

110TH CONGRESS
2D SESSION

S. 2846

To amend the Internal Revenue Code of 1986 to allow a \$1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2008

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Internal Revenue Code of 1986 to allow a \$1,000 refundable credit for individuals who are bona fide volunteer members of volunteer firefighting and emergency medical service organizations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Emergency
5 Responders Volunteer Efforts Act of 2008” or the
6 “SERVE Act of 2008”.

1 **SEC. 2. REFUNDABLE CREDIT FOR BONA FIDE VOLUNTEER**
 2 **MEMBERS OF VOLUNTEER FIREFIGHTING**
 3 **AND EMERGENCY MEDICAL SERVICE ORGA-**
 4 **NIZATIONS.**

5 (a) IN GENERAL.—Subpart C of part IV of sub-
 6 chapter A of chapter 1 of the Internal Revenue Code of
 7 1986 (relating to refundable credits) is amended by redес-
 8 ignating section 36 as section 37 and by inserting after
 9 section 35 the following new section:

10 **“SEC. 36. BONA FIDE VOLUNTEER MEMBERS OF VOLUN-**
 11 **TEER FIREFIGHTING AND EMERGENCY MED-**
 12 **ICAL SERVICE ORGANIZATIONS.**

13 “(a) IN GENERAL.—In the case of an individual who
 14 at any time during the taxable year is a bona fide volun-
 15 teer member of a qualified volunteer fire department,
 16 there shall be allowed as a credit against the tax imposed
 17 by this subtitle the amount of \$1,000.

18 “(b) DEFINITIONS.—For purposes of this section—

19 “(1) BONA FIDE VOLUNTEER MEMBER OF A
 20 QUALIFIED VOLUNTEER FIRE DEPARTMENT.—

21 “(A) IN GENERAL.—An individual shall be
 22 treated as a bona fide volunteer of a qualified
 23 volunteer fire department for purposes of this
 24 section if—

25 “(i) such individual was a member of
 26 a qualified volunteer fire department for

1 not less than 6 months during the taxable
2 year,

3 “(ii) such individual met all applicable
4 training and certification requirements of
5 the qualified volunteer fire department
6 during all periods in which such individual
7 was a member of the such department,

8 “(iii) the only compensation received
9 by such individual for performing qualified
10 services is in the form of—

11 “(I) reimbursement for (or a rea-
12 sonable allowance for) reasonable ex-
13 penses incurred in the performance of
14 such services, or

15 “(II) reasonable benefits (includ-
16 ing length of service awards), and
17 nominal fees for such services, cus-
18 tomarily paid by eligible employers in
19 connection with the performance of
20 such services by volunteers, and

21 “(iv) the aggregate amount of such
22 compensation for the taxable year for pro-
23 viding qualified services does not exceed an
24 amount equal to the annual limitation.

1 “(B) ANNUAL LIMITATION.—For purposes
2 of subparagraph (A), the annual limitation is
3 an amount equal to the product of—

4 “(i) the minimum wage in effect
5 under section 6(a)(1) of the Fair Labor
6 Standards Act of 1938 (29 U.S.C.
7 206(a)(1)) on the first day of the calendar
8 year beginning in the taxable year, multi-
9 plied by

10 “(ii) 2,080 hours.

11 “(2) QUALIFIED SERVICES.—For purposes of
12 this paragraph, the term ‘qualified services’ means
13 fire fighting and prevention services, emergency
14 medical services, and ambulance services.

15 “(3) QUALIFIED VOLUNTEER FIRE DEPART-
16 MENT.—The term ‘qualified volunteer fire depart-
17 ment’ has the meaning given such term by section
18 150(e).”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Paragraph (2) of section 1324(b) of title
21 31, United States Code, is amended by inserting “or
22 36” after “section 35”.

23 (2) The table of sections for subpart C of part
24 IV of subchapter A of chapter 1 of the Internal Rev-
25 enue Code of 1986 is amended by redesignating the

1 item relating to section 36 as an item relating to
2 section 37 and by inserting before the item relating
3 to section 37 the following new item:

“Sec. 36. Bona fide volunteer members of volunteer firefighting and emergency
medical service organizations.”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to taxable years beginning after
6 the date of the enactment of this Act.

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