

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend provisions relating to Federal civilian employee retirement, and for other purposes.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

S. 1390

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. VOINOVICH, Ms. MURKOWSKI, Mr. BEGICH, Mr. KOHL, Ms. MIKULSKI, and Mr. CARDIN)

Viz:

- 1 At the end of title XI of division A, insert the fol-
- 2 lowing:

1 **Subtitle B—Federal Employee**
2 **Retirement-Related Provisions**

3 **SEC. 1121. CREDIT FOR UNUSED SICK LEAVE.**

4 (a) IN GENERAL.—Section 8415 of title 5, United
5 States Code, is amended—

6 (1) by redesignating the second subsection (k)
7 and subsection (l) as subsections (l) and (m), respec-
8 tively; and

9 (2) in subsection (l) (as so redesignated by
10 paragraph (1))—

11 (A) by striking “(l) In computing” and in-
12 serting “(l)(1) In computing”; and

13 (B) by adding at the end the following:

14 “(2) Except as provided in paragraph (1), in com-
15 puting an annuity under this subchapter, the total service
16 of an employee who retires on an immediate annuity or
17 who dies leaving a survivor or survivors entitled to annuity
18 includes the days of unused sick leave to his credit under
19 a formal leave system and for which days the employee
20 has not received payment, except that these days will not
21 be counted in determining average pay or annuity eligi-
22 bility under this subchapter. For purposes of this sub-
23 section, in the case of any such employee who is excepted
24 from subchapter I of chapter 63 under section 6301(2)(x)
25 through (xiii), the days of unused sick leave to his credit

1 include any unused sick leave standing to his credit when
2 he was excepted from such subchapter.”.

3 (b) EXCEPTION FROM DEPOSIT REQUIREMENT.—
4 Section 8422(d)(2) of title 5, United States Code, is
5 amended by striking “section 8415(k)” and inserting
6 “paragraph (1) or (2) of section 8415(l)”.

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply with respect to annuities computed
9 based on separations occurring on or after the date of en-
10 actment of this Act.

11 **SEC. 1122. LIMITED EXPANSION OF THE CLASS OF INDIVID-**
12 **UALS ELIGIBLE TO RECEIVE AN ACTUARI-**
13 **ALLY REDUCED ANNUITY UNDER THE CIVIL**
14 **SERVICE RETIREMENT SYSTEM.**

15 (a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title
16 5, United States Code, is amended by striking “October
17 1, 1990” each place it appears and inserting “March 1,
18 1991”.

19 (b) APPLICABILITY.—The amendment made by sub-
20 section (a) shall be effective with respect to any annuity,
21 entitlement to which is based on a separation from service
22 occurring on or after the date of enactment of this Act.

1 **SEC. 1123. COMPUTATION OF CERTAIN ANNUITIES BASED**
2 **ON PART-TIME SERVICE.**

3 (a) IN GENERAL.—Section 8339(p) of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(3) In the administration of paragraph (1)—

7 “(A) subparagraph (A) of such paragraph shall
8 apply with respect to service performed before, on,
9 or after April 7, 1986; and

10 “(B) subparagraph (B) of such paragraph—

11 “(i) shall apply with respect to that portion
12 of any annuity which is attributable to service
13 performed on or after April 7, 1986; and

14 “(ii) shall not apply with respect to that
15 portion of any annuity which is attributable to
16 service performed before April 7, 1986.”.

17 (b) APPLICABILITY.—The amendment made by sub-
18 section (a) shall be effective with respect to any annuity,
19 entitlement to which is based on a separation from service
20 occurring on or after the date of enactment of this Act.

21 **SEC. 1124. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.**

22 (a) DEPOSIT AUTHORITY.—Section 8422 of title 5,
23 United States Code, is amended by adding at the end the
24 following:

25 “(i)(1) Each employee or Member who has received
26 a refund of retirement deductions under this or any other

1 retirement system established for employees of the Gov-
2 ernment covering service for which such employee or Mem-
3 ber may be allowed credit under this chapter may deposit
4 the amount received, with interest. Credit may not be al-
5 lowed for the service covered by the refund until the de-
6 posit is made.

7 “(2) Interest under this subsection shall be computed
8 in accordance with paragraphs (2) and (3) of section
9 8334(e) and regulations prescribed by the Office. The op-
10 tion under the third sentence of section 8334(e)(2) to
11 make a deposit in one or more installments shall apply
12 to deposits under this subsection.

13 “(3) For the purpose of survivor annuities, deposits
14 authorized by this subsection may also be made by a sur-
15 vivor of an employee or Member.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) DEFINITIONAL AMENDMENT.—Section
18 8401(19)(C) of title 5, United States Code, is
19 amended by striking “8411(f);” and inserting
20 “8411(f) or 8422(i);”.

21 (2) CREDITING OF DEPOSITS.—Section 8422(c)
22 of title 5, United States Code, is amended by adding
23 at the end the following: “Deposits made by an em-
24 ployee, Member, or survivor also shall be credited to
25 the Fund.”.

1 (3) SECTION HEADING.—(A) The heading for
2 section 8422 of title 5, United States Code, is
3 amended to read as follows:

4 **“§ 8422. Deductions from pay; contributions for other**
5 **service; deposits”.**

6 (B) The analysis for chapter 84 of title 5,
7 United States Code, is amended by striking the item
8 relating to section 8422 and inserting the following:

 “8422. Deductions from pay; contributions for other service; deposits.”.

9 (4) RESTORATION OF ANNUITY RIGHTS.—The
10 last sentence of section 8424(a) of title 5, United
11 States Code, is amended by striking “based.” and
12 inserting “based, until the employee or Member is
13 reemployed in the service subject to this chapter.”.

14 **SEC. 1125. RETIREMENT CREDIT FOR SERVICE OF CERTAIN**
15 **EMPLOYEES TRANSFERRED FROM DISTRICT**
16 **OF COLUMBIA SERVICE TO FEDERAL SERV-**
17 **ICE.**

18 (a) RETIREMENT CREDIT.—

19 (1) IN GENERAL.—Any individual who is treat-
20 ed as an employee of the Federal Government for
21 purposes of chapter 83 or chapter 84 of title 5,
22 United States Code, on or after the date of enact-
23 ment of this Act who performed qualifying District
24 of Columbia service shall be entitled to have such
25 service included in calculating the individual’s cred-

1 itable service under sections 8332 or 8411 of title 5,
2 United States Code, but only for purposes of the fol-
3 lowing provisions of such title:

4 (A) Sections 8333 and 8410 (relating to
5 eligibility for annuity).

6 (B) Sections 8336 (other than subsections
7 (d), (h), and (p) thereof) and 8412 (relating to
8 immediate retirement).

9 (C) Sections 8338 and 8413 (relating to
10 deferred retirement).

11 (D) Sections 8336(d), 8336(h), 8336(p),
12 and 8414 (relating to early retirement).

13 (E) Section 8341 and subchapter IV of
14 chapter 84 (relating to survivor annuities).

15 (F) Section 8337 and subchapter V of
16 chapter 84 (relating to disability benefits).

17 (2) TREATMENT OF DETENTION OFFICER SERV-
18 ICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any
19 portion of an individual's qualifying District of Co-
20 lumbia service which consisted of service as a deten-
21 tion officer under section 2604(2) of the District of
22 Columbia Government Comprehensive Merit Per-
23 sonnel Act of 1978 (sec. 1-626.04(2), D.C. Official
24 Code) shall be treated as service as a law enforce-
25 ment officer under sections 8331(20) or 8401(17) of

1 title 5, United States Code, for purposes of applying
2 paragraph (1) with respect to the individual.

3 (3) SERVICE NOT INCLUDED IN COMPUTING
4 AMOUNT OF ANY ANNUITY.—Qualifying District of
5 Columbia service shall not be taken into account for
6 purposes of computing the amount of any benefit
7 payable out of the Civil Service Retirement and Dis-
8 ability Fund.

9 (b) QUALIFYING DISTRICT OF COLUMBIA SERVICE
10 DEFINED.—In this section, “qualifying District of Colum-
11 bia service” means any of the following:

12 (1) Service performed by an individual as a
13 nonjudicial employee of the District of Columbia
14 courts—

15 (A) which was performed prior to the ef-
16 fective date of the amendments made by section
17 11246(b) of the Balanced Budget Act of 1997;
18 and

19 (B) for which the individual did not ever
20 receive credit under the provisions of sub-
21 chapter III of chapter 83 or chapter 84 of title
22 5, United States Code (other than by virtue of
23 section 8331(1)(iv) of such title).

24 (2) Service performed by an individual as an
25 employee of an entity of the District of Columbia

1 government whose functions were transferred to the
2 Pretrial Services, Parole, Adult Supervision, and Of-
3 fender Supervision Trustee under section 11232 of
4 the Balanced Budget Act of 1997—

5 (A) which was performed prior to the ef-
6 fective date of the individual's coverage as an
7 employee of the Federal Government under sec-
8 tion 11232(f) of such Act; and

9 (B) for which the individual did not ever
10 receive credit under the provisions of sub-
11 chapter III of chapter 83 or chapter 84 of title
12 5, United States Code (other than by virtue of
13 section 8331(1)(iv) of such title).

14 (3) Service performed by an individual as an
15 employee of the District of Columbia Public De-
16 fender Service—

17 (A) which was performed prior to the ef-
18 fective date of the amendments made by section
19 7(e) of the District of Columbia Courts and
20 Justice Technical Corrections Act of 1998; and

21 (B) for which the individual did not ever
22 receive credit under the provisions of sub-
23 chapter III of chapter 83 or chapter 84 of title
24 5, United States Code (other than by virtue of
25 section 8331(1)(iv) of such title).

1 (4) In the case of an individual who was an em-
2 ployee of the District of Columbia Department of
3 Corrections who was separated from service as a re-
4 sult of the closing of the Lorton Correctional Com-
5 plex and who was appointed to a position with the
6 Bureau of Prisons, the District of Columbia courts,
7 the Pretrial Services, Parole, Adult Supervision, and
8 Offender Supervision Trustee, the United States Pa-
9 role Commission, or the District of Columbia Public
10 Defender Service, service performed by the indi-
11 vidual as an employee of the District of Columbia
12 Department of Corrections—

13 (A) which was performed prior to the ef-
14 fective date of the individual's coverage as an
15 employee of the Federal Government; and

16 (B) for which the individual did not ever
17 receive credit under the provisions of sub-
18 chapter III of chapter 83 or chapter 84 of title
19 5, United States Code (other than by virtue of
20 section 8331(1)(iv) of such title).

21 (c) CERTIFICATION OF SERVICE.—The Office of Per-
22 sonnel Management shall accept the certification of the
23 appropriate personnel official of the government of the
24 District of Columbia or other independent employing enti-
25 ty concerning whether an individual performed qualifying

1 District of Columbia service and the length of the period
2 of such service the individual performed.

3 **SEC. 1126. RETIREMENT TREATMENT OF CERTAIN SECRET**
4 **SERVICE EMPLOYEES.**

5 (a) DEFINITION.—In this section the term “covered
6 employee” means an individual who—

7 (1) was hired as a member of the United States
8 Secret Service Division during the period beginning
9 on January 1, 1984 through December 31, 1986;

10 (2) has actively performed duties other than
11 clerical for 10 or more years directly related to the
12 protection mission of the United States Secret Serv-
13 ice described under section 3056 of title 18, United
14 States Code;

15 (3) is serving as a member of the United States
16 Secret Service Division or the United States Secret
17 Service Uniform Division (or any successor entity)
18 on the effective date of this section; and

19 (4) files an election to be a covered employee
20 under subsection (b)(1).

21 (b) ELECTION OF COVERAGE.—

22 (1) IN GENERAL.—Not later than 60 days after
23 the date of enactment of this Act, an individual de-
24 scribed under subsection (a)(1), (2), and (3) may
25 file an election with the United States Secret Service

1 to be a covered employee and to transition to the
2 District of Columbia Police and Fire Fighter Retirement
3 and Disability System.

4 (2) NOTIFICATION.—Not later than 30 days
5 after the date of enactment of this Act, the Office
6 of Personnel Management and the United States Secret
7 Service shall notify each individual described
8 under subsection (a)(1), (2), and (3) that the indi
9 vidual is qualified to file an election under para
10 graph (1).

11 (c) RETIREMENT COVERAGE CONVERSION.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, and in con
14 sultation with the Secretary of Homeland Security
15 and the Thrift Savings Board, the Office of Per
16 sonnel Management shall prescribe regulations to
17 carry out the responsibilities of the Federal Govern
18 ment under this section. The regulations prescribed
19 under this paragraph shall provide for transition of
20 covered employees from the Federal Employees' Re
21 tirement System to the Civil Service Retirement Sys
22 tem.

23 (2) TREATMENT OF COVERED EMPLOYEES.—

24 (A) ELECTION OF COVERAGE.—

1 (i) IN GENERAL.—If a covered em-
2 ployee files an election under subsection
3 (b)(1), the covered employee shall, subject
4 to clause (ii), be converted from the Fed-
5 eral Employees' Retirement System to the
6 Civil Service Retirement System.

7 (ii) COVERAGE IN DISTRICT OF CO-
8 LUMBIA RETIREMENT SYSTEM.—

9 (I) IN GENERAL.—Chapter 7 of
10 title 5 of the District of Columbia
11 Code shall apply with respect to a cov-
12 ered employee on the date on which
13 the covered employee transitions to
14 the Civil Service Retirement System.

15 (II) AUTHORIZATION FOR DIS-
16 TRICT OF COLUMBIA.—The govern-
17 ment of the District of Columbia shall
18 provide for the coverage of covered
19 employees in the District of Columbia
20 Police and Fire Fighter Retirement
21 and Disability System in accordance
22 with this section.

23 (B) THRIFT SAVINGS PLAN.—A covered
24 employee shall forfeit, under procedures pre-
25 scribed by the Executive Director of the Fed-

1 eral Retirement Thrift Investment Board, all
2 Thrift Savings Plan contributions and associ-
3 ated earnings made by an employing agency
4 pursuant to section 8432(c) of title 5, United
5 States Code. Any amounts remaining in the
6 Thrift Savings Plan account of the covered em-
7 ployee may be transferred to a private account
8 or the District of Columbia Police and Fire-
9 fighter Retirement and Disability System.

10 (C) FORFEITURE OF SOCIAL SECURITY
11 BENEFITS.—

12 (i) CONTRIBUTIONS.—Upon conver-
13 sion into the Civil Service Retirement Sys-
14 tem, a covered employee shall forfeit all
15 contributions made under title II of the
16 Social Security Act while employed by the
17 United States Secret Service. All forfeited
18 funds shall remain in the Federal Old-Age
19 and Survivors Insurance Trust Fund and
20 the Federal Disability Insurance Trust
21 Fund, as applicable .

22 (ii) BENEFITS.—A covered employee
23 shall not be entitled to any benefit based
24 on any contribution forfeited under clause
25 (i).

1 (3) IMPLEMENT.—The Office of Personnel
2 Management, the Department of Homeland Security,
3 the Social Security Administration, and the
4 Thrift Savings Board shall take such actions as necessary
5 to provide for the implementation of this section.
6

7 (d) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided under
9 paragraph (2), this section shall take effect on the
10 first day of the first applicable pay period that begins
11 180 days after the date of enactment of this
12 Act.

13 (2) ELECTIONS AND IMPLEMENTATION.—Subsections
14 (b) and (c)(1) and (3) shall take effect on
15 the date of enactment of this Act.

16 **Subtitle C—Non-Foreign Area** 17 **Retirement Equity Assurance**

18 **SEC. 1141. SHORT TITLE.**

19 This subtitle may be cited as the “Non-Foreign Area
20 Retirement Equity Assurance Act of 2009” or the “Non-
21 Foreign AREA Act of 2009”.

22 **SEC. 1142. EXTENSION OF LOCALITY PAY.**

23 (a) LOCALITY-BASED COMPARABILITY PAYMENTS.—
24 Section 5304 of title 5, United States Code, is amended—

1 (1) in subsection (f)(1), by striking subpara-
2 graph (A) and inserting the following:

3 “(A) each General Schedule position in the
4 United States, as defined under section
5 5921(4), and its territories and possessions, in-
6 cluding the Commonwealth of Puerto Rico and
7 the Commonwealth of the Northern Mariana Is-
8 lands, shall be included within a pay locality;”;

9 (2) in subsection (g)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (A), by striking
12 “and” after the semicolon;

13 (ii) in subparagraph (B) by striking
14 the period and inserting “; and”; and

15 (iii) by adding after subparagraph (B)
16 the following:

17 “(C) positions under subsection (h)(1)(C)
18 not covered by appraisal systems certified under
19 section 5382; and”; and

20 (B) by adding at the end the following:

21 “(3) The applicable maximum under this sub-
22 section shall be level II of the Executive Schedule for
23 positions under subsection (h)(1)(C) covered by ap-
24 praisal systems certified under section 5307(d).”;
25 and

1 (3) in subsection (h)(1)—

2 (A) in subparagraph (B) by striking “and”
3 after the semicolon;

4 (B) by redesignating subparagraph (C) as
5 subparagraph (D);

6 (C) by inserting after subparagraph (B)
7 the following:

8 “(C) a Senior Executive Service position
9 under section 3132 or 3151 or a senior level po-
10 sition under section 5376 stationed within the
11 United States, but outside the 48 contiguous
12 States and the District of Columbia in which
13 the incumbent was an individual who on the
14 day before the date of enactment of the Non-
15 Foreign Area Retirement Equity Assurance Act
16 of 2009 was eligible to receive a cost-of-living
17 allowance under section 5941; and”;

18 (D) in clause (iv) in the matter following
19 subparagraph (D), by inserting “, except for
20 members covered by subparagraph (C)” before
21 the semicolon; and

22 (E) in clause (v) in the matter following
23 subparagraph (D), by inserting “, except for
24 members covered by subparagraph (C)” before
25 the semicolon.

1 (b) ALLOWANCES BASED ON LIVING COSTS AND
2 CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5,
3 United States Code, is amended—

4 (1) in subsection (a), by adding after the last
5 sentence “Notwithstanding any preceding provision
6 of this subsection, the cost-of-living allowance rate
7 based on paragraph (1) shall be the cost-of-living al-
8 lowance rate in effect on the date of enactment of
9 the Non-Foreign Area Retirement Equity Assurance
10 Act of 2009, except as adjusted under subsection
11 (c).”;

12 (2) by redesignating subsection (b) as sub-
13 section (d); and

14 (3) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) This section shall apply only to areas that are
17 designated as cost-of-living allowance areas as in effect on
18 December 31, 2009.

19 “(c)(1) The cost-of-living allowance rate payable
20 under this section shall be adjusted on the first day of
21 the first applicable pay period beginning on or after—

22 “(A) January 1, 2010; and

23 “(B) January 1 of each calendar year in which
24 a locality-based comparability adjustment takes ef-
25 fect under section 1144 (2) and (3) of the Non-For-

1 eign Area Retirement Equity Assurance Act of
2 2009.

3 “(2)(A) In this paragraph, the term ‘applicable local-
4 ity-based comparability pay percentage’ means, with re-
5 spect to calendar year 2010 and each calendar year there-
6 after, the applicable percentage under section 1144 (1),
7 (2), or (3) of Non-Foreign Area Retirement Equity Assur-
8 ance Act of 2009.

9 “(B) Each adjusted cost-of-living allowance rate
10 under paragraph (1) shall be computed by—

11 “(i) subtracting 65 percent of the applicable lo-
12 cality-based comparability pay percentage from the
13 cost-of-living allowance percentage rate in effect on
14 December 31, 2009; and

15 “(ii) dividing the resulting percentage deter-
16 mined under clause (i) by the sum of—

17 “(I) one; and

18 “(II) the applicable locality-based com-
19 parability payment percentage expressed as a
20 numeral.

21 “(3) No allowance rate computed under paragraph
22 (2) may be less than zero.

23 “(4) Each allowance rate computed under paragraph
24 (2) shall be paid as a percentage of basic pay (including
25 any applicable locality-based comparability payment under

1 section 5304 or similar provision of law and any applicable
2 special rate of pay under section 5305 or similar provision
3 of law).”.

4 **SEC. 1143. ADJUSTMENT OF SPECIAL RATES.**

5 (a) IN GENERAL.—Each special rate of pay estab-
6 lished under section 5305 of title 5, United States Code,
7 and payable in an area designated as a cost-of-living allow-
8 ance area under section 5941(a) of that title, shall be ad-
9 justed, on the dates prescribed by section 1144 of this sub-
10 title, in accordance with regulations prescribed by the Di-
11 rector of the Office of Personnel Management under sec-
12 tion 1148 of this subtitle.

13 (b) AGENCIES WITH STATUTORY AUTHORITY.—

14 (1) IN GENERAL.—Each special rate of pay es-
15 tablished under an authority described under para-
16 graph (2) and payable in a location designated as a
17 cost-of-living allowance area under section
18 5941(a)(1) of title 5, United States Code, shall be
19 adjusted in accordance with regulations prescribed
20 by the applicable head of the agency that are con-
21 sistent with the regulations issued by the Director of
22 the Office of Personnel Management under sub-
23 section (a).

1 (2) STATUTORY AUTHORITY.—The authority re-
2 ferred to under paragraph (1), is any statutory au-
3 thority that—

4 (A) is similar to the authority exercised
5 under section 5305 of title 5, United States
6 Code;

7 (B) is exercised by the head of an agency
8 when the head of the agency determines it to be
9 necessary in order to obtain or retain the serv-
10 ices of persons specified by statute; and

11 (C) authorizes the head of the agency to
12 increase the minimum, intermediate, or max-
13 imum rates of basic pay authorized under appli-
14 cable statutes and regulations.

15 (c) TEMPORARY ADJUSTMENT.—Regulations issued
16 under subsection (a) or (b) may provide that statutory
17 limitations on the amount of such special rates may be
18 temporarily raised to a higher level during the transition
19 period described in section 1144 ending on the first day
20 of the first pay period beginning on or after January 1,
21 2012, at which time any special rate of pay in excess of
22 the applicable limitation shall be converted to a retained
23 rate under section 5363 of title 5, United States Code.

1 **SEC. 1144. TRANSITION SCHEDULE FOR LOCALITY-BASED**
2 **COMPARABILITY PAYMENTS.**

3 Notwithstanding any other provision of this subtitle
4 or section 5304 or 5304a of title 5, United States Code,
5 in implementing the amendments made by this subtitle,
6 for each non-foreign area determined under section
7 5941(b) of that title, the applicable rate for the locality-
8 based comparability adjustment that is used in the com-
9 putation required under section 5941(c) of that title shall
10 be adjusted effective on the first day of the first pay period
11 beginning on or after January 1—

12 (1) in calendar year 2010, by using $\frac{1}{3}$ of the
13 locality pay percentage for the rest of United States
14 locality pay area;

15 (2) in calendar year 2011, by using $\frac{2}{3}$ of the
16 otherwise applicable comparability payment approved
17 by the President for each non-foreign area; and

18 (3) in calendar year 2012 and each subsequent
19 year, by using the full amount of the applicable com-
20 parability payment approved by the President for
21 each non-foreign area.

22 **SEC. 1145. SAVINGS PROVISION.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that—

1 (1) the application of this subtitle to any em-
2 ployee should not result in a decrease in the take
3 home pay of that employee;

4 (2) in calendar year 2012 and each subsequent
5 year, no employee shall receive less than the Rest of
6 the U.S. locality pay rate;

7 (3) concurrent with the surveys next conducted
8 under the provisions of section 5304(d)(1)(A) of title
9 5, United States Code, beginning after the date of
10 the enactment of this Act, the Bureau of Labor Sta-
11 tistics should conduct separate surveys to determine
12 the extent of any pay disparity (as defined by sec-
13 tion 5302 of that title) that may exist with respect
14 to positions located in the State of Alaska, the State
15 of Hawaii, and the United States territories, includ-
16 ing American Samoa, Guam, Commonwealth of the
17 Northern Mariana Islands, Commonwealth of Puerto
18 Rico, and the United States Virgin Islands;

19 (4) if the surveys under paragraph (3) indicate
20 that the pay disparity determined for the State of
21 Alaska, the State of Hawaii, or any 1 of the United
22 States territories including American Samoa, Guam,
23 Commonwealth of the Northern Mariana Islands,
24 Commonwealth of Puerto Rico, and the United
25 States Virgin Islands exceeds the pay disparity de-

1 terminated for the locality which (for purposes of sec-
2 tion 5304 of that title) is commonly known as the
3 “Rest of the United States”, the President’s Pay
4 Agent should take appropriate measures to provide
5 that each such surveyed area be treated as a sepa-
6 rate pay locality for purposes of that section; and

7 (5) the President’s Pay Agent will establish 1
8 locality area for the entire State of Hawaii and 1 lo-
9 cality area for the entire State of Alaska.

10 (b) SAVINGS PROVISIONS.—

11 (1) IN GENERAL.—During the period described
12 under section 1144 of this subtitle, an employee paid
13 a special rate under 5305 of title 5, United States
14 Code, who the day before the date of enactment of
15 this Act was eligible to receive a cost-of-living allow-
16 ance under section 5941 of title 5, United States
17 Code, and who continues to be officially stationed in
18 an allowance area, shall receive an increase in the
19 employee’s special rate consistent with increases in
20 the applicable special rate schedule. For employees
21 in allowance areas, the minimum step rate for any
22 grade of a special rate schedule shall be increased at
23 the time of an increase in the applicable locality rate
24 percentage for the allowance area by not less than
25 the dollar increase in the locality-based com-

1 parability payment for a non-special rate employee
2 at the same minimum step provided under section
3 1144 of this subtitle, and corresponding increases
4 shall be provided for all step rates of the given pay
5 range.

6 (2) CONTINUATION OF COST OF LIVING ALLOW-
7 ANCE RATE.—If an employee, who the day before
8 the date of enactment of this Act was eligible to re-
9 ceive a cost-of-living allowance under section 5941 of
10 title 5, United States Code, would receive a rate of
11 basic pay and applicable locality-based comparability
12 payment which is in excess of the maximum rate
13 limitation set under section 5304(g) of title 5,
14 United States Code, for his position (but for that
15 maximum rate limitation) due to the operation of
16 this subtitle, the employee shall continue to receive
17 the cost-of-living allowance rate in effect on Decem-
18 ber 31, 2009 without adjustment until—

19 (A) the employee leaves the allowance area
20 or pay system; or

21 (B) the employee is entitled to receive
22 basic pay (including any applicable locality-
23 based comparability payment or similar supple-
24 ment) at a higher rate,

1 but, when any such position becomes vacant, the pay
2 of any subsequent appointee thereto shall be fixed in
3 the manner provided by applicable law and regula-
4 tion.

5 (3) LOCALITY-BASED COMPARABILITY PAY-
6 MENTS.—Any employee covered under paragraph (2)
7 shall receive any applicable locality-based com-
8 parability payment extended under section 1144 of
9 this subtitle which is not in excess of the maximum
10 rate set under section 5304(g) of title 5, United
11 States Code, for his position including any future in-
12 crease to statutory pay limitations under 5318 of
13 title 5, United States Code. Notwithstanding para-
14 graph (2), to the extent that an employee covered
15 under that paragraph receives any amount of local-
16 ity-based comparability payment, the cost-of-living
17 allowance rate under that paragraph shall be re-
18 duced accordingly, as provided under section
19 5941(e)(2)(B) of title 5, United States Code.

20 **SEC. 1146. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.**

21 (a) IN GENERAL.—

22 (1) DEFINITION.—In this subsection, the term
23 “covered employee” means—

24 (A) any employee who—

1 (i) on the day before the date of en-
2 actment of this Act—

3 (I) was eligible to be paid a cost-
4 of-living allowance under 5941 of title
5 5, United States Code; and

6 (II) was not eligible to be paid lo-
7 cality-based comparability payments
8 under 5304 or 5304a of that title; or

9 (ii) on or after the date of enactment
10 of this Act becomes eligible to be paid a
11 cost-of-living allowance under 5941 of title
12 5, United States Code; or

13 (B) any employee who—

14 (i) on the day before the date of en-
15 actment of this Act—

16 (I) was eligible to be paid an al-
17 lowance under section 1603(b) of title
18 10, United States Code;

19 (II) was eligible to be paid an al-
20 lowance under section 1005(b) of title
21 39, United States Code;

22 (III) was employed by the Trans-
23 portation Security Administration of
24 the Department of Homeland Security
25 and was eligible to be paid an allow-

1 of-living allowance under section 5941
2 of title 5, United States Code.

3 (2) APPLICATION TO COVERED EMPLOYEES.—

4 (A) IN GENERAL.—Notwithstanding any
5 other provision of law, for purposes of this sub-
6 title (including the amendments made by this
7 subtitle) any covered employee shall be treated
8 as an employee to whom section 5941 of title
9 5, United States Code (as amended by section
10 1142 of this subtitle), and section 1144 of this
11 subtitle apply.

12 (B) PAY FIXED BY STATUTE.—Pay to cov-
13 ered employees under section 5304 or 5304a of
14 title 5, United States Code, as a result of the
15 application of this subtitle shall be considered
16 to be fixed by statute.

17 (C) PERFORMANCE APPRAISAL SYSTEM.—

18 With respect to a covered employee who is sub-
19 ject to a performance appraisal system no part
20 of pay attributable to locality-based com-
21 parability payments as a result of the applica-
22 tion of this subtitle including section 5941 of
23 title 5, United States Code (as amended by sec-
24 tion 1142 of this subtitle), may be reduced on
25 the basis of the performance of that employee.

1 (b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

2 (1) IN GENERAL.—Section 1005(b) of title 39,
3 United States Code, is amended—

4 (A) by inserting “(1)” after “(b)”;

5 (B) by striking “Section 5941,” and in-
6 serting “Except as provided under paragraph
7 (2), section 5941”;

8 (C) by striking “For purposes of such sec-
9 tion,” and inserting “Except as provided under
10 paragraph (2), for purposes of section 5941 of
11 that title,”; and

12 (D) by adding at the end the following:

13 “(2) On and after the date of enactment of the
14 Non-Foreign Area Retirement Equity Assurance Act
15 of 2009—

16 “(A) the provisions of that Act and section
17 5941 of title 5 shall apply to officers and em-
18 ployees covered by section 1003 (b) and (c)
19 whose duty station is in a nonforeign area; and

20 “(B) with respect to officers and employees
21 of the Postal Service (other than those officers
22 and employees described under subparagraph
23 (A)) of section 1146(b)(2) of that Act shall
24 apply.”.

1 (2) CONTINUATION OF COST OF LIVING ALLOW-
2 ANCE.—

3 (A) IN GENERAL.—Notwithstanding any
4 other provision of this subtitle, any employee of
5 the Postal Service (other than an employee cov-
6 ered by section 1003 (b) and (c) of title 39,
7 United States Code, whose duty station is in a
8 nonforeign area) who is paid an allowance
9 under section 1005(b) of that title shall be
10 treated for all purposes as if the provisions of
11 this subtitle (including the amendments made
12 by this subtitle) had not been enacted, except
13 that the cost-of-living allowance rate paid to
14 that employee—

15 (i) may result in the allowance exceed-
16 ing 25 percent of the rate of basic pay of
17 that employee; and

18 (ii) shall be the greater of—

19 (I) the cost-of-living allowance
20 rate in effect on December 31, 2009
21 for the applicable area; or

22 (II) the applicable locality-based
23 comparability pay percentage under
24 section 1144.

1 (B) RULE OF CONSTRUCTION.—Nothing in
2 this subtitle shall be construed to—

3 (i) provide for an employee described
4 under subparagraph (A) to be a covered
5 employee as defined under subsection (a);
6 or

7 (ii) authorize an employee described
8 under subparagraph (A) to file an election
9 under section 1147 of this subtitle.

10 **SEC. 1147. ELECTION OF ADDITIONAL BASIC PAY FOR AN-**
11 **NUITY COMPUTATION BY EMPLOYEES.**

12 (a) DEFINITION.—In this section the term “covered
13 employee” means any employee—

14 (1) to whom section 1144 applies;

15 (2) who is separated from service by reason of
16 retirement under chapter 83 or 84 of title 5, United
17 States Code, during the period of January 1, 2010,
18 through December 31, 2012; and

19 (3) who files an election with the Office of Per-
20 sonnel Management under subsection (b).

21 (b) ELECTION.—

22 (1) IN GENERAL.—An employee described
23 under subsection (a) (1) and (2) may file an election
24 with the Office of Personnel Management to be cov-
25 ered under this section.

1 (2) DEADLINE.—An election under this sub-
2 section may be filed not later than December 31,
3 2012.

4 (c) COMPUTATION OF ANNUITY.—

5 (1) IN GENERAL.—Except as provided under
6 paragraph (2), for purposes of the computation of
7 an annuity of a covered employee any cost-of-living
8 allowance under section 5941 of title 5, United
9 States Code, paid to that employee during the first
10 applicable pay period beginning on or after January
11 1, 2010 through the first applicable pay period end-
12 ing on or after December 31, 2012, shall be consid-
13 ered basic pay as defined under section 8331(3) or
14 8401(4) of that title.

15 (2) LIMITATION.—The amount of the cost-of-
16 living allowance which may be considered basic pay
17 under paragraph (1) may not exceed the amount of
18 the locality-based comparability payments the em-
19 ployee would have received during that period for
20 the applicable pay area if the limitation under sec-
21 tion 1144 of this subtitle did not apply.

22 (d) CIVIL SERVICE RETIREMENT AND DISABILITY
23 RETIREMENT FUND.—

1 (1) EMPLOYEE CONTRIBUTIONS.—A covered
2 employee shall pay into the Civil Service Retirement
3 and Disability Retirement Fund—

4 (A) an amount equal to the difference be-
5 tween—

6 (i) employee contributions that would
7 have been deducted and withheld from pay
8 under section 8334 or 8422 of title 5,
9 United States Code, during the period de-
10 scribed under subsection (c) of this section
11 if the cost-of-living allowances described
12 under that subsection had been treated as
13 basic pay under section 8331(3) or
14 8401(4) of title 5, United States Code; and

15 (ii) employee contributions that were
16 actually deducted and withheld from pay
17 under section 8334 or 8422 of title 5,
18 United States Code, during that period;
19 and

20 (B) interest as prescribed under section
21 8334(e) of title 5, United States Code, based on
22 the amount determined under subparagraph
23 (A).

24 (2) AGENCY CONTRIBUTIONS.—

1 (A) IN GENERAL.—The employing agency
2 of a covered employee shall pay into the Civil
3 Service Retirement and Disability Retirement
4 Fund an amount for applicable agency con-
5 tributions based on payments made under para-
6 graph (1).

7 (B) SOURCE.—Amounts paid under this
8 paragraph shall be contributed from the appro-
9 priation or fund used to pay the employee.

10 (3) REGULATIONS.—The Office of Personnel
11 Management may prescribe regulations to carry out
12 this section.

13 **SEC. 1148. REGULATIONS.**

14 (a) IN GENERAL.—The Director of the Office of Per-
15 sonnel Management shall prescribe regulations to carry
16 out this subtitle, including—

17 (1) rules for special rate employees described
18 under section 1143;

19 (2) rules for adjusting rates of basic pay for
20 employees in pay systems administered by the Office
21 of Personnel Management when such employees are
22 not entitled to locality-based comparability payments
23 under section 5304 of title 5, United States Code,
24 without regard to otherwise applicable statutory pay
25 limitations during the transition period described in

1 section 1144 ending on the first day of the first pay
2 period beginning on or after January 1, 2012; and

3 (3) rules governing establishment and adjust-
4 ment of saved or retained rates for any employee
5 whose rate of pay exceeds applicable pay limitations
6 on the first day of the first pay period beginning on
7 or after January 1, 2012.

8 (b) OTHER PAY SYSTEMS.—With the concurrence of
9 the Director of the Office of Personnel Management, the
10 administrator of a pay system not administered by the Of-
11 fice of Personnel Management shall prescribe regulations
12 to carry out this subtitle with respect to employees in such
13 pay system, consistent with the regulations prescribed by
14 the Office under subsection (a). With respect to employees
15 not entitled to locality-based comparability payments
16 under section 5304 of title 5, United States Code, regula-
17 tions prescribed under this subsection may provide for spe-
18 cial payments or adjustments for employees who were eli-
19 gible to receive a cost-of-living allowance under section
20 5941 of that title on the date before the date of enactment
21 of this Act.

22 **SEC. 1149. EFFECTIVE DATES.**

23 (a) IN GENERAL.—Except as provided by subsection
24 (b), this subtitle (including the amendments made by this

1 subtitle) shall take effect on the date of enactment of this
2 Act.

3 (b) LOCALITY PAY AND SCHEDULE.—The amend-
4 ments made by section 1142 and the provisions of section
5 1144 shall take effect on the first day of the first applica-
6 ble pay period beginning on or after January 1, 2010.

7 **Subtitle D—Part-Time**
8 **Reemployment of Annuitants**

9 **SEC. 1161. SHORT TITLE.**

10 This subtitle may be cited as the “Part-Time Reem-
11 ployment of Annuitants Act of 2009”.

12 **SEC. 1162. PART-TIME REEMPLOYMENT.**

13 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
14 8344 of title 5, United States Code, is amended—

15 (1) by redesignating subsection (l) as subsection
16 (m);

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

19 “(l)(1) For purposes of this subsection—

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

21 “(i) the head of an Executive agency, other
22 than the Department of Defense or the Govern-
23 ment Accountability Office;

24 “(ii) the head of the United States Postal
25 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 (k)(2), other than the Govern-
6 ment Accountability Office; and

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

10 “(2) The head of an agency may waive the applica-
11 tion of subsection (a) or (b) with respect to any annuitant
12 who is employed in such agency as a limited time ap-
13 pointee, if the head of the agency determines that the em-
14 ployment of the 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
18 of the American Recovery and Reinvestment Act of
19 2009 (Public Law 111–5) or the Troubled Asset Re-
20 lief Program under title I of the Emergency Eco-
21 nomic Stabilization Act of 2008 (12 U.S.C. 5201 et
22 seq.);

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

1 “(D) assist the Inspector General for that agen-
2 cy in the performance of the mission of that Inspec-
3 tor General;

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

6 “(F) assist in the recruitment or retention of
7 employees; 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 appli-
12 cation of subsection (a) or (b) with respect to an annu-
13 itant—

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 8468(i) 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 8468(i) 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 to the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate, the Com-
9 mittee on Oversight and Government Reform of the House
10 of Representatives, and the Office of Personnel Manage-
11 ment—

12 “(i) a report with an explanation that justifies
13 the need for the waivers in excess of that percent-
14 age; and

15 “(ii) not later than 180 days after submitting
16 the report under clause (i), a succession plan.

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

20 “(B) Any regulations promulgated under subpara-
21 graph (A) may—

22 “(i) provide standards for the maintenance
23 and form of necessary records of employment
24 under this subsection;

1 “(ii) to the extent not otherwise expressly
2 prohibited by law, require employing agencies to
3 provide records of such employment to the Of-
4 fice of Personnel Management or other employ-
5 ing agencies as necessary to ensure compliance
6 with paragraph (3);

7 “(iii) authorize other administratively con-
8 venient periods substantially equivalent to 12
9 months, such as 26 pay periods, to be used in
10 determining compliance with paragraph (3)(B);

11 “(iv) include such other administrative re-
12 quirements as the Director of the Office of Per-
13 sonnel Management may find appropriate to
14 provide for the effective operation of, or to en-
15 sure compliance with, this subsection; and

16 “(v) encourage the training and mentoring
17 of employees by any limited time appointee em-
18 ployed under this subsection.

19 “(6)(A) Any hours of training or mentoring of em-
20 ployees by any limited time appointee employed under this
21 subsection shall not be included in the hours of service
22 performed for purposes of paragraph (3), but those hours
23 of training or mentoring may not exceed 520 hours.

24 “(B) If the primary service performed by any limited
25 time appointee employed under this subsection is training

1 or mentoring of employees, the hours of that service shall
2 be included in the hours of service performed for purposes
3 of paragraph (3).

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

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

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

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

14 (b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—

15 Section 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 Department of Defense or the Govern-
24 ment Accountability Office;

1 “(ii) the head of the United States Postal
2 Service;

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

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

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

12 “(2) The head of an agency may waive the applica-
13 tion of subsection (a) with respect to any annuitant who
14 is employed in such agency as a limited time appointee,
15 if the head of the agency determines that the employment
16 of the annuitant is necessary to—

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

19 “(B) assist in the implementation or oversight
20 of the American Recovery and Reinvestment Act of
21 2009 (Public Law 111–5) or the Troubled Asset Re-
22 lief Program under title I of the Emergency Eco-
23 nomic Stabilization Act of 2008 (12 U.S.C. 5201 et
24 seq.);

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

3 “(D) assist the Inspector General for that agen-
4 cy in the performance of the mission of that Inspec-
5 tor General;

6 “(E) promote appropriate training or mentoring
7 programs of employees;

8 “(F) assist in the recruitment or retention of
9 employees; or

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

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

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

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

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

24 “(4)(A) The total number of annuitants to whom a
25 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 to the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate, the Com-
9 mittee on Oversight and Government Reform of the House
10 of Representatives, and the Office of Personnel Manage-
11 ment—

12 “(i) a report with an explanation that justifies
13 the need for the waivers in excess of that percent-
14 age; and

15 “(ii) not later than 180 days after submitting
16 the report under clause (i), a succession plan.

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

20 “(B) Any regulations promulgated under subpara-
21 graph (A) may—

22 “(i) provide standards for the maintenance and
23 form of necessary records of employment under this
24 subsection;

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

6 “(iii) authorize other administratively conven-
7 ient periods substantially equivalent to 12 months,
8 such as 26 pay periods, to be used in determining
9 compliance with paragraph (3)(B);

10 “(iv) include such other administrative require-
11 ments as the Director of the Office of Personnel
12 Management may find appropriate to provide for ef-
13 fective operation of, or to ensure compliance with,
14 this subsection; and

15 “(v) encourage the training and mentoring of
16 employees by any limited time appointee employed
17 under this subsection.

18 “(6)(A) Any hours of training or mentoring of em-
19 ployees by any limited time appointee employed under this
20 subsection shall not be included in the hours of service
21 performed for purposes of paragraph (3), but those hours
22 of training or mentoring may not exceed 520 hours.

23 “(B) If the primary service performed by any limited
24 time appointee employed under this subsection is training
25 or mentoring of employees, the hours of that service shall

1 be included in the hours of service performed for purposes
2 of paragraph (3).

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

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

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

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

13 (c) RULE OF CONSTRUCTION.—Nothing in the
14 amendments made by this section may be construed to au-
15 thorize the waiver of the hiring preferences under chapter
16 33 of title 5, United States Code in selecting annuitants
17 to employ in an appointive or elective position.

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

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

22 and

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

1 **SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.**

2 (a) IN GENERAL.—Not later than 3 years after the
3 date of enactment of this Act, the Comptroller General
4 of the United States shall submit to the Committee on
5 Homeland Security and Governmental Affairs of the Sen-
6 ate and the Committee on Oversight and Government Re-
7 form of the House of Representatives a report regarding
8 the use of the authority under the amendments made by
9 section 1162.

10 (b) CONTENTS.—The report submitted under sub-
11 section (a) shall—

12 (1) include the number of annuitants for whom
13 a waiver was made under subsection (l) of section
14 8344 of title 5, United States Code, as amended by
15 this subtitle, or subsection (i) of section 8468 of title
16 5, United States Code, as amended by this subtitle;
17 and

18 (2) identify each agency that used the authority
19 described in paragraph (1).

20 (c) AGENCY DATA.—Each head of an agency (as de-
21 fined under sections 8344(l)(1) and 8468(i)(1)(A) of title
22 5, United States Code, as added by section 1162 of this
23 subtitle) shall—

24 (1) collect and maintain data necessary for pur-
25 poses of the Comptroller General report submitted
26 under subsection (a); and

1 (2) submit to the Comptroller General that data
2 as the Comptroller General requires in a timely fash-
3 ion.