To amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of “food of minimal nutritional value” to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

IN THE SENATE OF THE UNITED STATES

introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of “food of minimal nutritional value” to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Child Nutrition Promotion and School Lunch Protection Act of 2006”.

SEC. 2. FINDINGS.

Congress finds that—

(1) for a school food service program to receive Federal reimbursements under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) or the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), school meals served by that program must meet science-based nutritional standards established by Congress and the Secretary of Agriculture;

(2) foods sold individually outside the school meal programs (including foods sold in vending machines, a la carte or snack lines, school stores, and snack bars) are not required to meet comparable nutritional standards;

(3) in order to promote child nutrition and health, Congress—

(A) has authorized the Secretary to establish nutritional standards in the school lunchroom during meal time; and

(B) since 1979, has prohibited the sale of food of minimal nutritional value, as defined by the Secretary, in areas where school meals are sold or eaten;

(4) Federally-reimbursed school meals and child nutrition and health are undermined by the uneven authority of the Secretary to set nutritional stand-
ards throughout the school campus and over the course of the school day;

(5) since 1979, when the Secretary defined the term “food of minimal nutritional value” and promulgated regulations for the sale of those foods during meal times, nutrition science has evolved and expanded;

(6) the current definition of “food of minimal nutritional value” is inconsistent with current knowledge about nutrition and health;

(7) because some children purchase foods other than balanced meals provided through the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), the efforts of parents to ensure that their children consume healthful diets are undermined;

(8) experts in nutrition science have found that—

(A) since 1980, rates of obesity have doubled in children and tripled in adolescents;
(B) only 2 percent of children eat a healthy diet that is consistent with Federal nutrition recommendations;

(C) 3 out of 4 high school students do not eat the minimum recommended number of servings of fruits and vegetables each day; and

(D) type 2 diabetes, which is primarily due to poor diet and physical inactivity, is rising rapidly in children;

(9) in 1996, children aged 2 to 18 years consumed an average of 118 more calories per day than similar children did in 1978, which is the equivalent of 12 pounds of weight gain annually, if not compensated for through increased physical activity; and

(10) according to the Surgeon General, the direct and indirect costs of obesity in the United States are $117,000,000,000 per year.

SEC. 3. FOOD OF MINIMAL NUTRITIONAL VALUE.

Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended—

(1) by striking the section heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 10. REGULATIONS.

“(a) IN GENERAL.—The Secretary”; and
(2) by striking subsections (b) and (c) and inserting the following:

“(b) Food of Minimal Nutritional Value.—

“(1) Proposed regulations.—

“(A) In general.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall promulgate proposed regulations to revise the definition of ‘food of minimal nutritional value’ that is used to carry out this Act and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(B) Application.—The revised definition of ‘food of minimal nutritional value’ shall apply to all foods sold—

“(i) outside the school meal programs;

“(ii) on the school campus; and

“(iii) at any time during the school day.

“(C) Requirements.—In revising the definition, the Secretary shall consider—

“(i) both the positive and negative contributions of nutrients, ingredients, and foods (including calories, portion size, satu-
rated fat, trans fat, sodium, and added sugars) to the diets of children;

(ii) evidence concerning the relationship between consumption of certain nutrients, ingredients, and foods to both preventing and promoting the development of overweight, obesity, and other chronic illnesses;

(iii) recommendations made by authoritative scientific organizations concerning appropriate nutritional standards for foods sold outside of the reimbursable meal programs in schools; and

(iv) special exemptions for school-sponsored fundraisers (other than fundraising through vending machines, school stores, snack bars, a la carte sales, and any other exclusions determined by the Secretary), if the fundraisers are approved by the school and are infrequent within the school.

(2) IMPLEMENTATION.—

(A) EFFECTIVE DATE.—

(i) IN GENERAL.—Except as provided in clause (ii), the proposed regula-
tions shall take effect at the beginning of
the school year following the date on which
the regulations are finalized.

“(ii) Exception.—If the regulations
are finalized on a date that is not more
than 60 days before the beginning of the
school year, the proposed regulations shall
take effect at the beginning of the fol-
lowing school year.

“(B) Failure to Promulgate.—If, on
the date that is 1 year after the date of enact-
ment of this paragraph, the Secretary has not
promulgated final regulations, the proposed reg-
ulations shall be considered to be final regu-
lations.”.