

110TH CONGRESS
1ST SESSION

H. R. 4220

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2007

Mrs. EMERSON (for herself, Mr. MORAN of Kansas, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Food Donation
5 Act of 2007”.

1 **SEC. 2. PURPOSE.**

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

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

7 (a) REVISION OF FAR TO INCLUDE CLAUSE RELAT-
8 ING TO FOOD DONATIONS.—Not later than 180 days after
9 the date of the enactment of this Act, the Federal Acquisi-
10 tion Regulation shall be revised to provide that all con-
11 tracts above the simplified acquisition threshold for the
12 provision, service, or sale of food, or for the lease or rental
13 of Federal property to a private entity for events at which
14 food is provided, shall include a clause that—

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

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

25 (3) states that executive agencies and contrac-
26 tors making donations pursuant to this Act are pro-

1 tected from civil or criminal liability under the Bill
2 Emerson Good Samaritan Food Donation Act (42
3 U.S.C. 1791).

4 (b) **APPLICABILITY.**—The revisions to the Federal
5 Acquisition Regulation made pursuant to subsection (a)
6 shall not apply to contracts entered into by the Depart-
7 ment of Defense.

8 **SEC. 4. DEFINITIONS.**

9 In this Act:

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

14 (2) **APPARENTLY WHOLESOME FOOD.**—The
15 term “apparently wholesome food” has the meaning
16 provided in section 2(b)(2) of the Bill Emerson Good
17 Samaritan Food Donation Act (42 U.S.C.
18 1791(b)(2)).

19 (3) **NONPROFIT ORGANIZATION.**—The term
20 “nonprofit organization” means any organization
21 that is described in section 501(c) of the Internal
22 Revenue Code of 1986 and is exempt from tax under
23 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.

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