

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2003
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 FEHBP and
3 FEGLI Coverage During Shutdowns Act”.

**4 SEC. 2. DESIGNATING CERTAIN FEHBP AND FEGLI SERV-
5 ICES PROVIDED BY FEDERAL EMPLOYEES AS
6 EXCEPTED SERVICES UNDER THE ANTI-DEFI-
7 CIENCY ACT.**

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

10 “(i) Any services by an officer or employee under this
11 chapter relating to enrolling individuals in a health bene-
12 fits plan under this chapter, or changing the enrollment
13 of an individual already so enrolled, shall be deemed, for
14 purposes of section 1342 of title 31, services for emer-
15 gencies involving the safety of human life or the protection
16 of property.”.

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

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

6 (c) REGULATIONS.—

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

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

21 (d) APPLICATION.—The amendments made by sub-
22 section (a) and (b) shall apply to any lapse in appropria-
23 tions beginning on or after the date of enactment of this
24 Act.

Amend the official title to read as follows: “A bill to amend title 5, United States Code, to provide that during a lapse in appropriations certain services provided by Federal employees relating to the Federal Employees Health Benefits Program and the Federal Employees Group Life Insurance Program are excepted services under the Anti-Deficiency Act, and for other purposes.”.

