

111TH CONGRESS
2D SESSION

H. R. 5053

To amend the Homeland Security Act of 2002 to enhance the Federal Protective Service’s ability to provide adequate security for the prevention of terrorist activities and for the promotion of homeland security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2010

Mr. DENT (for himself, Mr. KING of New York, Mr. McCAUL, Mr. AUSTRIA, and Mr. OLSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Homeland Security Act of 2002 to enhance the Federal Protective Service’s ability to provide adequate security for the prevention of terrorist activities and for the promotion of homeland security, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Protective
5 Service Reform and Enhancement Act of 2010”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FED-**
2 **ERAL PROTECTIVE SERVICE.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated to the Director of the Federal Protective Service
5 \$246,000,000 for fiscal year 2011 to carry out Federal
6 Protective Service counterterrorism functions, including—

- 7 (1) law enforcement on federally controlled
8 property;
9 (2) incident investigations;
10 (3) suspect capture and detention;
11 (4) 24-hour security alarm monitoring;
12 (5) nationwide dispatch services;
13 (6) facility security assessments; and
14 (7) terrorism prevention.

15 (b) SUFFICIENT FUNDING TO EFFECTIVELY DOU-
16 BLE THE SIZE OF THE FEDERAL PROTECTIVE SERVICE
17 INSPECTOR FORCE.—In addition to amounts authorized
18 under subsection (a), the Federal Protective Service is au-
19 thorized 1,200 full-time equivalent positions in the Fed-
20 eral Protective Service inspector force that monitor per-
21 formance of security personal services procured by con-
22 tract.

23 **SEC. 3. FEDERAL PROTECTIVE SERVICE AUTHORITY TO**
24 **CARRY OUT BASIC SECURITY FUNCTIONS.**

25 (a) IN GENERAL.—Section 1315(a) of title 40,
26 United States Code, is amended by—

1 (1) striking “(a) IN GENERAL.—” and insert-
2 ing the following:

3 “(a) IN GENERAL.—

4 “(1) PROTECTION OF FEDERAL PROPERTY.—”;

5 and

6 (2) by adding at the end the following new
7 paragraph:

8 “(2) AUTHORITY OVER GSA PROPERTIES.—The
9 Secretary, acting through the Federal Protective
10 Service, shall have the lead authority in the execu-
11 tive branch to carry out counterterrorism functions
12 on Federal property managed by the General Serv-
13 ices Administration (including property leased by the
14 General Services Administration), including—

15 “(A) law enforcement on federally con-
16 trolled property;

17 “(B) incident investigations;

18 “(C) suspect capture and detention;

19 “(D) 24-hour security alarm monitoring;

20 “(E) nationwide dispatch services;

21 “(F) facility security assessments; and

22 “(G) terrorism prevention.

23 “(3) AGREEMENTS WITH OTHER LAW EN-
24 FORCEMENT AUTHORITIES.—Nothing in this sub-
25 section shall preempt the Federal Protective Service

1 from entering into agreements with other Federal,
2 State, or local law enforcement authorities to provide
3 security or respond to incidents on property that is
4 under the jurisdiction and control of the Adminis-
5 trator of General Services.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 1315(g) of title 40, United States
8 Code, is amended by striking “Nothing” and insert-
9 ing “Subject to subsection (a)(2), nothing”.

10 (2) Section 1706(b)(2) of the Homeland Secu-
11 rity Act of 2002 (40 U.S.C. 1315 note) is amended
12 by striking “The Secretary” and inserting “Subject
13 to subsection (a)(2), the Secretary”.

14 **SEC. 4. STRATEGIC PLAN REQUIREMENT.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Homeland
17 Security shall submit to Congress a 5-year budget outlook
18 and strategic plan for the Federal Protective Service that
19 includes the following:

20 (1) Estimates of staffing and associated costs
21 the Federal Protective Service requires in order to
22 provide basic security functions.

23 (2) Estimates of staffing and associated costs
24 the Federal Protective Service requires in order to

1 assess the need for and, as appropriate, provide
2 building specific security countermeasures.

3 (3) Estimates of staffing and associated cost
4 the Federal Protective Service requires for reimburs-
5 able agency-specific security work authorization
6 functions.

7 (4) Reviews of the performance of contractor-
8 provided security guards that assesses both quality
9 and cost of individual private contract guard compa-
10 nies performing Federal Protective Service guard
11 functions under contract.

12 (b) UPDATES.—The Secretary shall include an an-
13 nual update of such plan with the President’s annual
14 budget submission to the Congress.

15 **SEC. 5. FACILITY SECURITY RISK ASSESSMENTS.**

16 (a) IN GENERAL.—The Secretary of Homeland Secu-
17 rity, acting through the Director of Federal Protective
18 Service, shall—

19 (1) conduct facility security assessments in con-
20 sultation with the facility security committee estab-
21 lished for a facility;

22 (2) prepare a report on each assessment, in-
23 cluding recommendations of countermeasures
24 against a terrorist attack to ensure the security of
25 the facility concerned; and

1 (3) give the facility security committee estab-
2 lished for such a facility a 60-day period to review
3 and comment on each report.

4 (b) SELECTION OF RECOMMENDATIONS FOR IMPLE-
5 MENTATION.—

6 (1) SELECTION BY GSA.—Upon the completion
7 of the period for review and comment under sub-
8 section (a)(3)—

9 (A) the Director shall submit the assess-
10 ment report to the Administrator of General
11 Services; and

12 (B) the Administrator may select for im-
13 plementation any of the recommendations of
14 countermeasures in the report for implementa-
15 tion.

16 (2) NOTIFICATION OF NONSELECTION.—If the
17 Administrator determines that any of the rec-
18 ommendations of countermeasures in a report sub-
19 mitted under paragraph (1) should not be imple-
20 mented for a facility, the Administrator shall notify
21 the head of each Federal agency in the facility and
22 the facility security committee for the facility that
23 the recommendation will not be implemented, includ-
24 ing the reasons why.

1 (3) SELECTION BY FACILITY SECURITY COM-
2 MITTEE.—If a facility security committee receives
3 notice under paragraph (2) regarding any rec-
4 ommendations, it may select any of the rec-
5 ommendations for implementation.

6 (c) REIMBURSEMENT.—If any of the recommenda-
7 tions in a report submitted under subsection (a) is selected
8 by the Administrator or a facility security committee
9 under subsection (c) for implementation—

10 (1) the Director shall implement the rec-
11 ommendation;

12 (2) the Administrator shall allocate to the Fed-
13 eral agencies in that facility the costs incurred by
14 the Federal Protective Service for such implementa-
15 tion; and

16 (3) each such agency shall reimburse the Fed-
17 eral Protective Service for the costs allocated to the
18 agency by the Administrator.

19 (d) ANNUAL REPORT.—The Director shall submit an
20 annual report to Congress on the disposition of rec-
21 ommendations included in reports under this section that
22 the Administrator did not select for implementation.

23 (e) FACILITY SECURITY COMMITTEE DEFINED.—In
24 this section the term “facility security committee” means
25 a facilities facility security committee established pursuant

1 to the report entitled “Vulnerability Assessment of Fed-
2 eral Facilities”, issued by the Interagency Security Com-
3 mittee established by Executive Order 12977.

4 **SEC. 6. CONTRACT GUARD STAFF.**

5 (a) MINIMUM STANDARDS FOR TRAINING AND AN-
6 NUAL RECERTIFICATION.—The Secretary of Homeland
7 Security shall develop minimum standards for training
8 and annual recertification for the Federal Protective Serv-
9 ice’s contract guards including—

10 (1) minimum fitness standards;

11 (2) annual recertification on access control poli-
12 cies and control equipment, including x-ray and
13 magnetometer training;

14 (3) training in arrest and control procedures;

15 (4) training in operation of emergency equip-
16 ment;

17 (5) basic first aid and CPR training and certifi-
18 cation;

19 (6) weapons training, as applicable; and

20 (7) behavior detection training.

21 (b) PILOT PROGRAM.—

22 (1) IN GENERAL.—Within 1 year after the date
23 of enactment of this Act, the Director shall establish
24 a 3-year pilot program in not less than 3 level IV
25 facilities to test and evaluate—

1 (A) to what extent efficiencies exist in hav-
2 ing a federalized guard staff; and

3 (B) to what extent such a federalized
4 guard staff provides a measurable improvement
5 in facility or personnel security.

6 (2) REPORT.—Not later than 120 days before
7 the commencement of the program, the Director
8 shall report to Congress regarding what performance
9 metrics will be considered in measuring improvement
10 in efficiencies and security provided by such a fed-
11 eralized guard staff.

12 (3) MONITORING BY GAO.—The Comptroller
13 General of the United States—

14 (A) shall monitor and review the conduct
15 of the pilot program; and

16 (B) shall submit to Congress and the Sec-
17 retary of Homeland Security an interim report
18 6 months after the commencement of the pilot
19 program, and a final report within 120 days
20 after the conclusion of the pilot program, that
21 each addresses whether—

22 (i) the Secretary has established suffi-
23 cient mechanisms to determine whether the
24 pilot program provides efficiencies in pro-
25 tecting Federal facilities;

- 1 (ii) the pilot program consists of an
2 adequate sample of level IV facilities; and
3 (iii) there are cost savings and secu-
4 rity enhancements realized by having a
5 federalized guard force.

6 **SEC. 7. SITE INSPECTIONS.**

7 (a) RIGHT OF ENTRY.—For purposes of carrying out
8 this Act, the Secretary of Homeland Security shall have,
9 on presentation of credentials, a right of entry to, on, or
10 through any property for which security is provided by the
11 Federal Protective Service.

12 (b) INSPECTIONS AND VERIFICATIONS.—

13 (1) IN GENERAL.—The Secretary shall, at such
14 time and place as the Secretary determines to be
15 reasonable and appropriate, conduct security inspec-
16 tions and verifications for property for which secu-
17 rity is provided by the Federal Protective Service.

18 (2) UNANNOUNCED INSPECTIONS.—In addition
19 to any inspection conducted pursuant to paragraph
20 (1), the Secretary shall require such properties to
21 undergo unannounced security inspections. The in-
22 spections required under this paragraph shall be—

23 (A) conducted without prior notice to the
24 facility;

1 (B) designed to evaluate undergoing in-
2 spection—

3 (i) the ability of the Federal Protec-
4 tive Service security and contract guards
5 to prevent an incident that applicable secu-
6 rity performance standards are intended to
7 prevent;

8 (ii) the ability of the Federal Protec-
9 tive Service security and contract guards
10 to protect against terrorist threats that are
11 required to be addressed by applicable per-
12 formance standards; and

13 (iii) any weaknesses in the security
14 plan of the facility;

15 (C) conducted so as not to affect the ac-
16 tual security, physical integrity, or safety of the
17 property or its employees while the inspection is
18 conducted; and

19 (D) conducted at least—

20 (i) every year in the case of a level IV
21 facility;

22 (ii) every 2 years in the case of a level
23 III facility;

24 (iii) every 3 years in the case of a
25 level II facility; and

1 (iv) every four years in the case of a
2 level I facility.

3 (c) REPORT.—The Secretary shall report annually
4 with the President’s budget submission to Congress on
5 covert testing strategy and results of unannounced inspec-
6 tions under this section.

7 **SEC. 8. PROMOTION OF FEDERAL PROTECTIVE SERVICE**
8 **TECHNOLOGY AND TRAINING.**

9 (a) IN GENERAL.—Within 6 months of the date of
10 enactment of this Act, the Director of the Federal Protec-
11 tive Service, in consultation with the Assistant Secretary,
12 Transportation Security Administration, shall publish—

13 (1) a list of qualified vendors and a list of
14 qualified products that would promote common
15 standards of deployment of personnel and tech-
16 nology;

17 (2) standards for training personnel, among all
18 Federal Protective Service protected properties; and

19 (3) best practices for utilizing items on the
20 qualified products list so they are utilized in the
21 most effective manner, including a process to best
22 utilize existing products currently deployed.

23 (b) REQUIREMENT TO USE LISTS.—

24 (1) IN GENERAL.—Following the publication of
25 the qualified vendors list and the qualified products

1 list under subsection (a), the Federal Protective
2 Service may not enter into any contractual arrange-
3 ment for services or products covered by such lists—

4 (A) with any person that is not included on
5 the qualified vendors list;

6 (B) for procurement of any product that is
7 not included on the qualified products list; or

8 (C) under which a subcontract may be
9 awarded to a person that is not included on the
10 qualified vendors list.

11 (2) LIMITATION ON APPLICATION.—

12 (A) IN GENERAL.—Paragraph (1) shall not
13 apply to any contract the Director of the Fed-
14 eral Protective Service determines to be nec-
15 essary to carry out the security missions of the
16 Federal Protective Service.

17 (B) NOTIFICATION TO CONGRESS.—The
18 Director shall notify the Committee on Home-
19 land Security of the House of Representatives
20 and the Committee on Homeland Security and
21 Governmental Affairs of the Senate in writing
22 within 30 days after entering any contract
23 under this paragraph, setting forth the deter-
24 mination under subparagraph (A) and the basis
25 for that determination.

1 (c) COOPERATIVE AGREEMENT.—Within 6 months
2 after the date of enactment of this Act, the Secretary of
3 Homeland Security shall require the Assistant Secretary,
4 Transportation Security Administration, the Under Sec-
5 retary for Science and Technology, and the Under Sec-
6 retary for National Protection and Programs to enter into
7 a memorandum of understanding, or similar cooperative
8 agreement, pursuant to which the Transportation Security
9 Laboratory will provide the Federal Protective Service
10 with expertise, consultation, exchange of information, and
11 testing for technology covered by the qualified vendors list
12 and the qualified products list required by this section.

13 **SEC. 9. PROHIBITED ITEMS LIST.**

14 (a) IN GENERAL.—Not later than the end of the 180-
15 day period beginning on the date of enactment of this Act,
16 the Secretary of Homeland Security, acting through the
17 Under Secretary of the National Programs and Protection
18 Directorate and in consultation with Administrator of
19 General Services, shall issue and implement a list of items,
20 including component parts, that are prohibited from being
21 brought into facilities protected by Federal Protective
22 Service, unless specifically authorized on a case-by-case
23 basis by the Secretary or the Secretary’s designee.

24 (b) ADDITIONAL ITEMS.—Nothing in this section
25 prohibits a facility security committee from prohibiting

1 items that are not included on such list from being
2 brought into the facility of that committee.

3 (c) FAILURE TO ISSUE LIST.—If the Secretary of
4 Homeland Security fails to implement a prohibited items
5 list in accordance with subsection (a), then the prohibited
6 items list established by the Transportation Security Ad-
7 ministration for civilian aviation shall apply for facilities
8 protected by Federal Protective Service—

9 (1) effective upon expiration of the period re-
10 ferred to in subsection (a); and

11 (2) until such time as the Secretary, acting
12 through the Under Secretary of the National Pro-
13 grams and Protection Directorate, issues a prohib-
14 ited items list described in subsection (a).

15 (d) FACILITY SECURITY COMMITTEE DEFINED.—In
16 this section the term “facility security committee” means
17 a facility security committee established pursuant to the
18 report entitled “Vulnerability Assessment of Federal Fa-
19 cilities”, issued by the Interagency Security Committee es-
20 tablished by Executive Order 12977.

21 **SEC. 10. REPORT REQUIREMENT.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Secretary shall submit
24 to Congress the following:

1 (1) A strategy for more effectively managing
2 the contract guard program of the Federal Protec-
3 tive Service that ensures there is adequate oversight
4 and monitoring of training for such program.

5 (2) A status report on the implementation of
6 the RAMP program, including an estimated date by
7 which it will be fully operational.

8 (3) Estimates of the additional manpower, re-
9 sources, and funding the Federal Protective Service
10 would need in order to provide security for high-pro-
11 file terror trials in multiple or varying locations.

12 (4) A status report on the implementation of
13 the CADIS program, including an estimated date by
14 which it will be fully operational.

15 (5) A coordinated strategy for cooperation be-
16 tween the Under Secretary of National Programs
17 and Protection and the Under Secretary for Science
18 and Technology regarding research, development,
19 and deployment of security technology conducted by
20 the Transportation Security Laboratory.

21 (b) DEFINITIONS.—In this section:

22 (1) CADIS PROGRAM.—The term “CADIS pro-
23 gram” means the Computer Aided Dispatch Infor-
24 mation System of the Federal Protective Service.

1 (2) RAMP PROGRAM.—The term “RAMP pro-
2 gram” means the Risk Assessment and Management
3 Program of the Federal Protective Service.

○