

Calendar No. 342

111TH CONGRESS
2^D SESSION

S. 629

To facilitate the part-time reemployment of annuitants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18, 2009

Ms. COLLINS (for herself, Mr. VOINOVICH, Mr. KOHL, Mrs. MCCASKILL, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

APRIL 12, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To facilitate the part-time reemployment of annuitants, 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 “Part-Time Reemploy-
5 ment of Annuitants Act of 2009”.

1 **SEC. 2. PART-TIME REEMPLOYMENT.**

2 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
3 8344 of title 5, United States Code, is amended—

4 (1) by redesignating subsection (l) as subsection
5 (m);

6 (2) by inserting after subsection (k) the fol-
7 lowing:

8 “(1)(1) For purposes of this subsection—

9 “(A) the term ‘head of an agency’ means—

10 “(i) the head of an Executive agency;

11 “(ii) the head of the United States Postal
12 Service;

13 “(iii) the Director of the Administrative
14 Office of the United States Courts, with respect
15 to employees of the judicial branch; and

16 “(iv) any employing authority described
17 under subsection (k)(2); and

18 “(B) the term ‘limited time appointee’ means
19 an annuitant appointed under a temporary appoint-
20 ment limited to 1 year or less.

21 “(2) The head of an agency may waive the applica-
22 tion of subsection (a) or (b) with respect to any annuitant
23 who is employed in such agency as a limited time ap-
24 pointee.

1 “(3) The head of an agency may not waive the appli-
2 cation of subsection (a) or (b) with respect to an annu-
3 itant—

4 “(A) for more than 520 hours of service per-
5 formed by that annuitant during the period ending
6 6 months following the individual’s annuity com-
7 mencing date;

8 “(B) for more than 1040 hours of service per-
9 formed by that annuitant during any 12-month pe-
10 riod; or

11 “(C) for more than a total of 3120 hours of
12 service performed by that annuitant.

13 “(4)(A) The total number of annuitants to whom a
14 waiver by the head of an agency under this subsection or
15 section 8468(i) applies may not exceed 2.5 percent of the
16 total number of full-time employees of that agency.

17 “(B) If the total number of annuitants to whom a
18 waiver by the head of an agency under this subsection or
19 section 8468(i) applies exceeds 1 percent of the total num-
20 ber of full-time employees of that agency, the head of that
21 agency shall submit a report with an explanation that jus-
22 tifies the need for the waivers in excess of that percentage
23 to the Committee on Homeland Security and Govern-
24 mental Affairs of the Senate, the Committee on Oversight

1 and Government Reform of the House of Representatives,
2 and the Office of Personnel Management.

3 ~~“(5)(A) The Director of the Office of Personnel Man-~~
4 ~~agement may promulgate regulations providing for the ad-~~
5 ~~ministration of this subsection.~~

6 ~~“(B) Any regulations promulgated under subpara-~~
7 ~~graph (A) may—~~

8 ~~“(i) provide standards for the maintenance~~
9 ~~and form of necessary records of employment~~
10 ~~under this subsection;~~

11 ~~“(ii) to the extent not otherwise expressly~~
12 ~~prohibited by law, require employing agencies to~~
13 ~~provide records of such employment to the Of-~~
14 ~~fice of Personnel Management or other employ-~~
15 ~~ing agencies as necessary to ensure compliance~~
16 ~~with paragraph (3);~~

17 ~~“(iii) authorize other administratively con-~~
18 ~~venient periods substantially equivalent to 12~~
19 ~~months, such as 26 pay periods, to be used in~~
20 ~~determining compliance with paragraph (3)(B);~~
21 ~~and~~

22 ~~“(iv) include such other administrative re-~~
23 ~~quirements as the Director of the Office of Per-~~
24 ~~sonnel Management may find appropriate to~~

1 provide for the effective operation of, or to en-
2 sure compliance with, this subsection.

3 ~~“(6) The authority of the head of an agency under~~
4 this subsection to waive the application of subsection (a)
5 or (b) shall terminate 5 years after the date of enactment
6 of the Part-Time Reemployment of Annuitants Act of
7 2009.”; and

8 ~~(3) in subsection (m) (as so redesignated)—~~

9 ~~(A) in paragraph (1), by striking “(k)”~~
10 and inserting “(l)”; and

11 ~~(B) in paragraph (2), by striking “or (k)”~~
12 and inserting “(k), or (l)”.

13 (b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—

14 Section 8468 of title 5, United States Code, is amended—

15 (1) by redesignating subsection (i) as subsection
16 (j);

17 (2) by inserting after subsection (h) the fol-
18 lowing:

19 ~~“(i)(1) For purposes of this subsection—~~

20 ~~“(A) the term ‘head of an agency’ means—~~

21 ~~“(i) the head of an Executive agency;~~

22 ~~“(ii) the head of the United States Postal~~
23 Service;

1 “(iii) the Director of the Administrative
2 Office of the United States Courts, with respect
3 to employees of the judicial branch; and

4 “(iv) any employing authority described
5 under subsection (h)(2); and

6 “(B) the term ‘limited time appointee’ means
7 an annuitant appointed under a temporary appoint-
8 ment limited to 1 year or less.

9 “(2) The head of an agency may waive the applica-
10 tion of subsection (a) with respect to any annuitant who
11 is employed in such agency as a limited time appointee.

12 “(3) The head of an agency may not waive the appli-
13 cation of subsection (a) with respect to an annuitant—

14 “(A) for more than 520 hours of service per-
15 formed by that annuitant during the period ending
16 6 months following the individual’s annuity com-
17 mencing date;

18 “(B) for more than 1040 hours of service per-
19 formed by that annuitant during any 12-month pe-
20 riod; or

21 “(C) for more than a total of 3120 hours of
22 service performed by that annuitant.

23 “(4)(A) The total number of annuitants to whom a
24 waiver by the head of an agency under this subsection or

1 section 8344(l) applies may not exceed 2.5 percent of the
2 total number of full-time employees of that agency.

3 “(B) If the total number of annuitants to whom a
4 waiver by the head of an agency under this subsection or
5 section 8344(l) applies exceeds 1 percent of the total num-
6 ber of full-time employees of that agency, the head of that
7 agency shall submit a report with an explanation that jus-
8 tifies the need for the waivers in excess of that percentage
9 to the Committee on Homeland Security and Govern-
10 mental Affairs of the Senate, the Committee on Oversight
11 and Government Reform of the House of Representatives,
12 and the Office of Personnel Management.

13 “(5)(A) The Director of the Office of Personnel Man-
14 agement may promulgate regulations providing for the ad-
15 ministration of this subsection.

16 “(B) Any regulations promulgated under subpara-
17 graph (A) may—

18 “(i) provide standards for the maintenance and
19 form of necessary records of employment under this
20 subsection;

21 “(ii) to the extent not otherwise expressly pro-
22 hibited by law, require employing agencies to provide
23 records of such employment to the Office or other
24 employing agencies as necessary to ensure compli-
25 ance with paragraph (3);

1 “(iii) authorize other administratively conven-
 2 ient periods substantially equivalent to 12 months,
 3 such as 26 pay periods, to be used in determining
 4 compliance with paragraph (3)(B); and

5 “(iv) include such other administrative require-
 6 ments as the Director of the Office of Personnel
 7 Management may find appropriate to provide for ef-
 8 fective operation of, or to ensure compliance with,
 9 this subsection.

10 “(6) The authority of the head of an agency under
 11 this subsection to waive the application of subsection (a)
 12 shall terminate 5 years after the date of enactment of the
 13 Part-Time Reemployment of Annuitants Act of 2009.”;
 14 and

15 (3) in subsection (j) (as so redesignated)—

16 (A) in paragraph (1), by striking “(h)”
 17 and inserting “(i)”; and

18 (B) in paragraph (2), by striking “or (h)”
 19 and inserting “(h), or (i)”.

20 (e) RULE OF CONSTRUCTION.—Nothing in the
 21 amendments made by this section may be construed to au-
 22 thorize the waiver of the hiring preferences under chapter
 23 33 of title 5, United States Code in selecting annuitants
 24 to employ in an appointive or elective position.

1 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
2 Section 1005(d)(2) of title 39, United States Code, is
3 amended—

4 (1) by striking “(l)(2)” and inserting “(m)(2)”;
5 and

6 (2) by striking “(i)(2)” and inserting “(j)(2)”.

7 **SEC. 3. GAO REPORT.**

8 (a) IN GENERAL.—Not later than 3 years after the
9 date of enactment of this Act, the Comptroller General
10 of the United States shall submit to the Committee on
11 Homeland Security and Governmental Affairs of the Sen-
12 ate and the Committee on Oversight and Government Re-
13 form of the House of Representatives a report regarding
14 the use of the authority under the amendments made by
15 section 2.

16 (b) CONTENTS.—The report submitted under sub-
17 section (a) shall—

18 (1) include the number of annuitants for whom
19 a waiver was made under subsection (l) of section
20 8344 of title 5, United States Code, as amended by
21 this Act, or subsection (i) of section 8468 of title 5,
22 United States Code, as amended by this Act; and

23 (2) identify each agency that used the authority
24 described in paragraph (1).

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Part-Time Reemploy-*
 3 *ment of Annuitants Act of 2009”.*

4 **SEC. 2. PART-TIME REEMPLOYMENT.**

5 (a) *CIVIL SERVICE RETIREMENT SYSTEM.*—*Section*
 6 *8344 of title 5, United States Code, is amended—*

7 (1) *by redesignating subsection (l) as subsection*
 8 *(m);*

9 (2) *by inserting after subsection (k) the fol-*
 10 *lowing:*

11 “(l)(1) *For purposes of this subsection—*

12 “(A) *the term ‘head of an agency’ means—*

13 “(i) *the head of an Executive agency, other*
 14 *than the Government Accountability Office;*

15 “(ii) *the head of the United States Postal*
 16 *Service;*

17 “(iii) *the Director of the Administrative Of-*
 18 *fice of the United States Courts, with respect to*
 19 *employees of the judicial branch; and*

20 “(iv) *any employing authority described*
 21 *under subsection (k)(2), other than the Govern-*
 22 *ment Accountability Office; and*

23 “(B) *the term ‘limited time appointee’ means an*
 24 *annuitant appointed under a temporary appointment*
 25 *limited to 1 year or less.*

1 “(2) *The head of an agency may waive the application*
2 *of subsection (a) or (b) with respect to any annuitant who*
3 *is employed in such agency as a limited time appointee,*
4 *if the head of the agency determines that the employment*
5 *of the annuitant is necessary to—*

6 “(A) *fulfill functions critical to the mission of*
7 *the agency, or any component of that agency;*

8 “(B) *assist in the implementation or oversight of*
9 *the American Recovery and Reinvestment Act of 2009*
10 *(Public Law 111–5) or the Troubled Asset Relief Pro-*
11 *gram under title I of the Emergency Economic Sta-*
12 *bilization Act of 2008 (12 U.S.C. 5201 et seq.);*

13 “(C) *assist in the development, management, or*
14 *oversight of agency procurement actions;*

15 “(D) *assist the Inspector General for that agency*
16 *in the performance of the mission of that Inspector*
17 *General;*

18 “(E) *promote appropriate training or mentoring*
19 *programs of employees;*

20 “(F) *assist in the recruitment or retention of em-*
21 *ployees; or*

22 “(G) *respond to an emergency involving a direct*
23 *threat to life of property or other unusual cir-*
24 *cumstances.*

1 “(3) *The head of an agency may not waive the applica-*
2 *tion of subsection (a) or (b) with respect to an annuitant—*

3 “(A) *for more than 520 hours of service per-*
4 *formed by that annuitant during the period ending 6*
5 *months following the individual’s annuity com-*
6 *mencing date;*

7 “(B) *for more than 1040 hours of service per-*
8 *formed by that annuitant during any 12-month pe-*
9 *riod; or*

10 “(C) *for more than a total of 3120 hours of serv-*
11 *ice performed by that annuitant.*

12 “(4)(A) *The total number of annuitants to whom a*
13 *waiver by the head of an agency under this subsection or*
14 *section 8468(i) applies may not exceed 2.5 percent of the*
15 *total number of full-time employees of that agency.*

16 “(B) *If the total number of annuitants to whom a*
17 *waiver by the head of an agency under this subsection or*
18 *section 8468(i) applies exceeds 1 percent of the total number*
19 *of full-time employees of that agency, the head of that agen-*
20 *cy shall submit a report with an explanation that justifies*
21 *the need for the waivers in excess of that percentage to the*
22 *Committee on Homeland Security and Governmental Af-*
23 *airs of the Senate, the Committee on Oversight and Govern-*
24 *ment Reform of the House of Representatives, and the Office*
25 *of Personnel Management.*

1 “(5)(A) *The Director of the Office of Personnel Man-*
2 *agement may promulgate regulations providing for the ad-*
3 *ministration of this subsection.*

4 “(B) *Any regulations promulgated under subpara-*
5 *graph (A) may—*

6 “(i) *provide standards for the maintenance*
7 *and form of necessary records of employment*
8 *under this subsection;*

9 “(ii) *to the extent not otherwise expressly*
10 *prohibited by law, require employing agencies to*
11 *provide records of such employment to the Office*
12 *of Personnel Management or other employing*
13 *agencies as necessary to ensure compliance with*
14 *paragraph (3);*

15 “(iii) *authorize other administratively con-*
16 *venient periods substantially equivalent to 12*
17 *months, such as 26 pay periods, to be used in de-*
18 *termining compliance with paragraph (3)(B);*

19 “(iv) *include such other administrative re-*
20 *quirements as the Director of the Office of Per-*
21 *sonnel Management may find appropriate to*
22 *provide for the effective operation of, or to ensure*
23 *compliance with, this subsection; and*

24 “(v) *encourage the training and mentoring*
25 *of employees by any limited time appointee em-*

1 *ployed under this subsection, except that any*
 2 *hours of that training or mentoring shall not be*
 3 *included in the hours of service performed for*
 4 *purposes of paragraph (3).*

5 “(6) *The authority of the head of an agency under this*
 6 *subsection to waive the application of subsection (a) or (b)*
 7 *shall terminate 5 years after the date of enactment of the*
 8 *Part-Time Reemployment of Annuitants Act of 2009.”; and*

9 *(3) in subsection (m) (as so redesignated)—*

10 *(A) in paragraph (1), by striking “(k)” and*
 11 *inserting “(l)”;* and

12 *(B) in paragraph (2), by striking “or (k)”*
 13 *and inserting “(k), or (l)”.*

14 ***(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—****Sec-*
 15 *tion 8468 of title 5, United States Code, is amended—*

16 *(1) by redesignating subsection (i) as subsection*
 17 *(j);*

18 *(2) by inserting after subsection (h) the fol-*
 19 *lowing:*

20 “(i)(1) *For purposes of this subsection—*

21 “(A) *the term ‘head of an agency’ means—*

22 “(i) *the head of an Executive agency, other*
 23 *than the Government Accountability Office;*

24 “(ii) *the head of the United States Postal*
 25 *Service;*

1 “(iii) the Director of the Administrative Of-
2 fice of the United States Courts, with respect to
3 employees of the judicial branch; and

4 “(iv) any employing authority described
5 under subsection (h)(2), other than the Govern-
6 ment Accountability Office; and

7 “(B) the term ‘limited time appointee’ means an
8 annuitant appointed under a temporary appointment
9 limited to 1 year or less.

10 “(2) The head of an agency may waive the application
11 of subsection (a) with respect to any annuitant who is em-
12 ployed in such agency as a limited time appointee, if the
13 head of the agency determines that the employment of the
14 annuitant is necessary to—

15 “(A) fulfill functions critical to the mission of
16 the agency, or any component of that agency;

17 “(B) assist in the implementation or oversight of
18 the American Recovery and Reinvestment Act of 2009
19 (Public Law 111–5) or the Troubled Asset Relief Pro-
20 gram under title I of the Emergency Economic Sta-
21 bilization Act of 2008 (12 U.S.C. 5201 et seq.);

22 “(C) assist in the development, management, or
23 oversight of agency procurement actions;

1 “(D) assist the Inspector General for that agency
2 in the performance of the mission of that Inspector
3 General;

4 “(E) promote appropriate training or mentoring
5 programs of employees;

6 “(F) assist in the recruitment or retention of em-
7 ployees; or

8 “(G) respond to an emergency involving a direct
9 threat to life of property or other unusual cir-
10 cumstances.

11 “(3) The head of an agency may not waive the applica-
12 tion of subsection (a) with respect to an annuitant—

13 “(A) for more than 520 hours of service per-
14 formed by that annuitant during the period ending 6
15 months following the individual’s annuity com-
16 mencing date;

17 “(B) for more than 1040 hours of service per-
18 formed by that annuitant during any 12-month pe-
19 riod; or

20 “(C) for more than a total of 3120 hours of serv-
21 ice performed by that annuitant.

22 “(4)(A) The total number of annuitants to whom a
23 waiver by the head of an agency under this subsection or
24 section 8344(l) applies may not exceed 2.5 percent of the
25 total number of full-time employees of that agency.

1 “(B) *If the total number of annuitants to whom a*
2 *waiver by the head of an agency under this subsection or*
3 *section 8344(l) applies exceeds 1 percent of the total number*
4 *of full-time employees of that agency, the head of that agen-*
5 *cy shall submit a report with an explanation that justifies*
6 *the need for the waivers in excess of that percentage to the*
7 *Committee on Homeland Security and Governmental Af-*
8 *airs of the Senate, the Committee on Oversight and Govern-*
9 *ment Reform of the House of Representatives, and the Office*
10 *of Personnel Management.*

11 “(5)(A) *The Director of the Office of Personnel Man-*
12 *agement may promulgate regulations providing for the ad-*
13 *ministration of this subsection.*

14 “(B) *Any regulations promulgated under subpara-*
15 *graph (A) may—*

16 “(i) *provide standards for the maintenance and*
17 *form of necessary records of employment under this*
18 *subsection;*

19 “(ii) *to the extent not otherwise expressly prohib-*
20 *ited by law, require employing agencies to provide*
21 *records of such employment to the Office or other em-*
22 *ploying agencies as necessary to ensure compliance*
23 *with paragraph (3);*

24 “(iii) *authorize other administratively conven-*
25 *ient periods substantially equivalent to 12 months,*

1 *such as 26 pay periods, to be used in determining*
 2 *compliance with paragraph (3)(B);*

3 “(iv) *include such other administrative require-*
 4 *ments as the Director of the Office of Personnel Man-*
 5 *agement may find appropriate to provide for effective*
 6 *operation of, or to ensure compliance with, this sub-*
 7 *section; and*

8 “(v) *encourage the training and mentoring of*
 9 *employees by any limited time appointee employed*
 10 *under this subsection, except that any hours of that*
 11 *training or mentoring shall not be included in the*
 12 *hours of service performed for purposes of paragraph*
 13 *(3).*

14 “(6) *The authority of the head of an agency under this*
 15 *subsection to waive the application of subsection (a) shall*
 16 *terminate 5 years after the date of enactment of the Part-*
 17 *Time Reemployment of Annuitants Act of 2009.”; and*

18 (3) *in subsection (j) (as so redesignated)—*

19 (A) *in paragraph (1), by striking “(h)” and*
 20 *inserting “(i)”;* and

21 (B) *in paragraph (2), by striking “or (h)”*
 22 *and inserting “(h), or (i)”.*

23 (c) *RULE OF CONSTRUCTION.—Nothing in the amend-*
 24 *ments made by this section may be construed to authorize*
 25 *the waiver of the hiring preferences under chapter 33 of title*

1 5, *United States Code* in selecting annuitants to employ
2 in an appointive or elective position.

3 (d) *TECHNICAL AND CONFORMING AMENDMENTS.*—
4 Section 1005(d)(2) of title 39, *United States Code*, is
5 amended—

6 (1) by striking “(l)(2)” and inserting “(m)(2)”;

7 and

8 (2) by striking “(i)(2)” and inserting “(j)(2)”.

9 **SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.**

10 (a) *IN GENERAL.*—Not later than 3 years after the
11 date of enactment of this Act, the Comptroller General of
12 the United States shall submit to the Committee on Home-
13 land Security and Governmental Affairs of the Senate and
14 the Committee on Oversight and Government Reform of the
15 House of Representatives a report regarding the use of the
16 authority under the amendments made by section 2.

17 (b) *CONTENTS.*—The report submitted under sub-
18 section (a) shall—

19 (1) include the number of annuitants for whom
20 a waiver was made under subsection (l) of section
21 8344 of title 5, *United States Code*, as amended by
22 this Act, or subsection (i) of section 8468 of title 5,
23 *United States Code*, as amended by this Act; and

24 (2) identify each agency that used the authority
25 described in paragraph (1).

1 (c) *AGENCY DATA.*—*Each head of an agency (as de-*
2 *fin**ed under sections 8344(l)(1) and 8468(i)(1)(A) of title*
3 *5, United States Code, as added by section 2 of this Act)*
4 *shall—*

5 (1) *collect and maintain data necessary for pur-*
6 *poses of the Comptroller General report submitted*
7 *under subsection (a); and*

8 (2) *submit to the Comptroller General that data*
9 *as the Comptroller General requires in a timely fash-*
10 *ion.*

Calendar No. 342

11TH CONGRESS
2^D SESSION

S. 629

A BILL

To facilitate the part-time reemployment of
annuitants, and for other purposes.

APRIL 12, 2010

Reported with an amendment