

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

8 (b) REGULATIONS.—

○