

(2) may not be paid to an individual who is appointed to or holds—

(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate;

(B) a position in the Senior Executive Service as a noncareer appointee (as defined in section 3132(a)); or

(C) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character; and

(3) upon completion of the strategic human capital plan, shall be paid in accordance with that plan.

(e) **TERMINATION OF AUTHORITY.**—The authority to grant bonuses under this section shall expire 5 years after the date of enactment of this chapter.

(f) **REPORTS.**—

(1) **IN GENERAL.**—The Office of Personnel Management shall submit to the appropriate committees of Congress, annually for each of the first 5 years during which this section is in effect, a report on the operation of this section.

(2) **CONTENTS.**—Each report submitted under this subsection shall include, with respect to the period covered by such report, a description of how the authority to pay bonuses under this section was used by the Agency, including, with respect to each such agency—

(A) the number and dollar amount of bonuses paid to individuals holding positions within each pay grade, pay level, or other pay classification; and

(B) a determination of the extent to which such bonuses furthered the purposes of this section.

(Added Pub. L. 109-295, title VI, § 621(a), Oct. 4, 2006, 120 Stat. 1414.)

#### REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsec. (e), is the date of enactment of Pub. L. 109-295, which was approved Oct. 4, 2006.

### § 10106. Quarterly report on vacancy rate in employee positions

(a) **INITIAL REPORT.**—

(1) **IN GENERAL.**—Not later than 3 months after the date of enactment of this chapter, the Administrator shall develop and submit to the appropriate committees of Congress a report on the vacancies in employee positions of the Agency.

(2) **CONTENTS.**—The report under this subsection shall include—

(A) vacancies of each category of employee position;

(B) the number of applicants for each vacancy for which public notice has been given;

(C) the length of time that each vacancy has been pending;

(D) hiring-cycle time for each vacancy that has been filled; and

(E) a plan for reducing the hiring-cycle time and reducing the current and anticipated vacancies with highly-qualified personnel.

(b) **QUARTERLY UPDATES.**—Not later than 3 months after submission of the initial report, and every 3 months thereafter until 5 years after the date of enactment of this chapter, the Administrator shall submit to the appropriate committees of Congress an update of the report under subsection (a), including an assessment by the Administrator of the progress of the Agency in filling vacant employee positions of the Agency.

(Added Pub. L. 109-295, title VI, § 621(a), Oct. 4, 2006, 120 Stat. 1416.)

#### REFERENCES IN TEXT

The date of enactment of this chapter, referred to in subsecs. (a)(1) and (b), is the date of enactment of Pub. L. 109-295, which was approved Oct. 4, 2006.

### CHAPTER 102—UNITED STATES SECRET SERVICE UNIFORMED DIVISION PERSONNEL

Sec.

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#### § 10201. Definitions

In this chapter—

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

(2) the term “Secretary” means the Secretary of the Department of Homeland Security; and

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

(Added Pub. L. 111-282, § 2(a), Oct. 15, 2010, 124 Stat. 3033.)

#### EFFECTIVE DATE

Chapter effective on first day of first pay period which begins after Oct. 15, 2010, see section 5 of Pub. L. 111-282, set out as an Effective Date of 2010 Amendment note under section 5102 of this title.

#### PURPOSE

Pub. L. 111-282, § 1(b), Oct. 15, 2010, 124 Stat. 3033, provided that: “The purpose of this Act [see Short Title of 2010 Amendment note set out under section 101 of this title] is to transfer statutory entitlements to pay and hours of work authorized by laws codified in the District of Columbia Official Code for current members of the United States Secret Service Uniformed Division from such laws to the United States Code.”

#### MISCELLANEOUS PROVISIONS

Pub. L. 111-282, § 3, Oct. 15, 2010, 124 Stat. 3038, provided that:

“(a) **CONVERSION TO NEW SALARY SCHEDULE.**—

“(1) **IN GENERAL.**—

“(A) **RATES OF PAY FIXED.**—Effective the first day of the first pay period which begins after the date of the enactment of this Act [Oct. 15, 2010], the Secretary shall fix the rates of basic pay for members of the United States Secret Service Uniformed Division.

vision, as defined under section 10201 of title 5, United States Code, (as added by section 2(a)) in accordance with the provisions of this subsection.

“(B) RATE BASED ON CREDITABLE SERVICE.—

“(i) IN GENERAL.—Each member shall be placed in and receive basic pay at the corresponding scheduled rate under chapter 102 of title 5, United States Code, as added by section 2(a) (after any adjustment under paragraph (3) of this subsection) in accordance with the member’s total years of creditable service, as provided in the table in this clause. If the scheduled rate of basic pay for the step to which the member would be assigned in accordance with this paragraph is lower than the member’s rate of basic pay immediately before the date of enactment of this paragraph, the member shall be placed in and receive basic pay at the next higher service step, subject to the provisions of clause (iv). If the member’s rate of pay exceeds the highest step of the rank, the rate of basic pay shall be determined in accordance 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

“(ii) CREDITABLE SERVICE.—For the purposes of this subsection, a member’s creditable service is any police service in pay status with the United States Secret Service Uniformed Division, the United States Park Police, or the District of Columbia Metropolitan Police Department.

“(iii) STEP 13 CONVERSION MAXIMUM RATE.—

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

“(aa) the rate of pay for step 13 under the new salary schedule; or

“(bb) the rate of pay for step 14 under the pay schedule in effect immediately before conversion.

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

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

“(I) DEFINITION.—In this clause, the term ‘former rate of basic pay’ means the rate of basic pay last received by a member before the conversion.

“(II) IN GENERAL.—If, as a result of conversion to the new salary schedule, the member’s former rate of basic pay is greater than the maximum rate of basic pay payable for the rank

of the member’s position immediately after the conversion, the member is entitled to basic pay at a rate equal to the member’s former rate of basic pay, and increased at the time of any increase in the maximum rate of basic pay payable for the rank of the member’s position by 50 percent of the dollar amount of each such increase.

“(III) PROMOTIONS.—For the purpose of applying section 10207 of title 5, United States Code, relating to promotions, (as added by section 2(a)) an employee receiving a rate above the maximum rate as provided under this clause shall be deemed to be at step 13.

“(2) CREDIT FOR SERVICE.—Each member whose position is converted to the salary schedule under chapter 102 of title 5, United States Code, (as added by section 2(a)) in accordance with this subsection shall be granted credit for purposes of such member’s first service step adjustment made after conversion to the salary schedule under that chapter for all satisfactory service performed by the member since the member’s last increase in basic pay before the adjustment under this section.

“(3) ADJUSTMENTS DURING TRANSITION.—The schedule of rates of basic pay shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, or any other authority, which takes effect during the period beginning on January 1, 2010, through the last day of the last pay period preceding the first pay period which begins after the date of the enactment of this Act. The Secretary of Homeland Security may establish a methodology of schedule adjustment that results in uniform fixed-dollar step increments within any given rank and preserves the established percentage differences among rates of different ranks at the same step position.

“(b) IMPACT ON BENEFITS UNDER THE DISTRICT OF COLUMBIA POLICE AND FIREFIGHTERS’ RETIREMENT AND DISABILITY SYSTEM.—

“(1) SALARY INCREASES FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—For purposes of section 3 of the Act entitled ‘An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia’, approved August 4, 1949 (sec. 5-744, D.C. Official Code) and section 301 of the District of Columbia Police and Firemen’s Salary Act of 1953 (sec. 5-745, D.C. Official Code)—

“(A) the conversion of positions and members of the United States Secret Service Uniformed Division to appropriate ranks in the salary schedule set forth in this Act [see Short Title of 2010 Amendment note set out under section 101 of this title] and the amendments made by this Act shall not be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act [Oct. 15, 2010]; and

“(B) any adjustment of rates of basic pay of those positions and individuals in accordance with this Act and the amendments made by this Act which is made after such conversion shall be treated as an increase in the salary of individuals who are members of the United States Secret Service Uniformed Division on the date of the enactment of this Act.

“(2) TREATMENT OF RETIREMENT BENEFITS AND PENSIONS OF CURRENT AND FORMER MEMBERS.—Except as otherwise provided in this Act, nothing in this Act shall affect retirement benefits and pensions of current members and former members who have retired under the District of Columbia Police and Firefighters’ Retirement and Disability System.”

INAPPLICABILITY OF DISTRICT OF COLUMBIA OFFICIAL CODE PROVISIONS

Pub. L. 111-282, §4(a), Oct. 15, 2010, 124 Stat. 3041, provided that: “To the extent that any provision of any

law codified in the District of Columbia Official Code that authorizes an entitlement to pay or hours of work for current members of the United States Secret Service Uniformed Division is not expressly revoked by this Act [see Short Title of 2010 Amendment note set out under section 101 of this title], such provision shall not apply to such members after the effective date of this Act [see Effective Date of 2010 Amendment note set out under section 5102 of this title].”

§ 10202. Authorities

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

- (1) fix and adjust rates of basic pay for members of the United States Secret Service Uniformed Division, subject to the requirements of this chapter;
(2) determine what constitutes an acceptable level of competence for the purposes of section 10205;
(3) establish and determine the positions at the Officer and Sergeant ranks to be included as technician positions; and
(4) determine the rate of basic pay of a member who is changed or demoted to a lower rank, in accordance with section 10208.

(b) DELEGATION OF AUTHORITY.—The Secretary is authorized to delegate to the designated agent or agents of the Secretary, any power or function vested in the Secretary under in<sup>1</sup> this chapter.

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

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3034.)

§ 10203. Basic pay

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

Table with 14 columns: 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. Rows include Officer, Sergeant, Lieutenant, Captain, Inspector, Deputy Chief, Assistant Chief, and Chief with corresponding pay rates.

<sup>1</sup> So in original. Probably should be followed by “for”.

(b) SCHEDULE ADJUSTMENT.—

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

(B) The Secretary may establish a methodology of schedule adjustment that—

- (i) results in uniform fixed-dollar step increments within any given rank; and
(ii) preserves the established percentage differences among rates of different ranks at the same step position.

(2) Notwithstanding paragraph (1), the payable annual rate of basic pay for positions at the Lieutenant, Captain, and Inspector ranks after adjustment under paragraph (1) may not exceed 95 percent of the rate of pay for level V of the Executive Schedule under subchapter II of chapter 53.

(3) Locality-based comparability payments authorized under section 5304 shall be applicable to the basic pay for all ranks under this section, except locality-based comparability payments may not be paid at a rate which,

when added to the rate of basic pay otherwise payable to the member, would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3034.)

REFERENCES IN TEXT

Levels IV and V of the Executive Schedule, referred to in subsecs. (a) and (b)(2), (3), are set out in sections 5315 and 5316, respectively, of this title.

The General Schedule, referred to in subsec. (b)(1)(A), is set out under section 5332 of this title.

§ 10204. Rate of pay for original appointments

(a) IN GENERAL.—Except as provided in subsection (b), all original appointments shall be made at the minimum rate of basic pay for the Officer rank set forth in the schedule in section 10203.

(b) EXCEPTION FOR SUPERIOR QUALIFICATIONS OR SPECIAL NEED.—The Director of the United States Secret Service or the designee of the Director may appoint an individual at a rate above the minimum rate of basic pay for the Officer rank based on the individual’s superior qualifications or a special need of the Government for the individual’s services.

(Added Pub. L. 111-282, §2(a), Oct. 15, 2010, 124 Stat. 3036.)

<sup>1</sup> So in original.