To protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service.

IN THE SENATE OF THE UNITED STATES

APRIL 8, 2011

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011” or the “SECURE Facilities Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

(E) the Committee on Appropriations of the House of Representatives.

(2) DIRECTOR.—The term “Director” means the Director of the Federal Protective Service.

(3) FACILITY USED FOR ACTIVITIES COVERED UNDER THE ATOMIC ENERGY ACT OF 1954.—The term “facility used for activities covered under the Atomic Energy Act of 1954” means—

(A) the Albuquerque National Nuclear Security Administration Service Center;

(B) the Brookhaven National Laboratory and Brookhaven Site Office;
(C) the Argonne National Laboratory, the Argonne Site Office and the Chicago Service Center;
(D) the Department of Energy Office of Secure Transportation, and associated field locations;
(E) the Idaho National Laboratory and the Idaho Site Office;
(F) the Kansas City Plant and the Kansas City Site Office;
(G) the Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory;
(H) the Nevada Site Office and the Nevada National Security Site;
(I) the Los Alamos National Laboratory and the Los Alamos Site Office;
(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;
(K) the National Energy Technology Laboratory;
(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and
the Department of Energy East Tennessee Technology Park;

(M) the Pantex Plant and Pantex Site Office;

(N) the Portsmouth Gaseous Diffusion Plant and Paducah Gaseous Diffusion Plant;

(O) the Richland Operations Office and Hanford Site;

(P) the Sandia National Laboratories and Sandia Site Office;

(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;

(R) the Savannah River Plant and the Department of Energy Office of Environmental Management’s Savannah River Site Office;

(S) the Savannah River National Laboratory;

(T) the National Nuclear Security Administration’s National Savannah River Site Office, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

(U) the Waste Isolation Pilot Plant; and
(V) the National Nuclear Security Admin-
istration’s Y–12 Site Office and the Y–12 Na-
tional Security Complex.

(4) FEDERAL FACILITY.—The term “Federal facility”—

(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-own-
ership corporation of the Federal Government; and

(B) does not include—

(i) any building, grounds, or property used for military activities; or

(ii) any facility used for activities cov-
ered under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(5) FEDERAL PROTECTIVE SERVICE OFFICER.—

The term “Federal protective service officer”—

(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

(B) includes any other employee of the Federal Protective Service designated as a Fed-
eral protective service officer authorized to
carry firearms and make arrests by the Sec-
retary.

(6) QUALIFIED CONSULTANT.—The term
“qualified consultant” means a non-Federal entity
with experience in homeland security, infrastructure
protection and physical security, Government work-
force issues, and Federal human capital policies.

(7) SECRETARY.—The term “Secretary” means
the Secretary of Homeland Security.

SEC. 3. FEDERAL PROTECTIVE SERVICE.

(a) IN GENERAL.—Title II of the Homeland Security
Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding
at the end the following:

“Subtitle E—Federal Protective
Service

“SEC. 241. DEFINITIONS.

“In this subtitle:

“(1) AGENCY.—The term ‘agency’ means an
executive agency.

“(2) APPROPRIATE CONGRESSIONAL COMMIT-
TEES.—The term ‘appropriate congressional com-
mittees’ means—

“(A) the Committee on Homeland Security
and Governmental Affairs of the Senate;
“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security of the House of Representatives;

“(D) the Committee on Transportation and Infrastructure of the House of Representa-
tives; and

“(E) the Committee on Appropriations of the House of Representatives.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Federal Protective Service.

“(4) FACILITY SECURITY LEVEL.—The term ‘facility security level’—

“(A) means a rating of each Federal facility based on the analysis of several facility fac-
tors that provides a basis for that facility’s attractiveness as a target and potential effects or consequences of a criminal or terrorist at-
tack, which then serves as a basis for the imple-
mentation of certain levels of security prote-
ction; and

“(B) is determined by the Federal Protec-
tive Service, the United States Marshals Service under section 566 of title 28, United States Code, or another agency authorized to provide
all protective services for a facility under the provisions of section 263 and guided by Inter-
agency Security Committee standards.

“(5) FACILITY USED FOR ACTIVITIES COVERED UNDER THE ATOMIC ENERGY ACT OF 1954.—The term ‘facility used for activities covered under the Atomic Energy Act of 1954’ means—

“(A) the Albuquerque National Nuclear Security Administration Service Center;

“(B) the Brookhaven National Laboratory and Brookhaven Site Office;

“(C) the Argonne National Laboratory, the Argonne Site Office and the Chicago Service Center;

“(D) the Department of Energy Office of Secure Transportation, and associated field locations;

“(E) the Idaho National Laboratory and the Idaho Site Office;

“(F) the Kansas City Plant and the Kansas City Site Office;

“(G) the Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory;
“(H) the Nevada Site Office and the Nevada National Security Site;

“(I) the Los Alamos National Laboratory and the Los Alamos Site Office;

“(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;

“(K) the National Energy Technology Laboratory;

“(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and the Department of Energy East Tennessee Technology Park;

“(M) the Pantex Plant and Pantex Site Office;

“(N) the Portsmouth Gaseous Diffusion Plant and Paducah Gaseous Diffusion Plant;

“(O) the Richland Operations Office and Hanford Site;

“(P) the Sandia National Laboratories and Sandia Site Office;

“(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;
“(R) the Savannah River Plant and the Department of Energy Office of Environmental Management’s Savannah River Site Office;

“(S) the Savannah River National Laboratory;

“(T) the National Nuclear Security Administration’s National Savannah River Site Office, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

“(U) the Waste Isolation Pilot Plant; and

“(V) the National Nuclear Security Administration’s Y–12 Site Office and the Y–12 National Security Complex.

“(6) FEDERAL FACILITY.—The term ‘Federal facility’—

“(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

“(B) does not include—

“(i) any building, grounds, or property used for military activities; or
“(ii) any facility used for activities covered under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

“(7) Federal facility protected by the Federal Protective Service.—The term ‘Federal facility protected by the Federal Protective Service’—

“(A) means those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary; and

“(B) does not include any facility, or portion thereof, which the United States Marshals Service is responsible for under section 566 of title 28, United States Code.

“(8) Federal protective service officer.—The term ‘Federal protective service officer’—

“(A) has the meaning given under sections 8331 and 8401 of title 5, United States Code; and

“(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer authorized to
carry firearms and make arrests by the Secretary.

“(9) Infrastructure security canine team.—The term ‘infrastructure security canine team’ means a certified canine and a Federal protective service officer that are trained to detect explosives or other threats as defined by the Secretary.

“(10) In-service field staff.—The term ‘in-service field staff’ means Federal Protective Service law enforcement officers who, while working, are directly engaged on a daily basis protecting and enforcing law at Federal facilities, including police officers, inspectors, area commanders and special agents, and such other equivalent positions as designated by the Secretary.

“(11) Security organization.—The term ‘security organization’ means an agency or an internal agency component responsible for security at a specific Federal facility.

**SEC. 242. ESTABLISHMENT.**

“(a) Establishment.—There is established the Federal Protective Service within the Department.

“(b) Mission.—The mission of the Federal Protective Service is to render Federal facilities protected by the
Federal Protective Service safe and secure for Federal employees, contract employees, officers, and visitors.

“(c) DIRECTOR.—The head of the Federal Protective Service shall be the Director of the Federal Protective Service. The Director shall report to the Under Secretary for the National Protection and Programs Directorate.

“(d) DUTIES AND POWERS OF THE DIRECTOR.—

“(1) IN GENERAL.—Subject to the supervision and direction of the Secretary, the Director shall be responsible for the management and administration of the Federal Protective Service and the employees and programs of the Federal Protective Service.

“(2) PROTECTION.—The Director shall secure Federal facilities which are protected by the Federal Protective Service, and safeguard all occupants, including Federal employees, contract employees, officers, and visitors.

“(3) ENFORCEMENT POLICY.—The Director shall establish and direct the policies of the Federal Protective Service, and advise the Under Secretary for the National Protection and Programs Directorate on policy matters relating to the protection of Federal facilities.

“(4) TRAINING.—The Director shall—
“(A) determine the minimum level of training or certification for—

“(i) employees of the Federal Protective Service; and

“(ii) armed contract security guards at Federal facilities protected by the Federal Protective Service; and

“(B) provide training, to members of a Facility Security Committee that meets the standards established by the Interagency Security Committee.

“(5) INVESTIGATIONS.—The Director shall ensure violations of any Federal law affecting the security of Federal facilities protected by the Federal Protective Service are investigated and referred for prosecution as appropriate.

“(6) INSPECTIONS.—The Director shall inspect Federal facilities protected by the Federal Protective Service for the purpose of determining compliance with Federal security standards and making appropriate risk mitigation recommendations.

“(7) PERSONNEL.—The Director shall provide adequate numbers of trained personnel to ensure Federal security standards are met.
“(8) INFORMATION SHARING.—The Director shall provide crime prevention, threat awareness, and intelligence information to the Administrator of General Services and tenants of Federal facilities. The Director shall ensure effective coordination and liaison with other Federal law enforcement agencies and State and local law enforcement agencies.

“(9) PATROL.—The Director shall ensure areas in and around Federal facilities protected by the Federal Protective Service are patrolled by Federal Protective Service officers.

“(10) SECURITY ASSESSMENT.—The Director shall ensure a security risk assessment is conducted for each Federal facility protected by the Federal Protective Service on a recurring basis and in accordance with standards established by the Interagency Security Committee.

“(11) EMERGENCY PLAN ASSISTANCE.—The Director shall—

“(A) ensure each Federal facility protected by the Federal Protective Service has adequate plans for emergency situations;

“(B) provide technical assistance to agencies that are the tenant of a Federal facility protected by the Federal Protective Service in...
developing plans described in subparagraph (A); and

“(C) ensure plans described in subparagraph (A) are exercised in accordance with standards established by the Interagency Security Committee.

“(12) SECURITY COUNTERMEASURES.—The Director shall ensure and supervise the effective design, procurement, installation, maintenance, and operation of security countermeasures (including armed contract guards, electronic physical security systems, and weapons and explosives screening devices) for Federal facilities protected by the Federal Protective Service.

“(13) SUITABILITY ADJUDICATION OF GUARDS AND BUILDING SERVICE CONTRACTORS.—The Director shall ensure that—

“(A) background investigations are conducted for contract guards and building service contractors; and

“(B) each contract guard and building service contractor is suitable for work in a Federal facility protected by the Federal Protective Service before being granted unescorted or recurring access.
“(14) **Protective service guard contracting.**—The Director shall be responsible for all protective service guard contracting requirements for those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary.

“(15) **Assistance to facility security committees.**—The Director shall ensure coordination with and provide assistance to Facility Security Committees on matters relating to facilities, facility vulnerabilities, and potential consequences of an incident.

**SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIREMENTS.**

“(a) **In general.**—The Secretary shall ensure that the Federal Protective Service maintains not fewer than 1,371 full-time equivalent employees, including not fewer than 950 in-service field staff in fiscal year 2012.

“(b) **Minimum full-time equivalent employee level.**—

“(1) **In general.**—The Secretary shall ensure that the Federal Protective Service shall maintain at any time not fewer than 1,200 full-time equivalent employees, including not fewer than 900 in-service field staff.
“(2) REPORT.—In any fiscal year after fiscal year 2012 in which the number of full-time equivalent employees of the Federal Protective Service is fewer than the number of full-time equivalent employees of the Federal Protective Service in the previous fiscal year, the Secretary shall submit a report to the appropriate congressional committees that provides—

“(A) an explanation of the decrease in full-time equivalent employees; and

“(B) a revised model of the number of full-time equivalent employees projected for future fiscal years.

“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.

“(a) ARMED GUARD TRAINING REQUIREMENTS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall establish minimum training requirements for all armed guards procured by the Federal Protective Service.

“(2) REQUIREMENTS.—Training requirements under this subsection shall include—
“(A) at least 80 hours of instruction before
a guard may be deployed, and at least 16 hours
of recurrent training on an annual basis there-
after; and

“(B) Federal Protective Service monitoring
or provision of the initial training of armed
guards procured by the Federal Protective
Service of—

“(i) at least 10 percent of the hours
of required instruction in fiscal year 2011;

“(ii) at least 15 percent of the hours
of required instruction in fiscal year 2012;

“(iii) at least 20 percent of the hours
of required instruction in fiscal year 2013;

and

“(iv) at least 25 percent of the hours
of required instruction in fiscal year 2014
and each fiscal year thereafter.

“(b) Training and Security Assessment Pro-
gram.—

“(1) Establishment.—Not later than 180
days after the date of enactment of the Supporting
Employee Competency and Updating Readiness En-
hancements for Facilities Act of 2011, the Director
shall establish a program to periodically assess—
“(A) the training of guards for the security and protection of Federal facilities protected by the Federal Protective Service; and

“(B) the security of Federal facilities protected by the Federal Protective Service.

“(2) PROGRAM.—The program under this subsection shall include an assessment of—

“(A) methods to test the training and certifications of guards;

“(B) a remedial training program for guards;

“(C) procedures for taking personnel actions, including processes for removing individuals who fail to conform to the training or performance requirements of the contract; and

“(D) an overt and covert testing program for the purposes of assessing guard performance and other facility security countermeasures.

“(3) REPORTS.—The Secretary shall annually submit a report to the appropriate congressional committees, in a classified manner, if necessary, on the results of the assessment of the overt and covert testing program of the Federal Protective Service.
“(c) Revision of Guard Manual and Post Orders.—

“(1) In general.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director, in consultation with the Administrator of General Services, shall—

“(A) update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service; or

“(B) certify to the Secretary that the Security Guard Information Manual and post orders described under subparagraph (A) have been updated during the 1-year period preceding the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011.

“(2) Review and update.—Beginning with the first calendar year following the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, and every 2 years thereafter, the Director shall review and update the Security Guard Informa-
tion Manual and post orders for each guard post overseen by the Federal Protective Service.

“(d) DATABASE OF GUARD SERVICE CONTRACTS.—

The Director shall establish a database to monitor all contracts for guard services. The database shall include information relating to contract performance.

“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.

“(a) IN GENERAL.—

“(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall—

“(A) begin to increase the number of infrastructure security canine teams certified by the Federal Protective Service for the purposes of infrastructure-related security by up to 15 canine teams in each of fiscal years 2012 through 2015; and

“(B) encourage State and local governments and private owners of high-risk facilities to strengthen security through the use of highly trained infrastructure security canine teams.

“(2) INFRASTRUCTURE SECURITY CANINE TEAMS.—To the extent practicable, the Director
shall increase the number of infrastructure security canine teams by—

“(A) partnering with the Customs and Border Protection Canine Enforcement Program and the Canine Training Center Front Royal, the Transportation Security Administration’s National Explosives Detection Canine Team Training Center, or other offices or agencies within the Department with established canine training programs;

“(B) partnering with agencies, State or local government agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams; or

“(C) procuring explosives detection canines trained by nonprofit organizations, universities, or the private sector, if the canines are trained in a manner consistent with the standards and requirements developed under subsection (b) or other criteria developed by the Secretary.

“(b) STANDARDS FOR INFRASTRUCTURE SECURITY CANINE TEAMS.—

“(1) IN GENERAL.—The Director, in coordination with the Office of Infrastructure Protection,
shall establish criteria, including canine training curricula, performance standards, and other requirements, necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

“(2) EXPANSION.—In developing and implementing the criteria, the Director shall—

“(A) coordinate with key stakeholders, including international, Federal, State, and local government officials, and private sector and academic entities to develop best practice guidelines;

“(B) require that canine teams trained by nonprofit organizations, universities, or private sector entities that are used or made available by the Secretary be trained consistent with the criteria; and

“(C) review the status of the private sector programs on at least an annual basis to ensure compliance with the criteria.

“(c) DEPLOYMENT.—The Director—

“(1) shall use the additional canine teams increased under subsection (a) to enhance security at Federal facilities;
“(2) may use the additional canine teams increased under subsection (a) on a more limited basis to support other homeland security missions; and

“(3) may request canine teams from other agencies within the Department—

“(A) for high-risk areas;

“(B) to address specific threats; or

“(C) on an as-needed basis.

“(d) CANINE PROCUREMENT.—The Director, shall ensure that infrastructure security canine teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

“SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STANDARDS.

“The Secretary, in coordination with the Interagency Security Committee, shall develop performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities protected by the Federal Protective Service.

“SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

“(a) IN GENERAL.—The Secretary may assess security charges to an agency that is the owner or the tenant of a Federal facility protected by the Federal Protective Service in addition to any security charge assessed under
section 248 for the costs of necessary security counter-
measures if—

“(1) the Secretary, in coordination with the
Interagency Security Committee, determines a Fed-
eral facility to be in noncompliance with Federal se-
curity standards established by the Interagency Se-
curity Committee or a final determination regarding
countermeasures made by the appeals board estab-
lished under section 262(h); and

“(2) the Interagency Security Committee or the
Director—

“(A) provided notice to that agency and
the Facility Security Committee of—

“(i) the noncompliance;

“(ii) the actions necessary to be in
compliance; and

“(iii) the latest date on which such ac-
tions need to be taken; and

“(B) the agency is not in compliance by
that date.

“(b) REPORT ON NONCOMPLIANT FACILITIES.—The
Secretary shall submit a report to the appropriate congres-
sional committees, in a classified manner if necessary, of
any facility determined to be in noncompliance with the
Federal security standards established by the Interagency Security Committee.

"SEC. 248. FEES FOR PROTECTIVE SERVICES."

“(a) In General.—The Secretary may assess and collect fees and security charges from agencies for the costs of providing protective services.

“(b) Deposit of Fees.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading ‘FEDERAL PROTECTIVE SERVICES’ under the heading ‘NATIONAL PROTECTION AND PROGRAMS DIRECTORATE’ of the Department.

“(c) Adjustment of Fees.—The Director of the Office of Management and Budget shall adjust fees as necessary to carry out this subtitle.

“Subtitle F—Interagency Security Committee

"SEC. 261. DEFINITIONS."

“In this subtitle, the definitions under section 241 shall apply.

"SEC. 262. INTERAGENCY SECURITY COMMITTEE."

“(a) Establishment.—There is established within the executive branch the Interagency Security Committee (in this subtitle referred to as the ‘Committee’) responsible for the development of safety and security standards and
best practices to mitigate the effects of natural and man-
made hazards in Federal facilities.

“(b) **Chairperson.**—The Committee shall be chaired by the Secretary, or the designee of the Secretary. The chairperson shall be responsible for the daily opera-
tions of the Committee and appeals board, final approval and enforcement of Committee standards, and the promul-
gation of regulations related to Federal facility security prescribed by the Committee.

“(c) **Membership.**—

“(1) **Voting Members.**—The Committee shall consist of the following voting members:

“(A) **Agency Representatives.**—Representatives from the following agencies, ap-
pointed by the agency heads:

“(i) Department of Homeland Secu-

“(ii) Department of State.

“(iii) Department of the Treasury.

“(iv) Department of Defense.

“(v) Department of Justice.

“(vi) Department of the Interior.

“(vii) Department of Agriculture.

“(viii) Department of Commerce.

“(ix) Department of Labor.
“(x) Department of Health and Human Services.

“(xi) Department of Housing and Urban Development.

“(xii) Department of Transportation.

“(xiii) Department of Energy.

“(xiv) Department of Education.

“(xv) Department of Veterans Affairs.

“(xvi) Environmental Protection Agency.

“(xvii) Central Intelligence Agency.

“(xviii) Office of Management and Budget.

“(xix) General Services Administration.

“(B) OTHER OFFICERS.—The following Federal officers or the designees of those officers:

“(i) The Director of the United States Marshals Service.

“(ii) The Director.

“(iii) The Assistant to the President for National Security Affairs.

“(C) JUDICIAL BRANCH REPRESENTATIVES.—A representative from the judicial
branch appointed by the Chief Justice of the United States.

“(2) ASSOCIATE MEMBERS.—The Committee shall include as associate members who shall be non-voting members, representatives from the following agencies, appointed by the agency heads:

“(A) Federal Aviation Administration.
“(B) Federal Bureau of Investigation.
“(C) Federal Deposit Insurance Corporation.
“(E) Federal Reserve Board.
“(F) Internal Revenue Service.
“(G) National Aeronautics and Space Administration.
“(I) National Institute of Standards & Technology.
“(J) Nuclear Regulatory Commission.
“(K) Office of Personnel Management.
“(L) Securities and Exchange Commission.
“(M) Social Security Administration.
“(N) United States Coast Guard.
“(O) United States Postal Service.

“(P) United States Army Corps of Engineers.

“(Q) Court Services and Offender Supervision Agency.

“(R) Any other Federal officers as the President shall appoint.

“(3) GOVERNMENT ACCOUNTABILITY OFFICE.—The Comptroller General shall designate a representative to act as a liaison to the Committee.

“(d) WORKING GROUPS.—The Committee may establish interagency working groups to perform such tasks as may be directed by the Committee.

“(e) CONSULTATION.—The Committee shall consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities, and, at the discretion of the Chairperson of the Committee, such other parties may participate in the working groups.

“(f) MEETINGS.—The Committee shall at a minimum meet quarterly.

“(g) RESPONSIBILITIES.—The Committee shall—

“(1) not later than 1 year after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facili-
ties Act of 2011, propose regulations to the Secretary for promulgation under section 1315(e)(1) of title 40, United States Code—

“(A) for determining facility security levels, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 180-day period; and

“(B) to establish risk-based performance standards for the security of Federal facilities, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 1-year period;

“(2) establish protocols for the testing of the compliance of Federal facilities with Federal security standards, including a mechanism for the initial and recurrent testing of Federal facilities;

“(3) prescribe regulations to determine minimum levels of training and certification of contract guards;

“(4) prescribe regulations to establish a list of prohibited items for entry into Federal facilities;

“(5) establish minimum requirements and a process for providing basic security training for members of Facility Security Committees; and
“(6) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including—

“(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

“(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

“(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

“(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

“(E) assisting the Secretary in developing and maintaining a secure centralized security database of all Federal facilities; and

“(7) carry out such other duties as assigned by the President.

“(h) APPEALS BOARD.—

“(1) Establishment.—The Committee shall establish an appeals board to consider appeals from

—
any Facility Security Committee or the Director of

(A) facility security level determination;

(B) Facility Security Committee decision
to disapprove a determination for necessary
countermeasures or physical security improve-
ments if the Director considered such a decision
a grave risk to the facility or its occupants; or

(C) determination of noncompliance with
Federal facility security standards.

(2) Membership.—

(A) in general.—The appeals board
shall consist of 7 members of the Committee, of
whom—

(i) 1 shall be designated by the Sec-

retary;

(ii) 4 shall be selected by the voting
members of the Committee; and

(iii) 2 shall be selected by the voting
members of the Committee to serve as al-
ternates in the case of recusal by a mem-
ber of the appeals board.

(B) recusal.—An appeals board mem-
ber shall recuse himself or herself from any ap-
peal from an agency which that member rep-
resents.

“(3) FINAL APPEAL.—A decision of the appeals
board is final and shall not be subject to administra-
tive or judicial review.

“(i) AGENCY SUPPORT AND COOPERATION.—

“(1) ADMINISTRATIVE SUPPORT.—

“(A) IN GENERAL.—To the extent per-
mitted by law and subject to the availability of
appropriations, the Secretary shall provide the
Committee such administrative services, funds,
facilities, staff and other support services as
may be necessary for the performance of the
functions of the Committee under this subtitle.

“(B) AUTHORIZATION OF APPROPRIA-
tions.—There are authorized to be appro-
priated to the Department such sums as nec-
essary to carry out the provisions of this para-
graph.

“(2) COOPERATION AND COMPLIANCE.—

“(A) IN GENERAL.—Each agency shall co-
operate and comply with the policies, standards,
and determinations of the Committee.

“(B) SUPPORT.—To the extent permitted
by law and subject to the availability of appro-
appropriations, agencies shall provide such support as may be necessary to enable the Committee to perform the duties and responsibilities of the Committee.

“(3) COMPLIANCE.—The Secretary shall be responsible for monitoring agency compliance with the policies and determinations of the Committee.

“(j) AUTHORIZATION.—There are authorized to be appropriated to the Department such sums as necessary to carry out the provisions of this section.

“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PROTECTIVE SERVICES.

“(a) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a process to authorize an agency to provide protective services for a Federal facility instead of the Federal Protective Service.

“(b) LAW ENFORCEMENT AUTHORITY.—The Federal Protective Service shall retain the law enforcement authorities of the Federal Protective Service at any Federal facilities where an exemption is approved under subsection (a).

“(c) REQUIREMENTS.—Except as provided under subsection (d), the process under subsection (a) shall—

“(1) provide that—
“(A) an agency may submit an application to the Secretary for an authorization;

“(B) an authorization shall be for a 2-year period;

“(C) an authorization may be renewed; and

“(D) not later than 60 days after an agency submits an application to the Secretary for an authorization, the Secretary shall respond to the agency; and

“(2) require an agency to—

“(A) demonstrate security expertise;

“(B) possess law enforcement authority;

“(C) provide sufficient information through a security plan that the agency shall be in compliance with the Federal security standards of the Committee; and

“(D) submit a cost benefit analysis demonstrating savings to be realized.

“(d) Authorization for Certain Department of Energy Facilities.—Nothing in this section shall—

“(1) alter authorizations in effect as of the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011 that have been provided to the
Department of Energy for headquarters facilities located in Washington, DC, and Germantown, Maryland; or

“(2) preclude the Secretary and the Secretary of Energy from renegotiating the terms of the authorizations for the Department of Energy headquarters facilities located in Washington, DC, and Germantown, Maryland, without regard to the requirements of subsection (e).

“SEC. 264. FACILITY SECURITY COMMITTEES.

“(a) IN GENERAL.—

“(1) MAINTENANCE OF FACILITY SECURITY COMMITTEES.—Except as provided under paragraph (2), the agencies that are tenants at each Federal facility shall maintain a Facility Security Committee for that Federal facility. Each agency that is a tenant at a Federal facility shall provide 1 employee to serve as a member of the Facility Security Committee.

“(2) EXEMPTIONS.—The Secretary may exempt a Federal facility from the requirement under paragraph (1), if that Federal facility is authorized under section 263 to provide protective services.

“(b) CHAIRPERSON.—
“(1) In general.—Each Facility Security Committee shall be headed by a chairperson, elected by a majority of the members of the Facility Security Committee.

“(2) Responsibilities.—The chairperson shall be responsible for—

“(A) maintaining accurate contact information for agency tenants and providing that information, including any updates, to the Federal Protective Service or designated security organization;

“(B) setting the agenda for Facility Security Committee meetings;

“(C) referring Facility Security Committee member questions to Federal Protective Service or designated security organization for response;

“(D) reviewing a security assessment completed by the Federal Protective Service or designated security organization representatives and, if requested by the Federal Protective Service or designated security organization, accompanying the representatives during on-site facility security assessments;
“(E) maintaining an official record of each meeting;

“(F) acknowledging receipt of the facility security assessment from Federal Protective Service or designated security organization;

“(G) maintaining records of training of or waivers for members of the Facility Security Committee; and

“(H) any other duties as determined by the Interagency Security Committee.

“(c) TRAINING FOR MEMBERS.—

“(1) IN GENERAL.—Except as provided under paragraphs (3) and (4), before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee.

“(2) TRAINING.—Training under this subsection shall—

“(A) be provided by the Federal Protective Service or designated security organization, in accordance with standards established by the Interagency Security Committee;

“(B) be commensurate with the security level of the facility; and
“(C) include training relating to—

“(i) familiarity with published standards of the Interagency Security Committee;

“(ii) physical security criteria for Federal facilities;

“(iii) use of physical security performance measures;

“(iv) facility security levels determinations;

“(v) best practices for safe mail handling;

“(vi) knowledge of an occupant emergency plan, the facility security assessment process, and the facility countermeasures plan; and

“(vii) the role of the Federal Protective Service or designated security organization and the General Services Administration.

“(3) WAIVERS.—The training requirement under this subsection may be waived by the Director, the head of a designated security organization, or the Chairperson of the Interagency Security Committee if the Director, the head of the designated se-
curity organization, or the Chairperson determines
that an employee has related experience in physical
security, law enforcement, or infrastructure security
disciplines.

“(4) INCUMBENT MEMBERS.—

“(A) IN GENERAL.—This subsection shall
apply to any Facility Security Committee estab-
lished before, on, or after the date of enactment
of the Supporting Employee Competency and
Updating Readiness Enhancements for Facili-
ties Act of 2011, except that any member of a
Facility Security Committee serving on that
date shall during the 1-year period following
that date—

“(i) successfully complete a training
course as required under paragraph (1); or

“(ii) obtain a waiver under paragraph
(3).

“(B) COMPLIANCE.—Any member of a Fa-
cility Security Committee described under sub-
paragraph (A) who does not comply with that
subparagraph may not serve on that Facility
Security Committee.

“(d) MEETINGS AND QUORUM.—
“(1) MEETINGS.—Each Facility Security Committee shall meet on a quarterly basis, or more frequently if determined appropriate by the chairperson.

“(2) QUORUM.—A majority of the members of a Facility Security Committee shall be present for a quorum to conduct business.

“(e) APPEAL.—

“(1) IN GENERAL.—If a Facility Security Committee disagrees with a determination of a facility security level or a determination of none compliance with Federal security standards, the Chairperson of a Facility Security Committee may file an appeal of the determination with the Interagency Security Committee appeals board.

“(2) DECISION TO APPEAL.—The decision to file an appeal shall be agreed to by a majority of the members of a Facility Security Committee.

“(3) MATTERS SUBJECT TO APPEAL.—A determination of the Federal Protective Service may be appealed under this subsection, including any determination relating to—

“(A) countermeasure improvements;

“(B) facility security assessment findings;

and
“(C) facility security levels.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—

The table of contents for the Homeland Security Act of 2002 is amended by inserting after the matter relating to title II the following:

“Subtitle E—Federal Protective Service

Sec. 241. Definitions.
Sec. 242. Establishment.
Sec. 243. Full-time equivalent employee requirements.
Sec. 244. Oversight of contract guard services.
Sec. 245. Infrastructure Security Canine Teams.
Sec. 246. Checkpoint detection technology standards.
Sec. 247. Compliance of Federal facilities with Federal security standards.
Sec. 248. Fees for protective services.

Subtitle F—Interagency Security Committee

Sec. 261. Definitions.
Sec. 262. Interagency Security Committee.
Sec. 263. Authorization of agencies to provide protective services.
Sec. 264. Facility security committees.”.

6 SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-DUTY CARRYING OF FIREARMS.

(a) LAW ENFORCEMENT AUTHORITY OF SECRETARY OF HOMELAND SECURITY.—Section 1315(b)(2) of title 40, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “While engaged in the performance of official duties, an” and inserting “An”; and

(2) in subparagraph (B), by striking “carry firearms;” and inserting “carry firearms on or off duty;”.

(b) CARRYING CONCEALED FIREARMS.—Section 926B(f) of title 18, United States Code, is amended by
inserting “, a law enforcement officer of the Federal Pro-
tective Service” after “Federal Reserve,”.

SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FED-
ERAL EMPLOYEES RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

(1) DEFINITION.—Section 8331 of title 5, United States Code is amended—

(A) in paragraph (30), by striking “and” at the end;

(B) in paragraph (31), by striking the pe-
riod and inserting “and”; and

(C) by adding at the end the following:

“(32) ‘Federal protective service officer’ means
an employee in the Federal Protective Service of the
Department of Homeland Security—

“(A) who holds a position within the GS–
0083, GS–0080, GS–1801, or GS–1811 job se-
ries (determined applying the criteria in effect
as of September 1, 2007 or any successor posi-
tion; and

“(B) who are authorized to carry firearms
and empowered to make arrests in the perform-
ance of duties related to the protection of build-
ings, grounds and property that are owned, oc-
cupied, or secured by the Federal Government
(including any agency, instrumentality or wholly
owned or mixed-ownership corporation thereof)
and the persons on the property, including any
such employee who is transferred directly to a
supervisory or administrative position in the
Department of Homeland Security after per-
forming such duties in 1 or more positions (as
described under subparagraph (A)) for at least
3 years.”.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
ITS.—Section 8334 of title 5, United States Code, is
amended—

(A) in subsection (a)(1)(A), by inserting
“Federal protective service officer,” before “or
customs and border protection officer,”; and

(B) in the table contained in subsection
(c), by adding at the end the following:

“Federal Protective Service Officer 7.5 After June 29, 2011.”.

(3) MANDATORY SEPARATION.—The first sen-
tence of section 8335(b)(1) of title 5, United States
Code, is amended by inserting “Federal protective
service officer,” before “or customs and border pro-
tection officer,.”.

(4) IMMEDIATE RETIREMENT.—Section 8336 of
title 5, United States Code, is amended—
(A) in subsection (e)(1), by inserting “Federal protective service officer,” before “or customs and border protection officer,”; and

(B) in subsections (m) and (n), by inserting “as a Federal protective service officer,” before “or as a customs and border protection officer,”.

(b) Federal Employees Retirement System.—

(1) Definition.—Section 8401 of title 5, United States Code, is amended—

(A) in paragraph (35), by striking “and” at the end;

(B) in paragraph (36), by striking the period and inserting “and”; and

(C) by adding at the end the following:


“(A) who holds a position within the GS–0083, GS–0080, GS–1801, or GS–1811 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position; and

“(B) who are authorized to carry firearms and empowered to make arrests in the perform-
ance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.”.

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by inserting “Federal protective service officer,” before “or customs and border protection officer,”.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by inserting “Federal protective service officer,” before “or customs and border protection officer,”.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

“Federal Protective Service Officer 7.5 After June 29, 2011.”.
(5) **Government Contributions.**—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting “Federal protective service officer,” before “customs and border protection officer,” each place that term appears.

(6) **Mandatory Separation.**—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by inserting “Federal protective service officer,” before “or customs and border protection officer,” the first place that term appears; and

(B) inserting “Federal protective service officer,” before “or customs and border protection officer,” the second place that term appears.

(e) **Maximum Age for Original Appointment.**—Section 3307 of title 5, United States Code, is amended by adding at the end the following:

“(h) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a Federal protective service officer, as defined by section 8401(37).”.
(d) Regulations.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary.

(e) Effective Date; Transition Rules; Funding.—

(1) Effective date.—The amendments made by this section shall become effective on the later of June 30, 2011 or the first day of the first pay period beginning at least 6 months after the date of enactment of this Act.

(2) Transition rules.—

(A) Nonapplicability of mandatory separation provisions to certain individuals.—The amendments made by subsections (a)(3) and (b)(6), respectively, shall not apply to an individual first appointed as a Federal protective service officer before the effective date under paragraph (1).

(B) Treatment of prior Federal protective service officer service.—

(i) General rule.—Except as provided in clause (ii), nothing in this section shall be considered to apply with respect to any service performed as a Federal protec-
tive service officer before the effective date
under paragraph (1).

(ii) EXCEPTION.—Service described in
section 8331(32) and 8401(37) of title 5,
United States Code (as amended by this
section) rendered before the effective date
under paragraph (1) may be taken into ac-
count to determine if an individual who is
serving on or after such effective date then
qualifies as a Federal protective service of-
icer by virtue of holding a supervisory or
administrative position in the Department

(C) MINIMUM ANNUITY AMOUNT.—The an-
uuity of an individual serving as a Federal pro-
tective service officer on the effective date
under paragraph (1) pursuant to an appoint-
ment made before that date shall, to the extent
that its computation is based on service ren-
dered as a Federal protective service officer on
or after that date, be at least equal to the
amount that would be payable to the extent
that such service is subject to the Civil Service
Retirement System or Federal Employees Re-
tirement System, as appropriate, by applying
section 8339(d) of title 5, United States Code, with respect to such service.

(D) Rule of construction.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) Fees and authorizations of appropriations.—

(A) Fees.—The Director of the Office of Management and Budget shall adjust fees as necessary to ensure collections are sufficient to carry out amendments made in this section.

(B) Authorization of appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(4) Election.—

(A) Incumbent defined.—For purposes of this paragraph, the term “incumbent” means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(B) Notice requirement.—Not later than 30 days after the date of enactment of
this Act, the Director of the Office of Personnel Management shall take measures reasonably de-
dsigned to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) Election available to incumbents.—

(i) In general.—An incumbent may elect, for all purposes, either—

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

(ii) Failure to make a timely election.—Failure to make a timely election under clause (i) shall be treated in the same way as an election made under clause (i)(I) on the last day allowable under clause (iii).

(iii) Deadline.—An election under this subparagraph shall not be effective
unless it is made at least 14 days before
the effective date under paragraph (1).

(5) DEFINITION.—For the purposes of this sub-
section, the term “Federal protective service officer”
has the meaning given such term by section
8331(32) or 8401(37) of title 5, United States Code
(as amended by this section).

(6) EXCLUSION.—Nothing in this section or
any amendment made by this section shall be consid-
ered to afford any election or to otherwise apply with
respect to any individual who, as of the day before
the date of the enactment of this Act—

(A) holds a position within the Federal
Protective Service; and

(B) is considered a law enforcement officer
for purposes of subchapter III of chapter 83 or
chapter 84 of title 5, United States Code, by
virtue of such position.

SEC. 6. REPORT ON FEDERAL PROTECTIVE SERVICE PER-
SONNEL NEEDS.

(a) IN GENERAL.—Not later than 90 days after the
date of enactment of this Act, the Secretary shall submit
a report to the appropriate congressional committees on
the personnel needs of the Federal Protective Service that
includes recommendations on the numbers of Federal pro-
tective service officers and the workforce composition of
the Federal Protective Service needed to carry out the
mission of the Federal Protective Service during the 10-
fiscal year period beginning after the date of enactment
of this Act.

(b) Review and Comment.—The Secretary shall
provide the report prepared under this section to a quali-
fied consultant for review and comment, before submitting
the report to the appropriate congressional committees.
The Secretary shall provide the comments of the qualified
consultant to the appropriate congressional committee
with the report.

SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTEC-
TIVE SERVICE CONTRACT GUARD WORK-
FORCE.

Not later than 90 days after the date of enactment
of this Act, the Secretary shall submit a report to the ap-
propriate congressional committees on—

(1) retention rates within the Federal Protec-
tive Service contract guard workforce; and

(2) how the retention rate affects the costs and
operations of the Federal Protective Service and the
security of Federal facilities.
SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING THE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

(a) In General.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of federalizing the Federal Protective Service contract guard workforce.

(b) Review and Comment.—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment, before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.

(c) Contents.—The report under this section shall include an evaluation of—

   (1) converting in its entirety, or in part, the Federal Protective Service contract workforce into full-time Federal employees, including an option to post a full-time equivalent Federal protective service officer at each Federal facility that on the date of enactment of this Act has a contract guard stationed at that facility;

   (2) the immediate and projected costs of the conversion;
(3) the immediate and projected costs of maintaining guards under contract status and of maintaining full-time Federal employee guards;

(4) the potential increase in security if converted, including an analysis of using either a Federal security guard, Federal police officer, or Federal protective service officer instead of a contract guard;

(5) the hourly and annual costs of contract guards and the Federal counterparts of those guards, including an assessment of costs associated with all benefits provided to the Federal counterparts; and

(6) a comparison of similar conversions of large groups of contracted workers and potential benefits and challenges.

SEC. 9. REPORT ON AGENCY FUNDING.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the method of funding for the Federal Protective Service, which shall include recommendations regarding whether the Federal Protective Service should continue to be funded by a collection of fees and security charges, be funded by appropriations,
or be funded by a combination of fees, security charges, and appropriations.

SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM ENTERING FEDERAL FACILITIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility, effectiveness, safety and privacy implications of the use or potential use of available methods to detect or prevent explosives from entering Federal facilities, including the use of additional canine teams, advanced imaging technology, or other technology or methods for detecting explosives.

SEC. 11. SAVINGS CLAUSE.

Nothing in this Act, including the amendments made by this Act, shall be construed to affect—

(1) the authorities under section 566 of title 28, United States Code;

(2) the authority of any Federal law enforcement agency other than the Federal Protective Service; or

(3) any authority of the Federal Protective Service not specifically enumerated by this Act that is in effect on the day before the date of enactment of this Act.