

Calendar No. 942

106TH CONGRESS
2^D SESSION

S. 1688

[Report No. 106–492]

To amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 5, 1999

Mr. LEVIN (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

OCTOBER 6 (legislative day, SEPTEMBER 22), 2000

Reported by Mr. THOMPSON, without amendment

A BILL

To amend chapter 89 of title 5, United States Code, relating to the Federal Employees Health Benefits Program, to enable the Federal Government to enroll an employee and the family of the employee in the program when a State court orders the employee to provide health insurance coverage for a child of the employee, but the employee fails to provide the coverage, 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 “Federal Employees
 5 Health Benefits Children’s Equity Act of 1999”.

6 **SEC. 2. ENROLLMENT OF CERTAIN EMPLOYEES AND**
 7 **FAMILY.**

8 Section 8905 of title 5, United States Code, is
 9 amended—

10 (1) by redesignating subsections (f) and (g) as
 11 subsections (g) and (h), respectively; and

12 (2) by inserting after subsection (e) the fol-
 13 lowing:

14 “(f)(1)(A) An unenrolled employee who is required by
 15 a court or administrative order to provide health insurance
 16 coverage for a child who meets the requirements of section
 17 8901(5) may enroll for self and family coverage in a health
 18 benefits plan under this chapter.

19 “(B) The employing agency of an employee described
 20 under subparagraph (A) shall enroll the employee in a self
 21 and family enrollment in the option which provides the
 22 lower level of coverage under the service benefit plan if
 23 the employee—

24 “(i) fails to enroll for self and family coverage
 25 in a health benefits plan that provides full benefits

1 and services in the location in which the child re-
2 sides; and

3 “(ii) does not provide documentation dem-
4 onstrating that the required coverage has been pro-
5 vided through other health insurance.

6 “(2)(A) An employee who is enrolled as an individual
7 in a health benefits plan under this chapter and who is
8 required by a court or administrative order to provide
9 health insurance coverage for a child who meets the re-
10 quirements of section 8901(5) may change to a self and
11 family enrollment in—

12 “(i) the health benefits plan in which the em-
13 ployee is enrolled; or

14 “(ii) another health benefits plan under this
15 chapter.

16 “(B) The employing agency of an employee described
17 under subparagraph (A) shall change the enrollment of
18 the employee to a self and family enrollment in the plan
19 in which the employee is enrolled if—

20 “(i) such plan provides full benefits and services
21 in the location where the child resides; and

22 “(ii) the employee—

23 “(I) fails to change to a self and family en-
24 rollment; and

1 “(II) does not provide documentation dem-
2 onstrating that the required coverage has been
3 provided through other health insurance.

4 “(C) The employing agency of an employee described
5 under subparagraph (A) shall change the coverage of the
6 employee to a self and family enrollment in the option
7 which provides the lower level of coverage under the serv-
8 ice benefit plan if—

9 “(i) the plan in which the employee is enrolled
10 does not provide full benefits and services in the lo-
11 cation in which the child resides; or

12 “(ii) the employee fails to change to a self and
13 family enrollment in a plan that provides full bene-
14 fits and services in the location where the child re-
15 sides.

16 “(3)(A) Subject to subparagraph (B), an employee
17 who is subject to a court or administrative order described
18 under this section may not discontinue the self and family
19 enrollment in a plan that provides full benefits and serv-
20 ices in the location in which the child resides for the period
21 that the court or administrative order remains in effect
22 if the child meets the requirements of section 8901(5) dur-
23 ing such period.

24 “(B) Enrollment described under subparagraph (A)
25 may be discontinued if the employee provides documenta-

1 tion demonstrating that the required coverage has been
2 provided through other health insurance.”.

3 **SEC. 3. FEDERAL EMPLOYEES’ RETIREMENT SYSTEM ANNU-**
4 **ITY SUPPLEMENT COMPUTATION.**

5 Section 8421a(b) of title 5, United States Code, is
6 amended by adding at the end the following new para-
7 graph:

8 “(5) Notwithstanding paragraphs (1) through
9 (4), the reduction required by subsection (a) shall be
10 effective during the 12-month period beginning on
11 the first day of the seventh month after the end of
12 the calendar year in which the excess earnings were
13 earned.”.

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