

110TH CONGRESS
1ST SESSION

S. 2420

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 SENATE OF THE UNITED STATES

DECEMBER 6, 2007

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to encourage executive
8 agencies and contractors of executive agencies, to the max-

1 imum extent practicable and safe, to donate excess, appar-
2 ently wholesome food to feed food-insecure people in the
3 United States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) **APPARENTLY WHOLESOME FOOD.**—The
7 term “apparently wholesome food” has the meaning
8 given the term in section 2(b) of the Bill Emerson
9 Good Samaritan Food Donation Act (42 U.S.C.
10 1791(b)).

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

13 (A) is not required to meet the needs of
14 executive agencies; and

15 (B) would otherwise be discarded.

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

19 (4) **NONPROFIT ORGANIZATION.**—The term
20 “nonprofit organization” means any organization
21 that is—

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

24 (B) exempt from tax under section 501(a)
25 of that Code.

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

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator for Federal Procurement
4 Policy shall revise the Federal Acquisition Regulation de-
5 scribed in section 6(a) of the Office of Federal Procure-
6 ment Policy Act (41 U.S.C. 405(a)) to provide that all
7 contracts above \$25,000 for the provision, service, or sale
8 of food, or for the lease or rental of Federal property to
9 a private entity for events at which food is provided, shall
10 include a clause that—

11 (1) encourages the donation of excess, appar-
12 ently wholesome food to nonprofit organizations that
13 provide assistance to food-insecure people in the
14 United States;

15 (2) provides that the head of an executive agen-
16 cy shall not assume responsibility for the costs and
17 logistics of collecting, transporting, maintaining the
18 safety of, or distributing excess, apparently whole-
19 some food to food-insecure people in the United
20 States; and

21 (3) provides that executive agencies and con-
22 tractors making donations pursuant to this Act are
23 protected from civil or criminal liability under the
24 Bill Emerson Good Samaritan Food Donation Act
25 (42 U.S.C. 1791).

1 **SEC. 5. COORDINATOR OF COMMUNITY FOOD SECURITY**
2 **AND GLEANING.**

3 (a) IN GENERAL.—The Secretary of Agriculture shall
4 establish in the Department of Agriculture a Coordinator
5 of Community Food Security and Gleaning.

6 (b) DUTIES.—The Coordinator of Community Food
7 Security and Gleaning shall provide technical assistance
8 relating to the activities described in section 4 to—

- 9 (1) agencies of Federal, State, and local govern-
10 ment;
- 11 (2) nonprofit organizations;
- 12 (3) agricultural producers; and
- 13 (4) private entities.

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