



S. 2420 – Federal Food Donation Act of 2008

FLOOR SITUATION

S. 2420 is expected to be considered on the floor under suspension of the rules and will require a two-thirds vote for passage. This legislation was introduced by Senator Charles Schumer (D-NY) on December 6, 2007. The Senate passed the bill by unanimous consent with an amendment on May 22, 2008.

S. 2420 is expected to be considered on the floor on June 3, 2008.

SUMMARY

S. 2420 amends the Federal Acquisition Regulations to require a clause in food services contracts of over \$25,000 in the United States to encourage donation of any excess food to nonprofit organizations. The nonprofit organizations receiving donations must provide assistance to people in the United States with inconsistent access to sufficient, nutritious food.

Federal agencies would not be responsible for the costs of transporting or collecting any donated food. In addition, agencies and contractors would be protected from any civil or criminal liabilities arising from such donations, according to the Bill Emerson Good Samaritan Act.

BACKGROUND

The Bill Emerson Good Samaritan Act was signed into public law by President Clinton in 1996 (PL 104-210). This law provides liability protections to those providing food donations to non-profit organizations that accept the donations of "apparently wholesome food."

*Note: The U.S. Code defines "apparently wholesome food" as food that "meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions."

According to the Department of Agriculture, 10.9% of Americans experienced food insecurity in 2006.

Several nonprofit organizations in the United States provide assistance to food-insecure Americans. Examples of such organizations include the Salvation Army, Freedom from Hunger, Food Runners and Action Against Hunger.

[USDA Food Security website](#)

COST

The Congressional Budget Office estimates that S. 2420 "would have no significant impact on the federal budget."

[CBO Cost Estimate](#)

STAFF CONTACT

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