

112TH CONGRESS  
1ST SESSION

# S. 1719

To clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2011

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To clarify that schools and local educational agencies participating in the school lunch program under the Richard B. Russell National School Lunch Act are authorized to donate excess food to local food banks or charitable organizations.

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 “School Food Recovery  
5 Act”.

1 **SEC. 2. FOOD DONATION PROGRAM.**

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

5 “(1) **FOOD DONATION PROGRAM.**—

6 “(1) **IN GENERAL.**—Each school and local edu-  
7 cational agency participating in the school lunch  
8 program under this Act may donate any food not  
9 consumed under such program to eligible local food  
10 banks or charitable organizations.

11 “(2) **GUIDANCE.**—

12 “(A) **IN GENERAL.**—Not later than 180  
13 days after the date of the enactment of this  
14 subsection, the Secretary shall develop and pub-  
15 lish guidance to schools and local educational  
16 agencies participating in the school lunch pro-  
17 gram under this Act to assist such schools and  
18 local educational agencies in donating food  
19 under this subsection.

20 “(B) **UPDATES.**—The Secretary shall up-  
21 date such guidance as necessary.

22 “(3) **LIABILITY.**—Any school or local edu-  
23 cational agency making donations pursuant to this  
24 subsection shall be exempt from civil and criminal li-  
25 ability to the extent provided under the Bill Emer-

1 son Good Samaritan Food Donation Act (42 U.S.C.  
2 1791).

3 “(4) DEFINITION.—In this subsection, the term  
4 ‘eligible local food banks or charitable organizations’  
5 means any food bank or charitable organization  
6 which is exempt from tax under section 501(c)(3) of  
7 the Internal Revenue Code of 1986 (26 U.S.C.  
8 501(c)(3)).”.

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