



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, DC 20301-1600

SEP 28 2001

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The Department of Defense proposes the enclosed draft bill "Personnel Pay and Qualifications Authority for Department of Defense National Capital Region Civilian Law Enforcement and Security Force" as part of its legislative program for the First Session of the 107th Congress, and we strongly urge its enactment.

This proposal will allow the Department of Defense to increase force protection and anti-terrorism efforts at the Pentagon Reservation by enabling the Secretary to recruit and retain the quality security workforce necessary to carry out this mission. The recent attack on the Pentagon underscores that it is a high-risk target. This legislation would provide the Secretary of Defense with authority to set pay and establish other employment criteria for officers protecting the Pentagon, consistent with authorities already provided to other federal agencies protecting vulnerable facilities, such as the Capitol Police (40 U.S.C. § 207), the Supreme Court Police (28 U.S.C. § 672), and the Bureau of Printing police (5 U.S.C. § 5378).

The Defense Protective Service suffers from serious recruitment and retention problems that hinder its ability to protect the Pentagon from terrorism. Despite our best efforts to work within the current system, the Defense Protective Service has an annual attrition rate of approximately 12% for its front-line officers. To attract and retain a qualified police force, the Department needs authority to set its own pay and qualification standards and to configure its force in the most advantageous way. By providing the authority to do that, this legislation will enhance our ability to effectively protect the Pentagon.

The Office of Management and Budget advises that there is no objection from the standpoint of the Administration's program to the presentation of the enclosed legislation for the consideration of the Congress.

Sincerely,
A handwritten signature in black ink, appearing to read "D. Dell'Orto".

Daniel J. Dell'Orto
Principal Deputy General Counsel





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SEP 28 2001

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

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Daniel J. Dell'Orto
Principal Deputy General Counsel



SEC. ____ . PERSONNEL PAY AND QUALIFICATIONS AUTHORITY FOR

**DEPARTMENT OF DEFENSE PENTAGON RESERVATION CIVILIAN
LAW ENFORCEMENT AND SECURITY FORCE.**

1 Section 2674(b) of title 10, United States Code, is amended—

2 (1) by inserting "(1)" before the text in the first paragraph of that subsection;

3 (2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

4 and

5 (3) by adding at the end the following new paragraph:

6 *"(2) For positions whose permanent duty station is the Pentagon Reservation, the*
7 *Secretary, in his sole and exclusive discretion, may—*

8 *"(A) without regard to the pay provisions of title 5, fix the rates of basic*
9 *pay for such positions occupied by civilian law enforcement and security*
10 *personnel appointed under the authority of this section so as to place such*
11 *personnel on a comparable basis with other similar federal law enforcement and*
12 *security organizations within the vicinity of the Pentagon Reservation. No*
13 *civilian personnel whose pay is established pursuant to this paragraph shall*
14 *receive basic pay for a calendar year that is more than the basic rate of pay for*
15 *General Schedule GS-15, step 10.*

16 *"(B) Notwithstanding the provisions of title 5 regarding appointment,*
17 *classification, and pay, establish employment qualification standards, procedures*
18 *for initial selection, promotion criteria, and other requirements as necessary for*

1 the efficient and effective operation of any civilian law enforcement and security
2 force appointed under the authority of this section.”.

Sectional Analysis

This amendment to Section 2674(b) of title 10, United States Code, would exempt Defense Protective Service (DPS) police officers whose permanent duty station is the Pentagon Reservation (as defined in 10 U.S.C. 2674(f)(1)) from the provisions of title 5, chapters 51 and 53, as those provisions apply to setting pay and other relevant employment criteria. The Secretary of Defense would have sole discretion to set pay and establish other employment criteria for officers responsible for protecting the Pentagon Reservation, consistent with authorities already provided the Capitol Police Board (40 U.S.C. 207); the Marshal of the Supreme Court of the United States (28 U.S.C. 672); and Secretary of the Treasury (5 U.S.C. 5378). The pay set pursuant to this authority would be comparable to pay for officers performing similar functions in the Uniformed Secret Service, the Park Police, the Capital Police, and the police forces of the Supreme Court and the Bureau of Engraving and Printing. Subsection 2674(b)(2)(B) would give the Secretary of Defense the authority to set the qualifications for hiring, promoting, and retaining these DPS police officers, as well.

Because the Pentagon provides a unique target, the Secretary of Defense has a very real need for the full range of security and force protection services required to safeguard the Pentagon Reservation.