

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

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

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

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

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

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for the effective operation of, or to ensure compliance with, this subsection; and

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

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

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

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

(3) in subsection (m) (as so redesignated)—
(A) in paragraph (1), by striking “(k)” and inserting “(l)”;

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

(b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended—

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

(2) by inserting after subsection (h) the following:

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

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

“(i) the head of an Executive agency, other than the Department of Defense or the Government Accountability Office;

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

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

“(iv) any employing authority described under subsection (h)(2), other than the Government Accountability Office; and

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

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

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

“(B) assist in the implementation or oversight of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) or the Troubled Asset Relief Program under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.);

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

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

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

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

“(G) respond to an emergency involving a direct threat to life of property or other unusual circumstances.

“(3) The head of an agency may not waive the application of subsection (a) with respect to an annuitant—

“(A) for more than 520 hours of service performed by that annuitant during the period ending 6 months following the individual’s annuity commencing date;

“(B) for more than 1040 hours of service performed by that annuitant during any 12-month period; or

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

“(4)(A) The total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies may not exceed 2.5 percent of the total number of full-time employees of that agency.

“(B) If the total number of annuitants to whom a waiver by the head of an agency under this subsection or section 8344(1) applies exceeds 1 percent of the total number of full-time employees of that agency, the head of that agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Office of Personnel Management—

“(i) a report with an explanation that justifies the need for the waivers in excess of that percentage; and

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

“(5)(A) The Director of the Office of Personnel Management may promulgate regulations providing for the administration of this subsection.

“(B) Any regulations promulgated under subparagraph (A) may—

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

“(ii) to the extent not otherwise expressly prohibited by law, require employing agencies to provide records of such employment to the Office or other employing agencies as necessary to ensure compliance with paragraph (3);

“(iii) authorize other administratively convenient periods substantially equivalent to 12 months, such as 26 pay periods, to be used in determining compliance with paragraph (3)(B);

“(iv) include such other administrative requirements as the Director of the Office of Personnel Management may find appropriate to provide for effective operation of, or to ensure compliance with, this subsection; and

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

“(6)(A) Any hours of training or mentoring of employees by any limited time appointee employed under this subsection shall not be

included in the hours of service performed for purposes of paragraph (3), but those hours of training or mentoring may not exceed 520 hours.

“(B) If the primary service performed by any limited time appointee employed under this subsection is training or mentoring of employees, the hours of that service shall be included in the hours of service performed for purposes of paragraph (3).

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

(3) in subsection (j) (as so redesignated)—
(A) in paragraph (1), by striking “(h)” and inserting “(i)”;

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

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

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

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

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

SEC. 3. GENERAL ACCOUNTABILITY OFFICE REPORT.

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

(b) CONTENTS.—The report submitted under subsection (a) shall—

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

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

(c) AGENCY DATA.—Each head of an agency (as defined under sections 8344(1)(1) and 8468(i)(1)(A) of title 5, United States Code, as added by section 2 of this title) shall—

(1) collect and maintain data necessary for purposes of the Comptroller General report submitted under subsection (a); and

(2) submit to the Comptroller General that data as the Comptroller General requires in a timely fashion.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 3, 2009 at 2 p.m. to conduct a hearing entitled “A Fresh Start For New Starts.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 2:30 p.m., in room 106 of the Dirksen Senate office building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 3, 2009 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Homeland security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on June 3, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "The Uniting American Families Act: Addressing Inequality in Federal Immigration Law."

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONNEL SUBCOMMITTEE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Personnel Subcommittee of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON STATE, LOCAL, AND
PRIVATE SECTOR PREPAREDNESS AND INTE-
GRATION

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on State, Local, and Private Sector Preparedness and Integration of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 2 p.m. to conduct a hearing entitled, "Pandemic Flu: Closing the Gaps."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND
MANAGEMENT SUPPORT

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Committee on Armed Services Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCE

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 3, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 3, 2009, from 2 p.m. to 4 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND REFERRAL—S.

1144

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill S. 1144 be discharged from the Committee on Commerce, Science, and Transportation and that it be referred to the Committee on Banking, Housing, and Urban Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JUNE 4,
2009

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it adjourn until 9:30 a.m., tomorrow, Thursday, June 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; further, I ask following morning business the Senate resume consideration of H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCHUMER. Mr. President, tomorrow we will resume consideration of the tobacco regulation bill; the Burr-Hagan substitute amendment is pending and we hope to reach agreement to vote in relation to it tomorrow morning. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. SCHUMER. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Thursday, June 4, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

Laurie Susan Fulton, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

DEPARTMENT OF THE TREASURY

Daniel M. Tangherlini, of the District of Columbia, to be an Assistant Secretary of the Treasury, vice Peter B. McCarthy, resigned.

Daniel M. Tangherlini, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury, vice Peter B. McCarthy, resigned.

DEPARTMENT OF LABOR

Raymond M. Jefferson, of Hawaii, to be Assistant Secretary of Labor for Veterans' Employment and Training, vice Charles S. Ciccolella, resigned.