

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### RECOGNIZING THE FOOD BANK OF NORTHEAST GEORGIA

(Mr. JODY B. HICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JODY B. HICE of Georgia. Mr. Speaker, I rise today to recognize the Food Bank of Northeast Georgia for more than 20 years of dedication and service to the people of Georgia. Since 1992, the food bank has worked to combat hunger and alleviate poverty by feeding children, the elderly, the ill, and those in need throughout the northeastern part of Georgia.

Just this past October, my staff and I had the distinct pleasure of lending a hand to the hardworking staff of the food bank and saw their actions, which are indeed remarkable. Just this year alone, the food bank has distributed nearly 12 million pounds of food, which equals about 10½ million meals.

This is truly an outstanding organization that continues to expand its reach and scope through its charitable contributions.

Mr. Speaker, it is my honor to ask my colleagues to join me in recognizing the Food Bank of Northeast Georgia for their outstanding service. I am honored deeply to have them in the 10th District of Georgia. I give my best wishes to the food bank and their staff as they continue to serve those in need.

#### FLINT, MICHIGAN

(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Mr. Speaker, my hometown of Flint—I am sure you have heard me talk about this before—continues to suffer in this crisis. One hundred thousand people, citizens of that city, still can't drink their water, which has been exposed to high levels of lead.

That crisis is far from over. Flint families don't have access to clean drinking water. They demand—and we should provide—a response from every level of government, including the Federal Government.

That is why I am pleased and appreciate the fact that Democrats and Republicans in the House and the Senate have come together to make a commitment to help the people of Flint. Legislation passed in both bodies provides help for Flint. Now we have to finish that work before we leave this session.

Before we are Democrats or Republicans, we are Americans. We have a tradition in this country of always coming together for those who are facing a crisis, for those who are in great need. It is incumbent now upon Congress to do the same, to come together to help the people of Flint. I look for-

ward to Democrats and Republicans coming together to do that.

#### RECOGNIZING THE NATIONAL GRANGE ANNIVERSARY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in recognition of the National Grange's 150th anniversary and to celebrate their century and a half of service to agriculture and rural America.

The National Grange was founded in 1867 by Oliver H. Kelley, an employee at the United States Department of Agriculture. He formed this organization to bring farmers from all over the country together in order to share best agricultural practices, drive educational discussion, and promote the economic and social needs of farmers.

In the 150 years since its founding, the Grange has encouraged families and communities—both rural and urban—to come together at the community, county or district, State, and national level to advocate not only for agriculture, but for an array of causes affecting communities.

For example, the Grange played a critical role in developing rural access, from electricity to rural mail delivery, and was an early supporter of women's suffrage.

I congratulate the National Grange and its members on a century and a half of excellence.

#### MEDIA IGNORES ILLEGAL IMMIGRATION

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a new report by the Wilson Center has found that illegal immigration across the southern border is on pace to break the previous record set in 2014.

This record should not come as a surprise. The administration's policies encourage illegal immigration.

The number of apprehensions at the southern border in August reached its highest point for that month in the last 5 years. This record-setting pace of illegal immigration was largely ignored by the media. Neither the Big Three networks nor the national daily newspapers covered the report.

The administration's failure to enforce immigration laws has caused the new record surge. Americans are understandably concerned about illegal immigration. It is unfortunate that the media does not consider it newsworthy.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following commu-

nication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 29, 2016.

Hon. PAUL D. RYAN,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 29, 2016, at 9:23 a.m.:

That the Senate passed without amendment H.R. 4665.

That the Senate passed without amendment H.R. 5111.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 29, 2016.

Hon. PAUL D. RYAN,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 29, 2016, at 10:45 a.m.:

That the Senate passed S. 2974.

That the Senate passed S. 2325.

With best wishes, I am,

Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 8 minutes p.m.), the House stood in recess.

□ 1501

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 3 o'clock and 1 minute p.m.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the

vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

### VETERANS TRICARE CHOICE ACT OF 2016

Mr. SMITH of Nebraska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5458) to provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, and for other purposes, as amended.

The Clerk read the title of the bill.  
The text of the bill is as follows:

H.R. 5458

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 “Veterans TRICARE Choice Act of 2016”.

#### SEC. 2. COORDINATION BETWEEN TRICARE PROGRAM AND ELIGIBILITY TO MAKE CONTRIBUTIONS TO HEALTH SAVINGS ACCOUNTS.

(a) *IN GENERAL.*—Section 223(c)(1)(B) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) coverage under the TRICARE program under chapter 55 of title 10, United States Code, for any period with respect to which an election is in effect under section 1097e of such title providing that the individual is ineligible to be enrolled in (and receive benefits under) such program.”

#### (b) PROVISIONS RELATING TO ELECTION OF INELIGIBILITY UNDER TRICARE.—

(1) *IN GENERAL.*—Chapter 55 of title 10, United States Code, is amended by inserting after section 1097d the following new section:

#### “§ 1097e. TRICARE program: election of eligibility

“(a) *ELECTION.*—Beginning January 1, 2017, a TRICARE-eligible individual may elect at any time to be ineligible to enroll in (and receive any benefits under) the TRICARE program.

“(b) *CHANGE OF ELECTION.*—(1) If a TRICARE-eligible individual makes an election under subsection (a), the TRICARE-eligible individual may later elect to be eligible to enroll in the TRICARE program. An election made under this subsection may be made only during a special enrollment period.

“(2) The Secretary shall ensure that a TRICARE-eligible individual who makes an election under subsection (a) may efficiently enroll in the TRICARE program pursuant to an election under paragraph (1), including by maintaining the individual, as appropriate, in the health care enrollment system under section 1099 of this title in an inactive manner.

“(c) *PERIOD OF ELECTION.*—If a TRICARE-eligible individual makes an election under subsection (a), such election shall be in effect beginning on the date of such election and ending on the date that such individual makes an election under subsection (b)(1) to enroll in the TRICARE program.

“(d) *HEALTH SAVINGS ACCOUNT PARTICIPATION.*—(1) For provisions allowing participation in a health savings account in connection with coverage under a high deductible health plan during the period that the election under subsection (a) is in effect, see section 223(c)(1)(B)(iv) of the Internal Revenue Code of 1986.

“(2) The Secretary shall submit to the Commissioner of Internal Revenue the name of, and

any other information that the Commissioner may require with respect to, each TRICARE-eligible individual who makes an election under subsection (a) or (b), not later than 90 days after such election, for purposes of determining the eligibility of such TRICARE-eligible individual for a health savings account described in paragraph (1).

“(e) *RECORDS.*—The Secretary shall ensure that a TRICARE-eligible individual who makes an election under subsection (a) is maintained on the Defense Enrollment Eligibility Reporting System, or successor system, regardless of whether the individual is eligible for the TRICARE program during the period of such election.

“(f) *PROVISION OF INFORMATION.*—The Secretary shall provide to each TRICARE-eligible individual who seeks to make an election under subsection (a) information regarding—

“(1) health savings accounts in connection with coverage under a high deductible health plan described in subsection (d)(1), including a comparison of such health saving accounts and the health care benefits the individual is eligible to receive under the TRICARE program; and

“(2) changing such an election under subsection (b)(1).

“(g) *ANNUAL REPORT.*—Not later than 60 days after the end of each fiscal year, the Secretary shall submit to the congressional defense committees a report on elections by TRICARE-eligible individuals under this section that includes the following:

“(1) The number of TRICARE-eligible individuals, as of the date of the submittal of the report, who are ineligible to enroll in (and receive any benefits under) the TRICARE program pursuant to an election under subsection (a).

“(2) The number of TRICARE-eligible individuals who made an election described under subsection (a) but, as of the date of the submittal of the report, are enrolled in the TRICARE program pursuant to a change of election under subsection (b).

“(h) *DEFINITIONS.*—In this section:

“(1) The term “TRICARE-eligible individual” means an individual who is—

“(A) eligible to be a covered beneficiary entitled to health care benefits under the TRICARE program (determined without regard to this section); and

“(B) not serving on active duty in the uniformed services.

“(2) The term “special enrollment period” means the period in which a beneficiary under the Federal Employees Health Benefits program under chapter 89 of title 5 may enroll in or change a plan under such program by reason of a qualifying event or during an open enrollment season. For purposes of this section, such qualifying events shall also include events determined appropriate by the Secretary of Defense, including events relating to a member of the armed forces being ordered to active duty.”

(2) *CONFORMING AMENDMENT.*—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1097d the following new item:

“1097e. TRICARE program: election of eligibility.”

(c) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall apply to months beginning after December 31, 2016.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. SMITH) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska.

#### GENERAL LEAVE

Mr. SMITH of Nebraska. 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. 5458, currently under consideration.

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

There was no objection.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 5458, the Veterans TRICARE Choice Act of 2016. This legislation, introduced by the gentleman from Utah (Mr. STEWART), addresses a gap in current law which prevents veterans and their families with TRICARE coverage who also choose to participate in a high-deductible health plan from utilizing a health savings account, or HSA.

While veterans or their family members who participate in TRICARE may also have private health insurance coverage, including high-deductible plans, they are prohibited from contributing to an HSA affiliated with a high-deductible plan. In order to contribute to an HSA under current law, an individual must permanently renounce their TRICARE eligibility because no mechanism to allow reenrollment currently exists.

H.R. 5458 addresses this issue by allowing certain TRICARE-eligible individuals to voluntarily pause their TRICARE coverage for a period of time in which they choose to contribute to an HSA. The bill also creates special enrollment periods should these individuals choose to reenroll in TRICARE at a later date.

Our veterans devoted their lives to defending our freedoms. We should not allow arbitrary, bureaucratic obstacles to stop them from making the best healthcare choices for themselves and their families. This bill creates a mechanism to improve veterans' health coverage options and provides them greater opportunities to save toward their own healthcare needs. It also ensures patients can be more engaged in their own care while eliminating the inconsistency in our Tax Code.

I applaud the gentleman from Utah (Mr. STEWART) for bringing us this good idea today. I urge support.

Mr. Speaker, I reserve the balance of my time.

COMMITTEE ON ARMED SERVICES,

HOUSE OF REPRESENTATIVES,

Washington, DC, November 17, 2016.

Hon. KEVIN BRADY,

Chairman, Committee on Ways and Means,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 5458, the Veterans TRICARE Choice Act of 2016, which was referred to the Committee on Armed Services. There are certain provisions in the bill that fall within the Rule X jurisdiction of the Committee on Armed Services.

In order to expedite this legislation for floor consideration, the Committee on Armed Services will forgo action on this bill. This decision is conditional on our mutual understanding that forgoing consideration in no way diminishes or alters the jurisdictional interests of the Committee on Armed