

115TH CONGRESS
1ST SESSION

H. R. 972

To increase the availability and affordability of menstrual hygiene products for women and girls with limited access, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2017

Ms. MENG (for herself, Mr. GRIJALVA, Ms. NORTON, Ms. WASSERMAN SCHULTZ, Ms. MOORE, Mr. CONYERS, Ms. LEE, Ms. BONAMICI, Mrs. CAROLYN B. MALONEY of New York, Mr. GUTIÉRREZ, Ms. LOFGREN, Ms. JAYAPAL, Ms. MCCOLLUM, Mr. MEEKS, Ms. KELLY of Illinois, Mr. COHEN, Mr. PAYNE, Mr. HASTINGS, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Financial Services, the Judiciary, 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 increase the availability and affordability of menstrual hygiene products for women and girls with limited access, 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 “Menstrual Equity For
5 All Act of 2017”.

1 **SEC. 2. MENSTRUAL HYGIENE PRODUCTS REIMBURSE-**
2 **MENT FROM HEALTH FLEXIBLE SPENDING**
3 **ARRANGEMENTS.**

4 (a) IN GENERAL.—Section 106 of the Internal Rev-
5 enue Code of 1986 is amended by adding at the end the
6 following:

7 “(g) MENSTRUAL HYGIENE PRODUCTS.—

8 “(1) IN GENERAL.—Amounts paid or incurred
9 for menstrual hygiene products shall be treated as a
10 qualified medical expense eligible for reimbursement
11 from a health flexible spending arrangement.

12 “(2) MENSTRUAL HYGIENE PRODUCTS DE-
13 FINED.—For purposes of paragraph (1), the term
14 ‘menstrual hygiene products’ means tampons, pads,
15 liners, cups, sponges, douches, wipes, sprays, and
16 similar products used by women with respect to
17 menstruation or other genital-tract secretions.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 this section shall apply to taxable years beginning after
20 the date of the enactment of this Act.

21 **SEC. 3. MENSTRUAL HYGIENE PRODUCTS REFUNDABLE**
22 **CREDIT.**

23 (a) IN GENERAL.—Subpart C of part IV of sub-
24 chapter A of chapter 1 of the Internal Revenue Code of
25 1986 (relating to refundable credits) is amended by insert-
26 ing after section 36B the following new section:

1 **“SEC. 36C. MENSTRUAL HYGIENE PRODUCTS.**

2 “(a) IN GENERAL.—There shall be allowed as a cred-
3 it against the tax imposed by this subtitle with respect
4 to each eligible individual for whom the taxpayer is allowed
5 a deduction under section 151 an amount equal to \$120.

6 “(b) LIMITATION BASED ON ADJUSTED GROSS IN-
7 COME.—

8 “(1) IN GENERAL.—In the case of any taxpayer
9 whose modified adjusted gross income exceeds the
10 threshold amount, the amount of the credit allowable
11 under subsection (a) shall be zero. For purposes of
12 the preceding sentence, the term ‘modified adjusted
13 gross income’ means adjusted gross income in-
14 creased by any amount excluded from gross income
15 under section 911, 931, or 933.

16 “(2) THRESHOLD AMOUNT.—For purposes of
17 paragraph (1), the term ‘threshold amount’ means—

18 “(A) \$47,520 in the case of a joint return,

19 “(B) \$35,640 in the case of a head of
20 household, and

21 “(C) \$23,760 in the case of a separate re-
22 turn.

23 “(c) DEFINITIONS.—For purposes of this section—

24 “(1) ELIGIBLE INDIVIDUAL.—The term ‘eligible
25 individual’ means an individual who uses menstrual
26 hygiene products.

1 “(2) MENSTRUAL HYGIENE PRODUCTS DE-
2 FINED.—The term ‘menstrual hygiene products’
3 shall be determined by the Secretary of Health and
4 Human Services by regulation and provided to the
5 Secretary, and shall include tampons, pads, liners,
6 cups, and similar products used by women with re-
7 spect to menstruation.

8 “(d) ADJUSTMENT FOR INFLATION.—

9 “(1) IN GENERAL.—For each taxable year be-
10 ginning after 2017, the dollar amounts in sub-
11 sections (a) and (b)(2) shall each be increased by an
12 amount equal to the product of—

13 “(A) such dollar amount, and

14 “(B) the cost-of-living adjustment deter-
15 mined under section 1(f)(3) for the calendar
16 year, determined by substituting ‘calendar year
17 2016’ for ‘calendar year 1992’ in subparagraph
18 (B) thereof.

19 “(2) ROUNDING.—If any increase determined
20 under paragraph (1)—

21 “(A) in the case of the dollar amount in
22 subsection (a) is not a multiple of \$5, such in-
23 crease shall be rounded to the next highest mul-
24 tiple of \$5, and

1 “(B) in the case of the dollar amount in
2 subsection (b)(2), is not a multiple of \$1,000,
3 such increase shall be rounded to the next low-
4 est multiple of \$1,000.

5 “(e) REGULATIONS.—The Secretary shall prescribe
6 such regulations as may be appropriate to carry out the
7 purposes of this section.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 1324(b)(2) of title 31, United
10 States Code, is amended by inserting “36C,” after
11 “36B,”.

12 (2) The table of sections for subpart C of part
13 IV of subchapter A of chapter 1 of the Internal Rev-
14 enue Code of 1986 is amended by inserting after the
15 item relating to section 36B the following new item:

“Sec. 36C. Menstrual hygiene products.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 December 31, 2016.

19 **SEC. 4. MENSTRUAL HYGIENE PRODUCTS AVAILABILITY**
20 **FOR HOMELESS INDIVIDUALS UNDER EMER-**
21 **GENCY FOOD AND SHELTER GRANT PRO-**
22 **GRAM.**

23 Subsection (a) of section 316 of the McKinney-Vento
24 Homeless Assistance Act (42 U.S.C. 11346(a)) is amend-
25 ed—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(7) guidelines that ensure that amounts pro-
8 vided under the program to private nonprofit organi-
9 zations and local governments may be used to pro-
10 vide menstrual hygiene products, including tampons,
11 pads, liners, cups, and similar products used by
12 women with respect to menstruation.”.

13 **SEC. 5. MENSTRUAL HYGIENE PRODUCTS FOR INMATES**
14 **AND DETAINEES.**

15 (a) REQUIREMENT.—Beginning on the date that is
16 180 days after the date of the enactment of this Act, and
17 annually thereafter, the chief executive officer of each
18 State that receives a grant under subpart 1 of part E of
19 title I of the Omnibus Crime Control and Safe Streets Act
20 of 1968 (42 U.S.C. 3750 et seq.) (commonly referred to
21 as the “Edward Byrne Memorial Justice Assistance Grant
22 Program”) shall submit to the Attorney General a certifi-
23 cation, in such form and containing such information as
24 the Attorney General may require, that all female inmates
25 and detainees in that State have access to menstrual hy-

1 giene products on demand and at no cost to the inmates
2 and detainees.

3 (b) REDUCTION IN GRANT FUNDING.—In the case
4 of a State whose chief executive officer fails to submit a
5 certification required under subsection (a) in a fiscal year,
6 the Attorney General shall reduce the amount that the
7 State would have otherwise received under section 505 of
8 title I of the Omnibus Crime Control and Safe Streets Act
9 of 1968 (42 U.S.C. 3755) by 20 percent for the following
10 fiscal year.

11 (c) REALLOCATION.—Amounts not allocated to a
12 State under section 505 of title I of the Omnibus Crime
13 Control and Safe Streets Act of 1968 (42 U.S.C. 3755)
14 for a fiscal year pursuant to subsection (b) shall be reallo-
15 cated under such section to States that submit such cer-
16 tifications.

17 (d) DETERMINATION OF MENSTRUAL HYGIENE
18 PRODUCTS.—For the purposes of subsection (a), the term
19 “menstrual hygiene products” shall be determined by the
20 Attorney General of the United States.

21 **SEC. 6. MENSTRUAL HYGIENE PRODUCTS FOR EMPLOYEES.**

22 Section 6 of the Occupational Safety and Health Act
23 of 1970 (29 U.S.C. 655) is amended by adding at the end
24 the following:

1 “(g) The Secretary shall by rule promulgate a re-
2 quirement that each employer with not less than 100 em-
3 ployees provide menstrual hygiene products free of charge
4 for employees of the employer.”.

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