

113TH CONGRESS
1ST SESSION

H. R. 3663

To prohibit regulations establishing certain limits for the school lunch program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2013

Mrs. NOEM (for herself, Mr. CONAWAY, Mr. FITZPATRICK, Mr. ROE of Tennessee, Mr. RODNEY DAVIS of Illinois, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prohibit regulations establishing certain limits for the school lunch program, and for other purposes.

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 “Reducing Federal
5 Mandates on School Lunch Act”.

1 **SEC. 2. PROHIBITION OF REGULATIONS ESTABLISHING**
2 **CERTAIN LIMITS FOR THE SCHOOL LUNCH**
3 **PROGRAM.**

4 Beginning on the date of enactment of this Act and
5 until the date of enactment of a law that extends by not
6 less than 5 fiscal years the authorization or duration of
7 1 or more programs under the Richard B. Russell School
8 Lunch Act (42 U.S.C. 1751 et seq.) or the Child Nutrition
9 Act of 1966 (42 U.S.C. 1771 et seq.), the Secretary of
10 Agriculture shall not—

11 (1) implement, administer, or enforce part 210
12 of title 7, Code of Federal Regulations (as such part
13 relates to the establishment of a maximum calorie
14 limit and a maximum quantity of grains, meat, or
15 meat alternatives for the school lunch program), as
16 amended by the final regulations published by the
17 Department of Agriculture in the Federal Register
18 on January 26, 2012 (77 Fed. Reg. 4088 et seq.);
19 or

20 (2) promulgate or enforce any new rule or regu-
21 lation that establishes a maximum calorie limit or
22 maximum quantity of grains, meat, or meat alter-
23 natives for the school lunch program established
24 under the Richard B. Russell School Lunch Act (42
25 U.S.C. 1751 et seq.).

1 **SEC. 3. PROHIBITION OF OTHER NUTRITION REGULATIONS**
2 **FOR CERTAIN SCHOOL FOOD AUTHORITIES.**

3 (a) PROHIBITION.—

4 (1) IN GENERAL.—Beginning on the date of en-
5 actment of this Act and until the date of enactment
6 of a law that extends by not less than 5 fiscal years
7 the authorization or duration of 1 or more programs
8 under the Richard B. Russell School Lunch Act (42
9 U.S.C. 1751 et seq.) or the Child Nutrition Act of
10 1966 (42 U.S.C. 1771 et seq.), the Secretary of Ag-
11 riculture shall not implement, administer, or enforce
12 the rules or regulations described in subsection (b)
13 with respect to any school food authority that cer-
14 tifies to the State in which the school food authority
15 is located that the school food authority—

16 (A) has calculated the costs of complying
17 with such rules and regulations; and

18 (B) has determined, in a manner con-
19 sistent with school district operational proce-
20 dures, that the school food authority is not ca-
21 pable of operating a food service program with-
22 out increased costs as a result of complying
23 with any or all of such rules and regulations.

24 (2) PROHIBITION ON DEFINING COSTS.—For
25 purposes of this subsection, the Secretary of Agri-
26 culture shall not—

1 (A) define the phrase “costs of com-
2 plying”; or

3 (B) establish or suggest how a school food
4 authority shall calculate the costs of complying
5 under paragraph (1)(A) or increased costs
6 under paragraph (1)(B).

7 (b) REGULATIONS.—The rules and regulations de-
8 scribed in subsection (a)(1) are the following:

9 (1) The rule entitled “National School Lunch
10 Program and School Breakfast Program: Nutrition
11 Standards for All Foods Sold in School as Required
12 by the Healthy, Hunger-Free Kids Act of 2010”
13 published by the Department of Agriculture in the
14 Federal Register on June 28, 2013 (78 Fed. Reg.
15 39068 et seq.), or any new rule with respect to foods
16 sold in schools other than those foods provided
17 under the Richard B. Russell School Lunch Act (42
18 U.S.C. 1751 et seq.) or the Child Nutrition Act of
19 1966 (42 U.S.C. 1771 et seq.).

20 (2) Part 210 of title 7, Code of Federal Regula-
21 tions (as amended by the interim regulations pub-
22 lished by the Department of Agriculture in the Fed-
23 eral Register on June 17, 2011 (76 Fed Reg. 35301
24 et seq.)), as such part relates to school lunch price
25 increases, or any new rule or regulation with respect

1 to increasing the price of school lunches under the
2 Richard B. Russell School Lunch Act (42 U.S.C.
3 1751 et seq.).

4 (3) Part 220 of title 7, Code of Federal Regula-
5 tions (as amended by the final regulations published
6 by the Department of Agriculture in the Federal
7 Register on January 26, 2012 (77 Fed. Reg. 4088
8 et seq.)), as such part relates to establishing new
9 food-based meal patterns, nutrition standards, and
10 meal planning approaches for the school breakfast
11 program, or any new rule or regulation which estab-
12 lishes new food-based meal patterns, nutrition stand-
13 ards, or meal planning approaches for the school
14 breakfast program established under the Child Nu-
15 trition Act of 1966 (42 U.S.C. 1771 et seq.).

16 **SEC. 4. RULES OF CONSTRUCTION.**

17 Nothing in this Act prohibits the Secretary of Agri-
18 culture from implementing, administering, or enforcing—

19 (1) any rules or regulations not described in
20 this Act; or

21 (2) parts 210 and 220 of title 7, Code of Fed-
22 eral Regulations, as such parts were in effect on the
23 day before the effective dates of the amendments

- 1 made to such parts described in paragraphs (2) and
- 2 (3) of section 3(b), respectively.

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