

**AMENDMENT TO THE AMENDMENT IN THE  
NATURE OF A SUBSTITUTE TO H.R. 8450  
OFFERED BY MR. SCOTT OF VIRGINIA**

Page 19, strike lines 9 through 14 (and redesignate the preceding subclause accordingly).

Page 23, line 11, strike the period and the spacing between the quotation mark and “NATIONAL”.

Page 25, after line 21, insert the following:

1           “(D) Among those commodities delivered  
2           under this section, the Secretary shall give spe-  
3           cial emphasis to high protein foods, meat, and  
4           meat alternates (which may include domestic  
5           seafood commodities and their products).

6           “(E) Notwithstanding any other provision  
7           of this section, not less than 75 percent of the  
8           assistance provided under this subsection shall  
9           be in the form of donated foods for the school  
10          lunch program.”.

Page 27, line 14, strike “180 days” and insert “1 year”.

Page 37, after line 14, insert the following:

1 **SEC. 206. STATEWIDE ONLINE HOUSEHOLD APPLICATIONS.**

2 (a) IN GENERAL.—Section 9(b) of the Richard B.  
3 Russell National School Lunch Act (42 U.S.C. 1758(b))  
4 is amended by adding at the end the following:

5 “(16) STATEWIDE ONLINE HOUSEHOLD APPLI-  
6 CATIONS.—

7 “(A) IN GENERAL.—Subject to subpara-  
8 graphs (B) and (C), beginning in the first  
9 school year that begins after the date of the en-  
10 actment of this paragraph, a State agency may  
11 elect to establish a Statewide online application  
12 to determine the eligibility of children in house-  
13 holds in that State to receive free or reduced  
14 price meals.

15 “(B) STATE AGENCY REQUIREMENTS.—

16 “(i) HOUSEHOLD APPLICATION.—A  
17 Statewide online school meal application  
18 under this paragraph shall comply with the  
19 requirements of—

20 “(I) this subsection; and

21 “(II) paragraphs (1) through (5)  
22 of section 245.6(a)(1) of title 7, Code  
23 of Federal Regulations (or a successor  
24 regulation).

1                   “(ii) PROCESSING TIMELINE.—A  
2 State agency electing the option under this  
3 paragraph shall—

4                   “(I) determine the eligibility of a  
5 household applying for free or reduced  
6 price meals; and

7                   “(II) communicate that deter-  
8 mination to the local educational  
9 agency and the household, within 10  
10 operating days of the date on which  
11 the household submitted the applica-  
12 tion to the State agency.

13                   “(iii) VERIFICATION.—A State agency  
14 electing the option under this paragraph  
15 shall—

16                   “(I) select at random for  
17 verification 3 percent of all household  
18 applications approved by the State  
19 agency for the school year, as of Octo-  
20 ber 1 of the school year;

21                   “(II) directly verify the selected  
22 household applications under sub-  
23 clause (I) in a manner consistent with  
24 paragraph (3)(F); and

1                   “(III) prior to October 10 of the  
2                   school year, communicate to the local  
3                   educational agency which household  
4                   applications have been selected for  
5                   verification and the outcome of the di-  
6                   rect verification conducted under  
7                   paragraph (3)(F).

8                   “(C) LOCAL EDUCATIONAL AGENCY RE-  
9                   QUIREMENTS.—

10                   “(i) ELIGIBILITY DETERMINATION.—  
11                   A local educational agency in a State with  
12                   a Statewide online household application  
13                   established under this paragraph shall ac-  
14                   cept the eligibility determination made by  
15                   the State agency for a household and pro-  
16                   vide an eligible child with free or reduced  
17                   price meals beginning on the first day of  
18                   the current school year.

19                   “(ii) TRANSFERRING STUDENTS.—  
20                   When a student transfers to a new local  
21                   educational agency, the new local edu-  
22                   cational agency shall obtain and accept the  
23                   eligibility determination made by the State  
24                   agency.

1                   “(iii) USE OF STATE SCHOOL MEAL  
2                   APPLICATION.—A local educational agency  
3                   in a State with a Statewide online house-  
4                   hold application established under this  
5                   paragraph shall not use an alternative on-  
6                   line household application unless the State  
7                   agency has approved its use.

8                   “(iv) PAPER APPLICATION.—A local  
9                   educational agency in a State with a State-  
10                  wide online household application estab-  
11                  lished under this paragraph shall—

12                   “(I) provide households with the  
13                   option to submit a paper application  
14                   to the local educational agency;

15                   “(II) communicate to households  
16                   the availability of this option and the  
17                   Statewide online household applica-  
18                   tion; and

19                   “(III) make an eligibility deter-  
20                   mination for any paper application  
21                   submitted.

22                   “(v) VERIFICATION.—A local edu-  
23                   cational agency shall verify the household  
24                   applications selected by the State agency  
25                   under subparagraph (B)(iii) that were not

1 directly verified by the State agency under  
2 paragraph (3)(F) in a manner consistent  
3 with subparagraphs (G) through (J) of  
4 paragraph (3).”.

5 (b) TRANSFERRING ELIGIBILITY STATUS.—Section  
6 9(b)(3)(B) of the Richard B. Russell National School  
7 Lunch Act (42 U.S.C. 1758(b)) is amended by adding at  
8 the end:

9 “(iv) TRANSFERRING ELIGIBILITY  
10 STATUS.—

11 “(I) TRANSFERS TO A NEW  
12 LOCAL EDUCATIONAL AGENCY.—  
13 When a child transfers to a new local  
14 educational agency, the new local edu-  
15 cational agency shall obtain and ac-  
16 cept the eligibility determination from  
17 the State or the child’s former local  
18 educational agency.

19 “(II) TRANSFERS OUT OF A  
20 LOCAL EDUCATIONAL AGENCY.—  
21 When a child transfers out of a local  
22 educational agency, the local edu-  
23 cational agency shall provide the  
24 child’s eligibility determination to the  
25 new local educational agency.

1                   “(III) COST OF MEALS.—When  
2                   the former local educational agency is  
3                   claiming meals under a special provi-  
4                   sion described in section 11, and the  
5                   child does not have an individual eligi-  
6                   bility determination, the new local  
7                   educational agency shall serve the  
8                   child meals at no cost and claim the  
9                   child’s meals at the free rate for up to  
10                  30 operating days, or until a new eli-  
11                  gibility determination is made, which-  
12                  ever comes first.”.

13           (c) CONFORMING AMENDMENT.—Section 9(b)(3)(J)  
14 of the Richard B. Russell National School Lunch Act (42  
15 U.S.C. 1758(b)(3)(J)) is amended by inserting “or para-  
16 graph (16)(B)(iii)” after “subparagraph (D)”.

Page 90, line 12, insert “, facility,” after “institu-  
tion”.

Page 91, line 9, strike “State-specific”.

Page 92, strike lines 11 through 14 (and redesignate  
the subsequent clause accordingly).

Page 92, line 25, insert “and” after the semicolon.

Page 93, strike lines 1 through 2 (and redesignate  
the subsequent item accordingly).

Page 102, line 4, strike “2 years” and insert “3 years”.

Page 109, after line 11, insert the following (and redesignate the subsequent subsections accordingly):

1 (h) NON-SCHOOL SPONSORS.—Section 13(f)(7) of the  
2 Richard B. Russell National School Lunch Act (42 U.S.C.  
3 1761(f)(7)) is amended—

4 (1) by striking “school food authority partici-  
5 pating as a”;

6 (2) by striking “, under rules that the school  
7 uses for school meals programs”; and

8 (3) by striking “to a school” and inserting “to  
9 a service institution”.

Page 114, strike lines 12 through 19 and insert the following:

10 “(A) shall, with respect to summer, auto-  
11 matically enroll eligible children who, in the  
12 school year immediately preceding the summer,  
13 are directly certified, are identified students (as  
14 defined in section 11(a)(1)(F)(i)), or are other-  
15 wise determined by a local educational agency  
16 to be eligible to receive free or reduce price  
17 meals in the program under this section, with-  
18 out further application from households;”.



Page 114, beginning line 21, strike “who are not directly certified to receive free or reduced price meals” and insert “who do not meet the criteria specified in subparagraph (A)”.

Page 116, strike lines 8 through 21 and insert the following:

1           “(2) ELIGIBLE CHILD.—The term ‘eligible  
2           child’ means, with respect to a summer, a child  
3           who—

4                   “(A) was, during the school year imme-  
5                   diately preceding such summer—

6                           “(i) certified to receive free or reduced  
7                           price lunch under the school lunch pro-  
8                           gram under this Act;

9                           “(ii) certified to receive free or re-  
10                          duced price breakfast under the school  
11                          breakfast program under section 4 of the  
12                          Child Nutrition Act of 1966 (42 U.S.C.  
13                          1773); or

14                          “(iii) certified by the State through  
15                          the process described in subsection  
16                          (c)(1)(B); or

17                          “(B)(i) was, during the school year imme-  
18                          diately preceding such summer, enrolled in a

1 school described in subparagraph (B), (C), (D),  
 2 (E), or (F) of section 11(a)(1); and  
 3 “(ii) either—  
 4 “(I) is an identified student (as de-  
 5 fined in section 11(a)(1)(F)(i)); or  
 6 “(II) otherwise meets the require-  
 7 ments to receive free or reduced price  
 8 lunch as determined by a local educational  
 9 agency through an application process  
 10 using the same eligibility criteria for free  
 11 or reduced price lunches under this Act.”.

Page 130, line 10, strike “6 months” and insert “1 year”.

Page 169, line 4, strike the closed quotation mark, semicolon, and “and” and insert the following:

12 “(iii) AUTHORIZATION OF APPROPRIA-  
 13 TIONS.—There is authorized to be appro-  
 14 priated to carry out grants and monetary  
 15 incentives pursuant to clause (i)  
 16 \$30,000,000 for fiscal year 2024, to be  
 17 available until expended.”; and

Page 174, line 4, strike “changes to the”.

Page 177, beginning line 4, strike “meets the nutri-  
 tion standards for the school lunch program authorized

under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)” and insert “is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary”.

Page 177, beginning line 16, strike “meets the nutrition standards for the school lunch program authorized under this Act and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773)” and insert “is nutritionally equivalent to fluid milk and meets nutritional standards established by the Secretary”.

Page 195, after line 5, insert the following:

- 1           “(5) LIABILITY WITH RESPECT TO PETS.—
- 2           “(A) DONATIONS MADE.—A person or
- 3           gleaner shall not be subject to civil or criminal
- 4           liability arising from the nature, age, pack-
- 5           aging, or condition of food described in sub-
- 6           section (b)(4)(B) or pet supplies that the per-
- 7           son or gleaner donates in good faith to a non-
- 8           profit organization or State or unit of local gov-
- 9           ernment for direct distribution to pets.
- 10           “(B) DONATIONS RECEIVED.—A nonprofit
- 11           organization or State or unit of local govern-

1           ment shall not be subject to civil or criminal li-  
2           ability arising from the nature, age, packaging,  
3           or condition of food described in subsection  
4           (b)(4)(B) or pet supplies that the nonprofit or-  
5           ganization or State or unit of local government  
6           received as a donation in good faith from a per-  
7           son or gleaner for direct distribution to pets.”.

Page 195, line 7, strike “paragraph (5)” and insert  
“paragraph (6)”.

Page 195, line 8, strike “paragraph (5)” and insert  
“paragraph (6)”.

Page 195, strike lines 10 through 12 and insert the  
following:

8                   (i) by striking “Paragraphs (1) and  
9                   (2)” and inserting “Paragraphs (1), (2),  
10                   (3), (4), and (5)”.

