

115TH CONGRESS
1ST SESSION

H. R. 3749

To amend the Food and Nutrition Act of 2008 to provide for a standard medical expense deduction under the supplemental nutrition assistance program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2017

Mr. LAWSON of Florida (for himself, Mr. EVANS, Mr. MEEKS, Ms. WILSON of Florida, Ms. LEE, Ms. MOORE, Ms. KAPTUR, Ms. ADAMS, Mr. MCGOVERN, Ms. SPEIER, Mr. PANETTA, Mr. HASTINGS, Mr. SOTO, Mr. NOLAN, Mr. CARSON of Indiana, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. NORTON, Mr. JEFFRIES, Ms. FUDGE, Mr. BUTTERFIELD, Mr. VELA, Mr. SCOTT of Virginia, Mr. RUSH, and Mr. PAYNE) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Food and Nutrition Act of 2008 to provide for a standard medical expense deduction under the supplemental nutrition assistance program, 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 “SNAP Standard Med-
3 ical Expense Deduction Act of 2017”.

4 **SEC. 2. STANDARD MEDICAL EXPENSE DEDUCTION.**

5 Section 5(e)(5) of the Food and Nutrition Act of
6 2008 (7 U.S.C. 2014(e)(5)) is amended—

7 (1) in the paragraph heading, by striking “EX-
8 CESS MEDICAL” and inserting “MEDICAL”;

9 (2) by striking subparagraph (A) and inserting
10 the following:

11 “(A) STANDARD MEDICAL DEDUCTION.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), a household containing an elderly or
14 disabled member shall be entitled, with re-
15 spect to expenses other than expenses paid
16 on behalf of the household by a third
17 party—

18 “(I) if the amount of actual costs
19 of allowable medical expenses incurred
20 by the elderly or disabled member for
21 a month, exclusive of special diets, is
22 equal to or greater than \$35, to a
23 standard medical deduction for each
24 month of an amount equal to—

25 “(aa) for fiscal year 2018,
26 \$140; and

1 “(bb) for fiscal year 2019
2 and each subsequent fiscal year,
3 the applicable amount during the
4 preceding fiscal year, as adjusted
5 to reflect changes for the 12-
6 month period ending the pre-
7 ceding June 30 in the Consumer
8 Price Index for All Urban Con-
9 sumers: Medical Care published
10 by the Bureau of Labor Statis-
11 tics of the Department of Labor;
12 or

13 “(II) if the amount of actual
14 costs of allowable medical expenses in-
15 curred by the elderly or disabled mem-
16 ber for a month, exclusive of special
17 diets, is greater than the sum of the
18 amount of that standard medical de-
19 duction and \$35, to a deduction equal
20 to the amount of those actual costs.

21 “(ii) EFFECT ON STATE AUTHORITY
22 TO ADJUST STANDARD MEDICAL DEDUC-
23 TION.—Nothing in this subparagraph pre-
24 cludes—

1 “(I) a State that has an ap-
2 proved standard medical deduction as
3 of the date of enactment of the SNAP
4 Standard Medical Expense Deduction
5 Act of 2017 in an amount that is
6 greater than the amount of the stand-
7 ard medical deduction described in
8 item (aa) or (bb) of clause (i)(I), as
9 applicable, from continuing in effect
10 that standard medical deduction; or

11 “(II) the Secretary from approv-
12 ing a standard medical deduction in
13 an amount that is greater than the
14 amount of the standard medical de-
15 duction described in item (aa) or (bb)
16 of clause (i)(I), as applicable.”; and

17 (3) in subparagraph (B)—

18 (A) in the subparagraph heading, by in-
19 serting “ACTUAL COSTS” before “DEDUCTION”;
20 and

21 (B) in clause (i), by striking “excess med-
22 ical expense deduction” and inserting “actual
23 costs deduction described in clause (i)(II) of
24 that subparagraph”.

1 **SEC. 3. REPORTS AND STUDIES.**

2 (a) STATE PERFORMANCE ON ENROLLING ELIGIBLE
3 SENIORS AND INDIVIDUALS WITH DISABILITIES IN LOW-
4 INCOME HEALTH AND NUTRITION BENEFITS.—Section
5 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026)
6 is amended by adding at the end the following:

7 “(m) STATE PERFORMANCE ON ENROLLING ELIGI-
8 BLE SENIORS AND INDIVIDUALS WITH DISABILITIES IN
9 LOW-INCOME HEALTH AND NUTRITION BENEFITS.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) COVERED PROGRAM.—The term ‘cov-
12 ered program’ means—

13 “(i) the supplemental nutrition assist-
14 ance program;

15 “(ii) the Medicare part D low-income
16 subsidy under section 1860D–14 of the So-
17 cial Security Act (42 U.S.C. 1395w–114);
18 and

19 “(iii) the Medicare Savings Program,
20 as defined in section 1144(c)(7) of the So-
21 cial Security Act (42 U.S.C. 1320b–
22 14(c)(7)).

23 “(B) DISABLED INDIVIDUAL.—The term
24 ‘disabled individual’ means a member of a
25 household described in any of paragraphs (2)
26 through (7) of section 3(j).

1 “(C) ELDERLY INDIVIDUAL.—The term
2 ‘elderly individual’ means a member of a house-
3 hold who is not less than 60 years old.

4 “(2) REPORTS.—

5 “(A) IN GENERAL.—Not later than June
6 30, 2018, and June 30 of each year thereafter,
7 the Secretary, in collaboration with the Sec-
8 retary of Health and Human Services and the
9 Commissioner of Social Security, shall submit
10 to the committees described in subparagraph
11 (B) a report that assesses the effectiveness of
12 each State in enrolling eligible elderly individ-
13 uals and disabled individuals in each covered
14 program.

15 “(B) COMMITTEES DESCRIBED.—The com-
16 mittees referred to in subparagraph (A) are—

17 “(i) of the House of Representa-
18 tives—

19 “(I) the Committee on Agri-
20 culture;

21 “(II) the Committee on Ways
22 and Means; and

23 “(III) the Committee on Energy
24 and Commerce; and

25 “(ii) of the Senate—

1 “(I) the Committee on Agri-
2 culture, Nutrition, and Forestry; and

3 “(II) the Committee on Finance.

4 “(3) SPECIFIC MEASURES.—The report sub-
5 mitted under paragraph (2)(A) shall include, with
6 respect to the previous fiscal year—

7 “(A) an estimate of the number of elderly
8 individuals and the number of disabled individ-
9 uals, by State, who were eligible for each cov-
10 ered program;

11 “(B) an estimate of the number of elderly
12 individuals and the number of disabled individ-
13 uals, by State, who participated in each covered
14 program;

15 “(C) an estimate of the number of elderly
16 individuals and the number of disabled individ-
17 uals who were eligible for all 3 covered pro-
18 grams;

19 “(D) an estimate of the number of elderly
20 individuals and the number of disabled individ-
21 uals who participated in all 3 covered programs;
22 and

23 “(E) an estimate of—

24 “(i) the number of individuals whose
25 eligibility for each covered program was

1 initiated through an application with the
2 Social Security Administration;

3 “(ii) the number of individuals de-
4 scribed in clause (i) who qualified for each
5 covered program; and

6 “(iii) the number of individuals de-
7 scribed in clause (i) who participated in
8 each covered program.

9 “(4) PERFORMANCE INNOVATIONS.—The report
10 submitted under paragraph (2)(A) shall include a
11 description of best practices of 1 or more States
12 with the best performances for that fiscal year, or
13 the most improved performances from the previous
14 fiscal year, under each of the measures described in
15 paragraph (3).”.

16 (b) STUDIES ON DISABILITY AND FOOD INSECU-
17 RITY.—Section 17 of the Food and Nutrition Act of 2008
18 (7 U.S.C. 2026) (as amended by subsection (a)) is amend-
19 ed by adding at the end the following:

20 “(n) STUDIES ON DISABILITY AND FOOD INSECU-
21 RITY.—

22 “(1) DEFINITION OF DISABLED INDIVIDUAL.—

23 “(A) IN GENERAL.—In this subsection, the
24 term ‘disabled individual’ means a member of a

1 household described in any of paragraphs (2)
2 through (7) of section 3(j).

3 “(B) INCLUSIONS.—In this subsection, the
4 term ‘disabled individual’ includes a member of
5 a household who, as determined by the Sec-
6 retary—

7 “(i) is not considered disabled under
8 subparagraph (A); but

9 “(ii) has a physical, mental, or sen-
10 sory condition that limits the daily activi-
11 ties of the individual.

12 “(2) STUDIES.—The Secretary—

13 “(A) shall carry out a study—

14 “(i) on the relationship between dis-
15 ability and food insecurity for disabled in-
16 dividuals;

17 “(ii) on the effectiveness of Federal
18 food assistance programs in responding to
19 the causes of food insecurity in households
20 with disabled individuals; and

21 “(iii) making recommendations for
22 how Federal food assistance programs
23 could be improved to better meet the needs
24 of households with disabled individuals;
25 and

1 “(B) in collaboration with the Civil Rights
2 Division of the Department of Justice, shall
3 carry out a study on the best practices of
4 States in complying with—

5 “(i) section 504 of the Rehabilitation
6 Act of 1973 (29 U.S.C. 794) and the
7 Americans with Disabilities Act of 1990
8 (42 U.S.C. 12101 et seq.) regarding prac-
9 tices to avoid discrimination on the basis
10 of disability, such as through provision of
11 reasonable accommodations, in carrying
12 out Federal food assistance programs; and

13 “(ii) section 508 of the Rehabilitation
14 Act of 1973 (29 U.S.C. 794d) regarding
15 the comprehensive use of adaptive tech-
16 nologies for disabled individuals in access-
17 ing Federal food assistance programs.

18 “(3) REPORT.—Not later than 1 year after the
19 date on which the studies are completed under para-
20 graph (2), the Secretary shall submit to the Com-
21 mittee on Agriculture of the House of Representa-
22 tives and the Committee on Agriculture, Nutrition,
23 and Forestry of the Senate a report describing the
24 results of the studies, including such recommenda-
25 tions as the Secretary considers appropriate.”.

1 (c) REPORT ON STANDARD MEDICAL DEDUCTION.—
2 Section 17 of the Food and Nutrition Act of 2008 (7
3 U.S.C. 2026) (as amended by subsection (b)) is amended
4 by adding at the end the following:

5 “(o) REPORT ON STANDARD MEDICAL DEDUC-
6 TION.—Not later than 2 years after the date of enactment
7 of the SNAP Standard Medical Expense Deduction Act
8 of 2017, the Secretary shall submit to the Committee on
9 Agriculture of the House of Representatives and the Com-
10 mittee on Agriculture, Nutrition, and Forestry of the Sen-
11 ate a report that—

12 “(1) identifies which States were most effective
13 at increasing the use by individuals in the State of
14 the standard medical deduction authorized under
15 section 5(e)(5)(A) during the period covered by the
16 report; and

17 “(2) provides an assessment of which factors
18 were important in increasing the use of the standard
19 medical deduction by individuals in the States identi-
20 fied under paragraph (1).”.

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