1996—Pub. L. 104–210, §1(a)(2)(A), substituted ''Bill Emerson'' for ''Model'' in section catchline.

Subsec. (a). Pub. L. 104–210, §1(a)(2)(B), inserted ''Bill Emerson'' before ''Good''.

Subsec. (b)(7). Pub. L. 104–210, §1(a)(2)(C), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: ''The term 'gross negligence' means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.''

Subsec. (c). Pub. L. 104–210, §1(a)(2)(D), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: ''A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.''

Subsec. (f). Pub. L. 104–210, §1(a)(2)(E), inserted at end ''Nothing in this section shall be construed to supercede State or local health regulations.''

§ 1792. Promoting Federal food donation

(a) In general

Not later than 180 days after June 20, 2008, the Federal Acquisition Regulation issued in accordance with section 1303 of title 41 shall be revised to provide that all contracts above $25,000 for the provision, service, or sale of food in the United States, or for the lease or rental of Federal property to a private entity for events at which food is provided in the United States, shall include a clause that—

(1) encourages the donation of excess, apparently wholesome food to nonprofit organizations that provide assistance to food-insecure people in the United States; and

(2) states the terms and conditions described in subsection (b).

(b) Terms and conditions

(1) Costs

In any case in which a contractor enters into a contract with an executive agency under which apparently wholesome food is donated to food-insecure people in the United States, the head of the executive agency shall not assume responsibility for the costs and logistics of collecting, transporting, maintaining the safety of, or distributing excess, apparently wholesome food to food-insecure people in the United States under this section.

(2) Liability

An executive agency (including an executive agency that enters into a contract with a contractor) and any contractor making donations pursuant to this section shall be exempt from civil and criminal liability to the extent provided under section 1791 of this title.

(Pub. L. 110–247, §4, June 20, 2008, 122 Stat. 2314.)

This section, referred to in subsec. (b), was in the original ''this Act'', meaning Pub. L. 110–247, June 20, 2008, 122 Stat. 2314, which enacted this section and provisions set out as notes under this section and section 1771 of this title. For complete classification of this Act to the Code, see Short Title of 2008 Amendment note set out under section 1771 of this title and Tables.

Section was enacted as part of the Federal Food Donation Act of 2008, and not as part of the Child Nutrition Act of 1966 which comprises this chapter.

In subsec. (a), ''section 1303 of title 41'' substituted for ''section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)'' on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Pub. L. 110–247, §2, June 20, 2008, 122 Stat. 2314, provided that: ''The purpose of this Act [enacting this section and provisions set out as notes under this section and section 1771 of this title] is to encourage executive agencies and contractors of executive agencies, to the maximum extent practicable and safe, to donate excess, apparently wholesome food to feed food-insecure people in the United States.''

Pub. L. 110–247, §3, June 20, 2008, 122 Stat. 2314, provided that: ''In this Act [enacting this section and provisions set out as notes under this section and section 1771 of this title]:

''(1) APPARENTLY WHOLESOME FOOD.—The term 'apparently wholesome food' has the meaning given the term in section 2(b) [probably means subsec. (b)] of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)).

''(2) EXCESS.—The term 'excess', when applied to food, means food that—

''(A) is not required to meet the needs of executive agencies; and

''(B) would otherwise be discarded.

''(3) FOOD-INSECURE.—The term 'food-insecure' means inconsistent access to sufficient, safe, and nutritious food.

''(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

''(A) described in section 501(c) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)]; and

''(B) exempt from tax under section 501(a) of that Code [26 U.S.C. 501(a)].''

§ 1793. Grants for expansion of school breakfast programs

(a) Definition of qualifying school

In this section, the term ''qualifying school'' means a school in severe need, as described in section 1773(d)(1) of this title.

(b) Establishment

Subject to the availability of appropriations provided in advance in an appropriations Act specifically for the purpose of carrying out this section, the Secretary shall establish a program under which the Secretary shall provide grants, on a competitive basis, to State educational agencies for the purpose of providing subgrants to local educational agencies for qualifying schools to establish, maintain, or expand the school breakfast program in accordance with this section.

(c) Grants to State educational agencies

(1) Application

To be eligible to receive a grant under this section, a State educational agency shall submit to the Secretary an application at such