

110TH CONGRESS  
2D SESSION

# S. 2420

---

## 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 2008”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to encourage executive  
6 agencies and contractors of executive agencies, to the max-  
7 imum extent practicable and safe, to donate excess, appar-  
8 ently wholesome food to feed food-insecure people in the  
9 United States.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

17 (2) **EXCESS.**—The term “excess”, when applied  
18 to food, means food that—

19 (A) is not required to meet the needs of  
20 executive agencies; and

21 (B) would otherwise be discarded.

22 (3) **FOOD-INSECURE.**—The term “food-inse-  
23 cure” means inconsistent access to sufficient, safe,  
24 and nutritious food.

1           (4) NONPROFIT ORGANIZATION.—The term  
2           “nonprofit organization” means any organization  
3           that is—

4                   (A) described in section 501(c) of the In-  
5           ternal Revenue Code of 1986; and

6                   (B) exempt from tax under section 501(a)  
7           of that Code.

8   **SEC. 4. PROMOTING FEDERAL FOOD DONATION.**

9           (a) IN GENERAL.—Not later than 180 days after the  
10          date of enactment of this Act, the Federal Acquisition  
11          Regulation issued in accordance with section 25 of the Of-  
12          fice of Federal Procurement Policy Act (41 U.S.C. 421)  
13          shall be revised to provide that all contracts above \$25,000  
14          for the provision, service, or sale of food in the United  
15          States, or for the lease or rental of Federal property to  
16          a private entity for events at which food is provided in  
17          the United States, shall include a clause that—

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

22                   (2) states the terms and conditions described in  
23          subsection (b).

24          (b) TERMS AND CONDITIONS.—

1           (1) COSTS.—In any case in which a contractor  
2 enters into a contract with an executive agency  
3 under which apparently wholesome food is donated  
4 to food-insecure people in the United States, the  
5 head of the executive agency shall not assume re-  
6 sponsibility for the costs and logistics of collecting,  
7 transporting, maintaining the safety of, or distrib-  
8 uting excess, apparently wholesome food to food-in-  
9 secure people in the United States under this Act.

10           (2) LIABILITY.—An executive agency (including  
11 an executive agency that enters into a contract with  
12 a contractor) and any contractor making donations  
13 pursuant to this Act shall be exempt from civil and  
14 criminal liability to the extent provided under the  
15 Bill Emerson Good Samaritan Food Donation Act  
16 (42 U.S.C. 1791).

Passed the Senate May 22, 2008.

Attest:

*Secretary.*



110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2420**

---

**AN ACT**

To encourage the donation of excess food to non-profit 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.