

26.403 Procedures.

(a) In accordance with the Federal Food Donation Act of 2008 an *executive agency shall* comply with the following:

(1) *Encourage donations.* In the applicable contracts stated at section [26.404](#), encourage contractors, to the maximum extent practicable and safe, to donate apparently wholesome *excess food* to *nonprofit organizations* that provide assistance to *food-insecure* people in the *United States*.

(2) *Costs.*

(i) 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 Act.

(ii) The Government will not reimburse any costs incurred by the contractor against this contract or any other contract for the donation of Federal *excess foods*. Any costs incurred for Federal *excess food* donations are not considered allowable public relations costs in accordance with [31.205-1\(f\)\(8\)](#).

(3) *Liability.* An *executive agency* (including an *executive agency* that enters into a contract with a contractor) and any contractor making donations pursuant to this Act *shall* be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act ([42 U.S.C. 1791](#)).

Parent topic: [Subpart 26.4 - Food Donations to Nonprofit Organizations](#)