

Public Law 99-53
99th Congress

An Act

To amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

June 17, 1985
[H.R. 873]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Government organization and employees. Health and medical care.

SECTION 1. AUTHORITY FOR ADDITIONAL EMPLOYEE ORGANIZATION PLANS.

(a) **DEFINITION OF AN EMPLOYEE ORGANIZATION.**—Section 8901(8) of title 5, United States Code, is amended to read as follows:

“(8) ‘employee organization’ means—

“(A) an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under this chapter and which, after December 31, 1978, and before January 1, 1980, applied to the Office for approval of a plan provided under section 8903(3) of this title; and

“(B) an association or other organization which is national in scope, in which membership is open only to employees, annuitants, or former spouses, or any combination thereof, and which, during the 90-day period beginning on the date of enactment of section 8903a of this title, applied to the Office for approval of a plan provided under such section;”

Infra.

(b) **AUTHORITY FOR ADDITIONAL PLANS.**—

(1) Title 5, United States Code, is amended by inserting after section 8903 the following:

“§ 8903a. Additional health benefits plans

5 USC 8903a.

“(a) In addition to any plan under section 8903 of this title, the Office of Personnel Management may contract for or approve one or more health benefits plans under this section.

Contracts.

“(b) A plan under this section may not be contracted for or approved unless it—

Contracts.

“(1) is sponsored or underwritten, and administered, in whole or substantial part, by an employee organization described in section 8901(8)(B) of this title;

Supra.

“(2) offers benefits of the types named by paragraph (1) or (2) of section 8904 of this title or both;

“(3) provides for benefits only by paying for, or providing reimbursement for, the cost of such benefits (as provided for under paragraph (1) or (2) of section 8903 of this title) or a combination thereof; and

“(4) is available only to individuals who, at the time of enrollment, are full members of the organization and to members of their families.

Contracts.

“(c) A contract for a plan approved under this section shall require the carrier—

“(1) to enter into an agreement approved by the Office with an underwriting subcontractor licensed to issue group health insurance in all the States and the District of Columbia; or

“(2) to demonstrate ability to meet reasonable minimum financial standards prescribed by the Office.

“(d) For the purpose of this section, an individual shall be considered a full member of an organization if such individual is eligible to exercise all rights and privileges incident to full membership in such organization (determined without regard to the right to hold elected office).”

(2) The analysis for chapter 89 of title 5, United States Code, is amended by inserting after the item relating to section 8903 the following:

“8903a. Additional health benefits plans.”

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

98 Stat. 3203.

(a) Sections 8902(a), 8902(e), 8902(i), 8905(a), 8905(c)(1), 8905(f), 8908(b), and 8913(b) of title 5, United States Code, are each amended by striking out “8903 of this title” and inserting in lieu thereof “8903 or 8903a of this title”.

(b) Section 8903(3) of title 5, United States Code, is amended by striking out “employee organizations,” and inserting in lieu thereof “employee organizations described in section 8901(8)(A) of this title.”

(c) Section 8905(f) of title 5, United States Code, is further amended by striking out “plan described by that section” and inserting in lieu thereof “such plan”.

(d) Section 8907(a) of title 5, United States Code, is amended by striking out “section 8903” and inserting in lieu thereof “sections 8903 and 8903a”.

(e) Section 8909(d) of title 5, United States Code, is amended—

(1) by inserting “or 8903a” before “of this title”; and

(2) by adding at the end thereof the following: “If the successor organization is an organization described in section 8901(8)(B) of this title, any employee, annuitant, or former spouse so transferred may not remain enrolled in the plan after the end of the contract term in which the merger occurs unless that individual is a full member of such organization (as determined under section 8903a(d) of this title).”

(f) Section 8909(e) of title 5, United States Code, is amended by inserting “or 8903a” before “of this title”.

42 USC 1395s.

(g) Section 1840(d)(1) of the Social Security Act is amended by inserting “or 8903a” after “8903”.

SEC. 3. INSURANCE COVERAGE FOR RESTORED DISABILITY ANNUITANTS.

(a) HEALTH INSURANCE.—

(1) Section 8908 of title 5, United States Code, is amended by adding at the end thereof the following:

“(c) A disability annuitant whose disability annuity under section 8337 of this title was terminated and is later restored under the second or third sentence of subsection (e) of such section may, under regulations prescribed by the Office, enroll in a health benefits plan described by section 8903 or 8903a of this title if such annuitant was covered by any such plan immediately before such annuity was terminated.”

Ante, p. 93.

(2)(A) The section heading for section 8908 of title 5, United States Code, is amended to read as follows:

“§ 8908. Coverage of restored employees and survivor or disability annuitants”.

(B) The analysis for chapter 89 of title 5, United States Code, is amended by striking out the item relating to section 8908 and inserting in lieu thereof the following:

“8908. Coverage of restored employees and survivor or disability annuitants.”

(b) **LIFE INSURANCE.**—Section 8706 of title 5, United States Code, is amended by adding at the end thereof the following:

98 Stat. 351.

“(g) If the insurance of a former employee receiving a disability annuity under section 8337 of this title stops because of the termination of such annuity, and such annuity is thereafter restored under the second or third sentence of subsection (e) of such section, such former employee may, under regulations prescribed by the Office, elect to resume the insurance coverage which was so stopped.”

(c) **APPLICABILITY; NOTIFICATION REQUIREMENT; CONSTRUCTION.**—

5 USC 8706 note.

(1) The amendments made by this section shall apply with respect to any individual whose disability annuity is or was restored under section 8337(e) of title 5, United States Code, after December 31, 1983.

(2)(A) The Office of Personnel Management shall notify each individual under subparagraph (B) of any rights which such individual may have under section 8706(g) or section 8908(c) of title 5, United States Code, as amended by this section, including any procedures or deadlines which may apply with respect to the exercise of those rights.

Supra; ante,
p. 94.

(B) Notification under this paragraph shall be provided to any individual who, as of the 90th day after the date of enactment of this Act, is receiving a disability annuity which was restored to such individual under section 8337(e) of title 5, United States Code, after December 31, 1983.

(3)(A) Nothing in this section shall be construed to authorize—

(i) coverage under chapter 87 of title 5, United States Code, in the case of any individual who makes an election under section 8706(g) of such title (as amended by this Act), for any period before the date of such election; or

5 USC 8701
et seq.

(ii) coverage under chapter 89 of title 5, United States Code, in the case of any individual who becomes enrolled in a health benefits plan under section 8908(c) of such title (as amended by this Act), for any period before the date as of which such individual becomes so enrolled.

5 USC 8901
et seq.

(B) This paragraph applies with respect to any individual receiving a disability annuity which is or was restored under section 8337(e) of title 5, United States Code, after December 31, 1983, and before the expiration of the 90-day period beginning on the date of enactment of this Act.

Approved June 17, 1985.

1008 Coverage of restored employees and annuities or disability annuities.

(A) The amendments made by this section shall apply with respect to any individual whose disability annuity is or was restored under section 8337(e) of title 5, United States Code, after December 31, 1983.

(1) The amendments made by this section shall apply with respect to any individual whose disability annuity is or was restored under section 8337(e) of title 5, United States Code, after December 31, 1983.

(2) The Office of Personnel Management shall notify each individual under subparagraph (B) of any rights which such individual may have under section 5705(a) or section 5705(b) of title 5, United States Code, as amended by this section, including any procedures or deadlines which may apply with respect to the exercise of those rights.

(B) Restoration under this paragraph shall be provided to any individual who, as of the 90th day after the date of enactment of this Act, is receiving a disability annuity which was restored to such individual under section 8337(e) of title 5, United States Code after December 31, 1983.

(4)(A) Nothing in this section shall be construed to authorize—

(i) coverage under chapter 87 of title 5, United States Code, in the case of any individual who made an election under section 8709(a) of such title (as amended by this Act) for any period before the date of such election; or

(ii) coverage under chapter 89 of title 5, United States Code, in the case of any individual who becomes enrolled in a health benefits plan under section 8337(e) of such title for any period before the date of such enrollment, for any period before the date of such enrollment.

LEGISLATIVE HISTORY—H.R. 873:

HOUSE REPORT No. 99-72 (Comm. on Post Office and Civil Service).
 CONGRESSIONAL RECORD, Vol. 131 (1985):
 May 13, considered and passed House.
 June 3, considered and passed Senate.