

107TH CONGRESS
1ST SESSION

S. 745

To amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

IN THE SENATE OF THE UNITED STATES

APRIL 6, 2001

Mr. LEAHY (for himself, Mr. JEFFORDS, Mr. FEINGOLD, Mr. BINGAMAN, and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to promote better nutrition among school children participating in the school breakfast and lunch programs.

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 “Better Nutrition for
5 School Children Act of 2001”.

6 **SEC. 2. FOODS OF MINIMAL NUTRITIONAL VALUE.**

7 (a) IN GENERAL.—Section 10 of the Child Nutrition
8 Act of 1966 (42 U.S.C. 1779) is amended—

1 (1) by redesignating subsection (c) as sub-
2 section (d); and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) FOODS OF MINIMAL NUTRITIONAL VALUE.—

6 “(1) AVAILABILITY OF FOODS OF MINIMAL NU-
7 TRITIONAL VALUE DURING TIME OF SERVICE OF
8 FOOD.—The regulations shall prohibit the sale, do-
9 nation, or service without charge of foods of minimal
10 nutritional value on school grounds during the time
11 of service of food under the school breakfast pro-
12 gram under section 4 or the school lunch program
13 under the Richard B. Russell National School Lunch
14 Act (42 U.S.C. 1751 et seq.).

15 “(2) AVAILABILITY OF FOODS OF MINIMAL NU-
16 TRITIONAL VALUE DURING THE COVERED PERIOD.—

17 “(A) DEFINITION OF COVERED PERIOD.—

18 In this paragraph, the term ‘covered period’
19 means the period of a school day before the
20 service of lunch under the school lunch program
21 under the Richard B. Russell National School
22 Lunch Act (42 U.S.C. 1751 et seq.), other than
23 the period of food service under section 4.

1 “(B) REVIEW AND REGULATIONS.—Not
2 later than 18 months after the date of enact-
3 ment of this paragraph, the Secretary shall—

4 “(i) review the Federal, State, and
5 local laws (including regulations), policies,
6 and practices relating to the sale, donation,
7 or service without charge of foods of mini-
8 mal nutritional value during the covered
9 period on school grounds; and

10 “(ii) taking into account the results of
11 the review, promulgate final regulations re-
12 lating to the sale, donation, or service
13 without charge of foods of minimal nutri-
14 tional value during the covered period on
15 school grounds.

16 “(C) OPTIONS.—In promulgating regula-
17 tions under subparagraph (B)(ii), the Secretary
18 shall establish such requirements as the Sec-
19 retary determines are appropriate, which may
20 include—

21 “(i) prohibiting the sale, donation, or
22 service without charge of foods of minimal
23 nutritional value during the covered period
24 on all or part of school grounds; or

1 “(ii) permitting States and local
2 school authorities to prohibit the sale, do-
3 nation, or service without charge of foods
4 of minimal nutritional value during the
5 covered period on all or part of school
6 grounds.

7 “(D) BASIS.—The Secretary shall evaluate
8 the results of the review and promulgate the
9 regulations required under subparagraph (B)
10 based on sound nutritional science, as deter-
11 mined by the Secretary.

12 “(E) FACTORS.—In conducting the review
13 and promulgating the regulations required
14 under subparagraph (B), the Secretary shall
15 consider—

16 “(i) the nutritional needs of students
17 in various grade levels;

18 “(ii) the proximity of any area where
19 foods of minimal nutritional value may be
20 sold, donated, or served without charge to
21 the food service facilities or areas;

22 “(iii) the extent to which students will
23 likely substitute consumption of foods of
24 minimal nutritional value for other food
25 served in participating schools under this

1 Act and the Richard B. Russell National
2 School Lunch Act (42 U.S.C. 1751 et
3 seq.); and

4 “(iv) the benefits to a school of per-
5 mitting the sale, donation, or service with-
6 out charge of foods of minimal nutritional
7 value.”.

8 (b) REGULATIONS.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this Act, the Sec-
11 retary of Agriculture shall promulgate such regula-
12 tions as are necessary to implement the amendments
13 made by this section.

14 (2) PROCEDURE.—The promulgation of the reg-
15 ulations and the administration of the amendments
16 made by this section shall be made without regard
17 to chapter 35 of title 44, United States Code (com-
18 monly known as the “Paperwork Reduction Act”).

19 (3) CONGRESSIONAL REVIEW OF AGENCY RULE-
20 MAKING.—In carrying out this subsection, the Sec-
21 retary shall use the authority provided under section
22 808 of title 5, United States Code.

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