

Calendar No. 496112TH CONGRESS
2^D SESSION**S. 1515****[Report No. 112-205]**

To permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2011

Mr. LIEBERMAN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

AUGUST 28, 2012

Reported, under authority of the order of the Senate of August 2, 2012, by
Mr. LIEBERMAN, with an amendment

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

A BILL

To permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984.

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 “United States Secret
 5 Service Retirement Act of 2011”.

6 **SEC. 2. AUTHORITY OF CERTAIN MEMBERS OF UNITED**
 7 **STATES SECRET SERVICE TO ELECT COV-**
 8 **ERAGE UNDER DISTRICT OF COLUMBIA PO-**
 9 **LICE AND FIREFIGHTER RETIREMENT SYS-**
 10 **TEM.**

11 (a) **IN GENERAL.**—Subsection (b) of the Policemen
 12 and Firemen’s Retirement and Disability Act (sec. 5–703,
 13 D.C. Official Code) is amended—

14 (1) by striking “Whenever any member” and
 15 inserting “(1) **IN GENERAL.**—Whenever any mem-
 16 ber”; and

17 (2) by adding at the end the following new
 18 paragraph:

19 “(2) **COVERAGE OF CERTAIN OTHER EMPLOYEES OF**
 20 **SECRET SERVICE.**—

21 “(A) **IN GENERAL.**—Paragraph (1) shall apply
 22 with respect to a covered employee in the same man-
 23 ner as such paragraph applies to an individual who
 24 is authorized to make a transfer of funds under such
 25 paragraph, but only if—

1 “(i) not later than 60 days after receiving
2 notification of the transition cost associated
3 with the application of paragraph (1) to the
4 covered employee (as provided under section
5 2(b)(2) of the United States Secret Service Re-
6 tirement Act of 2011); the covered employee
7 provides a notification to the Director of the
8 United States Secret Service containing such
9 information and assurances as the Director may
10 require;

11 “(ii) on or before the date the covered em-
12 ployee provides a notification under clause (i);
13 the employee makes a lump sum payment in an
14 amount equal to the transition cost associated
15 with the application of paragraph (1) to the
16 covered employee; in accordance with section
17 2(e) of the United States Secret Service Retire-
18 ment Act of 2011; and

19 “(iii) the covered employee uses the ac-
20 count of the covered employee in the Thrift
21 Savings Fund as the exclusive source of funds
22 for making the lump sum payment under clause
23 (ii).

24 “(B) ADJUSTMENT TO REFLECT SOCIAL SECU-
25 RITY CONTRIBUTIONS AND BENEFITS.—In the case

1 of a covered employee who authorizes a transfer of
2 funds under paragraph (1), such covered employee
3 shall be subject to the same deductions and shall be
4 entitled to the same benefits as provided for under
5 paragraph (1), subject to offset in accordance with
6 section ~~103~~(e) of Public Law ~~100-238~~ (~~5~~ U.S.C.
7 ~~8334~~ note).

8 “(C) COVERED EMPLOYEE DEFINED.—In this
9 paragraph, the term ‘covered employee’ means an in-
10 dividual who—

11 “(i) was appointed as an officer or member
12 of the United States Secret Service Division or
13 the United States Secret Service Uniformed Di-
14 vision during 1984, 1985, or 1986;

15 “(ii) has actively performed duties other
16 than clerical for 10 or more years directly re-
17 lated to the protection mission of the United
18 States Secret Service described under section
19 3056 of title 18, United States Code;

20 “(iii) is serving as an officer or member of
21 the United States Secret Service Division or the
22 United States Secret Service Uniformed Divi-
23 sion (or any successor entity) on the date of en-
24 actment of this paragraph; and

1 “(iv) is participating in the Federal Em-
2 ployees’ Retirement System under chapter 84 of
3 title 5, United States Code, on the date of en-
4 actment of this paragraph.”.

5 (b) NOTIFICATIONS.—

6 (1) INITIAL NOTIFICATION BY SECRET SERV-
7 ICE.—Not later than 30 days after the date of the
8 enactment of this Act, the Director of the United
9 States Secret Service shall notify each covered em-
10 ployee that the covered employee may execute an
11 election under this subsection to have paragraph (1)
12 of subsection (b) of the Policemen and Firemen’s
13 Retirement and Disability Act (sec. 5-703, D.C. Of-
14 ficial Code) apply with respect to the covered em-
15 ployee.

16 (2) NOTIFICATION OF TRANSITION COST.—Not
17 later than 15 days after determining the amount of
18 the transition cost associated with the application of
19 paragraph (1) of subsection (b) of the Policemen
20 and Firemen’s Retirement and Disability Act (sec.
21 5-703, D.C. Official Code) to a covered employee (in
22 accordance with subsection (c)), the Director of the
23 United States Secret Service shall notify the covered
24 employee of such transition cost.

25 (c) TRANSITION COST.—

1 (1) DETERMINATION OF AMOUNT.—The transi-
2 tion cost associated with the application of para-
3 graph (1) of subsection (b) of the Policemen and
4 Firemen’s Retirement and Disability Act to a cov-
5 ered employee is the amount by which—

6 (A) the estimated present value of the pay-
7 ments which would be payable by the Federal
8 Government to the District of Columbia with
9 respect to such employee during the 11-fiscal
10 year period beginning with the fiscal year in
11 which this Act is enacted if such paragraph ap-
12 plies with respect to the covered employee; ex-
13 ceeds

14 (B) the estimated present value of the ben-
15 efits which would be payable from the Civil
16 Service Retirement and Disability Fund with
17 respect to such employee during the 11-year pe-
18 riod described in subparagraph (A) if such
19 paragraph does not apply with respect to the
20 covered employee.

21 (2) DETERMINATION.—Not later than 60 days
22 after the date of the enactment of this Act, the Di-
23 rector of the United States Secret Service, in con-
24 sultation with the Director of the Office of Per-
25 sonnel Management and the Mayor of the District of

1 Columbia, shall determine the transition cost with
2 respect to each covered employee, by applying such
3 assumptions and other methodologies as the Direc-
4 tor of the United States Secret Service considers ap-
5 propriate, consistent with generally accepted actu-
6 arial practices and standards.

7 ~~(3) USE OF DISTRIBUTION FROM THRIFT SAV-~~
8 ~~INGS PLAN FOR LUMP SUM PAYMENT.—~~

9 ~~(A) IN GENERAL.—~~For purposes of mak-
10 ing the lump sum payment required under
11 paragraph ~~(2)~~ of subsection ~~(b)~~ of the Police-
12 men and Firemen's Retirement and Disability
13 Act, a covered employee shall, subject to section
14 8435 of title 5, United States Code (to the
15 same extent and in the same manner as a with-
16 drawal under section 8433(h) of such title), di-
17 rect the Executive Director appointed under
18 section 8474 of such title to make a single with-
19 drawal from the account of the covered em-
20 ployee in the Thrift Savings Fund in an
21 amount equal to the transition cost associated
22 with the covered employee.

23 ~~(B) TRANSFER TO SECRET SERVICE.—~~

24 Upon being directed by a covered employee to
25 make a withdrawal under subparagraph ~~(A)~~,

1 the Executive Director shall transfer the
 2 amount of the withdrawal to the Director of the
 3 United States Secret Service for deposit into
 4 the Contributions for Annuity Benefits, United
 5 States Secret Service appropriations account of
 6 the Department of Homeland Security.

7 (d) DEFINITION.—In subsections (b) and (c), a “cov-
 8 ered employee” means an individual described in para-
 9 graph (2) of subsection (b) of the Policemen and Fire-
 10 men’s Retirement and Disability Act (sec. 5–703, D.C. Of-
 11 ficial Code), as added by subsection (a).

12 **SEC. 3. TREATMENT OF REEMPLOYED ANNUITANTS.**

13 Section 8468 of title 5, United States Code, is
 14 amended by adding at the end the following:

15 “(k)(1) For purposes of this section, the term ‘cov-
 16 ered District of Columbia retiree’ means an individual who
 17 is receiving benefits under the Policemen and Firemen’s
 18 Retirement and Disability Act—

19 “(A) based in whole or in part on such individ-
 20 ual’s service as an officer or member of the United
 21 States Secret Service Division or the United States
 22 Secret Service Uniformed Division; and

23 “(B) pursuant to an election, made under sub-
 24 section (b)(2) of such Act (sec. 5–703, D.C. Official

1 Code); to transfer to that retirement system from
2 the retirement system under this chapter.

3 ~~“(2) If a covered District of Columbia retiree be-~~
4 ~~comes employed in an appointive or elective position (as~~
5 ~~referred to in subsection (a)), an amount equal to the re-~~
6 ~~tirement benefits which are payable under the Policemen~~
7 ~~and Firemen’s Retirement and Disability Act and allo-~~
8 ~~able to the period of actual employment shall be deducted~~
9 ~~from the pay of the reemployed retiree, to the same extent~~
10 ~~and in the same manner as if those retirement benefits~~
11 ~~were an annuity under this chapter.~~

12 ~~“(3) The Director of the Office of Personnel Manage-~~
13 ~~ment shall prescribe any regulations necessary to carry out~~
14 ~~this subsection, including regulations under which an em-~~
15 ~~ploying agency shall accept the certification of the appro-~~
16 ~~priate official of the government of the District of Colum-~~
17 ~~bia regarding the amount of retirement benefits being paid~~
18 ~~to a covered District of Columbia retiree for a period dur-~~
19 ~~ing which such retiree is employed in the position de-~~
20 ~~scribed in paragraph (2).”.~~

21 **SEC. 4. PAYGO COMPLIANCE.**

22 The budgetary effects of this Act, for the purpose of
23 complying with the Statutory Pay-As-You-Go Act of 2010,
24 shall be determined by reference to the latest statement
25 titled “Budgetary Effects of PAYGO Legislation” for this

1 Act, submitted for printing in the Congressional Record
2 by the Chairman of the Senate Budget Committee, pro-
3 vided that such statement has been submitted prior to the
4 vote on passage.

5 **SECTION 1. SHORT TITLE.**

6 *This Act may be cited as the “United States Secret*
7 *Service Retirement Act of 2012”.*

8 **SEC. 2. SENSE OF THE SENATE.**

9 *It is the sense of the Senate that members of the United*
10 *States Secret Service Division and the United States Secret*
11 *Service Uniformed Division hired between January 1, 1984*
12 *and December 31, 1986 were promised that, in part as a*
13 *recruitment and retention tool, they would be eligible to*
14 *participate in the District of Columbia Police and Fire-*
15 *fighters Retirement System.*

16 **SEC. 3. AUTHORITY OF CERTAIN MEMBERS OF UNITED**
17 **STATES SECRET SERVICE TO ELECT COV-**
18 **ERAGE UNDER DISTRICT OF COLUMBIA PO-**
19 **LICE AND FIREFIGHTER RETIREMENT SYS-**
20 **TEM.**

21 *(a) IN GENERAL.—Subsection (b) of the Policemen and*
22 *Firemen’s Retirement and Disability Act (sec. 5–703, D.C.*
23 *Official Code) is amended—*

1 (1) by striking “Whenever any member” and in-
2 serting “(1) *IN GENERAL.—Whenever any member*”;
3 and

4 (2) by adding at the end the following new para-
5 graph:

6 “(2) *COVERAGE OF CERTAIN OTHER EMPLOYEES OF*
7 *SECRET SERVICE.—*

8 “(A) *IN GENERAL.—Paragraph (1) shall apply*
9 *with respect to a covered employee in the same man-*
10 *ner as such paragraph applies to an individual who*
11 *is authorized to make a transfer of funds under such*
12 *paragraph, but only if—*

13 “(i) *not later than 60 days after receiving*
14 *notification of the transition cost associated with*
15 *the application of paragraph (1) to the covered*
16 *employee (as provided under section 3(b)(2) of*
17 *the United States Secret Service Retirement Act*
18 *of 2012), the covered employee provides a notifi-*
19 *cation to the Director of the United States Secret*
20 *Service containing such information and assur-*
21 *ances as the Director may require; and*

22 “(ii) *on or before the date the covered em-*
23 *ployee provides a notification under clause (i),*
24 *the employee makes a lump sum payment in an*
25 *amount equal to the transition cost associated*

1 with the application of paragraph (1) to the cov-
2 ered employee, determined in accordance with
3 section 3(c) of the United States Secret Service
4 Retirement Act of 2012, for deposit into the Con-
5 tributions for Annuity Benefits, United States
6 Secret Service appropriations account of the De-
7 partment of Homeland Security.

8 “(B) *ADJUSTMENT TO REFLECT SOCIAL SECUR-*
9 *ITY CONTRIBUTIONS AND BENEFITS.*—In the case of
10 a covered employee who authorizes a transfer of funds
11 under paragraph (1), such covered employee shall be
12 subject to the same deductions and shall be entitled to
13 the same benefits as provided for under paragraph
14 (1), subject to offset in accordance with section 103(e)
15 of Public Law 100–238 (5 U.S.C. 8334 note).

16 “(C) *COVERED EMPLOYEE DEFINED.*—In this
17 paragraph, the term ‘covered employee’ means an in-
18 dividual who—

19 “(i) was appointed during 1984, 1985, or
20 1986—

21 “(I) as a member of the United States
22 Secret Service Uniformed Division as de-
23 fined under section 10201(1) of title 5,
24 United States Code; or

1 “(II) to the United States Secret Serv-
2 ice as a criminal investigator as defined
3 under section 5545a(a)(2) of title 5, United
4 States Code;

5 “(i) has actively performed duties other
6 than clerical for 10 or more years directly re-
7 lated to the protection mission of the United
8 States Secret Service described under section
9 3056 of title 18, United States Code;

10 “(iii) is serving as an officer or member of
11 the United States Secret Service Uniformed Di-
12 vision as defined under section 10201(1) of title
13 5, United States Code, or is employed by the
14 United States Secret Service as a criminal inves-
15 tigator as defined under section 5545a(a)(2) of
16 title 5, United States Code; and

17 “(iv) is covered under the Federal Employ-
18 ees’ Retirement System under chapter 84 of title
19 5, United States Code, on the date of enactment
20 of this paragraph.”.

21 (b) NOTIFICATIONS.—

22 (1) INITIAL NOTIFICATION BY SECRET SERV-
23 ICE.—Not later than 30 days after the date of the en-
24 actment of this Act, the Director of the United States
25 Secret Service shall notify each covered employee that

1 *the covered employee may execute an election under*
2 *this subsection to have paragraph (1) of subsection (b)*
3 *of the Policemen and Firemen's Retirement and Dis-*
4 *ability Act (sec. 5-703, D.C. Official Code) apply*
5 *with respect to the covered employee.*

6 (2) *NOTIFICATION OF TRANSITION COST.—Not*
7 *later than 15 days after determining the amount of*
8 *the transition cost associated with the application of*
9 *paragraph (1) of subsection (b) of the Policemen and*
10 *Firemen's Retirement and Disability Act (sec. 5-703,*
11 *D.C. Official Code) to a covered employee (in accord-*
12 *ance with subsection (c)), the Director of the United*
13 *States Secret Service shall notify the covered employee*
14 *of such transition cost.*

15 (c) *TRANSITION COST.—*

16 (1) *DETERMINATION OF AMOUNT.—The transi-*
17 *tion cost associated with the application of paragraph*
18 *(1) of subsection (b) of the Policemen and Firemen's*
19 *Retirement and Disability Act to a covered employee*
20 *is the amount by which—*

21 (A) *the estimated present value of the pay-*
22 *ments which would be payable by the Federal*
23 *Government to the District of Columbia with re-*
24 *spect to such employee during the 11-fiscal year*
25 *period beginning with the fiscal year in which*

1 *this Act is enacted if such paragraph applies*
2 *with respect to the covered employee, exceeds*

3 *(B) the estimated present value of the bene-*
4 *fits which would be payable from the Civil Serv-*
5 *ice Retirement and Disability Fund with respect*
6 *to such employee during the 11-year period de-*
7 *scribed in subparagraph (A) if such paragraph*
8 *does not apply with respect to the covered em-*
9 *ployee.*

10 (2) *DETERMINATION.—*

11 *(A) IN GENERAL.—Not later than 60 days*
12 *after the date of enactment of this Act, the Office*
13 *of Pay and Retirement Services of the District of*
14 *Columbia shall determine the transition cost*
15 *with respect to each covered employee, by apply-*
16 *ing such assumptions and other methodologies as*
17 *the Office of Pay and Retirement Services of the*
18 *District of Columbia considers appropriate, con-*
19 *sistent with generally accepted actuarial prac-*
20 *tices and standards.*

21 *(B) ADDITIONAL RESOURCES.—*

22 *(i) IN GENERAL.—The Office of Pay*
23 *and Retirement Services of the District of*
24 *Columbia may enter into contracts as nec-*

1 **SEC. 5. TREATMENT OF REEMPLOYED ANNUITANTS.**

2 (a) *IN GENERAL.*—For purposes of section 8468 of title
3 5, United States Code, a covered employee (as defined in
4 section 4(b) of this Act) who is receiving benefits under the
5 *Policemen and Firemen’s Retirement and Disability Act*
6 *pursuant to an election made under section 3(b) of this Act*
7 *shall be deemed to be an annuitant, as defined under section*
8 *8401 of title 5, United States Code.*

9 (b) *REGULATIONS.*—The Director of the Office of Per-
10 *sonnel Management shall prescribe any regulations nec-*
11 *essary to carry out this section, including regulations under*
12 *which an employing agency shall accept the certification*
13 *of the appropriate official of the government of the District*
14 *of Columbia regarding the amount of retirement benefits*
15 *being paid to a covered District of Columbia retiree for a*
16 *period during which such retiree is employed in an ap-*
17 *pointive or elective position with the agency.*

18 **SEC. 6. PAYGO COMPLIANCE.**

19 *The budgetary effects of this Act, for the purpose of*
20 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
21 *shall be determined by reference to the latest statement titled*
22 *“Budgetary Effects of PAYGO Legislation” for this Act,*
23 *submitted for printing in the Congressional Record by the*
24 *Chairman of the Senate Budget Committee, provided that*
25 *such statement has been submitted prior to the vote on pas-*
26 *sage.*

Calendar No. 496

112TH CONGRESS
2^D SESSION

S. 1515

[Report No. 112-2051]

A BILL

To permit certain members of the United States Secret Service and certain members of the United States Secret Service Uniformed Division who were appointed in 1984, 1985, or 1986 to elect to be covered under the District of Columbia Police and Firefighter Retirement and Disability System in the same manner as members appointed prior to 1984.

AUGUST 28, 2012

Reported with an amendment