

106TH CONGRESS  
2D SESSION

# H. R. 809

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2000

Received; read twice and referred to the Committee on Environment and  
Public Works

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## AN ACT

To amend the Act of June 1, 1948, to provide for reform  
of the Federal Protective Service.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Protective  
3 Service Reform Act of 2000”.

4 **SEC. 2. DESIGNATION OF POLICE OFFICERS.**

5 The Act of June 1, 1948 (40 U.S.C. 318–318d), is  
6 amended—

7 (1) in section 1 by striking the section heading  
8 and inserting the following:

9 **“SECTION 1. POLICE OFFICERS.”;**

10 (2) in sections 1 and 3 by striking “special po-  
11 licemen” each place it appears and inserting “police  
12 officers”;

13 (3) in section 1(a) by striking “uniformed  
14 guards” and inserting “certain employees”; and

15 (4) in section 1(b) by striking “Special police-  
16 men” and inserting the following:

17 “(1) IN GENERAL.—Police officers”.

18 **SEC. 3. POWERS.**

19 Section 1(b) of the Act of June 1, 1948 (40 U.S.C.  
20 318(b)), is further amended—

21 (1) by adding at the end the following:

22 “(2) ADDITIONAL POWERS.—Subject to para-  
23 graph (3), a police officer appointed under this sec-  
24 tion is authorized while on duty—

25 “(A) to carry firearms in any State, the  
26 District of Columbia, the Commonwealth of

1 Puerto Rico, or any territory or possession of  
2 the United States;

3 “(B) to petition Federal courts for arrest  
4 and search warrants and to execute such war-  
5 rants;

6 “(C) to arrest an individual without a war-  
7 rant if the individual commits a crime in the of-  
8 ficer’s presence or if the officer has probable  
9 cause to believe that the individual has com-  
10 mitted a crime or is committing a crime; and

11 “(D) to conduct investigations, on and off  
12 the property in question, of offenses that have  
13 been or may be committed against property  
14 under the charge and control of the Adminis-  
15 trator or against persons on such property.

16 “(3) APPROVAL OF REGULATIONS BY ATTOR-  
17 NEY GENERAL.—The additional powers granted to  
18 police officers under paragraph (2) shall become ef-  
19 fective only after the Commissioner of the Federal  
20 Protective Service issues regulations implementing  
21 paragraph (2) and the Attorney General of the  
22 United States approves such regulations.

23 “(4) AUTHORITY OUTSIDE FEDERAL PROP-  
24 erty.—The Administrator may enter into agree-  
25 ments with State and local governments to obtain

1 authority for police officers appointed under this sec-  
2 tion to exercise, concurrently with State and local  
3 law enforcement authorities, the powers granted to  
4 such officers under this section in areas adjacent to  
5 property owned or occupied by the United States  
6 and under the charge and control of the Adminis-  
7 trator.”; and

8 (2) by moving the left margin of paragraph (1),  
9 as designated by section 2(4) of this Act, so as to  
10 appropriately align with paragraphs (2), (3), and  
11 (4), as added by paragraph (1) of this subsection.

12 **SEC. 4. PENALTIES.**

13 Section 4(a) of the Act of June 1, 1948 (40 U.S.C.  
14 318c(a)), is amended to read as follows:

15 “(a) IN GENERAL.—Except as provided in subsection  
16 (b), whoever violates any rule or regulation promulgated  
17 pursuant to section 2 shall be fined or imprisoned, or both,  
18 in an amount not to exceed the maximum amount pro-  
19 vided for a Class C misdemeanor under sections 3571 and  
20 3581 of title 18, United States Code.”.

21 **SEC. 5. SPECIAL AGENTS.**

22 Section 5 of the Act of June 1, 1948 (40 U.S.C.  
23 318d), is amended—

1           (1) by striking “nonuniformed special police-  
2       men” each place it appears and inserting “special  
3       agents”;

4           (2) by striking “special policeman” and insert-  
5       ing “special agent”; and

6           (3) by adding at the end the following: “Any  
7       such special agent while on duty shall have the same  
8       authority outside Federal property as police officers  
9       have under section 1(b)(4).”.

10 **SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**  
11 **SERVICE.**

12       (a) IN GENERAL.—The Act of June 1, 1948 (40  
13 U.S.C. 318–318d), is amended by adding at the end the  
14 following:

15 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**  
16 **SERVICE.**

17       “(a) IN GENERAL.—The Administrator of General  
18 Services shall establish the Federal Protective Service as  
19 a separate operating service of the General Services Ad-  
20 ministration.

21       “(b) APPOINTMENT OF COMMISSIONER.—

22           “(1) IN GENERAL.—The Federal Protective  
23 Service shall be headed by a Commissioner who shall  
24 be appointed by and report directly to the Adminis-  
25 trator.

1           “(2) QUALIFICATIONS.—The Commissioner  
2       shall be appointed from among individuals who have  
3       at least 5 years of professional law enforcement ex-  
4       perience in a command or supervisory position.

5           “(c) DUTIES OF THE COMMISSIONER.—The Commis-  
6       sioner shall—

7           “(1) assist the Administrator in carrying out  
8       the duties of the Administrator under this Act;

9           “(2) except as otherwise provided by law, serve  
10      as the law enforcement officer and security official  
11      of the United States with respect to the protection  
12      of Federal officers and employees in buildings and  
13      areas that are owned or occupied by the United  
14      States and under the charge and control of the Ad-  
15      ministrator (other than buildings and areas that are  
16      secured by the United States Secret Service);

17          “(3) render necessary assistance, as determined  
18      by the Administrator, to other Federal, State, and  
19      local law enforcement agencies upon request; and

20          “(4) coordinate the activities of the Commis-  
21      sioner with the activities of the Commissioner of the  
22      Public Buildings Service.

23   Nothing in this subsection may be construed to supersede  
24   or otherwise affect the duties and responsibilities of the

1 United States Secret Service under sections 1752 and  
2 3056 of title 18, United States Code.

3 “(d) APPOINTMENT OF REGIONAL DIRECTORS AND  
4 ASSISTANT COMMISSIONERS.—

5 “(1) IN GENERAL.—The Commissioner may ap-  
6 point regional directors and assistant commissioners  
7 of the Federal Protective Service.

8 “(2) QUALIFICATIONS.—The Commissioner  
9 shall select individuals for appointments under para-  
10 graph (1) from among individuals who have at least  
11 5 years of direct law enforcement experience, includ-  
12 ing at least 2 years in a supervisory position.”.

13 (b) PAY LEVEL OF COMMISSIONER.—Section 5316 of  
14 title 5, United States Code, is amended by inserting after  
15 the paragraph relating to the Commissioner of the Public  
16 Buildings Service the following:

17 “Commissioner, Federal Protective Service,  
18 General Services Administration.”.

19 **SEC. 7. PAY AND BENEFITS.**

20 (a) IN GENERAL.—The Act of June 1, 1948 (40  
21 U.S.C. 318–318d), is further amended by adding at the  
22 end the following:

23 **“SEC. 7. PAY AND BENEFITS.**

24 “Notwithstanding any other provision of law or any  
25 other rule or regulation, the pay and benefits for any em-

1 ployee of the Federal Protective Service who maintains ac-  
 2 tive law enforcement status under section 1 shall be deter-  
 3 mined in accordance with a pay and benefits package es-  
 4 tablished and maintained by the Administrator of General  
 5 Services that is equivalent to the pay scale and benefits  
 6 package applicable to members of the United States Cap-  
 7 ital Police. Such pay scale and benefits package shall be  
 8 established by regulation, shall apply with respect to the  
 9 pay period beginning January 1, 2001, and ending De-  
 10 cember 31, 2001 (and such other pay periods as may be  
 11 authorized by law), and shall not result in a decrease in  
 12 the pay or benefits of any individual for such pay period.”.

13 (b) CONFORMING AMENDMENT.—Section 1(a) of  
 14 such Act (40 U.S.C. 318(a)), is amended by striking  
 15 “without additional compensation”.

16 **SEC. 8. NUMBER OF POLICE OFFICERS.**

17 (a) IN GENERAL.—The Act of June 1, 1948 (40  
 18 U.S.C. 318–318d), is further amended by adding at the  
 19 end the following:

20 **“SEC. 8. NUMBER OF POLICE OFFICERS.**

21 “After the 1-year period beginning on the date of the  
 22 enactment of this section, there shall be at least 730 full-  
 23 time equivalent police officers in the Federal Protective  
 24 Service. This number shall not be reduced unless specifi-  
 25 cally authorized by law.”.



1 **SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

2 The Act of June 1, 1948 (40 U.S.C. 318–318d), is  
3 further amended by adding at the end the following:

4 **“SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

5 “The Commissioner of the Federal Protective Service  
6 shall prescribe minimum standards of suitability for em-  
7 ployment to be applied in the contracting of security per-  
8 sonnel for buildings and areas that are owned or occupied  
9 by the United States and under the control and charge  
10 of the Administrator of General Services.”.

11 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

12 The Act of June 1, 1948 (40 U.S.C. 318–318d), is  
13 further amended by adding at the end the following:

14 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

15 “There is authorized to be appropriated from the  
16 Federal Buildings Fund established by section 210(f) of  
17 the Federal Property and Administrative Services Act of  
18 1949 (40 U.S.C. 490(f)) such sums as may be necessary  
19 to carry out this Act.”.

Passed the House of Representatives June 27, 2000.

Attest:

JEFF TRANDAHL,

*Clerk.*