

SEC. 102. CHILD NUTRITION PROMOTION AND SCHOOL LUNCH PROTECTION.

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--

'(i) 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.); and

'(ii) to rename the term 'food of poor nutritional value'.

'(B) REQUIREMENTS- In revising the definition, the Secretary shall--

'(i) cover all foods made available--

'(I) outside the school meal programs;

'(II) on the school campus; and

'(III) at any time during the school day;

'(ii) shall consider both the positive and negative contributions of nutrients, ingredients, and foods (including calories, portion size, saturated fat, trans fat, sodium, and added sugars) to the diets of children;

'(iii) consider 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; and

`(iv) consider recommendations made by authoritative scientific organizations concerning appropriate nutritional standards for foods sold outside of the reimbursable meal programs in schools.

`(2) IMPLEMENTATION-

`(A) EFFECTIVE DATE-

`(i) IN GENERAL- Except as provided in clause (ii), the proposed regulations 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 following school year.

`(B) FAILURE TO PROMULGATE- If, on the date that is 1 year after the date of enactment of this paragraph, the Secretary has not promulgated final regulations, the proposed regulations shall be considered to be final regulations.'