

110TH CONGRESS
1ST SESSION

H. R. 4220

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.

1 (4) FOOD INSECURE.—The term “food inse-
2 cure” means inconsistent access to sufficient, safe,
3 and nutritious food.

 Passed the House of Representatives December 17,
2007.

Attest:

Clerk.

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