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118TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
118–308

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1147) TO AMEND THE RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT TO ALLOW SCHOOLS THAT PARTICIPATE IN THE SCHOOL LUNCH PROGRAM UNDER SUCH ACT TO SERVE WHOLE MILK; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 357) TO REQUIRE THE HEAD OF AN AGENCY TO ISSUE AND SIGN ANY RULE ISSUED BY THAT AGENCY, AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES

DECEMBER 11, 2023.—Referred to the House Calendar and ordered to be printed

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Mrs. FISCHBACH, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 922]

The Committee on Rules, having had under consideration House Resolution 922, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1147, the Whole Milk for Healthy Kids Act of 2023, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce or their respective designees. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those amendments printed in the report. Each amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments printed in the report are waived. The resolution provides one motion to recommit. The resolution further provides for consideration of H.R.

357, the Ensuring Accountability in Agency Rulemaking Act, under a closed rule. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees. The resolution provides one motion to recommit. The resolution further provides that on any legislative day of the second session of the One Hundred Eighteenth Congress before January 9, 2024, the Speaker may dispense with organizational and legislative business and that the Journal of the proceedings of the previous day shall be considered as approved if applicable.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1147, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 1147, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in the report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 357, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 357, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 174

Motion by Mr. McGovern to amend the rule to make in order amendment #16 to H.R. 1147, offered by Representative Carter, which amends the Richard B. Russell National School Lunch Program to allow for beverage alternatives that meet the guidelines from the most recent Dietary Guidelines for Americans. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman			
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 175

Motion by Mrs. Fischbach to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse	Nay
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman			
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 1147 MADE IN ORDER

1. Luna (FL): Ensures that the whole milk served in schools can be organic or non-organic. (10 minutes)
2. Mills (FL): Prohibits schools participating in the school lunch program from purchasing or offering milk produced by China state-owned enterprises. (10 minutes)
3. Tiffany (WI), Vasquez (NM): Prevents the USDA from issuing any rule that bans varieties of milk covered in this bill, including chocolate milk. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 1147 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUNA OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 6, insert "**ORGANIC OR NON-ORGANIC**" before "**WHOLE MILK**".

Page 3, line 17, insert "organic or non-organic" after "unflavored".

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 10, strike the period and quotation mark at the end and insert the following:

> "(E) PROHIBITION ON CERTAIN PURCHASES.—The Secretary shall prohibit schools participating in the school lunch program under this Act from purchasing or offering milk produced by China state-owned enterprises.".

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIFFANY OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 10, strike the period and quotation mark at the end and insert the following:

> "(E) LIMITATION ON AUTHORITY.—The Secretary may not prohibit any school participating in the school lunch pro-

gram under this Act from offering students the milk described in subparagraph (A)(ii).".

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