

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, as we close, I yield 30 seconds to the gentleman from Illinois (Mr. RODNEY DAVIS), the author of this bill.

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, thank you to my colleague from Texas for your support on this bill and for managing it here on the floor tonight. It shows today that bipartisanship does happen in the U.S. House of Representatives.

This is a commonsense bill supported by Republicans and Democrats alike. This is something that comes out from the grass roots in Madison County, Illinois, and now has a chance to become law.

I am humbled by the support that we have seen for this piece of legislation and I, again, urge my colleagues to support the Hire More Heroes Act.

Mr. BRADY of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3474.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BRADY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

Mr. BRADY of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3979) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Protecting Volunteer Firefighters and Emergency Responders Act of 2014”.

SEC. 2. EMERGENCY SERVICES, GOVERNMENT, AND CERTAIN NONPROFIT VOLUNTEERS.

(a) IN GENERAL.—Section 4980H(c) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) SPECIAL RULES FOR CERTAIN EMERGENCY SERVICES, GOVERNMENT, AND NONPROFIT VOLUNTEERS.—

“(A) EMERGENCY SERVICES VOLUNTEERS.—Qualified services rendered as a bona fide volunteer to an eligible employer shall not

be taken into account under this section as service provided by an employee. For purposes of the preceding sentence, the terms ‘qualified services’, ‘bona fide volunteer’, and ‘eligible employer’ shall have the respective meanings given such terms under section 457(e).

“(B) CERTAIN OTHER GOVERNMENT AND NON-PROFIT VOLUNTEERS.—

“(i) IN GENERAL.—Services rendered as a bona fide volunteer to a specified employer shall not be taken into account under this section as service provided by an employee.

“(ii) BONA FIDE VOLUNTEER.—For purposes of this subparagraph, the term ‘bona fide volunteer’ means an employee of a specified employer whose only compensation from such employer is in the form of—

“(I) reimbursement for (or reasonable allowance for) reasonable expenses incurred in the performance of services by volunteers, or

“(II) reasonable benefits (including length of service awards), and nominal fees, customarily paid by similar entities in connection with the performance of services by volunteers.

“(iii) SPECIFIED EMPLOYER.—For purposes of this subparagraph, the term ‘specified employer’ means—

“(I) any government entity, and

“(II) any organization described in section 501(c) and exempt from tax under section 501(a).

“(iv) COORDINATION WITH SUBPARAGRAPH (A).—This subparagraph shall not fail to apply with respect to services merely because such services are qualified services (as defined in section 457(e)(1)(C)).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BRADY) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by first rising in support of this bill, the Protecting Volunteer Firefighters and Emergency Responders Act.

I yield 5 minutes to the gentleman from Pennsylvania (Mr. BARLETTA), the author of this very important bill.

Mr. BARLETTA. Mr. Speaker, I rise today to speak in support of my bill, H.R. 3979, the Protecting Volunteer Firefighters and Emergency Responders Act.

This is a good, bipartisan bill that protects our first responders, our volunteer firefighters, and emergency services personnel by ensuring that they are not considered employees under the employer mandate provision of the Affordable Care Act.

If they were, fire companies would be forced to pay for the volunteers’ health

insurance or pay a fine, driving many fire departments out of business. Simply put, this is a public safety issue.

I first learned about this issue from a volunteer firefighter back home, and I began a crusade to clear this up for volunteer firefighters and localities and the residents of Pennsylvania and every other State.

Here is why this is so important. In my home State of Pennsylvania, 97 percent of fire companies are either entirely or mostly volunteer. Nationally, it is 87 percent.

To be clear, forcing volunteer fire companies to comply with the Affordable Care Act will not extend health insurance to the uninsured. Rather, it will close firehouses, placing people at risk.

Last month, the IRS issued a final rule upholding this bill’s intent. However, this is too important of a public safety issue to be left to the changing positions of Federal bureaucrats. We must pass this bill and encourage our friends in the Senate to do the same.

We owe our emergency service volunteers who risk their lives every day rock-solid certainty. This legislation says, once and for all, that volunteer firefighters are just that, volunteers, and should not be subjected to the employer mandate.

I strongly urge passage of the bill.

□ 1915

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume and rise in support of the bill.

Well, first of all, let me mention that this bill followed regular order. It was brought up in our committee, it was discussed, and it was passed unanimously; and I think that is a plus and, I think, is a good precedent.

Let me also say that this is an important issue, and it was one responded to by Treasury in its regulation. I think there has been a lot of misshaping as to what the regulation process is all about, and there have been times when we essentially have wanted to stop the regulatory process.

I think that has been a serious mistake. It is sometimes used for a purpose, I think, unrelated to the substance of the issue.

In this case, as I said, Treasury listened to the concerns that were expressed—and I think important concerns—and issued their final regulation; and essentially, what we are now doing is to say that what Treasury has decided in its regulation is correct. I think there is no concern about it being changed.

However, this legislation says: let’s put it in the books as legislation. And I think so be it because it is so important for this Congress to join the administration in recognizing that volunteer first responders are absolutely critical to the safety and security of communities across the country.

I think it is sometimes not fully understood that 70 percent of all firefighters across the country are volunteers, and for the communities aided

by volunteer first responders, the services donated annually by these volunteers are estimated to be worth more than \$140 billion.

So I rise in support of this legislation, as I said, and I want to emphasize that it was raised in regular order. It was brought before our committee. It was discussed within our committee. We took a vote. It was unanimous. Treasury had responded appropriately to the concerns expressed by us.

So I now think we should give a further imprimatur to this legislation and support it, I hope, unanimously.

I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield myself as much time as I may consume.

This is such a commonsense and important bill, and this challenge was brought to me as well by one of my local firefighters, the fire chief of Magnolia Volunteer Fire Department, Gary Vincent.

The bill introduced by the gentleman from Pennsylvania (Mr. BARLETTA) ensures the work our Nation's volunteers, including volunteer firefighters and emergency responders, are honored, protected, and recognized.

The tradition of volunteer firefighting dates back to colonial times, yet remains vital to thousands of communities throughout the country who rely exclusively upon volunteer fire departments for fire protection and emergency medical services.

The problem is the Affordable Care Act is a complicated law, and sometimes, the IRS has treated volunteers as full-time workers for other purposes. This confusion in the law has created uncertainty for local communities and their firefighters and could jeopardize their ability to respond to emergencies.

No one wants to put local governments and nonprofits at a risk of huge cost increases that could result if volunteers were considered employees under the Affordable Care Act.

The White House does not want that, and neither does Congress. This bill is critical to permanently protecting the 780,000 volunteer firefighters and emergency responders and all other volunteers at our Nation's nonprofits and tribal governments.

The bill provides the certainty of congressional action, rather than relying on regulations that could be repealed, changed, or amended.

I call on my colleagues to put a bipartisan stamp on this bill to honor a value we all agree on, volunteerism. I urge my colleagues to support H.R. 3979, and I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I ask my colleague how many further requests for time he has, and I will reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, yielding myself such time as I may consume, I have about 4 or 5 additional speakers to move through on this important bill.

At this time, I yield 2 minutes to the gentleman from Pennsylvania (Mr.

KELLY), a fellow member of the Ways and Means Committee, who has been a champion on this issue as well.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas and also my friend from Pennsylvania.

As you heard Congressman BARLETTA talk about, 90 percent of the 1,800 fire departments in Pennsylvania are all volunteer. These are men and women from the community that just come forward to serve.

When you look at what is going on right now, what we have tried to do is close a gap. This is Treasury guidance, so by no means has it been codified. I think what we are doing with this piece of legislation, with H.R. 3979, we make certain—in a time where there is so much uncertainty—that these folks will be protected, will not be looked at in a way that does not make sense to them.

Now, I have got to tell you that I was at an installation of officers back in my hometown of Butler. Ed Kirkwood, the manager of Butler Township, when asked about what could possibly happen, said:

The township has over 130 volunteer firefighters serving the community. By my calculation, if this is not fixed, the township could go bankrupt. It would require a tax increase of 13.56 mills, or an increase of over two-and-a-half times the current rate to comply.

Basically, if this is not fixed, Butler Township either doubles its taxes or loses their volunteer fire department.

Chief Mike Cadman of Jamestown, when asked about this, said: that would be political suicide.

I would venture that it is worse than political suicide. It is putting our citizens at risk when we don't have to.

Now, at a time when it is so hard and the public looks and says you guys don't get along on anything, this is something, I think, where we have come together and say let's just do something that makes sense. Let's just do something that puts into effect now—it eliminates all the guesswork that these folks are not going to be looked at in a different way under the Affordable Care Act.

And a piece of legislation, the Affordable Care Act, which is so hard to understand and so many are wondering what exactly is covered and what is not covered and how would I comply and how would I not comply, this is just commonsense legislation out of this body that makes sense for all of those volunteers that spend countless hours and time serving the needs of our communities all over our country.

But in Pennsylvania, as I said, 90 percent of our 1,800 fire departments are all volunteer—all volunteer. These folks give up their time and their hours to train, so that they can serve others.

I thank the gentleman for his legislation.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am pleased to yield 2 minutes to the

gentleman from Ohio (Mr. RENACCI), another one of the new, young leaders on the House Ways and Means Committee.

Mr. RENACCI. Mr. Speaker, I rise today in support of the Protecting Volunteer Firefighters and Emergency Responders Act.

Each day, we continue to learn more about just how broken the government-run health care system is and how it continues to negatively impact families and small businesses.

Now, it is clear that the employer mandate, a key provision within the law, will not only cost jobs, but it could force fire companies to close their doors which would jeopardize public safety.

As a former volunteer firefighter and former mayor of a small town in Ohio, I know that our volunteer fire companies and emergency responders rely primarily on donations to fund their operations.

Throughout the country, nearly 90 percent of all fire departments are volunteers. If these volunteers are forced to comply with the employer mandate, it is undeniable that our local communities will be devastated, as we witness fire companies forced to close their doors because they simply cannot afford to continue operations. This is truly unacceptable.

I thank the gentleman from Pennsylvania, Representative BARLETTA, for introducing this important legislation, of which I am a proud cosponsor. I urge all of my colleagues in the House to join us in standing up for our hard-working local heroes by supporting the Protecting Volunteer Firefighters and Emergency Responders Act.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Jersey (Mr. LANCE), another champion of firefighters and emergency responders.

Mr. LANCE. Mr. Speaker, there is uncertainty in volunteer fire departments across the country, including in my home State of New Jersey, about the negative consequences of ObamaCare's harmful employer mandate. That is why I rise today in strong support of H.R. 3685, the Protecting Volunteer Firefighters and Emergency Responders Act.

Designating volunteer firefighters as paid employees under ObamaCare is bad public policy. It threatens public safety. The passage of this legislation will provide a permanent statutory solution that will ensure our Nation's volunteer first responders are protected from ObamaCare's employer mandate.

I urge passage of H.R. 3685.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. I thank the gentleman from Texas, Congressman BRADY.

Mr. Speaker, somewhere across America, right now or later tonight, a tone is going to go off. That tone is going to go off, and a husband or a wife, a son or a daughter is going to respond. They are going to get out of their beds. They are going to get out of their workplaces. They are going to respond.

They are going to go to a place of danger, a place to help, a place, from their heart, to do something they want to do.

I remember that tone, for I used to answer that tone at Hollingsworth Volunteer Fire Department in Banks County. When you hear the tone go off, you go out not knowing what you may face or whether you will come home or not.

I am so pleased to stand in support, Mr. Speaker, of H.R. 3979, sponsored by Congressman BARLETTA, because it takes at least part of the uncertainty out of other things in life, when all these men and women want to do is to serve the community.

By taking this uncertainty out and not counting them as full-time employees, it gives those volunteer personnel and their chiefs less to worry about. Instead, they are able to spend more time making sure they are doing what all these great Americans want to be doing, and that is to serve their communities.

The West Jackson Fire Department in my district is really frightfully scared of this rule because it is going to cost them more than they can afford.

So all I ask is for the bipartisanship that has been shown here today. And, for those watching, when the tone goes off, the brave men and women of our country respond. What they don't need is to have a tone go off from Washington that puts them in further jeopardy.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. At this time, I yield 1 minute to the gentleman from Kentucky (Mr. BARR).

Mr. BARR. Mr. Speaker, today, the House has the chance to more permanently establish in law a provision that firefighters across Kentucky's 6th District have told me is vital to their ability to continue protecting our communities.

The Protecting Volunteer Firefighters and Emergency Responders Act will simply ensure, once and for all, that these departments will not fall victim to the costly employer mandate in ObamaCare.

Over 90 percent of Kentucky's fire departments are either fully or mostly volunteer. Fire chiefs have told me that they do not have the resources to provide the health benefits mandated by ObamaCare's employer mandates to these brave and selfless volunteers who have no expectation of receiving such benefits or receive their benefits through other lines of work.

I remain committed to replacing ObamaCare with reforms that will ac-

tually lower the cost of health care without jeopardizing the safety of our communities. As an original cosponsor, I am pleased to help introduce this critical legislation.

I commend Congressman BARLETTA for introducing it, and I urge my colleagues to vote in favor of this critical legislation.

Mr. LEVIN. I reserve the balance of my time.

Mr. BRADY of Texas. I am pleased to yield 1 minute to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I thank my colleague LOU BARLETTA from Pennsylvania for introducing this commonsense piece of legislation.

□ 1730

As we see, this is another unintended consequence of ObamaCare. I have received a letter from one of my volunteer fire departments just a few months ago that talked about this bill, and it said that the provision that is hurting our firefighters could be devastating to fire departments. Many volunteer fire departments rely upon local donations and fundraisers to fund their basic operations. The addition of a requirement to provide health insurance would present a serious financial challenge to them. Some departments have taken steps to reduce staffing levels and shifts in order to fall under the 50 FTE and 30-hours-worked threshold, which reduces the fire department's baseline emergency response capabilities.

I would like to thank Staunton, Illinois' fire chief for the fire protection district in Staunton, Rick Haase, for sending me this letter, and I would urge my colleagues to support this piece of legislation.

Mr. LEVIN. I just want to close by stating—it can be done very briefly—the importance of this legislation. I think we have heard eloquent testimony to it, and I hope we can proceed on a bipartisan basis, as has been true before.

I yield back the balance of my time.

Mr. BRADY of Texas. In closing, I would like to reference the title of this bill, Protecting Volunteer Firefighters and Emergency Responders. Democrats and Republicans coming together today are here to make sure that is the law of the land. We are protecting our volunteer firefighters and emergency responders. This bill deserves our support, and I urge its passage.

I yield back the balance of my time.

Ms. ESTY. Mr. Speaker, I thank my good friend, Mr. LARSON, for being such a champion for our volunteer firefighters and first responders.

Mr. Speaker, I rise today in strong support of the Protecting Volunteer Firefighters and Emergency Responders Act.

I'm proud to cosponsor this bipartisan bill with Mr. BARLETTA.

This bill makes a sensible fix to the Affordable Care Act that protects volunteer firefighters and first responders in Connecticut and across the country.

I heard concerns from fire chiefs in my district—including Chief Jack Casner from my hometown of Cheshire—that the IRS may incorrectly count volunteers as employees.

We rely on hundreds of volunteer firefighters to keep our community safe.

These men and women are proud to volunteer—and do a terrific job.

And so, with my colleagues, I immediately expressed their concerns to the Obama Administration.

This bipartisan bill codifies important clarifications. . .

and shows that we can work together—as Democrats and Republicans—to make the Affordable Care Act work better for the American people.

I urge my colleagues to join us in supporting H.R. 3979.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BRADY) that the House suspend the rules and pass the bill, H.R. 3979, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEVIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE HONORABLE CHAKA FATTAH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable CHAKA FATTAH, Member of Congress:

MARCH 10, 2014.

Hon. JOHN BOEHNER,
Speaker,
Washington, DC.

MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued by the United States District Court for the Eastern District of Pennsylvania, for certain documents from my Congressional Offices.

After consultation with the Office of General Counsel, I have determined under Rule VIII that the subpoena seeks some information that is not material and relevant, and that is not "consistent with the privileges and rights of the House." Accordingly, I intend to move to quash the subpoena to that extent, but to otherwise comply with the subpoena to the extent that it is material and relevant, and to the extent that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHAKA FATTAH,
Member of Congress.

FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2013

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill