

115TH CONGRESS
1ST SESSION

H. R. 2382

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to eliminate certain Federal nutrition requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2017

Mrs. NOEM introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to eliminate certain Federal nutrition requirements, 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 “Permanent Flexibility
5 for School Meals Act”.

1 **SEC. 2. NUTRITIONAL REQUIREMENTS FOR SCHOOL**
2 **LUNCH AND SCHOOL BREAKFAST PRO-**
3 **GRAMS.**

4 (a) AMENDMENTS TO NATIONAL SCHOOL LUNCH
5 ACT.—The Richard B. Russell National School Lunch Act
6 (42 U.S.C. 1751) is amended—

7 (1) in section 4(b)(1)(A) (42 U.S.C.
8 1753(b)(1)(A)), by striking “(consisting of a com-
9 bination of foods which meet the minimum nutri-
10 tional requirements prescribed by the Secretary
11 under section 9(a) of this Act)”;

12 (2) in section 9 (42 U.S.C. 1758)—

13 (A) in the heading, by striking “**AND**
14 **OTHER PROGRAM REQUIREMENTS**” and in-
15 serting “**GUIDELINES**”;

16 (B) in subsection (a)(1)—

17 (i) in subparagraph (A)—

18 (I) by striking “shall meet” and
19 inserting “may meet”;

20 (II) by striking “minimum nutri-
21 tional requirements prescribed” and
22 inserting “nutrition guidelines
23 issued”; and

24 (III) by striking “, except that
25 the minimum nutritional require-
26 ments” and inserting “which”; and

1 (ii) in subparagraph (B)—

2 (I) by striking “complying with
3 the nutritional requirements” and in-
4 serting “meeting nutrition guide-
5 lines”;

6 (II) by striking “minimum nutri-
7 tional requirements” and inserting
8 “nutrition guidelines”; and

9 (III) by striking “maintaining
10 compliance with the requirements”
11 and inserting “meeting nutrition
12 guidelines”; and

13 (C) in subsection (f)—

14 (i) in the heading, by striking “NU-
15 TRITIONAL REQUIREMENTS” and inserting
16 “NUTRITION GUIDELINES”;

17 (ii) by striking “requirements of this
18 subsection” each place it appears and in-
19 serting “guidelines under this subsection”;
20 and

21 (iii) in paragraph (1), by striking
22 “shall serve” and inserting “may serve”;

23 (3) in section 11(a)(1)(A) (42 U.S.C.
24 1759a(a)(1)(A)), by striking “(consisting of a com-
25 bination of foods which meet the minimum nutri-

1 tional requirements prescribed by the Secretary pur-
2 suant to subsection 9(a) of this Act”);

3 (4) in section 13(f) (7 U.S.C. 1761(f))—

4 (A) in paragraph (1), by striking “shall
5 serve meals consisting of a combination of foods
6 and meeting minimum nutritional standards
7 prescribed by the Secretary” and inserting
8 “may serve meals consisting of a combination
9 of foods that meet nutrition guidelines issued
10 by the Secretary”; and

11 (B) in paragraph (2), by striking “com-
12 plying with the nutritional requirements pre-
13 scribed by the Secretary pursuant to this sub-
14 section” and inserting “meeting nutrition
15 guidelines”;

16 (5) in section 14(f) (42 U.S.C. 1762a(f)) by
17 striking “meet the minimum nutritional require-
18 ments prescribed by the Secretary under section 9(a)
19 of this Act, and”;

20 (6) in section 17 (42 U.S.C. 1766)—

21 (A) in subsection (g)—

22 (i) in paragraph (2)—

23 (I) in the heading, by striking
24 “REQUIREMENTS” and inserting
25 “GUIDELINES”; and

- 1 (II) in subparagraph (A)—
- 2 (aa) by striking “shall” and
- 3 inserting “may”; and
- 4 (bb) by striking “minimum
- 5 nutritional requirements pre-
- 6 scribed” and inserting “nutrition
- 7 guidelines issued”;
- 8 (ii) in paragraph (2)(B)—
- 9 (I) in clause (i), by striking “up-
- 10 date requirements” and inserting “up-
- 11 date guidelines”; and
- 12 (II) in clause (ii), by striking
- 13 “updated requirements” and inserting
- 14 “updated guidelines”; and
- 15 (iii) by amending paragraph (2)(C) to
- 16 read as follows:
- 17 “(C) RULE OF CONSTRUCTION.—The nu-
- 18 trition guidelines issued under subparagraph
- 19 (A) shall not be construed as—
- 20 “(i) prohibiting institutions, family or
- 21 group day care homes, and sponsored cen-
- 22 ters from substituting foods to accommo-
- 23 date the medical or other special dietary
- 24 needs of individual participants; or

1 “(ii) requiring an institution, family
2 or group day care home, sponsored center,
3 or emergency shelter from complying with
4 such guidelines.”;

5 (B) in subsection (o)(3)(A), by striking
6 “nutritional requirements” and inserting “nu-
7 trition guidelines”; and

8 (C) in subsection (u)(3), by striking “nu-
9 tritional requirements” both places it appears
10 and inserting “nutrition guidelines”; and

11 (7) in section 22 (42 U.S.C. 1769e), by striking
12 “nutritional requirements” each place it appears and
13 inserting “nutrition guidelines”.

14 (b) AMENDMENTS TO CHILD NUTRITION ACT.—Sec-
15 tion 4 of the Child Nutrition Act of 1966 (42 U.S.C.
16 1758) is amended—

17 (1) in subsection (b)(1), by striking subpara-
18 graph (D) and redesignating subparagraph (E) as
19 subparagraph (D); and

20 (2) in subsection (e)—

21 (A) in the heading, by striking “NUTRI-
22 TIONAL AND OTHER PROGRAM REQUIRE-
23 MENTS” and inserting “NUTRITION GUIDE-
24 LINES”;

25 (B) in paragraph (1)(A)—

1 (i) by striking “shall meet minimum
2 nutritional requirements prescribed” and
3 inserting “may meet nutrition guidelines
4 issued”; and

5 (ii) by striking “, except that the min-
6 imum nutritional requirements shall be
7 measured by not less than the weekly aver-
8 age of the nutrient content of school break-
9 fasts”; and

10 (C) in paragraph (1)(B), by striking “nu-
11 tritional requirements prescribed” and inserting
12 “nutrition guidelines issued”.

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