

116TH CONGRESS  
1ST SESSION

# S. 971

To amend title 5, United States Code, to clarify that during a lapse in appropriations certain services relating to the Federal Employees Health Benefits Program are excepted services under the Anti-Deficiency Act, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 1, 2019

Ms. SMITH introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

---

## A BILL

To amend title 5, United States Code, to clarify that during a lapse in appropriations certain services relating to the Federal Employees Health Benefits Program are excepted services under the Anti-Deficiency Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring FEHBP  
5 Coverage During Shutdowns Act”.

1 **SEC. 2. DESIGNATING CERTAIN FEHBP-RELATED SERVICES**  
2 **AS EXCEPTED SERVICES UNDER THE ANTI-**  
3 **DEFICIENCY ACT.**

4 (a) IN GENERAL.—Section 8905 of title 5, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing:

7 “(i) In the event of a lapse in appropriations, the Di-  
8 rector of the Office of Personnel Management shall des-  
9 ignate any officer or employee who performs services relat-  
10 ing to enrolling individuals in a health benefits plan under  
11 this chapter, or changing the enrollment of an individual  
12 already so enrolled due to a qualifying life event, as an  
13 excepted employee (as defined in section 1341(c) of title  
14 31).”.

15 (b) APPLICATION.—The amendment made by sub-  
16 section (a) shall apply to any lapse in appropriations be-  
17 ginning on or after the date of enactment of this Act.

○