



**Committee on Transportation and Infrastructure**  
**U.S. House of Representatives**

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**Washington, DC 20515**

**Nick J. Rahall, III**  
**Ranking Member**

May 16, 2014

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**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Economic Development, Public Buildings and  
Emergency Management  
**FROM:** Staff, Subcommittee on Economic Development, Public Buildings and  
Emergency Management  
**RE:** Subcommittee Hearing on “Examining the Federal Protective Service: Are  
Federal Facilities Secure?”

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**PURPOSE**

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Wednesday, May 21, 2014, at 10:00 a.m., in 2167 Rayburn House Office Building to receive testimony related to the Federal Protective Service and improving the security of federal facilities. At this hearing, the Subcommittee will hear from the Federal Protective Service (FPS), the Government Accountability Office (GAO) and representatives of FPS law enforcement officers and contract guard companies.

**BACKGROUND**

**Threats to Federal Facilities and Buildings**

Federal buildings and facilities have long been targets for terrorism and individuals wanting to do harm. The threats are real and attacks have occurred. The threats include a wide range of potential actions by terrorists and others wanting to do harm and include explosives (including car, truck, or backpack bombs), active shooters, and aviation attacks.

Unfortunately, these threats are not theoretical. In 1995, Timothy McVeigh and his co-conspirators used a Ryder truck filled with homemade explosives to bomb the Alfred P. Murrah Federal Building in downtown Oklahoma City, killing 168 people, including 19 children. In 2010, Andrew Stack targeted a building in Austin, Texas, housing 200 Internal Revenue Service employees by crashing a small plane into the building. Active shooter incidents have also occurred, including shootings at the Navy Yard in Washington, D.C., Fort Hood in Texas, the U.S. Capitol building, and the United States Holocaust Museum.

While a number of the past incidents have not been at facilities for which FPS is responsible for securing, they are clear indicators that federal facilities and buildings are proven targets and demonstrate the need to ensure there is appropriate security at federal buildings and facilities to protect employees and visitors.

## **Federal Protective Service and Building Security**

### Background and Role of FPS

Congress originally established the responsibility and authority to protect federal buildings using uniformed guards in the Federal Works Agency in 1948. Those responsibilities and authorities were subsequently transferred to the General Services Administration (GSA). And, in 1971, the GSA Administrator formally established what we know as the Federal Protective Service (FPS) today. Following the 9/11 terrorist attacks, Congress transferred the FPS from GSA to the then newly created Department of Homeland Security (DHS) and it was initially housed as part of Immigration and Customs Enforcement. FPS was subsequently moved to the National Protection and Programs Directorate.

FPS is charged with providing protection and security for over 9,600 GSA leased and owned facilities. The FPS operates on fees paid by the customer agencies (GSA and tenant agencies) utilizing FPS services. The estimated budget for FPS for fiscal year (FY) 2014 is \$1.3 billion. FPS has approximately 1,300 employees, including approximately 1,000 Law Enforcement Officers (LEOs) or “inspectors” and 15,000 contract guards also known as Protective Security Officers (PSOs). After the Oklahoma City bombings in 1995, FPS’s authorized staffing level was 1,450. FPS maintained about the same level of staffing when it was transferred to DHS; however, its staffing dropped to 1,100 in 2007. After concerns about the decrease and its effect on security, Congress, through the appropriations process, began mandating a minimum staffing level. The FY 2014 Consolidated Appropriations Act requires 1,371 full-time-equivalent staff, including 1,007 law enforcement officers.

FPS not only provides a uniformed presence at federal buildings but is also responsible for maintaining and managing the contracts with companies employing the contract guards for federal facilities, conducting risk assessments of buildings and providing recommendations to GSA and tenant agencies on any security improvements needed for particular buildings.

### Other Key Partners

There are other federal entities with responsibility over security in federal facilities protected by the FPS. For example, the Interagency Security Committee (ISC) sets government-wide standards and best practices for securing non-military facilities and buildings, whether owned or leased, including those for which FPS is responsible. The ISC was established by Executive Order following the Oklahoma City bombing in 1995 and includes 21 primary members mostly composed of the large federal departments. There are also 32 associate member agencies, including FPS.

Federal agencies that pay for (through fees) security provided by FPS also have a key role. Each building or facility has a Facility or Building Security Committee (FSCs). These committees are composed of designated staff of the federal agencies housed in the particular facility or building. In some cases where there is one federal agency tenant in a building, this may only be one designated person. The members of FSCs may or may not themselves have any security experience or background. In addition, the FSCs help facilitate the review and consideration by the tenant agencies of any security recommendations and assessments completed by FPS. Ultimately, it is the tenant agency that has the final decision in the amount and type of security at a given building or facility, not FPS.

Other federal, state and local law enforcement agencies also have a critical role in the security of federal buildings and facilities. Of the 1,300 FPS employees, approximately 1,000 are law enforcement officers. FPS law enforcement officers are not only charged with performing traditional police responsibilities, but are also responsible for overseeing and managing the private PSOs, the PSO contracts, conducting facility risk assessments, and meeting with FSCs. The growing array of responsibilities makes focusing on policing and responding to incidents more difficult. While most contract guards are armed, their authority to carry, respond, and take action in certain circumstances generally flows from the laws of the particular state or locality in which they may be based. As such, to ensure there is an effective response to any security incidents in buildings, FPS's agreements and partnerships with other law enforcement agencies are critical. For example, it may be local law enforcement near a particular federal building that may be called to respond to an incident.

## **Challenges and Problems**

The GAO over the years has conducted a number of investigations and issued a series of reports that identified key challenges and problems with respect to the FPS. Key problems identified have been:

- **Fake bomb components, knives, and guns were secreted past security in a number of cases.** Penetration testing conducted by the GAO and FPS revealed serious deficiencies in building security.
- **Insufficient contract guard oversight and training, including a lack of active shooter training.** FPS's paper-based system for auditing the required certifications and training records of contract guards has resulted in a lack of quality control over whether guards are qualified and trained to protect federal buildings. FPS's guidance for guards in dealing with threats is insufficient and basic training from simple screening procedures to responding to active shooters is lacking or nonexistent.
- **Agreements and partnerships with local law enforcement to respond to incidents on federal property are lacking or nonexistent.** State and local law enforcement agencies, which may be called to respond to a federal building, often are not aware whether they can even respond to and enter a federal building.

- **Risk assessments used to evaluate the threats to and types of security measures needed for a particular building or facility are insufficient or ignored.** FPS's risk assessments do not meet ISC standards and tenant agencies are not held accountable for failing to implement recommended security measures.
- **Confidence in FPS by customer agencies has declined.** On May 1, 2014, DHS began the process of removing FPS as the lead on overseeing security at its Nebraska Avenue Complex headquarters.
- **FPS Law Enforcement Officers are spread too thin and FPS's non-core responsibilities have increased.** LEOs are not only charged with overseeing the contract guards, managing the guard contractors, conducting risk assessments, but also are charged with traditional police responsibilities. FPS conducts law enforcement activities in addition to activities not related to its core mission, including assignments on National Special Security Events.

## Proposed Solutions

Over the years, there have been a number of legislative and other proposals made by key stakeholders to reform the FPS and improve building security. The solutions have ranged from significant changes to reforming oversight and strengthening authorities. They include a wide range of solutions, including the following:

- Federalize the 15,000 contract guards;
- Clarify and expand contract guards' authority to detain and respond to incidents;
- Increase the number of FPS law enforcement and revise FPS law enforcement retirement benefits;
- Clarify and expand FPS law enforcement officers' authorities on federal properties;
- Shift core mission of FPS from law enforcement to oversight of guards and building security and leverage partnerships with state and local law enforcement to respond to incidents (including deputizing local law enforcement where appropriate);
- Revise FPS's fee structure to address resources concerns;
- Require FPS to move from a paper-based system to an automated system to oversee guards and track performance, certifications, and training;
- Update and modernize training for guards, including shifting training to private sector;
- Set standards on customer agencies' compliance with security recommendations.

## **Conclusion**

The purpose of the hearing is to not only identify the current challenges faced by the FPS and federal agencies in securing federal facilities and buildings, but also to examine possible solutions and the potential implications, costs, and impacts each of them may have on security at federal facilities.

### **WITNESS LIST**

Mr. Mark L. Goldstein  
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Director  
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