

111TH CONGRESS
1ST SESSION

S. 1862

To provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System.

IN THE SENATE OF THE UNITED STATES

OCTOBER 22, 2009

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

A BILL

To provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System.

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 2009”.

1 **SEC. 2. RETIREMENT TREATMENT OF CERTAIN SECRET**
2 **SERVICE EMPLOYEES.**

3 (a) DEFINITION.—In this Act, the term “covered em-
4 ployee” means an individual who—

5 (1) was hired as a member of the United States
6 Secret Service Division or the United States Secret
7 Service Uniformed Division during the period begin-
8 ning on January 1, 1984 through December 31,
9 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 Uniformed Division (or any successor entity)
18 on the effective date of this Act; 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
26 to be a covered employee and to transition to the

1 District of Columbia Police and Firefighters Retirement and Disability System.

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

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 consultation with the Secretary of Homeland Security
14 and the Thrift Savings Board, the Office of Personnel Management shall prescribe regulations to
15 carry out the responsibilities of the Federal Government under this Act. The regulations prescribed
16 under this paragraph shall provide for transition of
17 covered employees from the Federal Employees' Retirement System to the Civil Service Retirement System.
18
19
20
21
22

23 (2) TREATMENT OF COVERED EMPLOYEES.—

24 (A) ELECTION OF COVERAGE.—

1 (i) IN GENERAL.—After 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 Firefighters Retirement
21 and Disability System in accordance
22 with this Act.

23 (III) UNITED STATES SECRET
24 SERVICE UNIFORMED DIVISION.—In
25 the administration of this clause, a

1 covered employee who is a member of
2 the United States Secret Service Uni-
3 formed Division shall be authorized to
4 transfer all funds to his credit in the
5 Civil Service Retirement and Dis-
6 ability Fund continued by sections
7 8331(5) and 8348 of title 5, United
8 States Code, to the general revenues
9 of the District of Columbia and after
10 the transfer of such funds the salary
11 of such member shall be subject to the
12 same deductions for credit to the gen-
13 eral revenues of the District of Co-
14 lumbia as the deductions from salaries
15 of other members under subchapter I
16 of chapter 7 of title 5 of the District
17 of Columbia Code, and he shall be en-
18 titled to the same benefits as the
19 other members to whom such sections
20 apply.

21 (B) THRIFT SAVINGS PLAN.—A covered
22 employee shall forfeit, under procedures pre-
23 scribed by the Executive Director of the Fed-
24 eral Retirement Thrift Investment Board, all
25 Thrift Savings Plan contributions and associ-

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

8 (C) FORFEITURE OF SOCIAL SECURITY
9 BENEFITS.—

10 (i) CONTRIBUTIONS.—Upon conver-
11 sion into the Civil Service Retirement Sys-
12 tem, a covered employee shall forfeit all
13 contributions made for purposes of title II
14 of the Social Security Act on the basis of
15 the covered employee's employment with
16 the United States Secret Service under
17 sections 3101(a) and 3111(a) of the Inter-
18 nal Revenue Code of 1986. All forfeited
19 funds shall remain in the Federal Old-Age
20 and Survivors Insurance Trust Fund and
21 the Federal Disability Insurance Trust
22 Fund, as applicable. Notwithstanding
23 paragraphs (4) and (5) of section 205(c) of
24 the Social Security Act, the Commissioner
25 of Social Security shall change or delete

1 any entry with respect to wages of a cov-
2 ered employee that are forfeited under this
3 clause.

4 (ii) BENEFITS.—

5 (I) IN GENERAL.—No individual
6 shall be entitled to any benefit under
7 title II of the Social Security Act
8 based on wages for which the con-
9 tributions were forfeited under clause
10 (i).

11 (II) NO EFFECT ON MEDICARE
12 BENEFITS.—Notwithstanding the for-
13 feiture by a covered employee under
14 clause (i), such contributions shall
15 continue to be treated as having been
16 made while performing medicare
17 qualified government employment (as
18 defined in section 210(p) of the Social
19 Security Act) for purposes of sections
20 226 and 226A of that Act.

21 (3) IMPLEMENTATION.—The Office of Per-
22 sonnel Management, the Department of Homeland
23 Security, the Social Security Administration, and the
24 Thrift Savings Board shall take such actions as nec-
25 essary to provide for the implementation of this Act.

1 (d) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided under
3 paragraph (2), this Act shall take effect on the first
4 day of the first applicable pay period that begins
5 180 days after the date of enactment of this Act.

6 (2) ELECTIONS AND IMPLEMENTATION.—Sub-
7 sections (b) and (c)(1) and (3) shall take effect on
8 the date of enactment of this Act.

○