

109TH CONGRESS  
2D SESSION

# S. 3761

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 28 (legislative day, JULY 26), 2006

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

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## 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 2006”.

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

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

16           (4) under the commodity supplemental food  
17 program—

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

24           (B) senior citizens are ineligible for supple-  
25 mental foods if their household incomes are

greater than 130 percent of the Federal Poverty Income Guidelines;

(5) during fiscal year 2005—

(A) an average of 522,592 people each month participated in the commodity supplemental food program; and

(B) the majority of those participants, 466,782, were senior citizens; and

(6) in order to serve the neediest senior citizens, taking into account their high out-of-pocket medical (including prescription drug) expenses, the eligibility requirements for the commodity supplemental food program should be modified to make more senior citizens eligible for the supplemental foods provided under the program.

**SEC. 3. ELIGIBILITY OF ELDERLY PERSONS UNDER THE  
COMMODITY SUPPLEMENTAL FOOD PROGRAM.**

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

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

(A) by striking “provide not less” and inserting “provide, to the Secretary of Agriculture, not less”;

(B) by inserting “, or such greater quantities of cheese and nonfat dry milk as the Secretary determines are necessary,” after “nonfat dry milk”; and

(C) by striking “in each of the fiscal years 1991 through 2007 to the Secretary of Agriculture” and inserting “in each fiscal year”;  
(2) in subsection (i)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately; and

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

“(i) PROGRAMS SERVING ELDERLY PERSONS.—

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

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

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

1           “(2) PROVISION OF INFORMATION.—Each”;

2           and

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

4           “(m) AUTHORIZATION OF APPROPRIATIONS.—

5           “(1) IN GENERAL.—There is authorized to be  
6           appropriated such sums as are necessary to carry  
7           out the commodity supplemental food program.

8           “(2) LIMITATION ON USE OF FUNDS.—None of  
9           the funds made available under paragraph (1) shall  
10          be available to reimburse the Commodity Credit Cor-  
11          poration for commodities donated to the commodity  
12          supplemental food program.”.

13          (b) CONFORMING AMENDMENTS.—Section 5(g) of  
14          the Agriculture and Consumer Protection Act of 1973 (7  
15          U.S.C. 612c note; Public Law 93–86) is amended by strik-  
16          ing “(as defined by the Secretary)” and inserting “de-  
17          scribed in subsection (i)(1)”.

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