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H.R. 2772 – VA Senior Executive Accountability (SEA) Act of 2017 (Taylor, R-VA)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

Expected to be considered on July 24, 2017, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 2772](#) would require that Senior Executive Service (SES) employees within the Department of Veterans Affairs (VA) could not be reassigned to another SES position unless such reassignment is approved in writing and signed by the Secretary.

COST:

The [Congressional Budget Office \(CBO\)](#) estimates that enacting H.R. 2772 would cost less than \$500,000 over the 2017-2022 period, subject to the availability of appropriations. CBO estimates that enacting the bill would not affect direct spending or revenues, so pay-as-you-go procedures do not apply.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

[H.R. 2772](#) would require that Senior Executive Service (SES) employees within the Department of Veterans Affairs (VA) could not be reassigned to another SES position unless the reassignment is approved in writing and signed by the Secretary. It would also require the Secretary to provide semiannual reports to Congress on the reassignment of senior executive employees, including the purpose and costs associated with reassignments. The bill follows [reports](#) of SES employees accused of poor performance or misconduct being reassigned to new positions within the VA.

COMMITTEE ACTION:

This bill was introduced by Representative Taylor (R-VA) on June 6, 2017, and referred to the House Committee on Veterans Affairs. The Economic Opportunity Subcommittee reported the bill by voice vote on July 12 and the full Veterans Affairs Committee reported the bill by voice vote on July 19, 2017.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: “Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, of the United States Constitution.” No specific enumerating clause was identified.

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H.R. 3262 – Grow our Own Directive Physician Assistant Employment and Education Act (Kuster, D-NH)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

Expected to be considered on July 28, 2017, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 3262](#) would require the Secretary of the VA to operate a pilot program known as the “Grow Our Own Directive” (GOOD) pilot program to provide educational assistance and training to certain veterans who possess medical or military health experience and commit to serve as a physician assistant at the Veterans Health Administration for three years.

COST:

The [Congressional Budget Office \(CBO\)](#) estimated that enacting an earlier version of H.R. 3262 would cost \$120 million over the 2017-2022 period, assuming appropriation of the necessary amounts. According to the Majority Leader’s office, the updated text removes a provision that would have established competitive pay for physician assistants in order to ensure the bill is “fully offset.”

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that policies included to offset this bill are also used to offset H.R. 95 and S. 114, which the House is also expected to consider on July 28, 2017. This is triple-counting, given that the same policy cannot simultaneously offset the cost of multiple bills.

- **Expand the Size and Scope of the Federal Government?** Yes, the bill would create a new pilot program and create three new positions within the Office of Physician Assistant Services.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS

H.R. 3262 would require the Secretary of the VA to operate a pilot program known as the “Grow Our Own Directive” (GOOD) pilot program to provide educational assistance and training to certain veterans who possess medical or military health experience and commit to serve as a physician assistant at the Veterans Health Administration for three years unless the Secretary specifies a different time period. Specifically, the Secretary would be required to provide scholarships that cover the costs of a master’s degree in physician assistant studies or a “similar” master’s degree. Individuals who fail to satisfy their period of

obligated service would be liable to the federal government for the amount paid on their behalf, reduced by the amount associated with any time served.

Section 2 of the bill would establish that the pilot program would run for five years beginning 180 days after the date of enactment, and the VA would select no less than 250 individuals to participate, with priority given to individuals who (1) participated in the Immediate Care Technician Pilot Program; or (2) agree to be employed in a medically underserved area as defined under the Public Health Service Act that is also in a state with a veterans population exceeding nine percent. The bill would require the Secretary to provide no less than 35 scholarships each year, and partner with no less than 15 institutions of higher education that agree to guarantee seats for pilot program participants and provide those individuals with information on the admissions process and admissions criteria. The Secretary must also partner with other institutes of higher education, the Transition Assistance Program of the Department of Defense, the Veterans' Employment and Training Service of the Department of Labor, and programs carried out under 38 USC 41 for marketing and advertising the program to veterans and members of the Armed Forces.

Additionally, the bill would require the Secretary to appoint or select three new positions within the Office of Physician Assistant Services at the Veterans Health Administration: (1) a Deputy Director for Education and Career Development of Physician Assistants, who would oversee the program, recruit participants, assist participants in applying and gaining admission to master's programs, and provide information on the pilot project to eligible individuals; (2) a Deputy Director of Recruitment and Retention, who would be responsible for identifying and coordinating pilot program needs, assisting the Secretary in connecting pilot program participants with mentors, and coordinating the staff of VHA facilities with respect to identifying employment positions and mentors; (3) a recruiter who would be responsible for developing and implementing national recruiting strategic plans for the recruitment and retention of physician assistants and would report directly to the Deputy Director of Recruitment and Retention.

The bill would require the Secretary to report to Congress on the pilot program no later than one year after the date of enactment, and in collaboration with the Secretaries of Labor, Defense, and Health and Human Services. The report must include (1) the extent to which the pilot program is effective in improving the ability of eligible individuals to become physician assistants; (2) an examination of whether the pilot program is achieving the goals of enabling individuals to build on medical skills gained as members of the Armed Forces, meeting the shortage of VA physician assistants; (3) an identification of any program modifications necessary to meet these goals; and (4) an assessment of whether the pilot program could serve as a model for other programs to assist individuals in obtaining certification and employment in other health care fields.

Section 3 of the bill would require the Secretary to establish standards to improve the use of the educational assistance program, including the pilot program, to educate and hire physician assistants. The standards are: (1) holding directors of medical centers of the department accountable for failure to use the educational assistance programs (a) to advance employees in their education; (b) to improve recruitment and retention of physician assistants; (2) ensuring that the VA Education Debt Reduction Program is available for pilot program participants to fill vacant physician assistants including; (3) monitoring compliance with the application process for educational assistance programs to ensure that such programs are being fully utilized; (4) creating programs, including through the VA Employee Incentive Scholarship Program, to encourage employees of the Department to apply to accredited physician assistant programs. The bill requires that the Secretary issue any appropriate regulations necessary to carry out this section.

Section 4 would offset the bill by extending the Secretary's authority to increase fees for certain housing loans made, insured, or guaranteed by VA from September 30, 2024, through December 31, 2024. According to the Majority Leader's office, CBO has "informally estimated that all costs are fully offset." Some conservatives may be concerned that this offset is also included in H.R. 95 and S. 114, which is triple-counting given that the same policy cannot offset the cost of multiple bills.

COMMITTEE ACTION:

This bill was introduced by Representative Kuster (D-NH), on July 17, 2017, and referred to the House Committee on Veterans' Affairs. No further action has occurred. The Veterans' Affairs Committee reported the bill by voice vote on July 19, 2017.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8." No specific enumerating clause is identified.

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H.R. 95 – Veterans’ Access to Child Care Act (Brownley, D-CA)

CONTACT: [Amanda Lincoln](#), 202-226-2076

FLOOR SCHEDULE:

Expected to be considered on July 28, 2017, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 95](#) would expand and make permanent a pilot program that provides certain veterans access to private or public child care assistance during time periods when said veteran must travel to receive certain health care services at VA facilities.

COST:

The [Congressional Budget Office \(CBO\)](#) estimates that enacting H.R. 95 would decrease direct spending by \$635 million over the 2017-2027 period, and estimates that implementation would cost \$96 million over the 2017-2022 period, assuming appropriation of the necessary amounts.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned that policies included to offset the new spending included in this bill are also used to offset H.R. 1058 (pension limitation), which passed the House by voice vote on July 24, 2017, and H.R. 3262 (loan fees) and S. 114 (pension limitation and loan fees), which the House is expected to consider on July 28, 2017. This is triple-counting, given that the same policy cannot simultaneously offset the cost of multiple bills.

- **Expand the Size and Scope of the Federal Government?** Yes, the bill expands and makes permanent a pilot program providing child care assistance to certain eligible veterans.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** Some conservatives may be concerned that the bill gives substantial discretion to the Secretary to define the terms and scope of the new benefit.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

Congress first authorized the VA Child Care Pilot Program through the Caregivers and Veterans Omnibus Health Services Act of 2010, in order to provide free child care assistance during time periods in which eligible veterans are seeking certain care at a small number of VA sites across the United States, including in Takoma, Washington; Buffalo, New York; and Northport, New York. VA’s authority to carry out the pilot program will expire on December 31, 2017.

H.R. 95 would extend these authorities and make the pilot program permanent. Specifically, it would require the Department of Veterans Affairs (VA) to provide child care assistance during any time period when a veteran, who is the primary caretaker of at least one child, must travel to and from a VA facility to receive regular mental health services, intensive mental health care services, or any other intensive health care services for which the Secretary determines that access to child care assistance would improve veterans' access to health care. Such child care assistance may take the form of (1) a stipend for the full cost of child care offered by a licensed child care center, which must be modeled after the [VA's Child Care Subsidy Program](#) to the extent practicable; (2) direct provision of child care at an on-site VA facility; (3) direct payment to a private child care agency; (4) collaboration with a facility or program of another federal department or agency; or (5) any other form of assistance the Secretary considers appropriate. Some conservatives may be concerned that the bill gives substantial discretion to the Secretary to define the terms and scope of the new benefit.

The bill would offset the cost of this benefit by (1) extending current law requirements that limit pensions to \$90 per month for any veteran or survivor who is receiving Medicaid coverage in a Medicaid-approved nursing home from September 30, 2024 through September 30, 2026; and (2) extending the Secretary's authority to collect increased fees for certain housing loans made, insured, or guaranteed by VA from September 30, 2024 through December 31, 2024. Although a CBO score is not available, some of the savings generated through extending the pension limitation would likely be offset by increased federal Medicaid spending and may shift costs to states. According to the Majority Leader's office, CBO has "informally estimated that all costs are fully offset." Some conservatives may be concerned that these offsets are also included in H.R. 1058 (pension limitation), H.R. 3262 (loan fees) and S. 114 (pension limitation and housing loan fees), which is triple-counting, given that the same policy cannot simultaneously offset the cost of multiple bills.

COMMITTEE ACTION:

This bill was introduced by Representative Brownley (D-NY) on January 3, 2017, and referred to the House Committee on Veterans Affairs. The Veterans Affairs Health Subcommittee reported the bill by voice vote on April 6, 2017, and the full Veterans Affairs Committee reported the bill by voice vote on July 19, 2017.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8 of the United States Constitution." No specific enumerating clause was identified.

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H.R. 873 — Global War on Terrorism War Memorial Act (Gallagher, R-WI)

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FLOOR SCHEDULE:

Expected to be considered July 28, 2017, under suspension of the rules, which requires a 2/3 majority for passage.

TOPLINE SUMMARY:

[H.R. 873](#) would authorize the National Global War on Terror Memorial in Washington, D.C.

COST:

No Congressional Budget Office (CBO) estimate is available at this time.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 873 would authorize the [Global War on Terror Memorial Foundation](#) to build the National Global War on Terrorism Memorial in Washington, D.C. to honor those who served on active duty in the Global War on Terror.

The memorial is subject to the Commemorative Works Act, except for subsections (b) and (c) of [40 U.S.C. 8903](#). These sections prohibit the authorization of military commemorative works until 10 years after the end of the conflict and of commemorative works for events or individuals until the 25th anniversary of the event or the death of the individual.

The Global War on Terror Memorial Foundation is responsible for accepting contributions and paying for the memorial's establishment. No federal funds may be used. In addition, any excess funds must be given to the Secretary of the Interior for deposit into a National Park Foundation account, as required under [40 U.S.C. 8906\(b\)\(3\)](#).

COMMITTEE ACTION:

This bill was introduced on February 6, 2017. The bill was referred to the House Committee on Natural Resources. A mark-up was held on July 26, 2017, and the bill was reported by unanimous consent.

ADMINISTRATION POSITION:

No Statement of Administration Policy is available at this time.

CONSTITUTIONAL AUTHORITY:

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: "Article 1, Section 8, Clause 1 of the United States Constitution.""