

111TH CONGRESS  
2D SESSION

# H. R. 6122

To enhance homeland security, including domestic preparedness and collective response to terrorism, by improving the Federal Protective Service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2010

Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON LEE of Texas, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To enhance homeland security, including domestic preparedness and collective response to terrorism, by improving the Federal Protective Service, 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 Improvement and Accountability Act of 2010”.

1 **SEC. 2. FEDERAL PROTECTIVE SERVICE INSPECTORS AND**  
2 **CONTRACT OVERSIGHT FORCE.**

3 Section 1315 of title 40, United States Code, is  
4 amended by redesignating subsections (c) through (e) as  
5 subsections (f) through (h), and by inserting after sub-  
6 section (b) the following new subsections:

7 “(c) INSPECTORS.—

8 “(1) IN GENERAL.—The Secretary shall main-  
9 tain no fewer than 1,350 full-time equivalent posi-  
10 tions in the Federal Protective Service inspector  
11 force, who shall be fully trained Federal law enforce-  
12 ment officers.

13 “(2) CLASSIFICATION.—The Secretary shall  
14 classify the positions in the inspector force in the  
15 following 2 functional categories:

16 “(A) FACILITY SECURITY ASSESSMENT.—  
17 Federal Facility Security Officers, who shall be  
18 responsible for—

19 “(i) performing facility security as-  
20 sessments, including contract guard post  
21 inspections;

22 “(ii) making security countermeasure  
23 recommendations for facilities;

24 “(iii) participating in security training  
25 and disseminating homeland security infor-  
26 mation, consistent with applicable protocols

1 and protections, to building occupants and  
2 facility security guards, including contract  
3 guards; and

4 “(iv) assessing, on an ongoing basis,  
5 the security of each facility protected by  
6 the Federal Protective Service and the ex-  
7 tent to which security countermeasure rec-  
8 ommendations have been implemented for  
9 each such facility.

10 “(B) SECURITY ENFORCEMENT AND IN-  
11 VESTIGATIONS.—Law enforcement officers, who  
12 shall be responsible for—

13 “(i) patrolling and on-site monitoring  
14 of the physical security, including perim-  
15 eter security, of each facility;

16 “(ii) investigations; and

17 “(iii) physical law enforcement in the  
18 event of a terrorist attack, security inci-  
19 dent, or other incident.

20 “(d) CONTRACT OVERSIGHT.—

21 “(1) IN GENERAL.—The Secretary shall estab-  
22 lish the Federal Protective Service contract oversight  
23 force, which shall consist of full-time equivalent posi-  
24 tions and who shall be responsible for, in coordina-

1       tion with the Federal Protective Service inspector  
2       force—

3               “(A) monitoring contracts, contractors,  
4               and contract guards provided by contractors;

5               “(B) performing annual evaluations of the  
6               persons holding contracts for supplying contract  
7               guards to the Federal Protective Service; and

8               “(C) verifying that contract guards have  
9               necessary training and certification.

10              “(2) LIMITATION ON PERFORMANCE OF FUNC-  
11              TIONS.—The contract oversight functions described  
12              in paragraph (1) shall not be performed by law en-  
13              forcement officers or individuals employed pursuant  
14              to subsection (c).

15              “(e) UNIFORM MINIMUM STANDARDS.—

16              “(1) IN GENERAL.—Not later than one year  
17              after the date of enactment of the Federal Protective  
18              Service Improvement and Accountability Act of  
19              2010, the Secretary shall establish minimum train-  
20              ing and certification standards for security guard  
21              services at facilities protected by the Federal Protec-  
22              tive Service.

23              “(2) LIMITATION.—Upon establishment of min-  
24              imum training and certification standards, the Sec-  
25              retary, acting through the Director of the Federal

1 Protective Service, shall require that all contracts  
2 for security guard services comply with these stand-  
3 ards.”.

4 **SEC. 3. COMPLIANCE WITH INTERAGENCY SECURITY COM-**  
5 **MITTEE MINIMUM SECURITY STANDARDS.**

6 It is the sense of Congress that the security standards  
7 for Federal facilities established by the Interagency Secu-  
8 rity Committee in the document entitled “Physical Secu-  
9 rity Criteria for Federal Facilities: An Interagency Secu-  
10 rity Committee Standard”, as approved by concurrence of  
11 the Committee membership on April 12, 2010, should be  
12 implemented for all Federal facilities for which they were  
13 issued.

14 **SEC. 4. RESEARCH.**

15 (a) IN GENERAL.—Within 6 months after the date  
16 of enactment of this Act, the Secretary of Homeland Secu-  
17 rity, acting through the Director of the Federal Protective  
18 Service, shall commence a 1-year pilot program to re-  
19 search the advantages of converting guard positions at the  
20 highest-risk Federal facilities protected by the Federal  
21 Protective Service from contract guard positions to posi-  
22 tions held by Federal employees.

23 (b) REQUIREMENTS.—At a minimum, the Secretary  
24 shall conduct the research pilot program at one level III  
25 facility and one level IV facility in each of Federal Protec-

1 tive Service regions I, III, V, and VII by hiring individuals  
2 to fill guard positions at each facility that participates in  
3 the research pilot in accordance with subsection (c).

4 (c) FEDERAL FACILITY SECURITY GUARD POSI-  
5 TION.—

6 (1) IN GENERAL.—For purposes of this section,  
7 and subject to the availability of appropriations, the  
8 Secretary, acting through the Director, shall estab-  
9 lish and hire individuals for a Federal facility secu-  
10 rity guard position.

11 (2) TRAINING.—The Secretary shall provide to  
12 individuals employed in that position training in—

13 (A) performing the physical security for a  
14 Federal facility, including access point controls  
15 and security countermeasure operations;

16 (B) participating in information sharing  
17 and dissemination of homeland security infor-  
18 mation, consistent with applicable protocols and  
19 protections; and

20 (C) responding to specific security inci-  
21 dents, including preparing for and responding  
22 to an act of terrorism, that can occur at Fed-  
23 eral facilities, including response with force if  
24 necessary.

1           (3) LAW ENFORCEMENT OFFICERS NOT RE-  
2        QUIRED.—The Secretary may not require that indi-  
3        viduals employed in such position be Federal law en-  
4        forcement officers.

5        (d) TEMPORARY ASSIGNMENTS.—The Secretary may  
6        assign, on a temporary basis, existing personnel employed  
7        by the Federal Protective Service, on a temporary basis,  
8        to facilities that participate in the research pilot program  
9        to perform security guard services in furtherance of the  
10       pilot program, if the Secretary determines that individuals  
11       cannot be hired and trained pursuant to subsection (c) in  
12       a timely manner.

13       (e) MAINTENANCE OF LAW ENFORCEMENT PER-  
14       SONNEL.—Notwithstanding any other provision of this  
15       section, the Secretary shall maintain at each highest-risk  
16       Federal facility protected by the Federal Protective Serv-  
17       ice (level III and level IV facilities) such number of Fed-  
18       eral law enforcement officers as is necessary to provide  
19       arrest authority and law enforcement support at that facil-  
20       ity, including support for the Federal facility security  
21       guards employed under this section, in the event of a ter-  
22       rorist attack, security incident or other incident.

23       (f) GAO REPORTS.—The Comptroller General of the  
24       United States shall—

1           (1) periodically review and report to Congress  
2           on the performance by Federal facility security  
3           guards under the pilot program; and

4           (2) upon completion of the pilot program, sub-  
5           mit a final report to the Committee on Homeland  
6           Security of the House of Representatives and the  
7           Committee on Homeland Security and Governmental  
8           Affairs of the Senate evaluating whether or not the  
9           performance of individuals in the Federal facility se-  
10          curity guard positions was satisfactory, that—

11                (A) evaluates—

12                   (i) the extent to which the Federal  
13                   Protective Service ensures that individuals  
14                   serving in the Federal facility security  
15                   guard capacity have the required training  
16                   and certifications before being deployed to  
17                   a Federal facility;

18                   (ii) the extent to which the Federal  
19                   Protective Service ensures that individuals  
20                   in the Federal facility security guard ca-  
21                   pacity comply with post orders once they  
22                   are deployed at Federal facilities; and

23                   (iii) the extent to which security  
24                   vulnerabilities exist that the Comptroller  
25                   General determines are related to the per-

1                   formance of the functions of the Federal  
2                   security guard positions; and

3                   (B) compares such evaluation results  
4                   against the results of previous Comptroller Gen-  
5                   eral reports evaluating the performance and  
6                   oversight of the Federal Protective Service's  
7                   contract guard program.

8           (g) IMPLEMENTATION.—If the Comptroller General  
9           states in the final report under subsection (f)(2) that the  
10          Federal facility security guards employed in the position  
11          established under subsection (c) are performing satisfac-  
12          torily, the Secretary shall replace contract guards at all  
13          highest risk Federal facilities protected by the Federal  
14          Protective Service (level III and level IV facilities) with  
15          Federal employees hired as Federal facility security  
16          guards.

17          (h) GAO EVALUATION OF THE FEDERAL PROTEC-  
18          TIVE SERVICE FEE-BASED FUNDING SYSTEM.—The  
19          Comptroller General of the United States shall submit to  
20          the Committee on Homeland Security of the House of  
21          Representatives and the Committee on Homeland Security  
22          and Governmental Affairs of the Senate a review the fee-  
23          based funding system in use by the Federal Protective  
24          Service and, as appropriate, issue recommendations for al-  
25          ternative approaches to fund the agency in furtherance of

1 the agency's operations, including the execution of its  
2 homeland security and protection missions. The review  
3 shall include—

4 (1) an assessment of the extent to which the  
5 current fee-based system fully funds the agency's ac-  
6 tivities;

7 (2) an assessment of the extent to which the  
8 system is properly designed to ensure that the fees  
9 charged to occupants of facilities guarded by the  
10 agency are sufficient and appropriate;

11 (3) an assessment of the extent to which the  
12 fee-based system impedes the agency from executing  
13 its operations and implementing oversight, inspec-  
14 tions, and security enhancements; and

15 (4) recommendations, as appropriate, for alter-  
16 ations to the current system and alternative funding  
17 approaches (including a mix of fees and appropria-  
18 tions).

19 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated for fiscal years 2011,  
21 2012, and 2013 such sums as are necessary for purposes  
22 of this section.

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