



Legislative Bulletin.....January 12, 2015

Contents:

H.R. 203 - Clay Hunt SAV Act

H.R. 33 - Protecting Volunteer Firefighters and Emergency Responders Act

H.R. 203 - Clay Hunt SAV Act — (Walz, D-MN)

Order of Business: [H.R. 203](#) is scheduled for consideration on January 12, 2015, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill directs the Secretary of Veterans Affairs to conduct annual evaluations, administered by a third-party, of the mental health care and suicide prevention programs at the Department of Veterans Affairs (VA). The evaluations will use metrics that are common among practitioners in the field, identify the most effective programs administered at the VA, identify the cost-effectiveness of each program, measure the satisfaction of care of patients, and propose best practices for those who suffer from mental health disorders or are at risk of suicide. The Secretary will submit, no later than December 1, of each year, a report which contains the most recent evaluations and any recommendations the Secretary considers appropriate.

The Secretary is directed to publish a website that serves as a centralized source to provide veterans with information regarding all the mental health care services provided by the Secretary within the [Veteran Integrated Service Network](#). This information is to be updated at least every 90 days.

This bill establishes a pilot program carried out by the Secretary that would repay the medical education loans of those licensed to practice psychiatric medicine in the VA, or those enrolled in their final year of a residency program in psychiatric medicine. Those who are selected will be required to serve a period of at least two years of obligated service for the Veterans Health Administration in the field of psychiatric medicine. No more than \$30,000 will be paid in loan repayments for each year of obligated service. In the event an individual does not satisfy the requirements of their service, the individual will be liable for the amount that has been paid. No later than two years after the date of the commencement of the pilot program, the Secretary will submit a report to Congress on the number of individuals who participated, their location of service, the quality of the work performed, and the number of psychiatrists the Secretary determines is needed. This pilot program will terminate three years after the date it begins.

This bill authorizes the Secretary of Veterans Affairs to establish a pilot program to assist veterans transitioning from active duty and to improve the access of veterans to mental health services. This program will take place in at least five Veterans Integrated Service Networks. This program will include a community oriented veteran peer support network and a community outreach team for each medical center. A report will be submitted to Congress 18 months after the program commences giving a detailed account of the peer support model and how to make it Department wide, the effectiveness of the mental health resources under the pilot program, and a full description of the effectiveness of the community outreach team. This pilot project will terminate three years after it commences.

This bill encourages the collaboration between the Secretary and non-profit mental health care organizations to improve the efficiency and effectiveness of suicide prevention efforts.

Finally, the bill allows for an additional year of eligibility for VA health care services for certain veterans whose five year combat eligibility period recently expired.

No additional funds are appropriated to carry out this Act.

Major Changes Since the Last Time This Legislation was Before the House: H.R. 5059, the Clay Hunt SAV Act, passed the House on December 9, 2014, by a voice vote. The bill was not considered in the Senate after Senator Coburn [blocked](#) a vote on this piece of legislation (read more on why below in conservative concerns).

The bill being considered today is very similar to H.R. 5059. Small technical changes have been made such as an update to dates in the bill.

Additional Background: According to the [VA](#), in 2011 the VA provided mental health care to about 1.3 million veterans. Although the VA has many entry points of care, the [GAO](#) noted certain barriers of entry that may hinder veterans from seeking mental health care. These barriers include a lack of awareness or understanding of the services offered, logistical issues, and the stigma associated with receiving care. The [2012 Suicide Report](#) produced by the VA noted the percentage of all suicides reported has decreased; however, the actual number of suicides has increased.

[Clay Hunt](#), whom the bill is named for, was Marine veteran who died by suicide in March 2011 at the age of 28. After enlisting in the Marines in May 2005 he was deployed to Anbar Province. While there he was shot by a sniper's bullet and received a Purple Heart. After graduating from the Marine Corps Sniper School in 2008, he returned to Afghanistan. His unit returned in late 2008, and he was honorably discharged from the Marines in April 2009.

Committee Action: This bill was introduced on January 7, 2015, by Representative Walz, and referred to the House Committee on Veterans' Affairs where it awaits further action.

Outside Groups Support: [American Psychiatric Association](#)
[Iraq and Afghanistan Veterans of America](#)

Possible Conservative Concerns: Last Congress Senator Coburn issued opposition to this bill [citing](#), “[the] VA already has the tools and authorities it needs to address these problems. The department needs leadership, not another piece of ineffective legislation. Congress should be holding the VA accountable rather than adding to its list of poorly managed programs.”

Administration Position: No statement of Administration Policy is available at this time.

Cost to Taxpayers: There is no CBO score available for H.R. 203.

However, according to Section 8 of the bill, no additional funds are authorized to be appropriated to carry out this Act, and this Act will be carried out using amounts otherwise made available to the VA within its existing budget authority.

Last Congress, [CBO](#) estimated total changes in spending to be \$22 million for fiscal years 2015-2019.

Does the Bill Expand the Size and Scope of the Federal Government?: This bill establishes two new pilot projects at the VA.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the [sponsor](#), Congress has the power to enact this legislation pursuant to the following: “Article I, Section 8, Clause 18 of the Constitution of the United States. The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.”

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

H.R. 33 - Protecting Volunteer Firefighters and Emergency Responders Act — (Barletta, R-PA)

Order of Business: [H.R. 33](#) is scheduled for consideration on January 12, 2015, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends the Internal Revenue Code of 1986 to ensure certain emergency services volunteers are not counted when determining the number of full-time employees or full-

time equivalents of an employer for the purposes of the employer mandate in the Affordable Care Act (ACA). This bill is retroactive to December 31, 2013.

Major Changes Since the Last Time This Legislation was Before the House: [H.R. 3979](#), Protecting Volunteer Firefighters and Emergency Responders Act of 2014, passed the House on March 11, 2014, by a vote of [410-0](#). The bill passed in the 113th Congress is the same as H.R. 33.

Read the RSC Legislative Bulletin for H.R. 3979, [here](#).

Additional Background: The ACA sets out a two-part calculation for determining, first, which firms are subject to the penalty, and, second, to which workers within a firm the penalty is applied. Specifically, the ACA establishes a rule for determining whether an employer is considered "large" under the ACA definition and, therefore, potentially subject to a penalty.

"Full-time" is defined as having worked on average at least 30 hours per week. Hours worked by part-time employees (i.e., those working less than 30 hours per week) are converted into FTEs (full-time equivalent employees) and are included in the calculation used to determine whether a firm is a large employer. To do this, overall hours worked by part-time employees during a month are added up, and the total is divided by 120 and added to the number of full-time employees to get the number of FTE workers.

According to the [committee report](#) released in the 113th Congress, the IRS has a history of treating volunteer firefighters as employees for tax purposes. If the IRS did determine these volunteers were indeed employees, volunteer fire departments would have to comply with the employer mandate requirements and be subject to a penalty if noncompliant.

The Treasury Department issued a [blog](#) post on January 10, 2014, and a [final regulation](#) on February 10, 2014, which noted the concerns about volunteer firefighters and states, "hours of service do not include hours worked by a bona fide volunteer."

Committee Action: This bill was introduced on January 6, 2015, by Representative Barletta, and referred to the House Committee on Ways and Means where it awaits further action.

Administration Position: No Statement of Administration Policy is available at this time.

Cost to Taxpayers: CBO has not issued an updated cost analysis for H.R. 33.

Last Congress, [CBO](#) and the staff of the Joint Committee on Taxation (JCT) estimated that H.R. 3979 would have no significant budgetary effect because the U.S. Treasury Department has issued final regulations that, by CBO's and JCT's assessment, provide the same treatment for those groups as H.R. 3979.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Contain Any Federal Encroachment into State or Local Authority in Potential Violation of the 10th Amendment?: No.

Does the Bill Delegate Any Legislative Authority to the Executive Branch?: No.

Constitutional Authority: According to the [sponsor](#), Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clauses 1 and 18.

RSC Staff Contact: Rebekah Armstrong, Rebekah.Armstrong@mail.house.gov, 202-226-0678

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