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Subcommittee on Civil Service and Agency Organization
**“Federal Law Enforcement Personnel in the Post 9/11 Era:
How Can We Fix an Imbalanced Compensation System?”**
Opening Statement
July 23, 2003

I want to begin by thanking everyone for being here today, and especially Chairman Mark Souder for agreeing to hold this joint hearing. Our subject today is a vitally important topic, one that is of great concern to me: How do we make sure we are paying our federal law enforcement agents properly?

On one hand, it is impossible to address “adequate compensation” for people who put their lives on the line for the American public every day. There is no proper monetary reward for such work. But at the same time, we must recognize that members of the FBI, Border Patrol, Customs and Immigration, Secret Service, and all our other federal law enforcement agencies, do not live and work in a monetary vacuum. There are thousands of local and state police forces and sheriff’s offices out there, and there is a market for skilled officers, agents and criminal investigators. In this area, as in so many others, we must make sure the federal government is not falling behind in the race for talent.

Several factors complicate the question of pay for federal law enforcement officers. First is the question of whether the current pay scale is meeting the needs of law enforcement officers in high cost-of-living areas, such as San Francisco, southern California, Boston, New York and the Washington, D.C. area. There is strong anecdotal evidence that we are having difficulty keeping or recruiting talented officers in those high-cost metropolitan areas. This is very worrisome, especially given the importance of our big cities in fighting crime and terrorism.

Second, there is a larger question of who is considered a law enforcement officer, who is not, and who should be. Federal law enforcement officers, or LEOs, receive enhanced pay and retirement benefits. FBI agents, DEA agents, Customs criminal investigators, Border Patrol agents and Secret Service criminal investigators are among those defined as LEOs. Customs inspectors, Immigration inspectors and Department of Defense police are among those who do not.

The benefits given to “law enforcement officers” began with FBI agents in 1947 and were quickly expanded to include any federal employee whose position *primarily* deals with the “apprehension, investigation and detention of known or suspected violators of federal law.” It now also includes anyone who comes in “frequent and direct” contact with federal inmates, and in some cases, agents who protect federal officials.

The designation of “law enforcement officer,” however, is clearly a flawed term. The enhanced benefits were – and are – a management tool designed to strike a balance between helping certain agencies maintain a young and vigorous workforce and compensating those agents adequately for being required to retire early.

But the end result is: Many people who are clearly law enforcement officers by the plain meaning of that term do not meet the standards of “law enforcement officer” in terms of earning these enhanced benefits. That is confusing – if not insulting -- to a federal agent who carries a gun and who risks his life every day but is told that he or she does not deserve the same benefits many other officers receive.

Fortunately, the creation of the Homeland Security Department crystallizes these issues in a way that may lend itself to reform. For example, the merging together of Customs inspectors from the former Customs Service, Immigration inspectors from the former INS, and the agricultural inspectors from APHIS into the new Bureau of Immigration and

Customs Enforcement has created a situation where co-workers progress up the GS scale differently and work under different overtime and availability rules. Homeland Security also has a large number of those federal agents who are not considered law enforcement officers but who have arrest authority.

DHS is working with the Office of Personnel Management to determine a solution to these disparities, and is supposed to come back by the end of the year with some recommendations – a process that I hope will help us solve some of these complex problems.

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