



Legislative Bulletin.....January 5, 2015

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H.R. ___ - Hire More Heroes Act of 2015

H.R. ___ - Hire More Heroes Act of 2015 — (Davis, R-IL)

Order of Business: This [bill](#) is scheduled for consideration on January 6, 2015, under a suspension of the rules, which requires a two-thirds majority vote for passage.

Summary: This bill amends the Internal Revenue Code to allow employers to exclude employees who get their health care under TRICARE or from the Veterans Administration from the calculations used to determine whether an employer is an applicable large employer and therefore subject to the employer mandate under the Affordable Care Act (ACA). This would apply to all months beginning after December 31, 2013, thus providing retroactive and prospective relief from the ACA.

Major Changes Since the Last Time This Legislation was Before the House: The House voted on identical legislation ([H.R. 3474](#)) in the 113th Congress. H.R. 3474 passed the House on March 11, 2014, by a vote of [406-1](#). The Senate did not take further action on this bill.

Read the RSC legislative bulletin [here](#).

Additional Background: The [TRICARE Affirmation Act of 2010](#) specifies that TRICARE is generally considered minimum essential coverage for shared responsibility requirements under the ACA. Likewise, enrollment in the VA health care system meets the health care law's minimum essential coverage standard, which went into effect on January 1, 2014.

Minimum essential coverage is explicitly defined as coverage under VA Health Care, Medicare Part A, Medicaid, CHIP, the TRICARE for Life program, the Peace Corps program, an eligible employer-sponsored plan (as defined by ACA), a governmental plan (local, state, federal) including the Federal Employees Health Benefits Program (FEHBP) and any plan established by an Indian tribal government, any plan offered in the individual, small group, or large group ACA market, a grandfathered health plan, and any other health benefits coverage, such as a state health

benefits risk pool, as recognized by the HHS Secretary in coordination with the Treasury Secretary. ¹

The ACA requires large-employers, defined as those with more than 50 full-time equivalent employees, to offer qualified health insurance to their employees or be subject to a penalty. The penalty is assessed on a monthly basis and is equal to the number of its full-time employees minus 30 (the penalty waives the first 30 full-time employees) multiplied by one-twelfth of \$2,000 for any applicable month. ² This bill allows employers to hire veterans without them counting towards the 50 full-time equivalent threshold used for the employer mandate.

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

Cost to Taxpayers: No CBO score is available at this time.

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.

Does the Bill Contain Any Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: No.

Constitutional Authority: No constitutional authority statement is available at this time.

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¹ <http://www.crs.gov/pages/Reports.aspx?PRODCODE=R41198&Source=search#fn27>

² <http://www.crs.gov/pages/Reports.aspx?PRODCODE=R41159&Source=search>