

111TH CONGRESS
1ST SESSION

H. R. 1646

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mrs. MCCARTHY of New York (for herself, Mr. EHLERS, Mr. VAN HOLLEN, Mr. THOMPSON of California, Ms. BERKLEY, Ms. SCHWARTZ, Mr. LARSON of Connecticut, Mr. NUNES, Mr. HELLER, Mr. ROSKAM, Ms. MCCOLLUM, Mr. WU, Mr. PAUL, Mr. HINCHEY, Mr. MOORE of Kansas, Mr. SMITH of New Jersey, Mr. WALZ, Mr. CARSON of Indiana, Mr. INSLEE, Mr. WITTMAN, Ms. ROS-LEHTINEN, Mr. SALAZAR, Mr. BISHOP of New York, Mr. GENE GREEN of Texas, Mr. ISRAEL, Mr. PRICE of North Carolina, Ms. ZOE LOFGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. BURTON of Indiana, Mr. DUNCAN, Mr. MORAN of Kansas, Ms. KAPTUR, Ms. ESHOO, Mr. PETRI, Mr. ROONEY, Mr. MINNICK, Mr. CARNAHAN, and Mr. ALTMIRE) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

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 “Hearing Aid Assist-
5 ance Tax Credit Act”.

1 **SEC. 2. CREDIT FOR HEARING AIDS FOR SENIORS AND DE-**
 2 **PENDENTS.**

3 (a) IN GENERAL.—Subpart A of part IV of sub-
 4 chapter A of chapter 1 of the Internal Revenue Code of
 5 1986 (relating to nonrefundable personal credits) is
 6 amended by inserting after section 25D the following new
 7 section:

8 **“SEC. 25E. CREDIT FOR HEARING AIDS.**

9 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
 10 dividual, there shall be allowed as a credit against the tax
 11 imposed by this chapter an amount equal to the amount
 12 paid during the taxable year, not compensated by insur-
 13 ance or otherwise, by the taxpayer for the purchase of any
 14 qualified hearing aid.

15 “(b) QUALIFIED HEARING AID.—For purposes of
 16 this section, the term ‘qualified hearing aid’ means a hear-
 17 ing aid—

18 “(1) which is described in section 874.3300 of
 19 title 21, Code of Federal Regulations, and is author-
 20 ized under the Federal Food, Drug, and Cosmetic
 21 Act for commercial distribution, and

22 “(2) which is intended for use—

23 “(A) by the taxpayer, but only if the tax-
 24 payer (or the spouse intending to use the hear-
 25 ing aid, in the case of a joint return) is age 55
 26 or older, or

1 “(B) by an individual with respect to
2 whom the taxpayer, for the taxable year, is al-
3 lowed a deduction under section 151(c) (relat-
4 ing to deduction for personal exemptions for de-
5 pendents).

6 “(c) LIMITATIONS.—

7 “(1) MAXIMUM AMOUNT.—The amount allowed
8 as a credit under subsection (a) shall not exceed
9 \$500 per qualified hearing aid.

10 “(2) LIMITATION BASED ON MODIFIED GROSS
11 INCOME.—

12 “(A) IN GENERAL.—In the case of a tax-
13 payer whose modified adjusted gross income ex-
14 ceeds \$200,000 for any taxable year, the
15 amount allowed as a credit under subsection (a)
16 for such taxable year shall be zero.

17 “(B) MODIFIED ADJUSTED GROSS IN-
18 COME.—For purposes of this paragraph, the
19 term ‘modified adjusted gross income’ means
20 the adjusted gross income of the taxpayer for
21 the taxable year increased by any amount ex-
22 cluded from gross income under sections 911,
23 931, or 933.

24 “(d) ELECTION ONCE EVERY 5 YEARS.—This sec-
25 tion shall apply with respect to any individual for any tax-

1 able year only if there is an election in effect with respect
 2 to such individual (at such time and in such manner as
 3 the Secretary may by regulations prescribe) to have this
 4 section apply for such taxable year. An election to have
 5 this section apply with respect to any eligible individual
 6 may not be made for any taxable year if such an election
 7 is in effect with respect to such individual for any of the
 8 4 taxable years preceding such taxable year.

9 “(e) DENIAL OF DOUBLE BENEFIT.—No credit shall
 10 be allowed under subsection (a) for any expense for which
 11 a deduction or credit is allowed under any other provision
 12 of this chapter.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for subpart A of part IV of subchapter A of chapter 1
 15 of such Code is amended by inserting after the item relat-
 16 ing to section 25D the following new item:

“Sec. 25E. Credit for hearing aids.”.

17 (h) EFFECTIVE DATE.—The amendments made by
 18 this section shall apply to taxable years beginning after
 19 December 31, 2009.

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