

Calendar No. 484

111TH CONGRESS
2^D SESSION

S. 1862

[Report No. 111–231]

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 (for himself and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 26, 2010

Reported by Mr. LIEBERMAN, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. RETIREMENT TREATMENT OF CERTAIN SECRET**
5 **SERVICE EMPLOYEES.**

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

8 (1) was hired as a member of the United States
9 Secret Service Division or the United States Secret
10 Service Uniformed Division during the period begin-
11 ning on January 1, 1984 through December 31,
12 1986;

13 (2) has actively performed duties other than
14 clerical for 10 or more years directly related to the
15 protection mission of the United States Secret Serv-
16 ice described under section 3056 of title 18, United
17 States Code;

18 (3) is serving as a member of the United States
19 Secret Service Division or the United States Secret
20 Service Uniformed Division (or any successor entity)
21 on the effective date of this Act; and

22 (4) files an election to be a covered employee
23 under subsection (b)(1).

24 (b) ELECTION OF COVERAGE.—

25 (1) IN GENERAL.—Not later than 60 days after
26 the date of enactment of this Act, an individual de-

1 scribed under subsection (a) (1), (2), and (3) may
2 file an election with the United States Secret Service
3 to be a covered employee and to transition to the
4 District of Columbia Police and Firefighters Retirement
5 and Disability System.

6 (2) NOTIFICATION.—Not later than 30 days
7 after the date of enactment of this Act, the Office
8 of Personnel Management and the United States Se-
9 cret Service shall notify employees of the United
10 States Secret Service of the enactment of this Act
11 and that individuals described under subsection (a)
12 (1), (2), and (3) are qualified to file an election
13 under paragraph (1).

14 (c) RETIREMENT COVERAGE CONVERSION.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of enactment of this Act, and in con-
17 sultation with the Secretary of Homeland Security
18 and the Thrift Savings Board, the Office of Per-
19 sonnel Management shall prescribe regulations to
20 carry out the responsibilities of the Federal Govern-
21 ment under this Act. The regulations prescribed
22 under this paragraph shall provide for transition of
23 covered employees from the Federal Employees' Re-
24 tirement System to the Civil Service Retirement Sys-
25 tem.

1 (2) TREATMENT OF COVERED EMPLOYEES.—

2 (A) ELECTION OF COVERAGE.—

3 (i) IN GENERAL.—After a covered em-
4 ployee files an election under subsection
5 (b)(1), the covered employee shall, subject
6 to clause (ii), be converted from the Fed-
7 eral Employees' Retirement System to the
8 Civil Service Retirement System.

9 (ii) COVERAGE IN DISTRICT OF CO-
10 LUMBIA RETIREMENT SYSTEM.—

11 (I) IN GENERAL.—Chapter 7 of
12 title 5 of the District of Columbia
13 Code shall apply with respect to a cov-
14 ered employee on the date on which
15 the covered employee transitions to
16 the Civil Service Retirement System.

17 (II) AUTHORIZATION FOR DIS-
18 TRICT OF COLUMBIA.—The govern-
19 ment of the District of Columbia shall
20 provide for the coverage of covered
21 employees in the District of Columbia
22 Police and Firefighters Retirement
23 and Disability System in accordance
24 with this Act.

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

24 (B) THRIFT SAVINGS PLAN.—A covered
25 employee shall forfeit, under procedures pre-

scribed by the Executive Director of the Federal Retirement Thrift Investment Board, all Thrift Savings Plan contributions and associated earnings made by an employing agency pursuant to section 8432(c) of title 5, United States Code. Any amounts remaining in the Thrift Savings Plan account of the covered employee may be transferred to a private account or the District of Columbia Police and Fire-fighter Retirement and Disability System.

(C) FORFEITURE OF SOCIAL SECURITY BENEFITS.—

(i) CONTRIBUTIONS.—Upon conversion into the Civil Service Retirement System, a covered employee shall forfeit all contributions made for purposes of title II of the Social Security Act on the basis of the covered employee's employment with the United States Secret Service under sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986. All forfeited funds shall remain in the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as applicable. Notwithstanding

1 paragraphs (4) and (5) of section 205(c) of
 2 the Social Security Act, the Commissioner
 3 of Social Security shall change or delete
 4 any entry with respect to wages of a cov-
 5 ered employee that are forfeited under this
 6 clause.

7 (ii) BENEFITS.—

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

14 (II) NO EFFECT ON MEDICARE
 15 BENEFITS.—Notwithstanding the for-
 16 feiture by a covered employee under
 17 clause (i), such contributions shall
 18 continue to be treated as having been
 19 made while performing medicare
 20 qualified government employment (as
 21 defined in section 210(p) of the Social
 22 Security Act) for purposes of sections
 23 226 and 226A of that Act.

24 (3) IMPLEMENTATION.—The Office of Per-
 25 sonnel Management, the Department of Homeland

1 Security, the Social Security Administration, and the
2 Thrift Savings Board shall take such actions as nec-
3 essary to provide for the implementation of this Act.

4 (d) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as provided under
6 paragraph (2), this Act shall take effect on the first
7 day of the first applicable pay period that begins
8 180 days after the date of enactment of this Act.

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

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