

118TH CONGRESS  
1ST SESSION

# S. 3427

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2023

Mr. GRAHAM (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, and Mr. COONS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

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

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 “Overtime Pay for Pro-  
5 tective Services Act of 2023”.

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

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

6 (1) in the section heading, by striking “**2023**”  
7 and inserting “**2028**”;

8 (2) in subsection (a)—

9 (A) in the subsection heading, by striking  
10 “DEFINITION” and inserting “DEFINITIONS”;

11 (B) by striking “In this section, the term”  
12 and inserting the following: “In this section—  
13 “(1) the term”; and

14 (C) by striking “2023.” and inserting the  
15 following: “2028; and

16 “(2) the term ‘protective services’ does not in-  
17 clude routine administrative or technical work that  
18 supports the daily operations of the United States  
19 Secret Service.”; and

20 (3) in subsection (b)(1), by striking “during  
21 each of calendar years 2016 through 2023” and in-  
22 serting “for protective services during each of cal-  
23 endar years 2016 through 2028”.

24 (b) RETROACTIVE EFFECTIVE DATE.—If this Act is  
25 enacted after December 31, 2023, the amendments made

1 by subsection (a) shall take effect as if enacted on Decem-  
2 ber 31, 2023.

3 (c) REPORTS.—

4 (1) DEFINITIONS.—In this subsection:

5 (A) APPROPRIATE COMMITTEES OF CON-  
6 GRESS.—The term “appropriate committees of  
7 Congress” means—

8 (i) the Committee on Appropriations  
9 of the Senate;

10 (ii) the Committee on Homeland Se-  
11 curity and Governmental Affairs of the  
12 Senate;

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

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

17 (v) the Committee on Homeland Secu-  
18 rity of the House of Representatives;

19 (vi) the Committee on Oversight and  
20 Accountability of the House of Representa-  
21 tives; and

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

1 (B) DIRECTOR.—The term “Director”  
2 means the Director of the United States Secret  
3 Service.

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

6 (A) IN GENERAL.—Not later than 180  
7 days after the date of enactment of this Act,  
8 the Director shall submit to the appropriate  
9 committees of Congress a report describing the  
10 steps that the United States Secret Service is  
11 taking to address the increased protective serv-  
12 ice demands placed upon United States Secret  
13 Service personnel.

14 (B) ELEMENTS.—The report required  
15 under subparagraph (A) shall include the fol-  
16 lowing:

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

22 (ii) Recommended strategies for re-  
23 ducing overtime requirements for United  
24 States Secret Service personnel, includ-  
25 ing—

1 (I) the appointment of additional  
2 personnel;

3 (II) solutions such that sufficient  
4 resources are available throughout  
5 each year without the need for excep-  
6 tions to, or waivers of, premium pay  
7 limitations;

8 (III) the redistribution of work-  
9 load among United States Secret  
10 Service personnel; and

11 (IV) other improvements in oper-  
12 ational efficiency with respect to the  
13 United States Secret Service.

14 (3) ANNUAL PROJECTIONS.—

15 (A) IN GENERAL.—

16 (i) REQUIREMENT.—In accordance  
17 with the schedule described in clause (ii),  
18 the Director shall submit to the appro-  
19 priate committees of Congress a report  
20 that contains projections for the informa-  
21 tion described in paragraphs (1) through  
22 (7) of section 2(c) of the Secret Service  
23 Recruitment and Retention Act of 2018  
24 (Public Law 115–160; 132 Stat. 1246),  
25 which shall be divided by calendar quarter.

1 (ii) SCHEDULE DESCRIBED.—The  
2 schedule described in this clause is as fol-  
3 lows:

4 (I) Not later than 30 days after  
5 the date of enactment of this Act, a  
6 report with respect to calendar year  
7 2024.

8 (II) Not later than December 31  
9 of each of calendar years 2024  
10 through 2027, a report with respect to  
11 the calendar year following the cal-  
12 endar year in which the report is sub-  
13 mitted.

14 (B) QUARTERLY UPDATES.—With respect  
15 to each annual report required under subpara-  
16 graph (A), the Director shall, on the last day  
17 of each calendar quarter of the calendar year  
18 that is covered by the report, submit to the ap-  
19 propriate committees of Congress an updated  
20 version of that report that contains projections  
21 for the information described in that subpara-  
22 graph for the remainder of that calendar year,  
23 which shall be divided by calendar quarter.

24 (C) DEEMING OF PERIOD.—Solely for the  
25 purposes of a report required under this para-

1 graph, a reference in any of paragraphs (1)  
2 through (7) of section 2(c) of the Secret Service  
3 Recruitment and Retention Act of 2018 (Public  
4 Law 115–160; 132 Stat. 1246) to a numerical  
5 value for a previous calendar year shall be  
6 deemed to be a projection of that numerical  
7 value for an upcoming calendar year or for the  
8 remainder of a calendar year, as applicable.

9 (4) EFFECT OF AMENDMENTS.—Not later than  
10 January 30 of each of calendar years 2025 through  
11 2029, the Director shall submit to the appropriate  
12 committees of Congress a report on the effects of  
13 the amendments made by subsection (a), which shall  
14 include, with respect to the calendar year preceding  
15 the calendar year in which the report is submitted,  
16 the following:

17 (A) The information described in para-  
18 graphs (1) through (7) of section 2(c) of the  
19 Secret Service Recruitment and Retention Act  
20 of 2018 (Public Law 115–160; 132 Stat.  
21 1246).

22 (B) A comparison between the final data  
23 reported under subparagraph (A) and the an-  
24 nual projections reported for that calendar year  
25 under paragraph (3)(A), including an expla-

- 1 nation for any substantial variance between
- 2 that final data and those annual projections.

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