

**SUBJECT: Proposal for Enhanced LEI Program in FY 06**

**ISSUE: Since straight-line in 1994, LEI has not been adequately funded or staffed.**

**FUNDING HISTORY:  
(\$ in thousands)  
Appropriation  
NFLE**

<b>FY 2003 Enacted</b>	<b>FY 2004 Enacted</b>	<b>FY 2005 Pres Budget</b>	<b>FY 2006 Dept pass back</b>
<b>\$80,142</b>	<b>\$82,828</b>	<b>\$82,326</b>	<b>\$99,800</b>

**TALKING POINTS:**

1. When straight-line occurred (FY 1994) the requested budget was \$88 million, but only \$66 million was appropriated. The program has never made up this deficit and is still over \$5 million short of the original funding level that was necessary even 10 years ago. FY 2004 LEI budget is \$82.8 million.
2. In 1993, prior to straight-line, LEI had 984 law enforcement personnel (decline of 324).
3. Since 1994 there have been 34.35 percent (compounded) total COLA's and 23 percent within-grade increases unfunded and absorbed by the program.
4. Law Enforcement and Investigations (LEI) has 660 law enforcement personnel or about one for every 291,000 acres of National Forest land and every 733,000 annual visitors.
5. 204 LEI positions deemed critical by the corresponding line officers are now held vacant to remain within budget constraints.
6. OHV initiative, Homeland Security staff, Border Integrity Program and non-traditional incident management are all new and unfunded obligations of LEI.
7. USDA is supporting \$17,490 million increase in LEI budget for FY 06 to address Homeland Security responsibilities.
8. Cost pool obligations of LEI under current formula calculate to approximately \$30 million or 36% of LEI budget (\$45,000 per employee). If LEI were forced to pay this amount without any budget increase it would result in immediate reduction in force of about 300 positions or 45% of enforcement staff.

**BACKGROUND:**

- LEI staff spends 30 percent of their time on Resource Enforcement activities. By comparison, less than 9 percent of LEI time is dedicated to Drug Enforcement issues.
- Population of United States has doubled since WWII and will increase 30 million more by 2010. Public demand for open space recreation has skyrocketed.
- In 2003, LEI documented more than 150,000 incidents and 30,000 assists to Forest Service personnel and other agencies.
- Based on FY-04 BFES requests, every region wanted to add funding to LEI programs (\$17 million).

- Individual forests are still willing to fund additional Law Enforcement Officer positions. Need is deemed critical by almost all line officers.
- Majority of respondents (58 percent) in a National Customer Survey expressed clear desire for more Law Enforcement presence.
- LEI program is severely understaffed to address need of National Forest lands.

**SOLUTIONS:**

- Pursue Homeland Security funds to address infrastructure, aviation, and border concerns.
- Seek appropriation of \$10 million recurring annual funding authorized in the 1990/80 F3 Drug Control Act.
- Demonstrate consensus within Forest Service on need for increased LEI presence and budget.
- Persuade OMB to allow Chief to reprogram funds into LEI when required especially the 30 million required for cost pools.
- Forgo cost pool assessment until such time as LEI budget is increased equally to these costs.

• **Comparison:**

	Acreage	Visitation	Uniformed LE Staff	Acres / Staff	Visitors / Staff
- NPS	84 M	421 M	1,400	32,000	161,000
- BLM	281 M	53 M	200	1,044,000	211,500
- FS	192 M	456 M	535	358,000	852,000

  

	2004 LE Budget	Total Agency Budget	Budget To LE	Total Staff	Cost per Staff
- NPS	155 M	\$2.6 B	5.9%	1,400	\$110 K
- BLM	46 M	\$1.7 B	2.7%	250*	\$184 K
- FS	79.8 M	\$4.5 B	1.8%	710**	\$112 K

\* (Includes BLM investigators)

\*\* (includes all LEI staff)