

Statement of Representative Elijah E. Cummings, D-Maryland  
Ranking Minority Member  
Subcommittee on Criminal Justice, Drug Policy, and Human Resources  
House Committee on Government Reform  
108<sup>th</sup> Congress

Joint Civil Service/Criminal Justice Subcommittee Hearing on  
“Federal Law Enforcement Personnel in the Post 9/11 Era: How Can We Fix an  
Imbalanced Compensation System?”

June 23, 2003

Chairwoman Davis and Chairman Souder,

The federal government’s response to the attacks of September 11, 2001, and the re-adjustment of agency priorities to address future threats to our nation’s security have involved major changes for civilian federal employees. Personnel who perform law enforcement functions have especially been affected.

In hearings before the Criminal Justice subcommittee, we have heard testimony concerning the massive amounts of overtime worked by Customs and Border Patrol officers manning our nation’s borders and ports of entry in the months following the attacks. We know of the migration of law enforcement personnel to the Transportation Safety Administration as well as the congressionally mandated transfer of 22 agencies to the Department of Homeland Security.

Not all of these employees receive the same compensation and benefits. For example, there are stark differences in pay among the 13 uniformed federal police agencies examined in the testimony we’ll hear from GAO on this subject.

Of particular interest to the Committee is the disparity in retirement benefits among different classes of federal employees who perform similar functions.

In order to provide for a young, vigorous personnel pool for federal law enforcement agencies, Congress enacted required early retirement for positions defined as “law enforcement officers” or “LEOs.”

As compensation for having to retire earlier than other federal employees, LEOs accrue benefits at a faster rate than other federal employees. Once retired, they receive annual cost-of-living adjustments (COLA) regardless of age. By contrast, other federal employees do not receive COLAs under the Federal Employees Retirement System (FERS) until age 62.

For purposes of determining retirement benefits, the U.S. Code defines a law enforcement officer as “an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States.” Some federal employees who have the power of arrest, the authority to carry firearms, and the duty to enforce laws are not authorized or required to investigate, apprehend, or detain individuals. These employees are not classified as law enforcement officers and do not receive enhanced law enforcement retirement benefits.

Even before the 9/11 attacks, inequities in our federal employee benefits system existed. Meeting the challenges of homeland security has brought into sharper focus the importance of recruitment and retention with regard to certain agencies. There have been a number of proposals introduced in the House and Senate to remedy the problems agencies face in the area of recruitment and retention. We’ll hear from the sponsors of several of those bills today.

These are not simple issues to resolve and no legislation will provide a silver bullet. Today’s hearing also offers a valuable opportunity to hear about ongoing efforts within agencies to tackle the post 9/11 challenges of recruiting and retaining a highly competent and

motivated workforce, and the extent to which they are using the tools already at their disposal.

In many cases, the employees we are talking about help to form our first line of defense in the war against terror. Our nation's security will depend in part upon our ability to recruit and retain employees to perform vital homeland security functions.

Thank you.

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