

**EXPRESSING SENSE OF HOUSE THAT NOT FULLY RESOURCING THE UNITED STATES ARMY IN A TIMELY MANNER ERODES THE ARMY'S ABILITY TO MAINTAIN READINESS**

Ms. CHENEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1007) expressing the sense of the House of Representatives that not fully resourcing the United States Army in a timely manner erodes the Army's ability to maintain readiness and poses risk to the Army's ability to conduct military operations.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

**H. RES. 1007**

Whereas, in previous years, the United States Army delayed supply transactions, and later had to order parts from sources outside the Department of Defense supply system and pay more to get parts fabricated or shipped quickly to keep up with maintenance timelines;

Whereas, in previous years, the Army was forced to restrict to home station training due to not having enough resources;

Whereas the Army, if not fully resourced, will postpone all noncritical maintenance work orders until later in the year when resourced correctly;

Whereas the Army is attempting to add military personnel to meet critical skill gaps, and if not fully resourced, will delay the recruitment of new personnel which will result in units continuing to lack the full complement of personnel needed to be 100-percent effective;

Whereas, if not fully resourced, noncritical travel, which includes relocating soldiers' families (change of duty station) will be postponed and may result in missed school year timing for dependent spouses and their children;

Whereas United States Army Forces Command is responsible for the training, mobilization, deployment, sustainment, and transformation of conventional forces to provide relevant and ready land power to combatant commanders;

Whereas global threats require the Army to prepare to fight both terrorist organizations as well as possible near-peer adversaries; and

Whereas it takes both significant time and resources to build a professional Army: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) finds that not resourcing the Department of the Army in a timely manner erodes readiness and puts the United States Army at a disadvantage; and

(2) affirms that Congress should resource all our warfighters prior to the beginning of a new fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Wyoming (Ms. CHENEY) and the gentleman from California (Mr. GARAMENDI) each will control 20 minutes.

The Chair recognizes the gentlewoman from Wyoming.

**GENERAL LEAVE**

Ms. CHENEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and in-

sert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wyoming?

There was no objection.

Ms. CHENEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. RUSSELL), who is my colleague from the Armed Services Committee, to discuss his resolution.

Mr. RUSSELL. Mr. Speaker, I thank the gentlewoman from Wyoming for her important leadership in the strengthening of our military and my colleagues on the other side of the aisle that I work with well on the Armed Services Committee.

Mr. Speaker, nothing is too good for the troops, and nothing is what they get—at least on time, year after year, by this Congress. Our lack of diligence and commitment to provide timely funds in Congress erodes military readiness and weakens our Nation. H. Res. 1007 helps fix that for the United States Army.

For me, these are not academic or political issues but, rather, experiential. Having served as a combat infantryman in more than two decades of uniformed service prior to coming to Congress, these are not issues that I take lightly. I have lived the hardships created when Congress is derelict in its duty.

When supply transactions are delayed, the Army is forced to order parts outside the Department of Defense supply system, pay for more parts, and risk getting any spare parts at all. Soldiers are severely hampered in their training, being forced to stay at home stations with limitations on equipment, fuel, and ammunition. Consequently, the readiness of units diminishes, and their morale flags.

Even if the Army were to somehow make the best of those circumstances and attempt to send their warriors to school in the time that is created because they can't train to maybe increase their vital skills, they can't. Their funds are delayed, so their schools get canceled, and the time is gone forever.

Adding insult to injury, many people who were promised schools to make important promotions have those schools taken from their grasp, and, disillusioned, they exit the force, affecting recruitment and the trained warriors who had invested years up to that point.

Another insult to injury is the relocation of families. It gets postponed, and it causes undue family hardship on those in uniform, missed school for their children, and stresses on the warrior at home which not only affect his performance, but what is sad is that it was all preventable, while we in this Congress who are responsible for this and the timely delivery of funds fly home to our families weekend after weekend without interruption.

Our founding documents state that we should promote the general welfare

and provide for the common defense. Both sides of the aisle need to be mindful that these founding documents do not say provide the general welfare and promote, somehow, the common defense. If we cannot defend the Republic, all of these other things are simply not going to matter.

Our lack of diligence in Congress creates reduced readiness, a less capable military, cancellation of training, untold family hardships, and a less secure nation. It is so easily solved. We simply do the work, sign the bills, and get them to the President by October 1.

It is pretty simple, and it is extraordinarily important. Today is the 25th of July. There is plenty of time.

The question that I and warriors who still serve in uniform ask is: Will this Congress have the heart and the guts to do what is right?

The clock ticks. Let's stop the madness. Let's stop the debate of ancillary things that don't have anything to do with providing for the common defense, and let's end the continuing resolutions that affect our military funding. Run a clean defense measure.

If we are in so much agreement about funding our military, then my challenge to both sides of the aisle is let's run a clean measure. Let's not attach anything else to it, no Labor-H, no other appropriations measures, a simple, clean measure that we all agree to anyway and we pass year after year. Then we can get it to the President's desk, and our warriors who give us our freedom and allow us to continue with this great Republic for generation to generation will have what they need.

We have not done it in years. This could be a first and could be a hallmark of the 115th Congress.

Mr. GARAMENDI. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Oklahoma for making me aware of the current financial situation, and I will remind him that California is running a very significant budget surplus at the present time. Both of our economies are presently growing, and we are thankful for that.

I also want to thank the gentleman for being a voice of knowledge on the Armed Services Committee, for his many years of service in the United States Army, and for bringing us this resolution today calling for the full and timely funding of the United States Army.

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My father, who served in the Army and ended that service as a major, would have been very pleased to hear that there was adequate and timely funding.

I know I have said quite enough on the issue of how we are going to fund the government, and I am sure my colleagues across the aisle probably think I have said too much. If they feel that way, so be it. But I do think that we need to understand the need to be balanced as we move forward.

I announce my support for this resolution, along with the two previous resolutions, and look forward to its immediate passage.

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

Ms. CHENEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I thank my colleague, Mr. GARAMENDI from California, for his support of these resolutions and for his time focusing on them today on the floor.

I also want to thank my colleague from Oklahoma. There is no stronger supporter of our men and women in uniform that I know of in this body than Mr. RUSSELL from Oklahoma. He understands, I would say, more than most because of his own service that what we do in this body and what we do on this floor has a direct impact on the levels of risk, on the safety, and on the effectiveness of our men and women in uniform.

Mr. Speaker, this resolution highlights the damage that we have seen to the readiness of the United States Army over 9 years of continuing resolutions, sequestration, and overall budget dysfunction.

I want to echo the remarks of my colleague from Oklahoma. Let's change that. Let's make this a new start. Let's make this the year that we don't hold military funding hostage and we pass a clean Defense Appropriations bill. We have done it here in the House. We know they can do it in the Senate. We need to get the bill, take it up, and pass it.

All these other arguments and discussions are important. They are important for the future of the Nation. They are important for our economy. But we should not force our men and women in uniform to have to wait, to have stand by and watch, not knowing whether we are going to be able to pass the bills that they need for the funding they need to continue to keep us all safe.

We did our job for fiscal year 2018, although we were too slow, but we have now appropriated the \$700 billion for that fiscal year. Let's do it this year on time, with sufficient funding, and with a level of accountability, and also making sure that our men and women in uniform know that those funds are coming to them.

It is going to take us more than a single year to get ourselves out of the crisis we face, Mr. Speaker. We have made a good start. But I think we should all come together, both sides of the aisle and, frankly, on both sides of Capitol Hill, to say: Look, this is an issue on which we are going to agree.

The security of the Nation is an issue that ought to cross party lines. The support that we are seeing for this resolution and for all the resolutions we have done for our services demonstrates that. Let's make this the year that we do it differently and we do it right, Mr. Speaker.

With that, I thank everyone who has participated in this effort. I thank

Chairman THORNBERRY and Chairman GRANGER for their important efforts.

Mr. Speaker, I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Wyoming (Ms. CHENEY) that the House suspend the rules and agree to the resolution, H.R. 1007.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## RESTORING ACCESS TO MEDICATION ACT OF 2018

Ms. JENKINS of Kansas. Mr. Speaker, pursuant to House Resolution 1012, I call up the bill (H.R. 6199) to amend the Internal Revenue Code of 1986 to include certain over-the-counter medical products as qualified medical expenses, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1012, in lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-82 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6199

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Restoring Access to Medication and Modernizing Health Savings Accounts Act of 2018”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. First dollar coverage flexibility for high deductible health plans.

Sec. 3. Treatment of direct primary care service arrangements.

Sec. 4. Certain employment related services not treated as disqualifying coverage for purposes of health savings accounts.

Sec. 5. Contributions permitted if spouse has a health flexible spending account.

Sec. 6. FSA and HRA terminations or conversions to fund HSAs.

Sec. 7. Inclusion of certain over-the-counter medical products as qualified medical expenses.

Sec. 8. Certain amounts paid for physical activity, fitness, and exercise treated as amounts paid for medical care.

### SEC. 2. FIRST DOLLAR COVERAGE FLEXIBILITY FOR HIGH DEDUCTIBLE HEALTH PLANS.

(a) **IN GENERAL.**—Section 223(c)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) **FIRST DOLLAR COVERAGE FLEXIBILITY.**—

“(i) **IN GENERAL.**—A plan shall not fail to be treated as a high deductible health plan by reason of failing to have a deductible for not more

than \$250 of specified services for self-only coverage (twice such amount in the case of family coverage) during a plan year.

“(ii) **SPECIFIED SERVICES.**—For purposes of this subparagraph, the term ‘specified services’ means, with respect to a plan, services other than preventive care (within the meaning of subparagraph (C)) identified under the terms of the plan as being services to which clause (i) applies.”.

(b) **INFLATION ADJUSTMENT.**—Section 223(g)(1) of such Code is amended—

(1) by striking “and (c)(2)(A)” each place it appears and inserting “, (c)(2)(A), and (c)(2)(E)”, and

(2) in subparagraph (B)—

(A) by striking “such taxable year” in the matter preceding clause (i) and inserting “the taxable year (plan year in the case of the dollar amount in subsection (c)(2)(E))”, and

(B) by striking “clause (ii)” and inserting “clauses (ii) and (iii)” in clause (i), by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, and”, and by inserting after clause (ii) the following new clause:

“(iii) in the case of the dollar amount in subsection (c)(2)(E) for plan years beginning in calendar years after 2019, ‘calendar year 2018’.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2018.

### SEC. 3. TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.

(a) **IN GENERAL.**—Section 223(c)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) **TREATMENT OF DIRECT PRIMARY CARE SERVICE ARRANGEMENTS.**—

“(i) **IN GENERAL.**—A direct primary care service arrangement shall not be treated as a health plan for purposes of subparagraph (A)(ii).

“(ii) **DIRECT PRIMARY CARE SERVICE ARRANGEMENT.**—For purposes of this paragraph—

“(I) **IN GENERAL.**—The term ‘direct primary care service arrangement’ means, with respect to any individual, an arrangement under which such individual is provided medical care (as defined in section 213(d)) consisting solely of primary care services provided by primary care practitioners (as defined in section 1833(x)(2)(A) of the Social Security Act, determined without regard to clause (ii) thereof), if the sole compensation for such care is a fixed periodic fee.

“(II) **LIMITATION.**—With respect to any individual for any month, such term shall not include any arrangement if the aggregate fees for all direct primary care service arrangements (determined without regard to this subclause) with respect to such individual for such month exceed \$150 (twice such dollar amount in the case of an individual with any direct primary care service arrangement (as so determined) that covers more than one individual).

“(iii) **CERTAIN SERVICES SPECIFICALLY EXCLUDED FROM TREATMENT AS PRIMARY CARE SERVICES.**—For purposes of this paragraph, the term ‘primary care services’ shall not include—

“(I) procedures that require the use of general anesthesia,

“(II) prescription drugs (other than vaccines), and

“(III) laboratory services not typically administered in an ambulatory primary care setting.

The Secretary, after consultation with the Secretary of Health and Human Services, shall issue regulations or other guidance regarding the application of this clause.”.

(b) **DIRECT PRIMARY CARE SERVICE ARRANGEMENT FEES TREATED AS MEDICAL EXPENSES.**—Section 223(d)(2)(C) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following new clause:

“(v) any direct primary care service arrangement.”.