

107TH CONGRESS
2D SESSION

S. 2108

To amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 11, 2002

Ms. STABENOW (for herself, Mr. DOMENICI, and Mr. LEVIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes.

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 “Senior Nutrition Act
3 of 2002”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) senior citizens in the United States have
7 significant out-of-pocket costs for medical expenses,
8 especially for prescription drugs;

9 (2) 3 in 5 Medicare beneficiaries do not have
10 dependable, affordable, prescription drug coverage;

11 (3) as medical costs continue to rise, many sen-
12 ior citizens are forced to make the difficult choice
13 between purchasing prescription drugs and pur-
14 chasing food;

15 (4) the commodity supplemental food program
16 provides supplemental nutritious foods to senior citi-
17 zens in a number of States and localities;

18 (5) under the commodity supplemental food
19 program—

20 (A) women, infants, and children with
21 household incomes up to 185 percent of the
22 Federal Poverty Income Guidelines published
23 annually by the Department of Health and
24 Human Services may be eligible for supple-
25 mental foods; but

1 (B) senior citizens are ineligible for supple-
2 mental foods if their household incomes are
3 greater than 130 percent of the Federal Pov-
4 erty Income Guidelines;

5 (6) during fiscal year 2000—

6 (A) an average of more than 388,000 peo-
7 ple each month participated in the commodity
8 supplemental food program; and

9 (B) the majority of those participants,
10 293,000, were senior citizens; and

11 (7) in order to serve the neediest senior citi-
12 zens, taking into account their high out-of-pocket
13 medical (including prescription drug) expenses, the
14 eligibility requirements for the commodity supple-
15 mental food program should be modified to make
16 more senior citizens eligible for the supplemental
17 foods provided under the program.

18 **SEC. 3. ELIGIBILITY OF ELDERLY PERSONS UNDER THE**
19 **COMMODITY SUPPLEMENTAL FOOD PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—Section 5 of the Agriculture and
22 Consumer Protection Act of 1973 (7 U.S.C. 612c note;
23 Public Law 93–86) is amended—

24 (1) in the first sentence of subsection (d)(2)—

1 (A) by striking “provide not less” and in-
2 serting “provide, to the Secretary of Agri-
3 culture, not less”;

4 (B) by inserting “, or such greater quan-
5 tities of cheese and nonfat dry milk as the Sec-
6 retary determines are necessary,” after “nonfat
7 dry milk”; and

8 (C) by striking “in each of the fiscal years
9 1991 through 2002 to the Secretary of Agri-
10 culture” and inserting “in each fiscal year”;

11 (2) in subsection (i)—

12 (A) by redesignating paragraphs (1), (2),
13 and (3) as subparagraphs (A), (B), and (C), re-
14 spectively, and indenting appropriately; and

15 (B) by striking “(i) Each” and inserting
16 the following:

17 “(i) PROGRAMS SERVING ELDERLY PERSONS.—

18 “(1) ELIGIBILITY.—An elderly person shall be
19 eligible to participate in a commodity supplemental
20 food program serving elderly persons if the elderly
21 person is at least 60 years of age and—

22 “(A) is eligible for food stamp benefits
23 under the Food Stamp Act of 1977 (7 U.S.C.
24 2011 et seq.); or

1 “(B) has a household income that is less
2 than or equal to 185 percent of the most recent
3 Federal Poverty Income Guidelines published by
4 the Department of Health and Human Services.

5 “(2) PROVISION OF INFORMATION.—Each”;
6 and

7 (3) by adding at the end the following:

8 “(m) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to carry out the commodity supple-
11 mental food program—

12 “(A) \$120,000,000 for fiscal year 2003;

13 “(B) \$140,000,000 for fiscal year 2004;

14 “(C) \$160,000,000 for fiscal year 2005;

15 “(D) \$180,000,000 for fiscal year 2006;

16 “(E) \$200,000,000 for fiscal year 2007;

17 and

18 “(F) such sums as are necessary for fiscal
19 year 2008 and each fiscal year thereafter.

20 “(2) LIMITATION ON USE OF FUNDS.—None of
21 the funds made available under paragraph (1) shall
22 be available to reimburse the Commodity Credit Cor-
23 poration for commodities donated to the commodity
24 supplemental food program.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) Section 5(a) of the Agriculture and Con-
2 sumer Protection Act of 1973 (7 U.S.C. 612c note;
3 Public Law 93–86) is amended by striking “Sec-
4 retary (1) may” and all that follows through “(2)
5 shall” and inserting “Secretary shall”.

6 (2) Section 5(g) of the Agriculture and Con-
7 sumer Protection Act of 1973 (7 U.S.C. 612c note;
8 Public Law 93–86) is amended by striking “(as de-
9 fined by the Secretary)” and inserting “described in
10 subsection (i)(1)”.

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