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THE WHITE HOUSE

WASHINGTON

November 23, 1996

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Promoting Food Recovery Activities to Help the Hungry

The American people are blessed with a country rich in natural resources, land that supports an abundance of nutritious food, and an agricultural production and distribution system that is among the most efficient and productive in the world. Thanks to our American agricultural system, most of us are free to enjoy diets rich in both variety and nutrition. However, sometimes food is wasted that could otherwise be used to help Americans who are less fortunate and need a helping hand. Food recovery -- the collection and donation of surplus food -- can help those Americans in need.

Food recovery by the Federal Government allows us to use part of the immense food resources that otherwise would go to waste, enabling us to share it with those in need at no cost to the Federal Government. For example, the Department of Agriculture has supported food recovery for packaged foods for years and, during the past year, has undertaken a national initiative to help Americans recover food of a highly perishable, but nutritious, nature. The food recovered by Federal agencies is mostly prepared in restaurants, hotels, cafeterias, and other institutional settings and would otherwise have been thrown away. In carrying out this activity, thousands of hungry people have been fed at no cost to the taxpayer.

Recently, I signed into law the Bill Emerson Good Samaritan Food Donation Act of 1996, legislation to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals. This law supports food recovery activities by clarifying that, absent gross negligence or intentional misconduct, persons, gleaners, and nonprofit organizations 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 donated, or received as a donation, in good faith, for distribution to needy individuals. The Act also establishes uniform definitions pertaining to donation and distribution of nutritious food; and helps assure that donated foods meet all safety, quality, and labeling standards of Federal, State, and local laws and regulations.

While this Act will help support food recovery in the private sector, we in the Federal Government can do more to help as well. I want to ensure that it is the Federal Government's policy to promote food recovery and to encourage the use of voluntary efforts to assure that no wholesome food goes to waste that can economically be provided to persons in need. I hereby direct the heads of all Departments and Agencies ("agency") to ensure that their employees, contractors, grantees, State and local partners, and others understand this policy and the following guidelines.

Section 1. Policy. It is hereby declared to be the policy of the Federal Government to promote the donation of excess apparently wholesome food and apparently fit grocery products to nonprofit organizations for distribution to needy individuals to assure that no such food goes to waste that can economically be provided to persons in need.

Sec. 2. Procedures.

(a) Each Federal agency shall, to the extent practicable and permitted by law, seek to increase the quantity of excess wholesome food recovered and delivered to needy Americans from agency cafeterias, commissaries, food vendors, and other food service facilities, as well as from special events at which food is served.

(b) Each Federal agency shall seek to encourage food recovery among its contractors, subcontractors, State, local, and non-governmental partners, and grantees to ensure that they understand its importance and role in feeding needy individuals.

(c) Whenever consistent with the goals of each Federal agency's mission and programs, each agency shall incorporate food recovery activities into those programs.

Sec. 3. Organization.

(a) There is hereby established for 5 years the interagency working group on Food Recovery to Help the Hungry charged with carrying out the policy of this memorandum and assisting agencies in complying with its purpose. The Secretary of Agriculture, or the Secretary's designee, shall chair this working group. The working group shall comprise the heads of all Federal agencies or their designees.

(b) The head of each Federal agency, as appropriate, shall appoint an employee as that agency's food recovery coordinator.

Sec. 4. Agency Authority. Nothing in this memorandum shall be construed as displacing any agency's authority or responsibilities.

Sec. 5. Judicial Review. This directive is intended only to improve the internal management of the Federal Government and is not intended to create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its offices, or any person.

William G. Clinton

"If you look at what this national service project does --- they're working in the San Bernardino National Forest; people who are helping to clean-up the forest, maintain it, strengthen it, keep it there for our children and our grandchildren, make sure it's an important resource... These are the kinds of things that are going on all over America, and I think it emphasizes what I'm saying. For a small amount of Federal money we have increased opportunity with no bureaucracy. This is all done at the grass roots level."

-President Bill Clinton

Speaking in San Bernardino, CA about a USDA AmeriCorps project, to an audience including 90 AmeriCorps Members serving in that project