

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 5504
OFFERED BY MR. PETRI OF WISCONSIN**

After section 145 insert the following:

1 **SEC. 146. 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 “(k) 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.

1 “(B) UPDATES.—The Secretary shall up-
2 date such guidance as necessary.

3 “(3) LIABILITY.—Any school or local edu-
4 cational agency making donations pursuant to this
5 subsection shall be exempt from civil and criminal li-
6 ability to the extent provided under the Bill Emer-
7 son Good Samaritan Food Donation Act (42 U.S.C.
8 1791).

9 “(4) DEFINITION.—In this subsection, the term
10 ‘eligible local food banks or charitable organizations’
11 means any food bank or charitable organization
12 which is exempt from tax under section 501(e)(3) of
13 the Internal Revenue Code of 1986 (26 U.S.C.
14 501(e)(3)).”.

