

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 senior  
10 citizens are forced to make the difficult choice  
11 between purchasing prescription drugs and purchasing food;

13 (3) the commodity supplemental food program  
14 provides supplemental nutritious foods to senior citizens 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 supplemental foods; but

24 (B) senior citizens are ineligible for supplemental foods if their household incomes are

1 greater than 130 percent of the Federal Pov-  
2 erty Income Guidelines;

3 (5) during fiscal year 2005—

4 (A) an average of 522,592 people each  
5 month participated in the commodity supple-  
6 mental food program; and

7 (B) the majority of those participants,  
8 466,782, were senior citizens; and

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

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

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

22 (1) in the first sentence of subsection (d)(2)—  
23 (A) by striking “provide not less” and in-  
24 serting “provide, to the Secretary of Agri-  
25 culture, not less”;

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

5 (C) by striking “in each of the fiscal years  
6 1991 through 2007 to the Secretary of Agri-  
7 culture” and inserting “in each fiscal year”;

8 (2) in subsection (i)—

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

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

14        "(i) PROGRAMS SERVING ELDERLY PERSONS.—

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

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

22                   “(B) has a household income that is less  
23                   than or equal to 185 percent of the most recent  
24                   Federal Poverty Income Guidelines published by  
25                   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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