

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 782

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 HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Ms. LORETTA SANCHEZ of California (for herself, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. CUMMINGS, Mr. CONYERS, Mr. SCHIFF, Ms. MILLENDER-McDONALD, Mr. SERRANO, Mr. KILDEE, Mr. ABERCROMBIE, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Agriculture

---

## 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 2005”.

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 re-  
23 lating to 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 “2007 to the Secretary of  
9 Agriculture” and inserting “2007”; and  
10 (2) in subsection (i)—

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

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

16 “(i) PROGRAMS SERVING ELDERLY PERSONS.—

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

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

24 “(B) has a household income that is less  
25 than or equal to 185 percent of the most recent

1 Federal Poverty Income Guidelines published by  
2 the Department of Health and Human Services.

3 “(2) PROVISION OF INFORMATION.—Each”.

4 (b) CONFORMING AMENDMENT.—Section 5(g) of the  
5 Agriculture and Consumer Protection Act of 1973 (7  
6 U.S.C. 612c note relating to Public Law 93–86) is amend-  
7 ed by striking “(as defined by the Secretary)” and insert-  
8 ing “described in subsection (i)(1)”.

○