

108TH CONGRESS
2D SESSION

H. R. 4519

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 HOUSE OF REPRESENTATIVES

JUNE 4, 2004

Mr. HINCHEY introduced the following bill; which was referred to the Committee on Education and the Workforce

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 2004”.

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) in subsection (a), by inserting “(throughout
2 the entire school, including the school grounds, until
3 the end of the time of service of food under the
4 school lunch program under the Richard B. Russell
5 National School Lunch Act (42 U.S.C. 1751 et
6 seq.))” after “participating schools”;

7 (2) by striking subsection (b);

8 (3) by redesignating subsection (c) as sub-
9 section (d); and

10 (4) by inserting after subsection (a) the fol-
11 lowing:

12 “(b) BASIS.—The Secretary shall promulgate the
13 regulations required under subsection (a) based on sound
14 nutritional science, as determined by the Secretary.

15 “(c) FACTORS.—In promulgating the regulations re-
16 quired under subsection (a), the Secretary shall con-
17 sider—

18 “(1) the nutritional needs of students in various
19 grade levels;

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

24 “(3) the extent to which students will likely
25 substitute consumption of foods of minimal nutri-

1 tional value for other food served in participating
2 schools under this Act and the Richard B. Russell
3 National School Lunch Act (42 U.S.C. 1751 et
4 seq.); and

5 “(4) the benefits to a school of permitting the
6 sale, donation, or service without charge of foods of
7 minimal nutritional value, including the extent to
8 which the proceeds of such sales inure to the benefit
9 of a school or an organization of students approved
10 by a school.”.

11 (b) REGULATIONS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary of
14 Agriculture shall promulgate such regulations as are
15 necessary to implement the amendments made by
16 this section.

17 (2) FOODS OF MINIMAL NUTRITIONAL
18 VALUE.—In promulgating the regulations, the Sec-
19 retary shall review and (as necessary) revise the def-
20 inition of “foods of minimal nutritional value” that
21 is used to carry out the Child Nutrition Act of 1966
22 (42 U.S.C. 1786) and the Richard B. Russell Na-
23 tional School Lunch Act (42 U.S.C. 1751 et seq.).

24 (3) PROCEDURE.—The promulgation of the reg-
25 ulations and the administration of the amendments

1 made by this section shall be made without regard
2 to chapter 35 of title 44, United States Code (com-
3 monly known as the “Paperwork Reduction Act”).

4 (4) CONGRESSIONAL REVIEW OF AGENCY RULE-
5 MAKING.—In carrying out this subsection, the Sec-
6 retary shall use the authority provided under section
7 808(2) of title 5, United States Code.

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