

110TH CONGRESS  
2D SESSION

# H. R. 4220

---

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2007

Received

JANUARY 22 (legislative day, JANUARY 3), 2008

Read twice and referred to the Committee on Homeland Security and  
Governmental Affairs

---

## AN ACT

To encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Federal Food Donation  
3 Act of 2007”.

4 **SEC. 2. PURPOSE.**

5       The purpose of this Act is to encourage executive  
6 agencies and their contractors, whenever practical and  
7 safe, to donate excess, apparently wholesome food to feed  
8 food-insecure people in the United States.

9 **SEC. 3. PROMOTING FEDERAL FOOD DONATION.**

10       Not later than 180 days after the date of the enact-  
11 ment of this Act, the Federal Acquisition Regulation shall  
12 be revised to provide that each contract in an amount  
13 greater than \$25,000 for the provision, service, or sale of  
14 food, or for the lease or rental of Federal property to a  
15 private entity for events at which food is provided, shall  
16 include a clause that—

17           (1) encourages the donation of excess, appar-  
18 ently wholesome food to nonprofit organizations that  
19 provide assistance to food-insecure people in the  
20 United States;

21           (2) provides that the head of an executive agen-  
22 cy shall not assume responsibility for the costs and  
23 logistics of collecting, transporting, maintaining the  
24 safety of, or distributing such excess, apparently  
25 wholesome food to food-insecure people in the  
26 United States; and

1           (3) states that executive agencies and contrac-  
2           tors making donations pursuant to this Act are pro-  
3           tected from civil or criminal liability under the Bill  
4           Emerson Good Samaritan Food Donation Act (42  
5           U.S.C. 1791).

6 **SEC. 4. DEFINITIONS.**

7           In this Act:

8           (1) EXCESS.—The term “excess”, when applied  
9           to food, means food that is not required to meet the  
10          needs of executive agencies and would otherwise be  
11          discarded.

12          (2) APPARENTLY WHOLESOME FOOD.—The  
13          term “apparently wholesome food” has the meaning  
14          provided in section 2(b)(2) of the Bill Emerson Good  
15          Samaritan Food Donation Act (42 U.S.C.  
16          1791(b)(2)).

17          (3) NONPROFIT ORGANIZATION.—The term  
18          “nonprofit organization” means any organization  
19          that is described in section 501(c) of the Internal  
20          Revenue Code of 1986 and is exempt from tax under  
21          section 501(a) of such Code.

(4) **FOOD INSECURE.**—The term “food insecure” means inconsistent access to sufficient, safe, and nutritious food.

Passed the House of Representatives December 17,  
2007.

Attest: LORRAINE C. MILLER,  
*Clerk.*