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:

“(D) Among those commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates (which may include domestic seafood commodities and their products).

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

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

Page 37, after line 14, insert the following:
SEC. 206. STATEWIDE ONLINE HOUSEHOLD APPLICATIONS.

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

“(16) STATEWIDE ONLINE HOUSEHOLD APPLICATIONS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), beginning in the first school year that begins after the date of the enactment of this paragraph, a State agency may elect to establish a Statewide online application to determine the eligibility of children in households in that State to receive free or reduced price meals.

“(B) STATE AGENCY REQUIREMENTS.—

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

“(I) this subsection; and

“(II) paragraphs (1) through (5) of section 245.6(a)(1) of title 7, Code of Federal Regulations (or a successor regulation).
“(ii) PROCESSING TIMELINE.—A State agency electing the option under this paragraph shall—

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

“(II) communicate that determination to the local educational agency and the household, within 10 operating days of the date on which the household submitted the application to the State agency.

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

“(I) select at random for verification 3 percent of all household applications approved by the State agency for the school year, as of October 1 of the school year;

“(II) directly verify the selected household applications under subclause (I) in a manner consistent with paragraph (3)(F); and
“(III) prior to October 10 of the school year, communicate to the local educational agency which household applications have been selected for verification and the outcome of the direct verification conducted under paragraph (3)(F).

“(C) LOCAL EDUCATIONAL AGENCY REQUIREMENTS.—

“(i) ELIGIBILITY DETERMINATION.—

A local educational agency in a State with a Statewide online household application established under this paragraph shall accept the eligibility determination made by the State agency for a household and provide an eligible child with free or reduced price meals beginning on the first day of the current school year.

“(ii) TRANSFERRING STUDENTS.—

When a student transfers to a new local educational agency, the new local educational agency shall obtain and accept the eligibility determination made by the State agency.
“(iii) USE OF STATE SCHOOL MEAL APPLICATION.—A local educational agency in a State with a Statewide online household application established under this paragraph shall not use an alternative online household application unless the State agency has approved its use.

“(iv) PAPER APPLICATION.—A local educational agency in a State with a Statewide online household application established under this paragraph shall—

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

“(II) communicate to households the availability of this option and the Statewide online household application; and

“(III) make an eligibility determination for any paper application submitted.

“(v) VERIFICATION.—A local educational agency shall verify the household applications selected by the State agency under subparagraph (B)(iii) that were not
directly verified by the State agency under paragraph (3)(F) in a manner consistent with subparagraphs (G) through (J) of paragraph (3).”.

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

“(iv) TRANSFERRING ELIGIBILITY STATUS.—

“(I) TRANSFERS TO A NEW LOCAL EDUCATIONAL AGENCY.— When a child transfers to a new local educational agency, the new local educational agency shall obtain and accept the eligibility determination from the State or the child’s former local educational agency.

“(II) TRANSFERS OUT OF A LOCAL EDUCATIONAL AGENCY.— When a child transfers out of a local educational agency, the local educational agency shall provide the child’s eligibility determination to the new local educational agency.
“(III) COST OF MEALS.—When the former local educational agency is claiming meals under a special provision described in section 11, and the child does not have an individual eligibility determination, the new local educational agency shall serve the child meals at no cost and claim the child’s meals at the free rate for up to 30 operating days, or until a new eligibility determination is made, whichever comes first.”.

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

Page 90, line 12, insert “, facility,” after “institution”.

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):

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

(1) by striking “school food authority participating as a”; 
(2) by striking “under rules that the school uses for school meals programs”; and
(3) by striking “to a school” and inserting “to a service institution”.

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

“(A) shall, with respect to summer, automatically enroll eligible children who, in the school year immediately preceding the summer, are directly certified, are identified students (as defined in section 11(a)(1)(F)(i)), or are otherwise determined by a local educational agency to be eligible to receive free or reduce price meals in the program under this section, without 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:

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

“(A) was, during the school year immediately preceding such summer—

“(i) certified to receive free or reduced price lunch under the school lunch program under this Act;

“(ii) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

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

“(B)(i) was, during the school year immediately preceding such summer, enrolled in a
school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1); and

“(ii) either—

“(I) is an identified student (as defined in section 11(a)(1)(F)(i)); or

“(II) otherwise meets the requirements to receive free or reduced price lunch as determined by a local educational agency through an application process using the same eligibility criteria for free 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:

“(iii) Authorization of Appropriations.—There is authorized to be appropriated to carry out grants and monetary incentives pursuant to clause (i) $30,000,000 for fiscal year 2024, to be available until expended.”; and

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

Page 177, beginning line 4, 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 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:

“(5) LIABILITY WITH RESPECT TO PETS.—

“(A) DONATIONS MADE.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of food described in subsection (b)(4)(B) or pet supplies that the person or gleaner donates in good faith to a nonprofit organization or State or unit of local government for direct distribution to pets.

“(B) DONATIONS RECEIVED.—A nonprofit organization or State or unit of local govern-
ment shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of food described in subsection (b)(4)(B) or pet supplies that the nonprofit organization or State or unit of local government received as a donation in good faith from a person 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:

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