

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.

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## 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

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## 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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