AMENDMENT TO RULES COMMITTEE PRINT 116-19

OFFERED BY MS. CLARK OF MASSACHUSETTS

At the end of title XI, add the following:

SEC. 1113. DESIGNATING CERTAIN FEHBP AND FEGLI SERVICES PROVIDED BY FEDERAL EMPLOYEES AS EXCEPTED SERVICES UNDER THE ANTI-DEFICIENCY ACT.

(a) FEHBP.—Section 8905 of title 5, United States Code, is amended by adding at the end the following:

“(i) Any services by an officer or employee under this chapter relating to enrolling individuals in a health benefits plan under this chapter, or changing the enrollment of an individual already so enrolled, shall be deemed, for purposes of section 1342 of title 31, services for emergencies involving the safety of human life or the protection of property.”.

(b) FEGLI.—Section 8702 of title 5, United States Code, is amended by adding at the end the following:

“(d) Any services by an officer or employee under this chapter relating to benefits under this chapter shall be deemed, for purposes of section 1342 of title 31, services
for emergencies involving the safety of human life or the
protection of property.”.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after
the date of the enactment of this Act, the Office of
Personnel Management shall prescribe regulations to
carry out the amendments made by subsections (a)
and (b).

(2) PAY STATUS FOR FURLOUGHED EMPLOY-
EES.—The regulations prescribed under paragraph
(1) for the amendments made by subsection (a) shall
provide that an employee furloughed as result of a
lapse in appropriations shall, during such lapse, be
deemed to be in a pay status for purposes of enroll-
ing or changing the enrollment (as the case may be)
of that employee under chapter 89 of title 5, United
States Code.

(d) APPLICATION.—The amendments made by sub-
section (a) and (b) shall apply to any lapse in appropri-
tions beginning on or after the date of enactment of this
Act.
SEC. 1114. CONTINUING SUPPLEMENTAL DENTAL AND VISION BENEFITS AND LONG-TERM CARE INSURANCE COVERAGE DURING A GOVERNMENT SHUTDOWN.

(a) In general.—Title 5, United States Code, is amended—

(1) in section 8956, by adding at the end the following:

“(d) Coverage under a dental benefits plan under this chapter for any employee or a covered TRICARE-eligible individual enrolled in such a plan and who, as a result of a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as a result of nonpayment of premiums or other periodic charges due to such lapse.”;

(2) in section 8986, by adding at the end the following:

“(d) Coverage under a vision benefits plan under this chapter for any employee or a covered TRICARE-eligible individual enrolled in such a plan and who, as a result of a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as a result of nonpayment of premiums or other periodic charges due to such lapse.”; and
(3) in section 9003, by adding at the end the following:

“(e) Effect of Government Shutdown.—Coverage under a master contract under this chapter for long-term care insurance for an employee or member of the uniformed services enrolled under such contract and who, due to a lapse in appropriations, is furloughed or excepted from furlough and working without pay shall continue during such lapse and may not be cancelled as a result of nonpayment of premiums or other periodic charges due to such lapse.”.

(b) Regulations.—

(1) In General.—Consistent with paragraph (2), the Director of the Office of Personnel Management shall prescribe regulations under which premiums for supplemental dental, supplemental vision, or long-term care insurance under chapter 89A, 89B, or 90 (respectively) of title 5, United States Code, (as amended by subsection (a)) that are unpaid by an employee, a covered TRICARE-eligible individual, or a member of the uniformed services (as the case may be), as a result of that employee, covered TRICARE-eligible individual, or member being furloughed or excepted from furlough and working without pay as a result of a lapse in appro-
priations, are paid to the applicable carrier from back pay made available to the employee or member as soon as practicable upon the end of such lapse.

(2) Long-term care premiums from source other than backpay.—The regulations promulgated under paragraph (1) for the amendments made by subsection (a)(3) may provide, with respect to any individual who elected under section 9004(d) of title 5, United States Code, to pay premiums directly to the carrier, that such individual may continue to pay premiums pursuant to such election instead of from back pay made available to such individual.

(e) Application.—The amendments made by subsection (a) shall apply to any contract for supplemental dental, supplemental vision, or long-term care insurance under chapter 89A, 89B, or 90 (respectively) of title 5, United States Code, entered into before, on, or after the date of enactment of this Act.