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Public Law 118–38
118th Congress

An Act

To extend the authority to provide employees of the United States Secret Service with overtime pay beyond other statutory limitations, and for other purposes.

Feb. 6, 2024
[S. 3427]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Overtime Pay for Protective Services Act of 2023.
5 USC 101 note.

This Act may be cited as the "Overtime Pay for Protective Services Act of 2023".

SEC. 2. EXTENSION OF OVERTIME PAY EXCEPTION THROUGH 2028 FOR PROTECTIVE SERVICES.

(a) AMENDMENTS.—Section 2 of the Overtime Pay for Protective Services Act of 2016 (5 U.S.C. 5547 note) is amended—

(1) in the section heading, by striking "**2023**" and inserting "**2028**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "DEFINITION" and inserting "DEFINITIONS";

(B) by striking "In this section, the term" and inserting the following: "In this section—

"(1) the term"; and

(C) by striking "2023." and inserting the following: "2028; and

"(2) the term 'protective services' does not include routine administrative or technical work that supports the daily operations of the United States Secret Service."; and

(3) in subsection (b)(1), by striking "during each of calendar years 2016 through 2023" and inserting "for protective services during each of calendar years 2016 through 2028".

(b) RETROACTIVE EFFECTIVE DATE.—If this Act is enacted after December 31, 2023, the amendments made by subsection (a) shall take effect as if enacted on December 31, 2023.
5 USC 5547 note.

(c) REPORTS.—

(1) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(i) the Committee on Appropriations of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on the Judiciary of the Senate;

(iv) the Committee on Appropriations of the House of Representatives;

(v) the Committee on Homeland Security of the House of Representatives;

(vi) the Committee on Oversight and Accountability of the House of Representatives; and

(vii) the Committee on the Judiciary of the House of Representatives.

(B) DIRECTOR.—The term "Director" means the Director of the United States Secret Service.

(2) REPORT ON PLANS TO REDUCE OVERTIME USAGE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate committees of Congress a report describing the steps that the United States Secret Service is taking to address the increased protective service demands placed upon United States Secret Service personnel.

Analysis.
Recommendations.
Strategies.

(B) ELEMENTS.—The report required under subparagraph (A) shall include the following:

(i) An analysis of the current (as of the date on which the report is submitted) operational demands and staffing levels with respect to the United States Secret Service.

(ii) Recommended strategies for reducing overtime requirements for United States Secret Service personnel, including—

(I) the appointment of additional personnel;

(II) solutions such that sufficient resources are available throughout each year without the need for exceptions to, or waivers of, premium pay limitations;

(III) the redistribution of workload among United States Secret Service personnel; and

(IV) other improvements in operational efficiency with respect to the United States Secret Service.

(3) ANNUAL PROJECTIONS.—

(A) IN GENERAL.—

(i) REQUIREMENT.—In accordance with the schedule described in clause (ii), the Director shall submit to the appropriate committees of Congress a report that contains projections for the information described in paragraphs (1) through (7) of section 2(c) of the Secret Service Recruitment and Retention Act of 2018 (Public Law 115–160; 132 Stat. 1246), which shall be divided by calendar quarter.

(ii) SCHEDULE DESCRIBED.—The schedule described in this clause is as follows:

(I) Not later than 30 days after the date of enactment of this Act, a report with respect to calendar year 2024.

(II) Not later than December 31 of each of calendar years 2024 through 2027, a report with respect to the calendar year following the calendar year in which the report is submitted.

(B) QUARTERLY UPDATES.—With respect to each annual report required under subparagraph (A), the Director shall, on the last day of each calendar quarter of the calendar year that is covered by the report, submit to the appropriate committees of Congress an updated version of that report

that contains projections for the information described in that subparagraph for the remainder of that calendar year, which shall be divided by calendar quarter.

(C) DEEMING OF PERIOD.—Solely for the purposes of a report required under this paragraph, a reference in any of paragraphs (1) through (7) of section 2(c) of the Secret Service Recruitment and Retention Act of 2018 (Public Law 115–160; 132 Stat. 1246) to a numerical value for a previous calendar year shall be deemed to be a projection of that numerical value for an upcoming calendar year or for the remainder of a calendar year, as applicable.

(4) EFFECT OF AMENDMENTS.—Not later than January 30 of each of calendar years 2025 through 2029, the Director shall submit to the appropriate committees of Congress a report on the effects of the amendments made by subsection (a), which shall include, with respect to the calendar year preceding the calendar year in which the report is submitted, the following:

(A) The information described in paragraphs (1) through (7) of section 2(c) of the Secret Service Recruitment and Retention Act of 2018 (Public Law 115–160; 132 Stat. 1246).

(B) A comparison between the final data reported under subparagraph (A) and the annual projections reported for that calendar year under paragraph (3)(A), including an explanation for any substantial variance between that final data and those annual projections.

Approved February 6, 2024.

LEGISLATIVE HISTORY—S. 3427:

CONGRESSIONAL RECORD:
Vol. 169 (2023): Dec. 18, considered and passed Senate.
Vol. 170 (2024): Jan. 29, considered and passed House.