 ethnically, socioeconomically, and geographically
14 diverse; and

15 “(B) represent a mix of rural and urban
16 settings.

17 “(3) NATIONAL INDEPENDENT EVALUATOR.—
18 From the amounts appropriated to carry out this
19 section, and prior to awarding any grants under
20 paragraph (1), the Director shall enter into a con-
21 tract with an external entity to create a single, uni-
22 form process to—

23 “(A) ensure that entities that receive
24 grants under paragraph (1) comply with the re-
25 quirements of this section; and

1 “(B) evaluate the outcomes of the grant
2 activities carried out by each participating enti-
3 ty.

4 “(d) TRACKING STATE PROGRESS.—The Director
5 may use amounts appropriated under subsection (f)(2) to
6 enter into contracts with, or award grants to, institutions
7 of higher education, nonprofit organizations, or other enti-
8 ties with relevant monitoring and surveillance expertise,
9 for purposes of—

10 “(1) tracking State progress in obesity preven-
11 tion policies and practices of early care and edu-
12 cation programs in States where grantees are
13 present; and

14 “(2) measuring changes in food security within
15 exposed groups.

16 “(e) REPORT.—Not later than 1 year after the com-
17 pletion of the grant program, the Secretary shall submit
18 to Congress a report on the results of the programs, activi-
19 ties, and surveillance carried out under such grant pro-
20 gram, including best practices and lessons derived from
21 the experiences of grantees with respect to reducing and
22 preventing food insecurity and obesity and overweight
23 among children ages birth through 5 years in the early
24 care and education settings.

25 “(f) DEFINITIONS.—In this section—

1 “(1) the term ‘Director’ means the Director of
2 the Centers for Disease Control and Prevention; and

3 “(2) the term ‘early care and education’ means
4 programs and activities that serve children ages
5 birth through 5 years either through in-home or out-
6 of-home settings, including childcare programs,
7 Head Start programs, family childcare, and pre-kin-
8 dergarten programs.

9 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section—

11 “(1) \$5,000,000 for each of fiscal years 2024
12 through 2028; and

13 “(2) \$1,700,000 for fiscal year 2024, to be
14 used to track State progress in obesity prevention
15 and food security policies and practices of early care
16 and education programs in a sentinel set of States
17 as provided for in subsection (d).”.

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