

110TH CONGRESS
1ST SESSION

S. 1529

To amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mr. HARKIN (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Stamp Fairness
5 and Benefit Restoration Act of 2007”.

6 **SEC. 2. ENDING BENEFIT EROSION.**

7 Section 5(e)(1) of the Food Stamp Act of 1977 (7
8 U.S.C. 2014(e)(1)) is amended—

1 (1) in subparagraph (A)(ii)—

2 (A) by striking “Notwithstanding clause
3 (i)” and inserting the following:

4 “(I) IN GENERAL.—Notwith-
5 standing clause (i) and except as pro-
6 vided in subclause (II)”;

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

8 “(II) INFLATION ADJUST-
9 MENT.—On October 1, 2008, and
10 each October 1 thereafter, each of the
11 amounts specified in subclause (I)
12 shall be adjusted to the nearest lower
13 dollar increment to reflect changes for
14 the 12-month period ending on the
15 preceding June 30 in the Consumer
16 Price Index for All Urban Consumers
17 published by the Bureau of Labor
18 Statistics of the Department of Labor,
19 for items other than food.”;

20 (2) in subparagraph (B)(ii)—

21 (A) by striking “Notwithstanding clause
22 (i)” and inserting the following:

23 “(I) IN GENERAL.—Notwith-
24 standing clause (i) and except as pro-
25 vided in subclause (II)”;

1 (B) by adding at the end the following:

2 “(II) INFLATION ADJUST-
 3 MENT.—On October 1, 2008, and
 4 each October 1 thereafter, the amount
 5 specified in subclause (I) shall be ad-
 6 justed to the nearest lower dollar in-
 7 crement to reflect changes for the 12-
 8 month period ending on the preceding
 9 June 30 in the Consumer Price Index
 10 for All Urban Consumers published by
 11 the Bureau of Labor Statistics of the
 12 Department of Labor, for items other
 13 than food.”.

14 **SEC. 3. SUPPORTING WORKING FAMILIES WITH CHILD**
 15 **CARE EXPENSES.**

16 Section 5(e)(3)(A) of the Food Stamp Act of 1977
 17 (7 U.S.C. 2014(e)(3)(A)) is amended by striking “, the
 18 maximum allowable level of which shall be \$200 per month
 19 for each dependent child under 2 years of age and \$175
 20 per month for each other dependent,”.

21 **SEC. 4. ENCOURAGING RETIREMENT AND EDUCATION SAV-**
 22 **INGS AMONG FOOD STAMP RECIPIENTS.**

23 (a) ALLOWABLE FINANCIAL RESOURCES.—Section
 24 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g))
 25 is amended—

1 (1) by striking “(g)(1) The Secretary” and in-
2 serting the following:

3 “(g) ALLOWABLE FINANCIAL RESOURCES.—

4 “(1) TOTAL AMOUNT.—

5 “(A) IN GENERAL.—The Secretary”;

6 (2) in subparagraph (A) (as designated by
7 paragraph (1)—

8 (A) by inserting “(as adjusted in accord-
9 ance with subparagraph (B))” after “\$2,000”;

10 and

11 (B) by inserting “(as adjusted in accord-
12 ance with subparagraph (B))” after “\$3,000”;

13 and

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

15 “(B) ADJUSTMENT FOR INFLATION.—

16 “(i) IN GENERAL.—Beginning on Oc-
17 tober 1, 2007, and each October 1 there-
18 after, the amounts in subparagraph (A)
19 shall be adjusted to the nearest \$100 in-
20 crement to reflect changes for the 12-
21 month period ending the preceding June in
22 the Consumer Price Index for All Urban
23 Consumers published by the Bureau of
24 Labor Statistics of the Department of
25 Labor.

1 “(ii) REQUIREMENT.—Each adjust-
2 ment under clause (i) shall be based on the
3 unrounded amount for the prior 12-month
4 period.”.

5 (b) EXCLUSION OF RETIREMENT ACCOUNTS FROM
6 COUNTABLE FINANCIAL RESOURCES.—

7 (1) IN GENERAL.—Section 5(g)(2)(B)(v) of the
8 Food Stamp Act of 1977 (7 U.S.C.
9 2014(g)(2)(B)(v)) is amended by striking “or retire-
10 ment account (including an individual account)” and
11 inserting “account”.

12 (2) MANDATORY AND DISCRETIONARY EXCLU-
13 SIONS.—Section 5(g) of the Food Stamp Act of
14 1977 (7 U.S.C. 2014(g)) is amended by adding at
15 the end the following:

16 “(7) EXCLUSION OF RETIREMENT ACCOUNTS
17 FROM COUNTABLE FINANCIAL RESOURCES.—

18 “(A) MANDATORY EXCLUSIONS.—The Sec-
19 retary shall exclude from financial resources
20 under this subsection the value of any funds in
21 a plan, contract, or account, described in sec-
22 tions 401(a), 403(a), 403(b), 408, 408A,
23 457(b), and 501(c)(18) of the Internal Revenue
24 Code of 1986 and the value of funds in a Fed-

1 eral Thrift Savings Plan account as provided in
2 section 8439 of title 5, United States Code.

3 “(B) DISCRETIONARY EXCLUSIONS.—The
4 Secretary may exclude from financial resources
5 under this subsection the value of any other re-
6 tirement plans, contracts, or accounts (as deter-
7 mined by the Secretary through regulation).”.

8 (c) EXCLUSION OF EDUCATION ACCOUNTS FROM
9 COUNTABLE FINANCIAL RESOURCES.—Section 5(g) of
10 the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) (as
11 amended by subsection (b)) is amended by adding at the
12 end the following:

13 “(8) EXCLUSION OF EDUCATION ACCOUNTS
14 FROM COUNTABLE FINANCIAL RESOURCES.—

15 “(A) MANDATORY EXCLUSIONS.—The Sec-
16 retary shall exclude from financial resources
17 under this subsection the value of any funds in
18 a qualified tuition program described in section
19 529 of the Internal Revenue Code of 1986 or
20 in a Coverdell education savings account under
21 section 530 of that Code.

22 “(B) DISCRETIONARY EXCLUSIONS.—The
23 Secretary may exclude from financial resources
24 under this subsection the value of any other
25 education programs, contracts, or accounts (as

1 determined by the Secretary through regula-
2 tion).”.

3 **SEC. 5. FAIRNESS FOR LEGAL IMMIGRANTS.**

4 (a) IN GENERAL.—Section 6 of the Food Stamp Act
5 of 1977 (7 U.S.C. 2015) is amended by striking sub-
6 section (f) and inserting the following:

7 “(f) ALIENS.—

8 “(1) ELIGIBILITY.—Notwithstanding sections
9 401(a), 402(a), and 403(a) of the Personal Respon-
10 sibility and Work Opportunity Reconciliation Act of
11 1996 (8 U.S.C. 1611(a), 1612(a), 1613(a)), an alien
12 who is lawfully residing in the United States may
13 not be ineligible for the food stamp program on the
14 basis of—

15 “(A) the immigration status of the alien;

16 or

17 “(B) the date the alien entered the United
18 States.

19 “(2) CONSIDERATION OF INCOME.—The income
20 (less, at State option, a pro rata share) and financial
21 resources of the individual rendered ineligible to par-
22 ticipate in the food stamp program under this sub-
23 section shall be considered in determining the eligi-
24 bility and the value of the allotment of the household
25 of which the individual is a member.”.

1 (b) CLARIFYING ELIGIBILITY.—Section 421(d)(3) of
2 the Personal Responsibility and Work Opportunity Rec-
3 onciliation Act of 1996 (8 U.S.C. 1631(d)(3)) is amended
4 by striking “to the extent that a qualified alien is eligible
5 under section 1612(a)(2)(J) of this title” and inserting
6 “to the extent that a child is a member of a household
7 receiving food stamps under that Act”.

8 (c) ENSURING PROPER SCREENING.—Section
9 11(e)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C.
10 2020(e)(2)(B)) is amended—

11 (1) by redesignating clauses (vi) and (vii) as
12 clauses (vii) and (viii), respectively; and

13 (2) by inserting after clause (v) the following:

14 “(vi) shall provide a method for imple-
15 menting section 421 of the Personal Re-
16 sponsibility and Work Opportunity Rec-
17 onciliation Act of 1996 (8 U.S.C. 1631)
18 that does not require any unnecessary in-
19 formation from individuals who may be ex-
20 empt from that section;”.

21 (d) SIMPLIFIED ADMINISTRATIVE REPORTING RE-
22 QUIREMENT.—Section 11(a) of the Food Stamp Act of
23 1977 (7 U.S.C. 2020(a)) is amended by adding at the end
24 the following: “Notwithstanding subsection (e)(2) of sec-
25 tion 421 of the Personal Responsibility and Work Oppor-

1 tunity Reconciliation Act of 1996 (8 U.S.C. 1631(e)(2)),
 2 the administrative reporting requirement under that sub-
 3 section shall be satisfied by the submission of an aggregate
 4 report on the numbers of exceptions granted under that
 5 subsection each year.”.

6 **SEC. 6. FOOD STAMP ELIGIBILITY FOR UNEMPLOYED**
 7 **ADULTS.**

8 Section 6(o)(2) of the Food Stamp Act of 1977 (7
 9 U.S.C. 2015(o)(2)) is amended in the matter preceding
 10 subparagraph (A)—

11 (1) by striking “36-month” and replacing it
 12 with “24-month”; and

13 (2) by striking “3” and replacing it with “6”.

14 **SEC. 7. AVAILABILITY OF COMMODITIES FOR THE EMER-**
 15 **GENCY FOOD ASSISTANCE PROGRAM.**

16 Section 27(a) of the Food Stamp Act of 1977 (7
 17 U.S.C. 2036(a)) is amended—

18 (1) by striking “(a) PURCHASE OF COMMOD-

19 ITIES” and all that follows through “through 2007”
 20 and inserting the following:

21 “(a) PURCHASE OF COMMODITIES.—

22 “(1) IN GENERAL.—Subject to paragraph (2),
 23 for each of fiscal years 2008 through 2012;”;

24 (2) by striking “\$140,000,000 of”; and

25 (3) by inserting at the end the following:

1 “(2) AMOUNTS.—The Secretary shall use to
2 carry out this subsection for fiscal year 2008,
3 \$180,000,000.”.

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