



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

February 11, 2008

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

The Honorable Linda M. Springer
Director
U.S. Office of Personnel Management
Theodore Roosevelt Building
1900 E Street, NW
Room 5A09
Washington, D.C. 20415

Dear Secretary Chertoff and Director Springer:

On February 4, 2008, you requested additional time to respond to my January 18, 2008, letter regarding the implementation plan for law enforcement officer (LEO) status for Customs and Border Protection (CBP) officers. As you know, Section 535 of the Consolidated Appropriations Act of 2008 (Public Law 110-161) amended the civil service retirement system to provide LEO status to CBP officers. These benefits will become effective in July 2008.

On the same day that you requested this extension, the Administration delivered the Fiscal Year 2009 Budget to Congress. To my great disappointment, that document includes a request to repeal the newly enacted LEO status. Moreover, it has come to my attention that the Office of Management and Budget has instructed CBP and the Office of Personnel Management (OPM) to ignore the law and not to proceed with implementation of LEO status.


Given that this benefit is a validly enacted law of this land, I hope that the information I was provided is erroneous. However, in light of the Administration's stated desire to rescind this much deserved benefit as part of the Fiscal Year 2009 budget process, I must be certain about your plans for the coming months.

Therefore I cannot grant your request for an extension to reply to my letter of January 18, and now must insist on an immediate briefing to clarify the status of your efforts to implement these benefits. Please make plans to brief me on the implementation plans for the benefit no later than February 13, 2008.

In the interim, I expect that CBP and OPM are complying with the law and are continuing with their plans to implement the benefits.

Please contact Jessica Herrera-Flanigan, Democratic Staff Director and General Counsel, at 202-226-2616 to schedule this briefing.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive, flowing style.

Chairman
Bennie G. Thompson

Cc: Ranking Member Peter King (R-NY), House Committee on Homeland Security
The Honorable Jim Nussle, Director, Office of Management and Budget

BGT/hec