

**STATEMENT OF THE HONORABLE DANNY K. DAVIS
AT THE SUBCOMMITTEE ON CIVIL SERVICE
AND AGENCY ORGANIZATION
HEARING ON**

**Time to Bite the Bullet:
Fixing Federal Law Enforcement Pay and Benefits**

Tuesday, July 19, 2004

Chairwoman Davis, federal officers, in varying degrees and capacities, uphold the Constitution and protect the public welfare. Over the years, however, there have been much debate and controversy, with no permanent resolution, on which types of federal employees should be classified as "law enforcement officers," and as such, should receive enhanced pay and retirement benefits.

In 1988, the Anti-Drug Abuse Act established the National Advisory Commission on Law Enforcement (the Commission), which studied pay, benefits, and other issues related to the recruitment and retention of employees defined as "law enforcement" under federal retirement laws. The Commission's report, which was released in April 1990, made several recommendations for interim pay enhancements for law enforcement officers and suggested that the Office of Personnel Management (OPM) conduct a further study on the need for a new pay system for federal law enforcement.

The Commission's report did note, however, that the statute defining "federal law enforcement officer" was broad, encompassing both traditional positions within the field and less traditional positions not generally considered part of the law enforcement community.

As recommended by the Commission, Congress enacted the Federal Employees Pay and Comparability Act of 1990 (FEPCA), which enhanced law enforcement pay and directed OPM to conduct a study of the pay and job evaluation for federal law enforcement officers. OPM, along with a 45-member advisory committee drawn from law enforcement agencies and employee groups, produced in September 1993 a report entitled, "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers. Two months later, the Subcommittee on Post Office and Civil Service held a hearing on the report and its findings.

In 1999, this Subcommittee held a hearing on this issue entitled, "Law Enforcement Retirement: Who Qualifies and Why?" Last year the Subcommittee held a hearing on federal law enforcement personnel entitled, "How Can We Fix an Imbalanced Compensation System?"

Hearings have been held, reports have been written, and the problem continues. OPM's latest report may make the difference. Released last week, OPM's report, "Federal Law Enforcement Pay and Benefits," chronicles the legislative and historic missteps that have led to the ad hoc approach to law enforcement classification, pay and benefits.

I agree with OPM's conclusion that a comprehensive and integrated Governmentwide approach is needed to finally address this problem. OPM recommends that Congress give it regulatory authority to establish a governmentwide framework for law enforcement retirement, classification and basic pay, and premium pay systems. No specifics were offered, but I would be interested in seeing a draft legislative proposal.

Furthermore, I would like to hear the witnesses' views on the OPM report and any recommendations they may have.

Thank you.

#####