

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2004
OFFERED BY MR. CUMMINGS OF MARYLAND**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Ensuring FEDVIP
3 and FLTCIP Coverage During Shutdowns Act”.

**4 SEC. 2. CONTINUING SUPPLEMENTAL DENTAL AND VISION
5 BENEFITS AND LONG-TERM CARE INSUR-
6 ANCE COVERAGE DURING A GOVERNMENT
7 SHUTDOWN.**

8 (a) IN GENERAL.—Title 5, United States Code, is
9 amended—

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

12 “(d) Coverage under a dental benefits plan under this
13 chapter for any employee or a covered TRICARE-eligible
14 individual enrolled in such a plan and who, as a result
15 of a lapse in appropriations, is furloughed or excepted
16 from furlough and working without pay shall continue
17 during such lapse and may not be cancelled as a result

1 of nonpayment of premiums or other periodic charges due
2 to such lapse.”;

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

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

13 (3) in section 9003, by adding at the end the
14 following:

15 “(e) EFFECT OF GOVERNMENT SHUTDOWN.—Cov-
16 erage under a master contract under this chapter for long-
17 term care insurance for an employee or member of the
18 uniformed services enrolled under such contract and who,
19 due to a lapse in appropriations, is furloughed or excepted
20 from furlough and working without pay shall continue
21 during such lapse and may not be cancelled as a result
22 of nonpayment of premiums or other periodic charges due
23 to such lapse.”.

24 (b) REGULATIONS.—

1 (1) IN GENERAL.—Consistent with paragraph
2 (2), the Director of the Office of Personnel Manage-
3 ment shall prescribe regulations under which pre-
4 miums for supplemental dental, supplemental vision,
5 or long-term care insurance under chapter 89A,
6 89B, or 90 (respectively) of title 5, United States
7 Code, (as amended by subsection (a)) that are un-
8 paid by an employee, a covered TRICARE-eligible
9 individual, or a member of the uniformed services
10 (as the case may be), as a result of that employee,
11 covered TRICARE-eligible individual, or member
12 being furloughed or excepted from furlough and
13 working without pay as a result of a lapse in appro-
14 priations, are paid to the applicable carrier from
15 back pay made available to the employee or member
16 as soon as practicable upon the end of such lapse.

17 (2) LONG-TERM CARE PREMIUMS FROM SOURCE
18 OTHER THAN BACKPAY.—The regulations promul-
19 gated under paragraph (1) for the amendments
20 made by subsection (a)(3) may provide, with respect
21 to any individual who elected under section 9004(d)
22 of title 5, United States Code, to pay premiums di-
23 rectly to the carrier, that such individual may con-
24 tinue to pay premiums pursuant to such election in-

1 stead of from back pay made available to such indi-
2 vidual.

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

