

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—112th Cong., 2d Sess.

S. 1515

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LIEBERMAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Secret
5 Service Retirement Act of 2012”.

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

7 It is the sense of the Senate that members of the
8 United States Secret Service Division and the United
9 States Secret Service Uniformed Division hired between

1 January 1, 1984 and December 31, 1986 were promised
2 that, in part as a recruitment and retention tool, they
3 would be eligible to participate in the District of Columbia
4 Police and Firefighters Retirement System.

5 **SEC. 3. AUTHORITY OF CERTAIN MEMBERS OF UNITED**
6 **STATES SECRET SERVICE TO ELECT COV-**
7 **ERAGE UNDER DISTRICT OF COLUMBIA PO-**
8 **LICE AND FIREFIGHTER RETIREMENT SYS-**
9 **TEM.**

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

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

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

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

20 “(A) IN GENERAL.—Paragraph (1) shall apply
21 with respect to a covered employee in the same man-
22 ner as such paragraph applies to an individual who
23 is authorized to make a transfer of funds under such
24 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 3(b)(2) of the United States Secret Service Re-
6 tirement Act of 2012), 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; and

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, determined in accordance
17 with section 3(c) of the United States Secret
18 Service Retirement Act of 2012, for deposit into
19 the Contributions for Annuity Benefits, United
20 States Secret Service appropriations account of
21 the Department of Homeland Security.

22 “(B) ADJUSTMENT TO REFLECT SOCIAL SECU-
23 RITY CONTRIBUTIONS AND BENEFITS.—In the case
24 of a covered employee who authorizes a transfer of
25 funds under paragraph (1), such covered employee

1 shall be subject to the same deductions and shall be
2 entitled to the same benefits as provided for under
3 paragraph (1), subject to offset in accordance with
4 section 103(e) of Public Law 100–238 (5 U.S.C.
5 8334 note).

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

9 “(i) was appointed during 1984, 1985, or
10 1986—

11 “(I) as a member of the United States
12 Secret Service Uniformed Division as de-
13 fined under section 10201(1) of title 5,
14 United States Code; or

15 “(II) to the United States Secret
16 Service as a criminal investigator as de-
17 fined under section 5545a(a)(2) of title 5,
18 United States Code;

19 “(ii) has actively performed duties other
20 than clerical for 10 or more years directly re-
21 lated to the protection mission of the United
22 States Secret Service described under section
23 3056 of title 18, United States Code;

24 “(iii) is serving as an officer or member of
25 the United States Secret Service Uniformed Di-

1 vision as defined under section 10201(1) of title
2 5, United States Code, or is employed by the
3 United States Secret Service as a criminal in-
4 vestigator as defined under section 5545a(a)(2)
5 of title 5, United States Code; and

6 “(iv) is covered under the Federal Employ-
7 ees’ Retirement System under chapter 84 of
8 title 5, United States Code, on the date of en-
9 actment of this paragraph.”.

10 (b) NOTIFICATIONS.—

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

21 (2) NOTIFICATION OF TRANSITION COST.—Not
22 later than 15 days after determining the amount of
23 the transition cost associated with the application of
24 paragraph (1) of subsection (b) of the Policemen
25 and Firemen’s Retirement and Disability Act (sec.

1 5–703, D.C. Official Code) to a covered employee (in
2 accordance with subsection (c)), the Director of the
3 United States Secret Service shall notify the covered
4 employee of such transition cost.

5 (c) TRANSITION COST.—

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

11 (A) the estimated present value of the pay-
12 ments which would be payable by the Federal
13 Government to the District of Columbia with
14 respect to such employee during the 11-fiscal
15 year period beginning with the fiscal year in
16 which this Act is enacted if such paragraph ap-
17 plies with respect to the covered employee, ex-
18 ceeds

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

1 (2) DETERMINATION.—

2 (A) IN GENERAL.—Not later than 60 days
3 after the date of enactment of this Act, the Of-
4 fice of Pay and Retirement Services of the Dis-
5 trict of Columbia shall determine the transition
6 cost with respect to each covered employee, by
7 applying such assumptions and other meth-
8 odologies as the Office of Pay and Retirement
9 Services of the District of Columbia considers
10 appropriate, consistent with generally accepted
11 actuarial practices and standards.

12 (B) ADDITIONAL RESOURCES.—

13 (i) IN GENERAL.—The Office of Pay
14 and Retirement Services of the District of
15 Columbia may enter into contracts as nec-
16 essary to enable that Office to carry out
17 activities under this paragraph.

18 (ii) AUTHORIZATION OF APPROPRIA-
19 TIONS.—There are authorized to be appro-
20 priated not to exceed \$75,000 to carry out
21 this paragraph.

22 (d) DEFINITION.—In subsections (b) and (c), the
23 term “covered employee” means an individual described
24 in paragraph (2) of subsection (b) of the Policemen and

1 Firemen’s Retirement and Disability Act (sec. 5–703,
2 D.C. Official Code), as added by subsection (a).

3 **SEC. 4. FORFEITURE OF EMPLOYER CONTRIBUTIONS FOR**
4 **THRIFT SAVINGS PLAN.**

5 (a) IN GENERAL.—A covered employee shall forfeit
6 all contributions to the Thrift Savings Fund made by an
7 employing agency pursuant to section 8432(c) of title 5,
8 United States Code, for the benefit of the covered em-
9 ployee before the effective date of the election made by
10 the employee under section 3(b) of this Act.

11 (b) DEFINITION.—In this section, the term “covered
12 employee” means an individual described in subparagraph
13 (C) of subsection (b)(2) of the Policemen and Firemen’s
14 Retirement and Disability Act, as added by this Act, who
15 provides a notification in accordance with subparagraph
16 (A) of such subsection (b)(2).

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

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

1 (b) REGULATIONS.—The Director of the Office of
2 Personnel Management shall prescribe any regulations
3 necessary to carry out this section, including regulations
4 under which an employing agency shall accept the certifi-
5 cation of the appropriate official of the government of the
6 District of Columbia regarding the amount of retirement
7 benefits being paid to a covered District of Columbia re-
8 tiree for a period during which such retiree is employed
9 in an appointive or elective position with the agency.

10 **SEC. 6. PAYGO COMPLIANCE.**

11 The budgetary effects of this Act, for the purpose of
12 complying with the Statutory Pay-As-You-Go-Act of 2010,
13 shall be determined by reference to the latest statement
14 titled “Budgetary Effects of PAYGO Legislation” for this
15 Act, submitted for printing in the Congressional Record
16 by the Chairman of the Senate Budget Committee, pro-
17 vided that such statement has been submitted prior to the
18 vote on passage.