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111TH CONGRESS
1ST SESSION

S. 1510

[Report No. 111–86]

To transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

IN THE SENATE OF THE UNITED STATES

JULY 23, 2009

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

OCTOBER 5, 2009

Reported by Mr. LIEBERMAN, without amendment

A BILL

To transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Secret
3 Service Uniformed Division Modernization Act of 2009”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to transfer statutory enti-
6 tlements to pay and hours of work authorized by the Dis-
7 trict of Columbia Code for current members of the United
8 States Secret Service Uniformed Division from the Dis-
9 trict of Columbia Code to the United States Code.

10 **SEC. 3. HUMAN RESOURCES FOR UNITED STATES SECRET**
11 **SERVICE UNIFORMED DIVISION.**

12 (a) PAY FOR MEMBERS OF THE UNITED STATES SE-
13 CRET SERVICE UNIFORMED DIVISION.—Subpart I of part
14 III of title 5, United States Code, is amended by adding
15 at the end the following:

16 **“CHAPTER 102—UNITED STATES SECRET**
17 **SERVICE UNIFORMED DIVISION PER-**
18 **SONNEL**

“Sec.

“10201. Definitions.

“10202. Authorities.

“10203. Basic pay.

“10204. Rate of pay for original appointments.

“10205. Service step adjustments.

“10206. Technician positions.

“10207. Promotions.

“10208. Demotions.

“10209. Clothing allowances.

19 **“§ 10201. Definitions**

20 “In this chapter—

1 “(1) the term ‘member’ means an employee of
 2 the United States Secret Service Uniformed Division
 3 having the authorities described under section
 4 3056A(b) of title 18;

5 “(2) the term ‘Secretary’ means the Secretary
 6 of the Department of Homeland Security; and

7 “(3) the term ‘United States Secret Service
 8 Uniformed Division’ has the meaning given that
 9 term under section 3056A of title 18.

10 **“§ 10202. Authorities**

11 “(a) IN GENERAL.—The Secretary is authorized to—

12 “(1) fix and adjust rates of basic pay for mem-
 13 bers of the United States Secret Service Uniformed
 14 Division, subject to the requirements of this chapter;

15 “(2) determine what constitutes an acceptable
 16 level of competence for the purposes of section
 17 10205;

18 “(3) establish and determine the positions at
 19 the Officer and Sergeant ranks to be included as
 20 technician positions; and

21 “(4) determine the rate of basic pay of a mem-
 22 ber who is changed or demoted to a lower rank, in
 23 accordance with section 10208.

24 “(b) DELEGATION OF AUTHORITY.—The Secretary is
 25 authorized to delegate to the designated agent or agents

1 of the Secretary, any power or function vested in the Sec-
2 retary under in this chapter.

3 “(c) REGULATIONS.—The Secretary may prescribe
4 such regulations as may be necessary to administer this
5 chapter.

6 **“§ 10203. Basic pay**

7 “(a) IN GENERAL.—The annual rates of basic pay
8 of members of the United States Secret Service Uniformed
9 Division shall be fixed in accordance with the following
10 schedule of rates, except that the payable annual rate of
11 basic pay for positions at the Lieutenant, Captain, and
12 Inspector ranks is limited to 95 percent of the rate of pay
13 for level V of the Executive Schedule under subchapter
14 II of chapter 53.

"Rank"	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13
Officer	\$44,000	\$46,640	\$49,280	\$51,920	\$54,560	\$57,200	\$59,840	\$62,480	\$65,120	\$67,760	\$70,400	\$73,040	\$75,680
Sergeant .....	.....	.....	.....	59,708	62,744	65,780	68,816	71,852	74,888	77,924	80,960	83,996	87,032
Lieutenant .....	.....	.....	.....	.....	69,018	72,358	75,698	79,038	82,378	85,718	89,058	92,398	95,738
Captain .....	.....	.....	.....	.....	.....	79,594	83,268	86,942	90,616	94,290	97,964	101,638	105,312
Inspector .....	.....	.....	.....	.....	.....	91,533	95,758	99,983	104,208	108,433	112,658	116,883	121,108
Deputy Chief	The rate of basic pay for Deputy Chief positions will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Assistant Chief	The rate of basic pay the Assistant Chief position will be equal to 95 percent of the rate of pay for level V of the Executive Schedule.												
Chief	The rate of basic pay the Chief position will be equal to the rate of pay for level V of the Executive Schedule.												

1 “(b) SCHEDULE ADJUSTMENT.—

2 “(1)(A) Effective at the beginning of the first
 3 pay period commencing on or after the first day of
 4 the month in which an adjustment in the rates of
 5 basic pay under the General Schedule takes effect
 6 under section 5303 or other authority, the schedule
 7 of annual rates of basic pay of members (except the
 8 Deputy Chiefs, Assistant Chief and Chief) shall be
 9 adjusted by the Secretary by a percentage amount
 10 corresponding to the percentage adjustment made in
 11 the rates of pay under the General Schedule.

12 “(B) The Secretary may establish a method-
 13 ology of schedule adjustment that—

14 “(i) results in uniform fixed-dollar step in-
 15 crements within any given rank; and

16 “(ii) preserves the established percentage
 17 differences among rates of different ranks at
 18 the same step position.

19 “(2) Notwithstanding paragraph (1), the pay-
 20 able annual rate of basic pay for positions at the
 21 Lieutenant, Captain, and Inspector ranks after ad-
 22 justment under paragraph (1) may not exceed 95
 23 percent of the rate of pay for level V of the Execu-
 24 tive Schedule under subchapter II of chapter 53.

1 “(3) Locality-based comparability payments au-
 2 thorized under section 5304 shall be applicable to
 3 the basic pay for all ranks under this section, except
 4 locality-based comparability payments may not be
 5 paid at a rate which, when added to the rate of basic
 6 pay otherwise payable to the member, would cause
 7 the total to exceed the rate of basic pay payable for
 8 level IV of the Executive Schedule.

9 **“§ 10204. Rate of pay for original appointments**

10 “(a) IN GENERAL.—Except as provided in subsection
 11 (b), all original appointments shall be made at the min-
 12 imum rate of basic pay for the Officer rank set forth in
 13 the schedule in section 10203.

14 “(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR
 15 SPECIAL NEED.—The Director of the United States Se-
 16 cret Service or the designee of the Director may appoint
 17 an individual at a rate above the minimum rate of basic
 18 pay for the Officer rank based on the individual’s superior
 19 qualifications or a special need of the Government for the
 20 individual’s services.

21 **“§ 10205. Service step adjustments**

22 “(a) DEFINITION.—In this section, the term ‘cal-
 23 endar week of active service’ includes all periods of leave
 24 with pay or other paid time off, and periods of non-pay

1 status which do not cumulatively equal one 40-hour work-
 2 week.

3 “(b) ADJUSTMENTS.—Each member whose current
 4 performance is at an acceptable level of competence shall
 5 have a service step adjustment as follows:

6 “(1) Each member in service step 1, 2, or 3
 7 shall be advanced successively to the next higher
 8 service step at the beginning of the first pay period
 9 immediately following the completion of 52 calendar
 10 weeks of active service in the member’s service step.

11 “(2) Each member in service step 4, 5, 6, 7, 8,
 12 9, 10, or 11 shall be advanced successively to the
 13 next higher service step at the beginning of the first
 14 pay period immediately following the completion of
 15 104 calendar weeks of active service in the member’s
 16 service step.

17 “(3) Each member in service step 12 shall be
 18 advanced successively to the next higher service step
 19 at the beginning of the first pay period immediately
 20 following the completion of 156 calendar weeks of
 21 active service in the member’s service step.

22 **“§ 10206. Technician positions**

23 “(a) IN GENERAL.—(1) Each member whose position
 24 is determined under section 10202(a)(3) to be included
 25 as a technician position shall, on or after such date, re-

1 ceive, in addition to the member's scheduled rate of basic
 2 pay, an amount equal to 6 percent of the sum of such
 3 member's rate of basic pay and the applicable locality-
 4 based comparability payment.

5 “(2) A member described in this subsection shall re-
 6 ceive the additional compensation authorized by this sub-
 7 section until such time as the member's position is deter-
 8 mined under section 10202(a)(3) not to be a technician
 9 position, or until the member no longer occupies such posi-
 10 tion, whichever occurs first.

11 “(3) The additional compensation authorized by this
 12 subsection shall be paid to a member in the same manner
 13 and at the same time as the member's basic pay is paid.

14 “(b) EXCEPTIONS.—(1) Except as provided in para-
 15 graph (2), the additional compensation authorized by sub-
 16 section (a)(1) shall be considered as basic pay for all pur-
 17 poses, including section 8401(4).

18 “(2) The additional compensation authorized by sub-
 19 section (a)(1) shall not be considered as basic pay for the
 20 purposes of—

21 “(A) section 5304; or

22 “(B) section 7511(a)(4).

23 “(3) The loss of the additional compensation author-
 24 ized by subsection (a)(1) shall not constitute an adverse
 25 action for the purposes of section 7512.

1 **“§ 10207. Promotions**

2 “(a) IN GENERAL.—Each member who is promoted
3 to a higher rank shall receive basic pay at the same step
4 at which such member was being compensated prior to the
5 date of the promotion.

6 “(b) CREDIT FOR SERVICE.—For the purposes of a
7 service step adjustment under section 10205, periods of
8 service at the lower rank shall be credited in the same
9 manner as if it was service at the rank to which the em-
10 ployee is promoted.

11 **“§ 10208. Demotions**

12 “When a member is changed or demoted from any
13 rank to a lower rank, the Secretary may fix the member’s
14 rate of basic pay at the rate of pay for any step in the
15 lower rank which does not exceed the lowest step in the
16 lower rank for which the rate of basic pay is equal to or
17 greater than the member’s existing rate of basic pay.

18 **“§ 10209. Clothing allowances**

19 “(a) IN GENERAL.—In addition to the benefits pro-
20 vided under section 5901, the Director of the United
21 States Secret Service or the designee of the Director is
22 authorized to provide a clothing allowance to a member
23 assigned to perform duties in normal business or work at-
24 tire purchased at the discretion of the employee. Such
25 clothing allowance shall not to be treated as part of the
26 member’s basic pay for any purpose (including retirement

1 purposes) and shall not be used for the purpose of com-
2 puting the member's overtime pay, pay during leave or
3 other paid time off, lump-sum payments under section
4 5551 or section 5552, workers' compensation, or any other
5 benefit. Such allowance for any member may be discon-
6 tinued at any time upon written notification by the Direc-
7 tor of the United States Secret Service or the designee
8 of the Director.

9 “(b) MAXIMUM AMOUNT AUTHORIZED.—A clothing
10 allowance authorized under this section shall not exceed
11 \$500 per annum.”.

12 (b) ANNUAL LEAVE LIMITATION FOR MEMBERS IN
13 THE DEPUTY CHIEF, ASSISTANT CHIEF, AND CHIEF
14 RANKS.—Section 6304(f)(1) of title 5, United States
15 Code, is amended—

16 (1) in subparagraph (F), by striking “or” after
17 the semicolon;

18 (2) in subparagraph (G), by striking the period
19 and inserting “; or”; and

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

21 “(H) a position in the United States Se-
22 cret Service Uniformed Division at the rank of
23 Deputy Chief, Assistant Chief, or Chief.”.

1 (c) SICK LEAVE FOR WORK-RELATED INJURIES AND
 2 ILLNESSES.—Section 6324 of title 5, United States Code,
 3 is amended—

4 (1) in subsection (a), by striking “Executive
 5 Protective Service force” and inserting “United
 6 States Secret Service Uniformed Division”;

7 (2) in subsection (b)(3), by striking “the Treas-
 8 ury for the Executive Protective Service force” and
 9 inserting “Homeland Security for the United States
 10 Secret Service Uniformed Division”; and

11 (3) by adding at the end the following:

12 “(c) This section shall not apply to members of the
 13 United States Secret Service Uniformed Division who are
 14 covered under chapter 84 for the purpose of retirement
 15 benefits.”.

16 **SEC. 4. MISCELLANEOUS PROVISIONS.**

17 (a) CONVERSION TO NEW SALARY SCHEDULE IN
 18 CALENDAR YEAR 2010.—

19 (1) IN GENERAL.—

20 (A) RATES OF PAY FIXED.—Effective the
 21 first day of the first pay period beginning on or
 22 after May 1, 2010, the Secretary shall fix the
 23 rates of basic pay for members of the United
 24 States Secret Service Uniformed Division, as
 25 defined under section 10201 of title 5, United

1 States Code, (as added by section 3(a) of this
2 Act) in accordance with the provisions of this
3 subsection.

4 (B) RATE BASED ON CREDITABLE SERV-
5 ICE.—

6 (i) IN GENERAL.—Each member shall
7 be placed in and receive basic pay at the
8 corresponding scheduled rate under chap-
9 ter 102 of title 5, United States Code, as
10 added by section 3(a) of this Act (after
11 any adjustment under paragraph (3) of
12 this subsection) in accordance with the
13 member's total years of creditable service,
14 as provided in the table in this clause. If
15 the scheduled rate of basic pay for the step
16 to which the member would be assigned in
17 accordance with this paragraph is lower
18 than the member's rate of basic pay imme-
19 diately before the date of enactment of this
20 paragraph, the member shall be placed in
21 and receive basic pay at the next higher
22 service step, subject to the provisions of
23 clause (iv). If the member's rate of pay ex-
24 ceeds the highest step of the rank, the rate

1 of basic pay shall be determined in accord-
 2 ance with clause (iv).

Full Years of Creditable Service	Step Assigned Upon Conversion
0	1
1	2
2	3
3	4
5	5
7	6
9	7
11	8
13	9
15	10
17	11
19	12
22	13

3 (ii) CREDITABLE SERVICE.—For the
 4 purposes of this subsection, a member's
 5 creditable service is any police service in
 6 pay status with the United States Secret
 7 Service Uniformed Division, the United
 8 States Park Police, or the District of Co-
 9 lumbia Metropolitan Police Department.

10 (iii) STEP 13 CONVERSION MAXIMUM
 11 RATE.—

1 (I) IN GENERAL.—A member
 2 who, at the time of conversion, is in
 3 step 13 of any rank below Deputy
 4 Chief, is entitled to that rate of basic
 5 pay which is the greater of—

6 (aa) the rate of pay for step
 7 13 under the new salary sched-
 8 ule; or

9 (bb) the rate of pay for step
 10 14 under the pay schedule in ef-
 11 fect immediately before conver-
 12 sion.

13 (II) STEP 14 RATE.—Clause (iv)
 14 shall apply to a member whose pay is
 15 set in accordance with subclause
 16 (I)(bb).

17 (iv) ADJUSTMENT BASED ON FORMER
 18 RATE OF PAY.—

19 (I) DEFINITION.—In this clause,
 20 the term “former rate of basic pay”
 21 means the rate of basic pay last re-
 22 ceived by a member before the conver-
 23 sion.

24 (II) IN GENERAL.—If, as a result
 25 of conversion to the new salary sched-

1 ule, the member's former rate of basic
 2 pay is greater than the maximum rate
 3 of basic pay payable for the rank of
 4 the member's position immediately
 5 after the conversion, the member is
 6 entitled to basic pay at a rate equal to
 7 the member's former rate of basic
 8 pay, and increased at the time of any
 9 increase in the maximum rate of basic
 10 pay payable for the rank of the mem-
 11 ber's position by 50 percent of the
 12 dollar amount of each such increase.

13 (III) PROMOTIONS.—For the
 14 purpose of applying section 10207 of
 15 title 5, United States Code, relating to
 16 promotions, (as added by section 3(a)
 17 of this Act) an employee receiving a
 18 rate above the maximum rate as pro-
 19 vided under this clause shall be
 20 deemed to be at step 13.

21 (2) CREDIT FOR SERVICE.—Each member
 22 whose position is converted to the salary schedule
 23 under chapter 102 of title 5, United States Code,
 24 (as added by section 3(a) of this Act) in accordance
 25 with this subsection shall be granted credit for pur-

1 poses of such member's first service step adjustment
2 made after conversion to the salary schedule under
3 that chapter for all satisfactory service performed by
4 the member since the member's last increase in
5 basic pay before the adjustment under this section.

6 (3) ADJUSTMENTS DURING TRANSITION.—The
7 schedule of rates of basic pay shall be increased by
8 the percentage of any annual adjustment applicable
9 to the General Schedule authorized under section
10 5303 of title 5, United States Code, or any other au-
11 thority, which takes effect during the period which
12 begins on the date of enactment of this Act through
13 the day before the effective date of this Act. The
14 Secretary of Homeland Security may establish a
15 methodology of schedule adjustment that results in
16 uniform fixed-dollar step increments within any
17 given rank and preserves the established percentage
18 differences among rates of different ranks at the
19 same step position.

20 (b) IMPACT ON BENEFITS UNDER THE DISTRICT OF
21 COLUMBIA POLICE AND FIREFIGHTERS' RETIREMENT
22 AND DISABILITY SYSTEM.—

23 (1) SALARY INCREASES FOR PURPOSES OF CER-
24 TAIN PENSIONS AND ALLOWANCES.—

1 (A) DEEMED INCREASE.—The increases in
2 pay as a result of this Act shall be deemed to
3 be an increase of 2.93 percent in salary of cur-
4 rent members for the purposes of section 5–744
5 or section 5–745 of the District of Columbia
6 Code.

7 (B) CONVERSION AND INITIAL ADJUST-
8 MENT.—The conversion of positions and mem-
9 bers of the United States Secret Service Uni-
10 formed Division to appropriate ranks in the sal-
11 ary schedule under section 5–545.01(c) of the
12 District of Columbia Code, and the initial ad-
13 justments of rates of basic pay of those posi-
14 tions and individuals in accordance with section
15 5–561.02(a) of the District of Columbia Code,
16 shall not be treated as an increase in salary for
17 purposes of section 5–744 or section 5–745 of
18 the District of Columbia Code.

19 (2) TREATMENT OF RETIREMENT BENEFITS
20 AND PENSIONS OF CURRENT AND FORMER MEM-
21 BERS.—Except as otherwise provided in this Act,
22 nothing in this Act shall affect retirement benefits
23 and pensions of current members and former mem-
24 bers who have retired under the District of Columbia

1 Police and Firefighters’ Retirement and Disability
2 System.

3 **SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) IN GENERAL.—To the extent that any provision
5 of the District of Columbia Code that authorizes an enti-
6 tlement to pay or hours of work for current members of
7 the United States Secret Service Uniformed Division is
8 not expressly revoked by this Act, such provision shall not
9 apply to such members after the effective date of this Act.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS TO
11 THE DISTRICT OF COLUMBIA CODE.—The District of Co-
12 lumbia Code is amended as follows:

13 (1) In section 5–521.01, by striking “the
14 United States Secret Service Uniformed Division,”.

15 (2) In section 5–521.02, by striking, “the
16 United States Secret Service Uniformed Division
17 and”.

18 (3) In section 5–521.03, by striking—

19 (A) in the section heading “**United**
20 **States Secret Service Uniformed Divi-**
21 **sion and**”;

22 (B) “the United States Secret Service Uni-
23 formed Division and”;

24 (C) “the Secretary of the Treasury and”;
25 and

1 (D) “, respectively”.

2 (4) In section 5–542.02, by striking “United
3 States Secret Service Uniformed Division,”.

4 (5) In section 5–543.01(b), by striking “the
5 United States Secret Service Uniformed Division,”.

6 (6) In section 5–543.02, by striking—

7 (A) in subsection (a), “the Secretary of
8 Treasury, in the case of the United States Se-
9 cret Service Uniformed Division,”;

10 (B) in subsection (b), “the United States
11 Secret Service Uniformed Division or”; and

12 (C) in subsection (e), “the United States
13 Secret Service Uniformed Division or”.

14 (7) In section 5–543.03(a)(5), by striking “the
15 United States Secret Service Uniformed Division
16 and”.

17 (8) In section 5–543.04, by striking in sub-
18 section (d)(1) “the United States Secret Service
19 Uniformed Division or”.

20 (9) In section 5–543.05, by striking—

21 (A) “the United States Secret Service Uni-
22 formed Division,”; and

23 (B) “or the Secretary of the Treasury,”.

24 (10) In section 5–545.01, by striking—

(A) in the section heading, “**and the United States Secret Service Uniformed Division**”;

(B) in subsection (a), “and the United States Secret Service Uniformed Division”;

(C) in subsection (c)(1)—

(i) by striking “the United States Secret Service Uniformed Division and”; and

(ii) in the matter following paragraph (1), by striking from the Salary Schedule “United States Secret Service Uniformed Division”;

(D) in subsection (c)(2), by striking “the annual rates of basic compensation” and all that follows through “the Secretary of the Treasury, and”;

(E) in subsection (c)(5), by striking “officers and members of the United States Secret Service Uniformed Division or”;

(F) in subsection (c)(6)(A), by striking “the United States Secret Service Uniformed Division or”; and

(G) in subsection (c)(7)(A), by striking “the United States Secret Service Uniformed Division or”.

1 (11) In section 5–545.06, by striking “, the
2 Secretary of the Treasury,”.

3 (12) By striking section 5–561.01.

4 (13) In section 5–561.02(a)(1), by striking “the
5 Secretary of Treasury” and all that follows through
6 “United States Secret Service Uniformed Division,
7 and”.

8 (14) In section 5–716(b)(2), by inserting “, or,
9 for a member who was an officer or member of the
10 United States Secret Service Uniformed Division, or
11 the United States Secret Service Division, 40 per-
12 cent of the corresponding salary for step 5 of the
13 Officer rank in section 10203 of title 5, United
14 States Code” after “member’s death”.

15 (15) In section 5–1304—

16 (A) in subsection (a)(1)—

17 (i) by inserting “and” before “the
18 Secretary of the Interior”; and

19 (ii) by striking “, and the Secretary of
20 the Treasury in the case of the United
21 States Secret Service Uniformed Division”;

22 (B) in subsection (a)(9)—

23 (i) by inserting “or” before “the
24 United States Park Police force”; and

1 (ii) by striking “or the United States
2 Secret Service Uniformed Division”;

3 (C) in subsection (b)—

4 (i) by inserting “or” before “the Sec-
5 retary of the Interior”; and

6 (ii) by striking “or the Secretary of
7 the Treasury,”;

8 (D) in subsection (h)(3)(A), by striking “of
9 the United States Secret Service Uniformed Di-
10 vision or”; and

11 (E) in subsection (h)(3)(B), by striking “of
12 the United States Secret Service Uniformed Di-
13 vision or”.

14 (16) In section 5–1305 by striking—

15 (A) “the United States Secret Service Uni-
16 formed Division,”; and

17 (B) “the Secretary of the Treasury,”.

18 (c) TECHNICAL AND CONFORMING AMENDMENTS TO
19 THE UNITED STATES CODE.—Title 5 of the United States
20 Code is amended—

21 (1) in section 5102(c)(5), by striking “the Ex-
22 ecutive Protective Service” and inserting “the
23 United States Secret Service Uniformed Division”;

**“102. United States Secret Service Uniformed Division
Personnel10201”.**

7 This Act (including the amendments made by this
8 Act) shall take effect the first day of the first pay period
9 beginning on or after May 1, 2010.

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A BILL

To transfer statutory entitlements to pay and hours of work authorized by the District of Columbia Code for current members of the United States Secret Service Uniformed Division from the District of Columbia Code to the United States Code.

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Reported without amendment