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EXPANSION OF THE LAW ENFORCEMENT OFFICER STATUTORY DEFINITION

AFGE supports H.R. 3226, the *Law Enforcement Officers Equity Act*, introduced by Representative Andrew Garbarino (R-NY), and S. 1658, the *Law Enforcement Officers Parity Act*, introduced by Senator Cory Booker (D-NJ). These bipartisan bills would amend federal law to ensure that employees whose primary duties involve the investigation, apprehension, or detention of criminal suspects—and who are authorized to carry firearms—are properly recognized as federal law enforcement officers (LEOs).

Federal Protective Service (FPS) officers and police officers from the Departments of Defense (DoD) and Veterans Affairs (VA), the U.S. Mint, and other agencies perform the same core law enforcement functions as recognized LEOs. Their duties include protecting federal buildings, employees, officials, and the public; investigating criminal activity; detaining suspects; and safeguarding officials from threats to personal safety. These officers are trained to carry and use firearms and face the same risks as other federal law enforcement personnel. Yet, in too many cases, they are only formally recognized as law enforcement officers after being killed in the line of duty.

Despite performing duties that align squarely with the statutory definition of a LEO, these officers are excluded from LEO status under current law and receive inferior pay, retirement, and benefits. Title 5 of the U.S. Code does not currently include FPS officers or police officers from DoD, VA, the U.S. Mint, and other agencies in its definition of a LEO, even though their duties are similar or identical to those of recognized LEOs. As a result, these officers receive lower pay, reduced pensions, and delayed retirement eligibility compared to their counterparts in other agencies.

This disparity undermines recruitment, retention, and morale. Agencies that offer lower compensation and fewer benefits struggle to retain trained officers, who are frequently recruited by agencies that provide full LEO status.

Federal law recognizes that law enforcement positions are physically demanding and require officers to be “young and physically vigorous,” which is why LEOs are subject to a mandatory retirement age of 57 and are eligible for earlier, unreduced retirement benefits. Under the Federal Employees Retirement System (FERS), LEOs may retire at age 50 with 20 years of service or at any age with 25 years of service. To qualify, positions must meet the statutory definition in 5 U.S.C. § 8401, which defines a LEO as an employee whose primary duties involve the investigation, apprehension, or detention of criminal suspects, or the protection of U.S. officials, and whose duties are sufficiently rigorous to warrant age and physical fitness limitations.

LEO status carries significant retirement and benefit provisions that reflect the unique demands of the profession. LEOs contribute more toward retirement and, in return, receive enhanced annuity calculations, eligibility for an unreduced pension at an earlier age, continued access to the Federal Employees Health Benefits Program (FEHBP) and Federal Employees' Group Life Insurance (FEGLI) upon retirement, and a Special Retirement Supplement for those who retire before age 62. Recent legislation has also eliminated early withdrawal penalties from the Thrift Savings Plan for retiring LEOs.

Congress enacted these benefits to acknowledge the physical demands and shortened careers inherent in law enforcement service and to support effective recruitment and retention. All federal law enforcement professionals who meet the statutory definition of a LEO deserve equal recognition, pay, and benefits. The continued inequities across federal law enforcement agencies drive turnover, weaken workforce stability, and deny dedicated officers the respect and parity they have earned.