

DME includes items like home oxygen, blood sugar monitors, and walkers for seniors. The Competitive Bidding Program was intended to reduce out-of-pocket costs for these seniors.

However, over the last several years, it has become very clear, Mr. Speaker, that the bidding process is extremely flawed, in large part because the bids are not binding. This encourages low-ball bidding—or suicide bidding—which artificially drives down prices and will eventually lead to market failure because there is no performance on many of these bids, meaning seniors don't get their equipment.

I have heard from seniors, beneficiaries, and small business suppliers in my State of Ohio that the program is impeding access to needed items for seniors, like the ones I just described, ultimately harming their health and making costs more expensive for our seniors and the program itself. This is absolutely unacceptable.

The goal of the bill is to reduce the number of bad actors who are now participating in the program by simply imposing a penalty if the supplier who wins the bid doesn't accept the contract to the bid they won.

The bill will help ensure that these suppliers submit bids in good faith, creating more certainty for those suppliers, and, most importantly, making sure that seniors get the supplies and the equipment that they need and qualify for, increasing access to more quality products and services at the end of the process.

If this bill is signed into law, seniors across the country will no longer have to worry about whether the company in their area will provide the information and, more importantly, the equipment to which they bid on and actually be able to provide that wheelchair, walker, or oxygen tank that that senior so desperately needs.

As the chairman of the Ways and Means Committee mentioned, the bill has bipartisan support. It is a commonsense bill that actually passed the Ways and Means Committee unanimously. It was scored by the Congressional Budget Office to actually save taxpayer dollars over the next 10 years.

I encourage my colleagues to support the bill, and I thank Mr. LARSON for his partnership.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

I know that this legislation has been in the works by Representatives TIBERI and my good friend Mr. LARSON from the State of Connecticut. Unfortunately, he could not be here to speak on his own bill due to unforeseen circumstances, so I am but a poor fill-in for Mr. LARSON.

The bill is a commonsense bill that will save a lot of money. The durable medical equipment Competitive Bidding Program has reduced well-documented overpayments to DME providers.

It is estimated that it would result in \$42 billion in savings over a 10-year pe-

riod, with \$26 billion in savings for the Federal Government and more than \$17 billion in out-of-pocket savings for beneficiaries themselves.

This legislation, as I mentioned, was introduced in the Ways and Means Committee by Representatives TIBERI and LARSON. What they are essentially trying to get at is the issue of low-ball bidders, and what this legislation would do is require bonds for companies who wish to participate in the program.

The Ways and Means Committee did pass this bill out of the committee on a unanimous voice vote, and I, as well, support its passage. I urge my colleagues to support H.R. 284 as a commonsense solution that will save money in the long run.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time to say the gentlewoman understates the point. She is a perfectly fine fill-in for Mr. LARSON.

I congratulate my colleagues on the committee for seeing a problem and rushing to fix this problem. This is what we are supposed to do here.

We are legislating a solution to make sure that senior citizens have access to the highest quality, lowest price durable medical equipment. There is a flaw in the law in how that is being done, and this bill rectifies that.

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 Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 284, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT

Mr. RYAN of Wisconsin. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1191) 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. 1191

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".

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 Wisconsin (Mr. RYAN) and the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. RYAN of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1191, currently under consideration.

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

There was no objection.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

This is a very commonsense bill aimed at protecting our volunteer firefighters across America. I want to congratulate the gentleman from Pennsylvania (Mr. BARLETTA) for bringing this issue to our attention. It is something that he, as a former mayor, is very familiar with.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BARLETTA) for the purposes of explaining his bill.

Mr. BARLETTA. Mr. Speaker, I rise today in support of my bill, H.R. 1191, the Protecting Volunteer Firefighters and Emergency Responders Act.

I had hoped by now that we would not have to be on the floor of this body talking about my legislation once again. This is the third time I have brought this bill to the floor of the House.

It is intended to protect volunteer firefighters and emergency services personnel from ObamaCare. The first two times I introduced it, it passed the House by a combined vote of 811–0.

I know that there are very few pieces of legislation that attract such amazing bipartisan support, and for that, I thank my colleagues on both sides of the aisle. Today, I come asking for your support again.

Let me tell you why this bill is necessary. In 2013, a firefighter from back home named Bob Timko approached me at a parade in Mechanicsburg, Pennsylvania. He told me about a serious problem regarding volunteer firefighters and the Affordable Care Act, or ACA.

Because the Internal Revenue Service specifically considered volunteer firefighters employees for Federal tax purposes, there was the fear that they would fall under the employer mandate of the ACA. If volunteer fire companies were subject to the employer mandate, they could be liable for crippling new health care costs, causing many to have to close their doors.

Mr. Speaker, as we all know, the threshold for the employer mandate is 50 employees. That raised the question of how volunteer firefighters would be counted. Would they be counted as employees just under the fire company, or would they be counted as municipal employees?

If that were the case, many volunteer fire companies could easily achieve 50 employees. If they did, these companies could be forced to pay health insurance costs for their volunteers or pay a fine.

This is very important in my home State of Pennsylvania. Ninety-seven percent of our fire companies depend either mostly or entirely on volunteers. Across the country, 87 percent of fire companies depend on volunteers.

As a former mayor, I can tell you that volunteer firefighters are part of the essential fabric of our communities. These are people who risk their lives every day to protect their friends, families, and people they don't even know. I can tell you that no one becomes a volunteer firefighter because they want health insurance. While they are on duty, they are, of course, covered by workman's compensation insurance.

Our volunteer firefighters have a hard enough time raising money needed for basic equipment. They cannot afford to pay for health insurance—or pay a fine—on top of it.

Last year, the IRS finally decided—after months of pressure from Members

of the House, from firefighters, and from the media—that they will not consider volunteer firefighters “employees” for Federal tax purposes, but I don't think we should leave something as important as public safety in the hands of unelected bureaucrats at the IRS. Our brave volunteer emergency personnel deserve certainty.

As I said, this is the third time we have had this bill before this body. The first time, in 2014, it passed the House of Representatives 410–0. When it got to the Senate, they used it to attach unrelated language about emergency unemployment insurance. The bill died.

The second time, just earlier this year, it passed the House of Representatives 401–0. This time, the Senate stripped all of my language out of the bill. It got turned into a 1-week funding measure for the Department of Homeland Security.

This is a bill that deserves to become law. This legislation has the strong support of the National Volunteer Fire Council, the International Association of Fire Chiefs, and the Congressional Fire Services Institute.

I appreciate their support and the work of all the men and women they represent who protect us every day in our hometowns. We all agree that public safety is too important of an issue to play politics with.

Mr. Speaker, I urge passage of this bill, and I ask all Members to vote “yes.”

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am heartened that my Republican colleagues are acting on legislation to improve the Affordable Care Act, rather than to simply repeal it.

Technical corrections have long been part of the legislative process for such fundamental pieces of legislation, and this bill does the same.

Volunteer first responders are absolutely critical to the safety and security of communities across the country. Seventy percent of all firefighters across the country are volunteers. For the communities aided by volunteer first responders, the services donated annually by these volunteers are estimated to be worth more than \$140 billion.

This legislation allows communities to continue to benefit for the time and commitment of our firefighters and other first responders.

□ 1700

Treasury has responded to the concerns that Mr. BARLETTA and many other Members raised through their final regulations. But this legislation makes permanent the reasonable solution that the administration put forward.

Mr. Speaker, I will insert into the RECORD a letter from the Department of the Treasury specifically outlining the regulations that address those concerns.

This bill is bipartisan, and it is non-controversial. It, as I said, codifies a regulation that has already been issued by the administration.

I urge my colleagues to support this bill, and I yield back the balance of my time.

DEPARTMENT OF THE TREASURY,
Washington, DC, January 10, 2014.

Hon. STEVE ISRAEL,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ISRAEL: I am writing regarding your interest in how the employer shared responsibility provisions of the Affordable Care Act will apply to volunteer firefighters and volunteer emergency medical personnel. In particular, you have urged the Treasury Department to consider not requiring the volunteer hours of these personnel to be counted in determining an employer's full-time employees or full-time equivalent employees for purposes of the employer shared responsibility rules. We appreciate your efforts and leadership on behalf of the volunteer emergency responder community, and want to assure you that we share your concern that emergency volunteer service be accorded appropriate treatment.

Treasury and the IRS issued proposed regulations providing guidance on the employer shared responsibility provisions under section 4980H of the Internal Revenue Code (Code) in December 2012 and invited public comments. Numerous comments were received from individuals and local fire and EMS departments that rely on volunteers, from the International Association of Fire Chiefs (IAFC), and from Members of Congress. The comments generally suggested that the final employer responsibility rules not count volunteer hours of nominally compensated volunteer firefighters and emergency medical personnel in determining an employer's full-time employees or full-time equivalent employees.

Treasury and the IRS carefully reviewed those comments and spoke with IAFC representatives to gain a better understanding of the specific issues presented by volunteer firefighters and volunteer emergency personnel under the employer responsibility provisions. Treasury and the IRS also reviewed pertinent rules that apply to such volunteer personnel under other laws. These include the statutory provisions applicable to bona fide volunteers for different purposes under Code section 457(e)(11) (relating to deferred compensation plans of state and local governments and tax-exempt organizations) and rules governing the treatment of volunteers for purposes of the wage and hour laws. As a result of that review and further analysis concerning the appropriate treatment of volunteer firefighters and volunteer emergency personnel under section 4980H, the forthcoming final regulations generally will not require volunteer hours of bona fide volunteer firefighters and volunteer emergency medical personnel at governmental entities or tax-exempt organizations to be counted when determining an employer's full-time employees or full-time equivalent employees.

The forthcoming final regulations, which we expect to be issued very shortly, should provide timely guidance for the volunteer emergency responder community. Under the transition relief announced by Treasury in July of 2013, no employer shared responsibility payments will be assessed for 2014; such payments will be assessed only for 2015 and subsequent years (see IRS Notice 2013–45).

I hope this information is helpful. And thank you for the important insights you have provided with this issue. If you have

any questions, please contact me, or ask a member of your staff to contact Sandra Salstrom at 202-622-1900.

Sincerely,

ALASTAIR M. FITZPAYNE,
Assistant Secretary for Legislative Affairs.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

I want to thank Mr. BARLETTA for bringing this to our attention. This is a problem with the law and, therefore, the law needs to change. It is insufficient that we have some regulatory forbearance from the administrative branch because the law has to be changed, and that is why this legislation is necessary.

Again, I just wanted to thank Mr. BARLETTA for his leadership on this issue. We need to do right by our volunteer firefighters, and this does that.

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

Mr. COURTNEY. Mr. Speaker, I rise today in support of H.R. 284. I have heard from many stakeholders in eastern Connecticut about this issue, and believe that this bill is a commonsense approach to making needed improvements to the competitive bidding process for durable medical equipment, prosthetics, orthotics, and supplies.

Requiring bidding entities to meet state licensure requirements in product category areas and obtaining reasonable bid surety bonds for each area are sensible prerequisites to improving the competitive acquisition program. Requiring vendor bidders to be licensed, means that they have attained basic standards of education and training, which patients can rely on. These reforms will ensure that the competitive DME bidding process produces a more stable supply chain of life saving equipment for Medicare patients.

I am proud to support this legislation, and urge bipartisan support for this bill today.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 1191, 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. BARLETTA. 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.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 2 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EMMER of Minnesota) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 647, by the yeas and nays;

H.R. 648, by the yeas and nays;

H.R. 876, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ACCESS TO LIFE-SAVING TRAUMA CARE FOR ALL AMERICANS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 647) to amend title XII of the Public Health Service Act to reauthorize certain trauma care programs, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 389, nays 10, not voting 33, as follows:

[Roll No. 113]

YEAS—389

Abraham	Brooks (IN)	Conaway	Duckworth	Langevin	Rigell
Adams	Brown (FL)	Connolly	Duffy	Larsen (WA)	Roby
Aderholt	Brownley (CA)	Cook	Duncan (SC)	Larson (CT)	Roe (TN)
Aguilar	Buchanan	Cooper	Duncan (TN)	Latta	Rogers (AL)
Allen	Buck	Costa	Edwards	Lawrence	Rogers (KY)
Amodei	Buchson	Costello (PA)	Ellison	Lee	Rokita
Ashford	Burgess	Courtney	Ellmers (NC)	Levin	Rooney (FL)
Babin	Bustos	Cramer	Emmer (MN)	Lewis	Ros-Lehtinen
Barletta	Butterfield	Crawford	Engel	Lieu, Ted	Ross
Barr	Byrne	Crenshaw	Eshoo	LoBiondo	Rothfus
Barton	Calvert	Crowley	Esty	Loeb sack	Rouzer
Bass	Capps	Cuellar	Farenthold	Lofgren	Roybal-Allard
Beatty	Cardenas	Culberson	Farr	Long	Royce
Benishkek	Carson (IN)	Cummings	Fattah	Loudermilk	Ruiz
Bera	Carter (GA)	Curbelo (FL)	Fitzpatrick	Love	Ruppersberger
Beyer	Carter (TX)	Davis (CA)	Fleischmann	Lowenthal	Russell
Bilirakis	Cartwright	Davis, Danny	Fleming	Lucas	Ryan (WI)
Bishop (GA)	Castor (FL)	Davis, Rodney	Flores	Luetkemeyer	Salmon
Bishop (MI)	Castro (TX)	DeGette	Forbes	Lujan Grisham (NM)	Sánchez, Linda T.
Bishop (UT)	Chabot	Delaney	Fortenberry	Lujan, Ben Ray (NM)	Sarbanes
Black	Chaffetz	DeLauro	Foster	Lynch	Scalise
Blackburn	Chu, Judy	DelBene	Frankel (FL)	MacArthur	Schakowsky
Blum	Cielline	Denham	Franks (AZ)	Maloney	Schiff
Blumenauer	Clark (MA)	Dent	Frelinghuysen	Malone y, Carolyn	Schock
Bonamici	Clawson (FL)	DeSantis	Fudge	Malone y, Sean	Schrader
Bost	Clay	DeSaulnier	Gabbard	Marchant	Schweikert
Boustany	Cleaver	DesJarlais	Gallego	Marino	Scott (VA)
Boyle, Brendan F.	Clyburn	Deutch	Garamendi	Matsui	Scott, David
Brady (PA)	Coffman	Diaz-Balart	Garrett	McCarthy	Serrano
Brady (TX)	Cohen	Dingell	Gibbs	McCaul	Sessions
Brat	Cole	Doggett	Gibson	McCollum	Sewell (AL)
Bridenstine	Collins (GA)	Dold	Gohmert	McDermott	Sherman
Brooks (AL)	Collins (NY)	Doyle, Michael F.	Goodlatte	McGovern	Shimkus
	Comstock		Gosar	McHenry	Shuster
			Gowdy	McKinley	Simpson
			Graham	McMorris	Sinema
			Graves (GA)	Rodgers	Sires
			Graves (LA)	McNerney	Slaughter
			Grayson	McSally	Smith (MO)
			Green, Al	Meadows	Smith (NE)
			Green, Gene	Meehan	Smith (TX)
			Griffith	Meeks	Stefanik
			Grothman	Meng	Stewart
			Guinta	Messer	Stivers
			Guthrie	Mica	Stutzman
			Hahn	Miller (FL)	Swalwell (CA)
			Hanna	Miller (MI)	Takai
			Hardy	Moolenaar	Takano
			Harper	Mooney (WV)	Thompson (CA)
			Harris	Moore	Thompson (MS)
			Hartzler	Moulton	Thompson (PA)
			Hastings	Mullin	Thornberry
			Heck (NV)	Murphy (FL)	Tiberi
			Heck (WA)	Murphy (PA)	Tipton
			Hensarling	Nadler	Titus
			Herrera Beutler	Napolitano	Tonko
			Hice, Jody B.	Neal	Torres
			Higgins	Neugebauer	Trott
			Hill	Newhouse	Tsongas
			Himes	Noem	Upton
			Honda	Nolan	Valadao
			Hoyer	Norcross	Van Hollen
			Hudson	Nugent	Vargas
			Huffman	Nunes	Veasey
			Huizenga (MI)	O'Rourke	Vela
			Hultgren	Olson	Velázquez
			Hunter	Palazzo	Visclosky
			Hurd (TX)	Pallone	Wagner
			Hurt (VA)	Palmer	Walberg
			Israel	Paulsen	Walden
			Issa	Pearce	Walker
			Jackson Lee	Pelosi	Walorski
			Jenkins (KS)	Perlmutter	Walters, Mimi
			Jenkins (WV)	Perry	Walz
			Johnson (GA)	Peters	Wasserman
			Johnson (OH)	Peterson	Schultz
			Johnson, E. B.	Pingree	Watson Coleman
			Johnson, Sam	Pittenger	Weber (TX)
			Jolly	Pitts	Webster (FL)
			Jordan	Pocan	Welch
			Joyce	Poe (TX)	Wenstrup
			Katko	Poliquin	Westerman
			Keating	Polis	Whitfield
			Kelly (IL)	Pompeo	Williams
			Kelly (PA)	Price (NC)	Wilson (FL)
			Kennedy	Price, Tom	Wittman
			Kildee	Quigley	Womack
			Kilmer	Rangel	Woodall
			Kind	Ratcliffe	Yarmuth
			King (IA)	Reed	Yoder
			King (NY)	Reichert	Yoho
			Kinzing er (IL)	Renacci	Young (AK)
			Kirkpatrick	Ribble	Young (IA)
			Kline	Rice (NY)	Young (IN)
			Knight	Rice (SC)	Zeldin
			Kuster	Richmond	Zinke
			Labrador		
			Lamborn		
			Lance		