

Calendar No. 684

111TH CONGRESS
2D SESSION**S. 3806**

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

SEPTEMBER 20, 2010

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

DECEMBER 10, 2010

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Employee
5 Competency and Updating Readiness Enhancements for

1 Facilities Act of 2010” or the “~~SECURE~~ Facilities Act
2 of 2010”.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 ~~(1) APPROPRIATE CONGRESSIONAL COMMIT-~~
6 ~~TEES.—The term “appropriate congressional com-~~
7 ~~mittees” means—~~

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

10 ~~(B) the Committee on Appropriations of~~
11 ~~the Senate;~~

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

14 ~~(D) the Committee on Transportation and~~
15 ~~Infrastructure of the House of Representatives;~~
16 ~~and~~

17 ~~(E) the Committee on Appropriations of~~
18 ~~the House of Representatives.~~

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

21 ~~(3) FEDERAL FACILITY.—The term “Federal~~
22 ~~facility”—~~

23 ~~(A) means any building and grounds and~~
24 ~~all property located in or on that building and~~
25 ~~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 any building, grounds,
or property used for military activities.

(4) ~~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 by the Secretary.

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

(6) ~~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:

1 **“Subtitle E—Federal Protective**
 2 **Service**

3 **“SEC. 241. DEFINITIONS.**

4 “~~In this subtitle:~~

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

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

10 “(A) ~~the Committee on Homeland Security~~
 11 ~~and Governmental Affairs of the Senate;~~

12 “(B) ~~the Committee on Appropriations of~~
 13 ~~the Senate;~~

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

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

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

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

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

1 “(A) means a rating of each Federal facil-
2 ity based on the analysis of several facility fac-
3 tors that provides a basis for that facility’s
4 attractiveness as a target and potential affects
5 or consequences of a criminal or terrorist at-
6 tack, which then serves as a basis for the imple-
7 mentation of certain levels of security protec-
8 tion; and

9 “(B) is determined by the Federal Protec-
10 tive Service, or agency authorized to provide all
11 protective services for a facility under the provi-
12 sions of section 263 and guided by Interagency
13 Security Committee standards.

14 “(5) FEDERAL FACILITY.—The term ‘Federal
15 facility’—

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

23 “(B) does not include any building,
24 grounds, or property used for military activities.

1 “(6) ~~FEDERAL FACILITY PROTECTED BY THE~~
 2 ~~FEDERAL PROTECTIVE SERVICE.~~—The term ‘Federal
 3 facility protected by the Federal Protective Serv-
 4 ice’—

5 “(A) means those facilities owned or leased
 6 by the General Services Administration; and
 7 other facilities at the discretion of the Sec-
 8 retary; and

9 “(B) does not include any facility; or por-
 10 tion thereof; which the United States Marshals
 11 Service is responsible for under section 566 of
 12 title 28, United States Code.

13 “(7) ~~FEDERAL PROTECTIVE SERVICE OFFI-~~
 14 ~~CER.~~—The term ‘Federal protective service offi-
 15 cer’—

16 “(A) has the meaning given under sections
 17 8331 and 8401 of title 5, United States Code;
 18 and

19 “(B) includes any other employee of the
 20 Federal Protective Service designated as a Fed-
 21 eral protective service officer by the Secretary.

22 “(8) ~~INFRASTRUCTURE SECURITY CANINE~~
 23 ~~TEAM.~~—The term ‘infrastructure security canine
 24 team’ means a canine and a Federal protective serv-

1 ice officer that are trained to detect explosives or
 2 other threats as defined by the Secretary.

3 “(9) ~~IN-SERVICE FIELD STAFF.~~—The term ‘in-
 4 service field staff’ means Federal Protective Service
 5 law enforcement officers who, while working, are di-
 6 rectly engaged on a daily basis protecting and en-
 7 forcing law at Federal facilities, including police offi-
 8 cers, inspectors, area commanders and special
 9 agents, and such other equivalent positions as des-
 10 ignated by the Secretary.

11 “(10) ~~SECURITY ORGANIZATION.~~—The term
 12 ‘security organization’ means an agency or an inter-
 13 nal agency component responsible for security at a
 14 specific Federal facility.

15 **“SEC. 242. ESTABLISHMENT.**

16 “(a) ~~ESTABLISHMENT.~~—There is established the
 17 Federal Protective Service within the Department of
 18 Homeland Security.

19 “(b) ~~MISSION.~~—The mission of the Federal Protec-
 20 tive Service is to render Federal facilities protected by the
 21 Federal Protective Service safe and secure for Federal em-
 22 ployees, officials, and visitors in a professional manner.

23 “(c) ~~DIRECTOR.~~—The head of the Federal Protective
 24 Service shall be the Director of the Federal Protective

1 Service. The Director shall report to the Under Secretary
 2 for the National Protection and Programs Directorate.

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

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

9 ~~“(2) PROTECTION.—~~The Director shall secure
 10 Federal facilities which are protected by the Federal
 11 Protective Service, and safeguard all occupants, in-
 12 cluding Federal employees, officers, and visitors.

13 ~~“(3) ENFORCEMENT POLICY.—~~The Director
 14 shall establish and direct the policies of the Federal
 15 Protective Service, and advise the Under Secretary
 16 for the National Protection and Programs Direc-
 17 torate on policy matters relating to the Federal Pro-
 18 tective Service.

19 ~~“(4) TRAINING.—~~The Director shall—

20 ~~“(A) determine the minimum level of train-~~
 21 ~~ing or certification for—~~

22 ~~“(i) employees of the Federal Protec-~~
 23 ~~tive Service; and~~

24 ~~“(ii) armed contract security guards;~~
 25 ~~and~~

1 “(B) provide training, in coordination with
2 the Interagency Security Committee, to mem-
3 bers of a Facility Security Committee.

4 “(5) INVESTIGATIONS.—The Director shall in-
5 vestigate and refer for prosecution the violation of
6 any Federal law relating to the security of Federal
7 facilities protected by the Federal Protective Service.

8 “(6) INSPECTIONS.—The Director shall inspect
9 Federal facilities protected by the Federal Protective
10 Service for the purpose of determining compliance
11 with Federal security standards.

12 “(7) PERSONNEL.—The Director shall provide
13 adequate numbers of trained personnel to ensure
14 Federal security standards are met.

15 “(8) INFORMATION SHARING.—The Director
16 shall provide crime prevention and threat awareness
17 training to tenants of Federal facilities.

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

22 **“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIRE-**
23 **MENTS.**

24 “(a) IN GENERAL.—The Director shall ensure that
25 the Federal Protective Service maintains not fewer than—

1 “(1) 1,350 full-time equivalent employees, in-
2 cluding not fewer than 950 in-service field staff in
3 fiscal year 2011;

4 “(2) 1,500 full-time equivalent employees, in-
5 cluding not fewer than 1,025 in-service field staff in
6 fiscal year 2012;

7 “(3) 1,600 full-time equivalent employees, in-
8 cluding not fewer than 1,075 in-service field staff in
9 fiscal year 2013; and

10 “(4) 1,700 full-time equivalent employees, in-
11 cluding not fewer than 1,125 in-service field staff in
12 fiscal year 2014.

13 “(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE
14 LEVEL.—

15 “(1) IN GENERAL.—The Director shall ensure
16 that the Federal Protective Service shall maintain at
17 any time not fewer than 1,200 full-time equivalent
18 employees, including not fewer than 900 in-service
19 field staff.

20 “(2) REPORT.—In any fiscal year after fiscal
21 year 2014 in which the number of full-time equiva-
22 lent employees of the Federal Protective Service is
23 fewer than the number of full-time equivalent em-
24 ployees of the Federal Protective Service in the pre-
25 vious fiscal year, the Director shall submit a report

1 to the appropriate congressional committees that
2 provides—

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

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

8 **~~“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.~~**

9 ~~“(a) ARMED GUARD TRAINING REQUIREMENTS.—~~

10 ~~“(1) ESTABLISHMENT.—Not later than 90 days~~
11 ~~after the date of enactment of the Supporting Em-~~
12 ~~ployee Competency and Updating Readiness En-~~
13 ~~hancements for Facilities Act of 2010, the Director~~
14 ~~shall establish minimum training requirements for~~
15 ~~all armed guards procured by the Federal Protective~~
16 ~~Service.~~

17 ~~“(2) REQUIREMENTS.—Training requirements~~
18 ~~under this subsection shall include—~~

19 ~~“(A) at least 80 hours of instruction before~~
20 ~~a guard may be deployed, and at least 16 hours~~
21 ~~of recurrent training on an annual basis there-~~
22 ~~after; and~~

23 ~~“(B) Federal Protective Service monitoring~~
24 ~~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 2010, the Director
shall establish a program to periodically assess—

“(A) the training of guards procured by
the Federal Protective Service for the protec-
tion of Federal facilities; and

“(B) the security of Federal facilities.

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

1 “(A) methods to test the training and cer-
2 tifications of guards;

3 “(B) a remedial training program for
4 guards;

5 “(C) procedures for taking personnel ac-
6 tions, including processes for removing individ-
7 uals who fail to conform to the training or per-
8 formance requirements of the contract; and

9 “(D) an overt and covert testing program
10 for the purposes of assessing guard perform-
11 ance and other facility security counter-
12 measures.

13 “(3) REPORTS.—The Director shall annually
14 submit a report to the appropriate congressional
15 committees, in a classified manner, if necessary, on
16 the results of the assessment of the overt and covert
17 testing program of the Federal Protective Service.

18 “(e) REVISION OF GUARD MANUAL AND POST OR-
19 DERS.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of the Supporting Em-
22 ployee Competency and Updating Readiness En-
23 hancements for Facilities Act of 2010, the Director
24 shall—

1 “(A) update the Security Guard Informa-
 2 tion Manual and post orders for each guard
 3 post overseen by the Federal Protective Service;
 4 or

5 “(B) certify to the Secretary that the Se-
 6 curity Guard Information Manual and post or-
 7 ders described under subparagraph (A) have
 8 been updated during the 1-year period pre-
 9 ceding the date of enactment of the Supporting
 10 Employee Competency and Updating Readiness
 11 Enhancements for Facilities Act of 2010.

12 “(2) REVIEW AND UPDATE.—Beginning with
 13 the first calendar year following the date of enact-
 14 ment of the Supporting Employee Competency and
 15 Updating Readiness Enhancements for Facilities Act
 16 of 2010, and every 2 years thereafter, the Director
 17 shall review and update the Security Guard Informa-
 18 tion Manual and post orders for each guard post
 19 overseen by the Federal Protective Service.

20 “(d) DATABASE OF GUARD SERVICE CONTRACTS.—
 21 The Director shall establish a database to monitor all con-
 22 tracts for guard services. The database shall include infor-
 23 mation relating to contract performance.

24 **“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.**

25 “(a) IN GENERAL.—

1 “(1) ~~INCREASED CAPACITY.~~—Not later than
 2 180 days after the date of enactment of the Sup-
 3 porting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010, the
 4 Director shall—

6 “(A) begin to increase the number of infra-
 7 structure security canine teams certified by the
 8 Federal Protective Service for the purposes of
 9 infrastructure-related security by up to 10 ca-
 10 nine teams in each of fiscal years 2011 through
 11 2014; and

12 “(B) encourage State and local govern-
 13 ments and private owners of high-risk facilities
 14 to strengthen security through the use of highly
 15 trained infrastructure security canine teams.

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

20 “(A) partnering with the Customs and
 21 Border Protection Canine Enforcement Pro-
 22 gram and the Canine Training Center Front
 23 Royal, the Transportation Security Administra-
 24 tion’s National Explosives Detection Canine
 25 Team Training Center, or other offices or agen-

1 cies within the Department with established ca-
 2 nine training programs;

3 “(B) partnering with agencies, State or
 4 local government agencies, nonprofit organiza-
 5 tions, universities, or the private sector to in-
 6 crease the training capacity for canine detection
 7 teams; or

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

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

16 “(1) IN GENERAL.—The Director shall establish
 17 criteria, including canine training curricula, perform-
 18 ance standards, and other requirements, necessary
 19 to ensure that infrastructure security canine teams
 20 trained by nonprofit organizations, universities, and
 21 private sector entities are adequately trained and
 22 maintained.

23 “(2) EXPANSION.—In developing and imple-
 24 menting the criteria, the Director shall—

1 “(A) coordinate with key stakeholders, in-
 2 cluding international, Federal, State, and local
 3 government officials; and private sector and
 4 academic entities to develop best practice guide-
 5 lines;

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

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

14 “(e) DEPLOYMENT.—The Director—

15 “(1) shall use the additional canine teams in-
 16 creased under subsection (a) to enhance security at
 17 Federal facilities;

18 “(2) may use the additional canine teams in-
 19 creased under subsection (a) on a more limited basis
 20 to support other homeland security missions;

21 “(3) may make available canine teams from
 22 other agencies within the Department—

23 “(A) for high-risk areas;

24 “(B) to address specific threats; or

25 “(C) on an as-needed basis; and

1 ~~“(4) shall encourage, but not require, any Fed-~~
 2 ~~eral facility under the purview of Federal Protective~~
 3 ~~Service to deploy Federal Protective Service-certified~~
 4 ~~infrastructure security canine teams developed under~~
 5 ~~this section.~~

6 ~~“(d) CANINE PROCUREMENT.—The Director, shall~~
 7 ~~ensure that infrastructure security canine teams are pro-~~
 8 ~~cured as efficiently as possible and at the lowest cost,~~
 9 ~~while maintaining the needed level of quality.~~

10 **~~“SEC. 246. ADVANCED IMAGING TECHNOLOGY.~~**

11 ~~“(a) IN GENERAL.—The Secretary, acting through~~
 12 ~~the Director of the Federal Protective Service, shall des-~~
 13 ~~ignate 3 Federal facilities protected by the Federal Protec-~~
 14 ~~tive Service for the deployment of advanced imaging tech-~~
 15 ~~nology.~~

16 ~~“(b) PRIVACY PROTECTION.—~~

17 ~~“(1) PROCEDURES.—The Secretary shall estab-~~
 18 ~~lish procedures that protect the privacy of individ-~~
 19 ~~uals who are screened with advanced imaging tech-~~
 20 ~~nology.~~

21 ~~“(2) PROHIBITION ON STORED IMAGES.—An~~
 22 ~~agency may not store images of individuals screened~~
 23 ~~by advanced imaging technology.~~

24 ~~“(3) REGULATIONS.—Before the deployment of~~
 25 ~~any advanced imaging technology which generates~~

1 images of individuals that are viewed by a human
2 operator; the Secretary shall prescribe regulations to
3 protect the privacy of individuals who are screened
4 using that advanced imaging technology.

5 “(e) COORDINATION.—The Secretary shall coordinate
6 with the Administrator of the General Services Adminis-
7 tration and the head of the relevant agencies in the deploy-
8 ment under subsection (a).

9 “(d) REPORT.—Not later than 1 year after the imple-
10 mentation of this section, the Secretary shall submit a re-
11 port to the appropriate congressional committees that in-
12 cludes—

13 “(1) an analysis of the readiness or use of auto-
14 matic detection technology for building security;

15 “(2) an evaluation of the lessons learned from
16 the advanced imaging technology implemented under
17 this section;

18 “(3) an analysis of the effect of such implemen-
19 tation on entry into Federal facilities;

20 “(4) an analysis for requirements, including
21 costs, to install and maintain advanced imaging
22 technology; and

23 “(5) an analysis of the privacy protections used
24 under the program.

1 **“SEC. 247. CHECKPOINT DETECTION TECHNOLOGY STAND-**
 2 **ARDS.**

3 “The Under Secretary for the National Protection
 4 and Programs Directorate, in coordination with the Under
 5 Secretary for Science and Technology, and in consultation
 6 with the Interagency Security Committee, shall develop
 7 performance-based standards for checkpoint detection
 8 technologies for explosives and other threats at Federal
 9 facilities.

10 **“SEC. 248. COMPLIANCE OF FEDERAL FACILITIES WITH**
 11 **FEDERAL SECURITY STANDARDS.**

12 “(a) IN GENERAL.—The Director may assess secu-
 13 rity charges to an agency that is the owner or the tenant
 14 of a Federal facility protected by the Federal Protective
 15 Service in addition to any security charge assessed under
 16 section 249 for the costs of necessary security counter-
 17 measures if—

18 “(1) the Director, in coordination with the
 19 Interagency Security Committee, determines a Fed-
 20 eral facility to be in noncompliance with Federal se-
 21 curity standards established by the Interagency Se-
 22 curity Committee; and

23 “(2) the Interagency Security Committee or the
 24 Director of the Federal Protective Service—

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

1 “(i) the noncompliance;

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

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

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

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

14 **“SEC. 249. FEES FOR PROTECTIVE SERVICES.**

15 “(a) IN GENERAL.—The Director of the Federal Pro-
16 tective Service may assess and collect fees and security
17 charges from agencies for the costs of providing protective
18 services.

19 “(b) DEPOSIT OF FEES.—Any fees or security
20 charges paid under this section shall be deposited in the
21 appropriations account under the heading ‘FEDERAL PRO-
22 TECTION SERVICES’ under the heading ‘NATIONAL PRO-
23 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-
24 ment of Homeland Security.

1 “(c) ~~ADJUSTMENT OF FEES.~~—The Director of the
 2 Office of Management and Budget shall adjust fees as
 3 necessary to carry out this subtitle.

4 **“Subtitle F—Interagency Security**
 5 **Committee**

6 **“SEC. 261. DEFINITIONS.**

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

9 **“SEC. 262. INTERAGENCY SECURITY COMMITTEE.**

10 “(a) ~~ESTABLISHMENT.~~—There is established within
 11 the executive branch the Interagency Security Committee
 12 ~~(in this subtitle referred to as the ‘Committee’).~~

13 “(b) ~~CHAIRPERSON.~~—The Committee shall be
 14 chaired by the Secretary, or the designee of the Secretary.
 15 The chairperson shall be responsible for the daily oper-
 16 ations of the Committee and appeals board; final approval
 17 and enforcement of Committee standards; and the promul-
 18 gation of regulations related to Federal facility security
 19 prescribed by the Committee.

20 “(c) ~~MEMBERSHIP.~~—

21 “(1) ~~VOTING MEMBERS.~~—The Committee shall
 22 consist of the following voting members:

23 “(A) ~~AGENCY REPRESENTATIVES.~~—Rep-
 24 representatives from the following agencies, ap-
 25 pointed by the agency heads:

- 1 “(i) Department of Homeland Secu-
- 2 rity.
- 3 “(ii) Department of State.
- 4 “(iii) Department of the Treasury.
- 5 “(iv) Department of Defense.
- 6 “(v) Department of Justice.
- 7 “(vi) Department of the Interior.
- 8 “(vii) Department of Agriculture.
- 9 “(viii) Department of Commerce.
- 10 “(ix) Department of Labor.
- 11 “(x) Department of Health and
- 12 Human Services.
- 13 “(xi) Department of Housing and
- 14 Urban Development.
- 15 “(xii) Department of Transportation.
- 16 “(xiii) Department of Energy.
- 17 “(xiv) Department of Education.
- 18 “(xv) Department of Veterans Affairs.
- 19 “(xvi) Environmental Protection
- 20 Agency.
- 21 “(xvii) Central Intelligence Agency.
- 22 “(xviii) Office of Management and
- 23 Budget.
- 24 “(xix) General Services Administra-
- 25 tion.

1 “(B) OTHER OFFICERS.—The following
2 Federal officers or the designees of those offi-
3 cers:

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

6 “(ii) The Director of the Federal Pro-
7 tective Service.

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

10 “(C) JUDICIAL BRANCH REPRESENTA-
11 TIVES.—A representative from the judicial
12 branch appointed by the Chief Justice of the
13 United States.

14 “(2) ASSOCIATE MEMBERS.—The Committee
15 shall include the following associate members who
16 shall be nonvoting members:

17 “(3) AGENCY REPRESENTATIVES.—Representa-
18 tives from the following agencies, appointed by the
19 agency heads:

20 “(A) Federal Aviation Administration.

21 “(B) Federal Bureau of Investigation.

22 “(C) Federal Deposit Insurance Corpora-
23 tion.

24 “(D) Federal Emergency Management
25 Agency.

1 “(E) Federal Reserve Board.

2 “(F) Government Accountability Office.

3 “(G) Internal Revenue Service.

4 “(H) National Aeronautics and Space Ad-
5 ministration.

6 “(I) National Capital Planning Commis-
7 sion.

8 “(J) National Institute of Standards &
9 Technology.

10 “(K) Nuclear Regulatory Commission.

11 “(L) Office of Personnel Management.

12 “(M) Securities and Exchange Commis-
13 sion.

14 “(N) Smithsonian Institution.

15 “(O) Social Security Administration.

16 “(P) United States Coast Guard.

17 “(Q) United States Postal Service.

18 “(R) United States Army Corps of Engi-
19 neers.

20 “(S) Court Services and Offender Super-
21 vision Agency.

22 “(T) Any other Federal officers as the
23 President shall appoint.

1 “(d) WORKING GROUPS.—The Committee may estab-
 2 lish interagency working groups to perform such tasks as
 3 may be directed by the Committee.

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

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

11 “(g) RESPONSIBILITIES.—The Committee shall—
 12 “(1) not later than 180 days after the date of
 13 enactment of the Supporting Employee Competency
 14 and Updating Readiness Enhancements for Facili-
 15 ties Act of 2010, prescribe regulations—

16 “(A) for determining facility security lev-
 17 els, unless the Committee determines that simi-
 18 lar regulations are issued by the Secretary be-
 19 fore the end of that 90-day period; and

20 “(B) to establish risk-based performance
 21 standards for the security of Federal facilities;
 22 unless the Committee determines that similar
 23 regulations are issued by the Secretary before
 24 the end of that 90-day period;

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

5 “(3) prescribe regulations to determine min-
6 imum levels of training and certification of contract
7 guards;

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

10 “(5) establish minimum requirements and a
11 process for providing basic security training for
12 members of Facility Security Committees; and

13 “(6) take such actions as may be necessary to
14 enhance the quality and effectiveness of security and
15 protection of Federal facilities, including—

16 “(A) encouraging agencies with security
17 responsibilities to share security-related intel-
18 ligence in a timely and cooperative manner;

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

22 “(C) developing long-term construction
23 standards for those locations with threat levels
24 or missions that require blast resistant struc-
25 tures or other specialized security requirements;

1 “(D) evaluating standards for the location
2 of, and special security related to, day care cen-
3 ters in Federal facilities; and

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

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

9 “(h) APPEALS BOARD.—

10 “(1) ESTABLISHMENT.—The Committee shall
11 establish an appeals board to consider appeals from
12 any Facility Security Committee of—

13 “(A) a facility security level determination;

14 “(B) Federal Protective Service or des-
15 ignated security organization recommendations
16 for countermeasures for a facility; or

17 “(C) a determination of noncompliance
18 with Federal facility security standards.

19 “(2) MEMBERSHIP.—

20 “(A) IN GENERAL.—The appeals board
21 shall consist of 7 voting members of the Com-
22 mittee, of whom—

23 “(i) 1 shall be designated by the Sec-
24 retary;

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

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

7 “(B) RECUSAL.—An appeals board mem-
8 ber shall recuse himself or herself from any ap-
9 peal from an agency which that member rep-
10 resents.

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

14 “(i) AGENCY SUPPORT AND COOPERATION.—

15 “(1) ADMINISTRATIVE SUPPORT.—To the ex-
16 tent permitted by law and subject to the availability
17 of appropriations, the Secretary shall provide the
18 Committee such administrative services, funds, fa-
19 cilities, staff and other support services as may be
20 necessary for the performance of the functions of the
21 Committee.

22 “(2) COOPERATION AND COMPLIANCE.—

23 “(A) IN GENERAL.—Each agency shall co-
24 operate and comply with the policies and rec-
25 ommendations of the Committee.

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

7 “(3) COMPLIANCE.—The Secretary shall be re-
 8 sponsible for monitoring agency compliance with the
 9 policies and recommendations of the Committee.

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

14 **“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE**
 15 **PROTECTIVE SERVICES.**

16 “(a) IN GENERAL.—The Committee shall establish a
 17 process under which the Secretary may authorize an agen-
 18 cy to provide protective services for a Federal facility in-
 19 stead of the Federal Protective Services.

20 “(b) REQUIREMENTS.—The process under subsection
 21 (a) shall—

22 “(1) provide that—

23 “(A) an agency may submit an application
 24 to the Secretary for an authorization;

1 ~~“(B) an authorization shall be for a 1-year~~
 2 ~~period; and~~

3 ~~“(C) an authorization may be renewed on~~
 4 ~~an annual basis; and~~

5 ~~“(2) require an agency to—~~

6 ~~“(A) demonstrate security expertise; and~~

7 ~~“(B) provide sufficient information~~
 8 ~~through a security plan that the agency shall be~~
 9 ~~in compliance with the Federal security stand-~~
 10 ~~ards of the Committee.~~

11 **~~“SEC. 264. FACILITY SECURITY COMMITTEES.~~**

12 ~~“(a) IN GENERAL.—~~

13 ~~“(1) MAINTENANCE OF FACILITY SECURITY~~
 14 ~~COMMITTEES.—Except as provided under paragraph~~
 15 ~~(2), the agencies that are tenants at each Federal~~
 16 ~~facility shall maintain a Facility Security Committee~~
 17 ~~for that Federal facility. Each agency that is a ten-~~
 18 ~~ant at a Federal facility shall provide 1 employee to~~
 19 ~~serve as a member of the Facility Security Com-~~
 20 ~~mittee.~~

21 ~~“(2) EXEMPTIONS.—The Secretary may exempt~~
 22 ~~a Federal facility from the requirement under para-~~
 23 ~~graph (1), if that Federal facility is authorized~~
 24 ~~under section 263 to provide protective services.~~

25 ~~“(b) CHAIRPERSON.—~~

1 “(1) IN GENERAL.—Each Facility Security
2 Committee shall be headed by a chairperson, elected
3 by a majority of the members of the Facility Security
4 Committee.

5 “(2) RESPONSIBILITIES.—The chairperson shall
6 be responsible for—

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

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

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

17 “(D) accompanying Federal Protective
18 Service or designated security organization representatives during on-site building security assessments;
19 assessments;

20 “(E) maintaining an official record of each
21 meeting;
22 meeting;
23

1 “(F) acknowledging receipt of the building
2 security assessment from Federal Protective
3 Service or designated security organization; and

4 “(G) any other duties as determined by the
5 Interagency Security Committee.

6 “(c) TRAINING FOR MEMBERS.—

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

13 “(2) TRAINING.—Training under this sub-
14 section shall—

15 “(A) be provided by the Federal Protective
16 Service or designated security organization, in
17 coordination with the Interagency Security
18 Committee;

19 “(B) be commensurate with the security
20 level of the facility; and

21 “(C) include training relating to—

22 “(i) familiarity with published stand-
23 ards of the Interagency Security Com-
24 mittee;

1 “(ii) physical security criteria for Fed-
2 eral facilities;

3 “(iii) use of physical security perform-
4 ance measures;

5 “(iv) facility security levels determina-
6 tions; and

7 “(v) best practices for safe mail han-
8 dling.

9 ~~“(3)~~ WAIVERS.—The training requirement
10 under this subsection may be waived by the Director
11 or the Chairperson of the Interagency Security Com-
12 mittee if the Director or the Chairperson determines
13 that an employee has related experience in physical
14 security, law enforcement, or infrastructure security
15 disciplines.

16 ~~“(4)~~ INCUMBENT MEMBERS.—

17 ~~“(A)~~ IN GENERAL.—This subsection shall
18 apply to any Facility Security Committee estab-
19 lished before, on, or after the date of enactment
20 of the Supporting Employee Competency and
21 Updating Readiness Enhancements for Facili-
22 ties Act of 2010, except that any member of a
23 Facility Security Committee serving on that
24 date shall during the 1-year period following
25 that date—

1 “(i) successfully complete a training
 2 course as required under paragraph (1); or
 3 “(ii) obtain a waiver under paragraph
 4 (3).

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

10 “(d) MEETINGS AND QUORUM.—

11 “(1) MEETINGS.—Each Facility Security Com-
 12 mittee shall meet on a quarterly basis.

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

16 “(e) APPEAL.—

17 “(1) IN GENERAL.—If a Facility Security Com-
 18 mittee disagrees with a recommendation of the Fed-
 19 eral Protective Service for necessary counter-
 20 measures or physical security improvements, the
 21 Chairperson of a Facility Security Committee may
 22 file an appeal of the recommendation with the Inter-
 23 agency Security Committee appeals board.

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

4 “(3) ~~MATTERS SUBJECT TO APPEAL.~~—A rec-
 5 ommendation of the Federal Protective Service may
 6 be appealed under this subsection, including rec-
 7 ommendations relating to—

8 “(A) prohibited items lists determined for
 9 Federal buildings by the Federal Protective
 10 Service and how those lists apply to employees
 11 and visitors;

12 “(B) countermeasure improvements;

13 “(C) building security assessment findings;
 14 and

15 “(D) building security levels.”.

16 (b) ~~TECHNICAL AND CONFORMING AMENDMENT.~~—
 17 The table of contents for the Homeland Security Act of
 18 2002 is amended by inserting after the matter relating
 19 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. Advanced imaging technology.

“Sec. 247. Checkpoint detection technology standards.

“Sec. 248. Compliance of Federal facilities with Federal security standards.

“Sec. 249. 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.”.

1 **SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-**
 2 **DUTY CARRYING OF FIREARMS.**

3 Section 1315(b)(2) of title 40, United States Code,
 4 is amended—

5 (1) in subsection (b)(2), by striking “While en-
 6 gaged in the performance of official duties, an” and
 7 inserting “An”; and

8 (2) by striking subsection (c) and inserting the
 9 following:

10 “(c) REGULATIONS.—

11 “(1) IN GENERAL.—

12 “(A) PROTECTION AND ADMINISTRA-
 13 TION.—The Secretary may prescribe regula-
 14 tions necessary for the protection and adminis-
 15 tration of property owned or occupied by the
 16 Federal Government and persons on the prop-
 17 erty. The regulations may include reasonable
 18 penalties, within the limits prescribed in sub-
 19 paragraph (B), for violations of the regulations.
 20 The regulations shall be posted and remain
 21 posted in a conspicuous place on the property.

22 “(B) PENALTY.—A person violating a reg-
 23 ulation prescribed under this paragraph shall be

1 fined under title 18, United States Code, im-
 2 prisoned for not more than 30 days, or both.

3 ~~“(2) OFF-DUTY FIREARMS.—~~The Secretary
 4 may prescribe regulations relating to the carrying of
 5 firearms while off-duty, including a list of firearms
 6 which may be carried while off-duty.”.

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

9 ~~(a) CIVIL SERVICE RETIREMENT SYSTEM.—~~

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

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

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

16 ~~(C) by adding at the end the following:~~

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

20 ~~“(A) who holds a position within the GS-~~
 21 0083, GS-0080, GS-1801, or GS-1811 job se-
 22 ries (determined applying the criteria in effect
 23 as of September 1, 2007 or any successor posi-
 24 tion; and

1 ~~“(B) who are authorized to carry firearms~~
 2 ~~and empowered to make arrests in the perform-~~
 3 ~~ance of duties related to the protection of build-~~
 4 ~~ings, grounds and property that are owned, oc-~~
 5 ~~cupied, or secured by the Federal Government~~
 6 ~~(including any agency, instrumentality or wholly~~
 7 ~~owned or mixed-ownership corporation thereof)~~
 8 ~~and the persons on the property, including any~~
 9 ~~such employee who is transferred directly to a~~
 10 ~~supervisory or administrative position in the~~
 11 ~~Department of Homeland Security after per-~~
 12 ~~forming such duties in 1 or more positions (as~~
 13 ~~described under subparagraph (A)) for at least~~
 14 ~~3 years.”.~~

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

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

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

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

23 ~~(3) MANDATORY SEPARATION.—The first sen-~~
 24 ~~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 protection officer,”.

(4) IMMEDIATE RETIREMENT.—Section 8336 of title 5, United States Code, is amended—

(A) in subsection (c)(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:

“(37) ‘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-0082, GS-0080, GS-1801, or GS-1811 job se-

ries (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 performance 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 amend-

1 ed by inserting “Federal protective service officer,”
 2 before “or customs and border protection officer,”.

3 (4) DEDUCTIONS FROM PAY.—The table con-
 4 tained in section 8422(a)(3) of title 5, United States
 5 Code, is amended by adding at the end the fol-
 6 lowing:

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

7 (5) GOVERNMENT CONTRIBUTIONS.—Para-
 8 graphs (1)(B)(i) and (3) of section 8423(a) of title
 9 5, United States Code, are amended by inserting
 10 “Federal protective service officer,” before “customs
 11 and border protection officer,” each place that term
 12 appears.

13 (6) MANDATORY SEPARATION.—Section
 14 8425(b)(1) of title 5, United States Code, is amend-
 15 ed—

16 (A) by inserting “Federal protective service
 17 officer,” before “or customs and border protec-
 18 tion officer,” the first place that term appears;
 19 and

20 (B) inserting “Federal protective service
 21 officer,” before “or customs and border protec-
 22 tion officer,” the second place that term ap-
 23 pears.

1 (c) ~~MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—~~

2 Section 3307 of title 5, United States Code, is amended
3 by adding at the end the following:

4 “~~(h) The Secretary of Homeland Security may deter-~~
5 mine and fix the maximum age limit for an original ap-
6 pointment to a position as a Federal protective service of-
7 ficer, as defined by section 8401(37).”.

8 (d) ~~REGULATIONS.—~~Any regulations necessary to
9 carry out the amendments made by this section shall be
10 prescribed by the Director of the Office of Personnel Man-
11 agement in consultation with the Secretary.

12 (e) ~~EFFECTIVE DATE; TRANSITION RULES; FUND-~~
13 ING.—

14 (1) ~~EFFECTIVE DATE.—~~The amendments made
15 by this section shall become effective on the later of
16 June 30, 2011, or the first day of the first pay pe-
17 riod beginning at least 6 months after the date of
18 enactment of this Act.

19 (2) ~~TRANSITION RULES.—~~

20 (A) ~~NONAPPLICABILITY OF MANDATORY~~
21 SEPARATION PROVISIONS TO CERTAIN INDIVID-
22 UALS.—The amendments made by subsections
23 (a)(3) and (b)(6), respectively, shall not apply
24 to an individual first appointed as a Federal

1 protective service officer before the effective
2 date under paragraph (1).

3 (B) TREATMENT OF PRIOR FEDERAL PRO-
4 TECTIVE SERVICE OFFICER SERVICE.—

5 (i) GENERAL RULE.—Except as pro-
6 vided in clause (ii), nothing in this section
7 shall be considered to apply with respect to
8 any service performed as a Federal protec-
9 tive service officer before the effective date
10 under paragraph (1).

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

22 (C) MINIMUM ANNUITY AMOUNT.—The an-
23 nuity of an individual serving as a Federal pro-
24 tective service officer on the effective date
25 under paragraph (1) pursuant to an appoint-

ment made before that date shall, to the extent that its computation is based on service rendered 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 Retirement 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 Federal Protective Service 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.

1 (4) ELECTION.—

2 (A) INCUMBENT DEFINED.—For purposes
3 of this paragraph, the term “incumbent” means
4 an individual who is serving as a Federal pro-
5 tective service officer on the date of the enact-
6 ment of this Act.

7 (B) NOTICE REQUIREMENT.—Not later
8 than 30 days after the date of enactment of
9 this Act, the Director of the Office of Personnel
10 Management shall take measures reasonably de-
11 signed to ensure that incumbents are notified
12 as to their election rights under this paragraph,
13 and the effect of making or not making a time-
14 ly election.

15 (C) ELECTION AVAILABLE TO INCUM-
16 BENTS.—

17 (i) IN GENERAL.—An incumbent may
18 elect, for all purposes, either—

19 (I) to be treated in accordance
20 with the amendments made by sub-
21 section (a) or (b), as applicable; or

22 (II) to be treated as if sub-
23 sections (a) and (b) had never been
24 enacted.

1 (ii) ~~FAILURE TO MAKE A TIMELY~~
 2 ~~ELECTION.~~—Failure to make a timely elec-
 3 tion under clause (i) shall be treated in the
 4 same way as an election made under clause
 5 (i)(I) on the last day allowable under
 6 clause (iii).

7 (iii) ~~DEADLINE.~~—An election under
 8 this subparagraph shall not be effective
 9 unless it is made at least 14 days before
 10 the effective date under paragraph (1).

11 (5) ~~DEFINITION.~~—For the purposes of this sub-
 12 section, the term “Federal protective service officer”
 13 has the meaning given such term by section
 14 8331(32) or 8401(37) of title 5, United States Code
 15 (as amended by this section).

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

21 (A) holds a positions within the Federal
 22 Protective Service; and

23 (B) is considered a law enforcement offi-
 24 cers for purposes of subchapter III of chapter

1 ~~83~~ or chapter 84 of title 5, United States Code,
2 by virtue of such position.

3 **SEC. 6. REPORT ON FEDERAL PROTECTION SERVICE PER-**
4 **SONNEL NEEDS.**

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

15 (b) PREPARATION.—The Secretary shall enter into a
16 contract with a qualified consultant to prepare the report
17 submitted under this section.

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

21 Not later than 45 days after the date of enactment
22 of this Act, the Director shall submit a report to the ap-
23 propriate congressional committees on—

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

1 (2) how the retention rate affects operations of
2 the Federal Protective Service and the security of
3 Federal facilities.

4 **SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING**
5 **THE FEDERAL PROTECTIVE SERVICE CON-**
6 **TRACT GUARD WORKFORCE.**

7 (a) ~~CONTRACT WITH CONSULTANT.~~—The Director
8 shall enter into a contract with a qualified consultant to
9 prepare the report submitted under this section.

10 (b) ~~SUBMISSIONS.~~—Not later than 1 year after the
11 date of enactment of this Act, the qualified consultant
12 shall concurrently submit the report to the Secretary and
13 the appropriate congressional committees.

14 (c) ~~CONTENTS.~~—The report under this section shall
15 include an evaluation of—

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

23 (2) the immediate and projected costs of the
24 conversion;

1 ~~(3)~~ the immediate and projected costs of main-
 2 taining guards under contract status and of main-
 3 taining full-time Federal employee guards;

4 ~~(4)~~ the potential increase in security if con-
 5 verted, including an analysis of using either a Fed-
 6 eral security guard, police officer, or Federal protec-
 7 tive service officer instead of a contract guard;

8 ~~(5)~~ the hourly and annual costs of contract
 9 guards and the Federal counterparts of those
 10 guards; and

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

14 **SEC. 9. SAVINGS CLAUSE.**

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

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

19 ~~(2)~~ the authority of any Federal law enforce-
 20 ment agency other than the Federal Protective Serv-
 21 ice; or

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

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Supporting Employee*
 3 *Competency and Updating Readiness Enhancements for*
 4 *Facilities Act of 2010” or the “SECURE Facilities Act of*
 5 *2010”.*

6 **SEC. 2. DEFINITIONS.**

7 *In this Act:*

8 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
 9 *TEES.—The term “appropriate congressional commit-*
 10 *tees” means—*

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

13 *(B) the Committee on Appropriations of the*
 14 *Senate;*

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

17 *(D) the Committee on Transportation and*
 18 *Infrastructure of the House of Representatives;*
 19 *and*

20 *(E) the Committee on Appropriations of the*
 21 *House of Representatives.*

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

24 (3) *FEDERAL FACILITY.—The term “Federal fa-*
 25 *cility”—*

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

8 (B) does not include any building, grounds,
 9 or property used for military activities.

10 (4) *FEDERAL PROTECTIVE SERVICE OFFICER.*—

11 *The term “Federal protective service officer”—*

12 (A) has the meaning given under sections
 13 8331 and 8401 of title 5, United States Code;
 14 and

15 (B) includes any other employee of the Fed-
 16 eral Protective Service designated as a Federal
 17 protective service officer authorized to carry fire-
 18 arms and make arrests by the Secretary.

19 (5) *QUALIFIED CONSULTANT.*—*The term “quali-*
 20 *fied consultant” means a non-Federal entity with ex-*
 21 *perience in homeland security, infrastructure protec-*
 22 *tion and physical security, Government workforce*
 23 *issues, and Federal human capital policies.*

24 (6) *SECRETARY.*—*The term “Secretary” means*
 25 *the Secretary of Homeland Security.*

1 **SEC. 3. FEDERAL PROTECTIVE SERVICE.**

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

5 **“Subtitle E—Federal Protective**
 6 **Service**

7 **“SEC. 241. DEFINITIONS.**

8 *“In this subtitle:*

9 “(1) *AGENCY.*—*The term ‘agency’ means an ex-*
 10 *ecutive agency.*

11 “(2) *APPROPRIATE CONGRESSIONAL COMMIT-*
 12 *TEES.*—*The term ‘appropriate congressional commit-*
 13 *tees’ means—*

14 “(A) *the Committee on Homeland Security*
 15 *and Governmental Affairs of the Senate;*

16 “(B) *the Committee on Appropriations of*
 17 *the Senate;*

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

20 “(D) *the Committee on Transportation and*
 21 *Infrastructure of the House of Representatives;*
 22 *and*

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

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

1 “(4) *FACILITY SECURITY LEVEL*.—The term ‘fa-
2 cility security level’—

3 “(A) means a rating of each Federal facility
4 based on the analysis of several facility factors
5 that provides a basis for that facility’s
6 attractiveness as a target and potential effects or
7 consequences of a criminal or terrorist attack,
8 which then serves as a basis for the implementa-
9 tion of certain levels of security protection; and

10 “(B) is determined by the Federal Protec-
11 tive Service, the United States Marshals Service
12 under section 566 of title 28, United States Code,
13 or another agency authorized to provide all pro-
14 tective services for a facility under the provisions
15 of section 263 and guided by Interagency Secu-
16 rity Committee standards.

17 “(5) *FEDERAL FACILITY*.—The term ‘Federal fa-
18 cility’—

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

1 “(B) does not include any building,
2 grounds, or property used for military activities.

3 “(6) *FEDERAL FACILITY PROTECTED BY THE*
4 *FEDERAL PROTECTIVE SERVICE.*—*The term ‘Federal*
5 *facility protected by the Federal Protective Service’—*

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

10 “(B) does not include any facility, or por-
11 tion thereof, which the United States Marshals
12 Service is responsible for under section 566 of
13 title 28, United States Code.

14 “(7) *FEDERAL PROTECTIVE SERVICE OFFICER.*—
15 *The term ‘Federal protective service officer’—*

16 “(A) has the meaning given under sections
17 8331 and 8401 of title 5, United States Code;
18 and

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

23 “(8) *INFRASTRUCTURE SECURITY CANINE*
24 *TEAM.*—*The term ‘infrastructure security canine*
25 *team’ means a canine and a Federal protective serv-*

1 *ice officer that are trained to detect explosives or other*
 2 *threats as defined by the Secretary.*

3 “(9) *IN-SERVICE FIELD STAFF.*—*The term ‘in-*
 4 *service field staff’ means Federal Protective Service*
 5 *law enforcement officers who, while working, are di-*
 6 *rectly engaged on a daily basis protecting and enforc-*
 7 *ing law at Federal facilities, including police officers,*
 8 *inspectors, area commanders and special agents, and*
 9 *such other equivalent positions as designated by the*
 10 *Secretary.*

11 “(10) *SECURITY ORGANIZATION.*—*The term ‘se-*
 12 *curity organization’ means an agency or an internal*
 13 *agency component responsible for security at a spe-*
 14 *cific Federal facility.*

15 **“SEC. 242. ESTABLISHMENT.**

16 “(a) *ESTABLISHMENT.*—*There is established the Fed-*
 17 *eral Protective Service within the Department.*

18 “(b) *MISSION.*—*The mission of the Federal Protective*
 19 *Service is to render Federal facilities protected by the Fed-*
 20 *eral Protective Service safe and secure for Federal employ-*
 21 *ees, officials, and visitors.*

22 “(c) *DIRECTOR.*—*The head of the Federal Protective*
 23 *Service shall be the Director of the Federal Protective Serv-*
 24 *ice. The Director shall report to the Under Secretary for*
 25 *the National Protection and Programs Directorate.*

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

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

7 “(2) *PROTECTION.*—The Director shall secure
8 Federal facilities which are protected by the Federal
9 Protective Service, and safeguard all occupants, in-
10 cluding Federal employees, officers, and visitors.

11 “(3) *ENFORCEMENT POLICY.*—The Director shall
12 establish and direct the policies of the Federal Protec-
13 tive Service, and advise the Under Secretary for the
14 National Protection and Programs Directorate on
15 policy matters relating to the protection of Federal fa-
16 cilities.

17 “(4) *TRAINING.*—The Director shall—

18 “(A) determine the minimum level of train-
19 ing or certification for—

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

22 “(ii) armed contract security guards;
23 and

24 “(B) provide training, to members of a Fa-
25 cility Security Committee that meets the stand-

1 *ards established by the Interagency Security*
2 *Committee.*

3 “(5) *INVESTIGATIONS.*—*The Director shall en-*
4 *sure violations of any Federal law affecting the secu-*
5 *urity of Federal facilities protected by the Federal Pro-*
6 *tection Service are investigated and referred for pros-*
7 *ecution as appropriate.*

8 “(6) *INSPECTIONS.*—*The Director shall inspect*
9 *Federal facilities protected by the Federal Protective*
10 *Service for the purpose of determining compliance*
11 *with Federal security standards and making appro-*
12 *priate risk mitigation recommendations.*

13 “(7) *PERSONNEL.*—*The Director shall provide*
14 *adequate numbers of trained personnel to ensure Fed-*
15 *eral security standards are met.*

16 “(8) *INFORMATION SHARING.*—*The Director shall*
17 *provide crime prevention, threat awareness, and intel-*
18 *ligence information to the Administrator of General*
19 *Services and tenants of Federal facilities. The Direc-*
20 *tor shall ensure effective coordination and liaison*
21 *with other Federal law enforcement agencies and*
22 *State and local law enforcement agencies.*

23 “(9) *PATROL.*—*The Director shall ensure areas*
24 *in and around Federal facilities protected by the Fed-*

1 *eral Protective Service are patrolled by Federal Pro-*
 2 *ective Service officers.*

3 “(10) *SECURITY ASSESSMENT.*—*The Director*
 4 *shall ensure a security risk assessment is conducted*
 5 *for each Federal facility protected by the Federal Pro-*
 6 *ective Service on a recurring basis and in accordance*
 7 *with standards established by the Interagency Secu-*
 8 *rity Committee.*

9 “(11) *EMERGENCY PLAN ASSISTANCE.*—*The Di-*
 10 *rector shall—*

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

14 “(B) *provide technical assistance to agen-*
 15 *cies that are the tenant of a Federal facility pro-*
 16 *ected by the Federal Protective Service in devel-*
 17 *oping plans described in subparagraph (A); and*

18 “(C) *ensure plans described in subpara-*
 19 *graph (A) are exercised in accordance with*
 20 *standards established by the Interagency Secu-*
 21 *rity Committee.*

22 “(12) *SECURITY COUNTERMEASURES.*—*The Di-*
 23 *rector shall ensure and supervise the effective design,*
 24 *procurement, installation, maintenance, and oper-*
 25 *ation of security countermeasures (including armed*

1 *contract guards, electronic physical security systems,*
 2 *and weapons and explosives screening devices) for*
 3 *Federal facilities protected by the Federal Protective*
 4 *Service.*

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

8 “(A) *background investigations are con-*
 9 *ducted for contract guards and building service*
 10 *contractors; and*

11 “(B) *each contract guard and building serv-*
 12 *ice contractor is suitable for work in a Federal*
 13 *facility protected by the Federal Protective Serv-*
 14 *ice before being granted unescorted or recurring*
 15 *access.*

16 “(14) *ASSISTANCE TO FACILITY SECURITY COM-*
 17 *MITTEES.—The Director shall ensure coordination*
 18 *with and provide assistance to Facility Security*
 19 *Committees on matters relating to facilities, facility*
 20 *vulnerabilities, and potential consequences of an inci-*
 21 *dent.*

22 **“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIRE-**
 23 **MENTS.**

24 “(a) *IN GENERAL.—The Secretary shall ensure that*
 25 *the Federal Protective Service maintains not fewer than—*

1 “(1) 1,350 full-time equivalent employees, in-
2 cluding not fewer than 950 in-service field staff in fis-
3 cal year 2011;

4 “(2) 1,500 full-time equivalent employees, in-
5 cluding not fewer than 1,025 in-service field staff in
6 fiscal year 2012;

7 “(3) 1,600 full-time equivalent employees, in-
8 cluding not fewer than 1,075 in-service field staff in
9 fiscal year 2013; and

10 “(4) 1,700 full-time equivalent employees, in-
11 cluding not fewer than 1,125 in-service field staff in
12 fiscal year 2014.

13 “(b) *MINIMUM FULL-TIME EQUIVALENT EMPLOYEE*
14 *LEVEL.*—

15 “(1) *IN GENERAL.*—*The Secretary shall ensure*
16 *that the Federal Protective Service shall maintain at*
17 *any time not fewer than 1,200 full-time equivalent*
18 *employees, including not fewer than 900 in-service*
19 *field staff.*

20 “(2) *REPORT.*—*In any fiscal year after fiscal*
21 *year 2014 in which the number of full-time equivalent*
22 *employees of the Federal Protective Service is fewer*
23 *than the number of full-time equivalent employees of*
24 *the Federal Protective Service in the previous fiscal*

1 year, the Secretary shall submit a report to the ap-
 2 propriate congressional committees that provides—

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

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

8 **“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.**

9 “(a) *ARMED GUARD TRAINING REQUIREMENTS.*—

10 “(1) *ESTABLISHMENT.*—Not later than 90 days
 11 after the date of enactment of the Supporting Em-
 12 ployee Competency and Updating Readiness En-
 13 hancements for Facilities Act of 2010, the Director
 14 shall establish minimum training requirements for all
 15 armed guards procured by the Federal Protective
 16 Service.

17 “(2) *REQUIREMENTS.*—Training requirements
 18 under this subsection shall include—

19 “(A) at least 80 hours of instruction before
 20 a guard may be deployed, and at least 16 hours
 21 of recurrent training on an annual basis there-
 22 after; and

23 “(B) Federal Protective Service monitoring
 24 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 PROGRAM.*—

“(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 2010, 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.

1 “(2) *PROGRAM.*—*The program under this sub-*
 2 *section shall include an assessment of—*

3 “(A) *methods to test the training and cer-*
 4 *tifications of guards;*

5 “(B) *a remedial training program for*
 6 *guards;*

7 “(C) *procedures for taking personnel ac-*
 8 *tions, including processes for removing individ-*
 9 *uals who fail to conform to the training or per-*
 10 *formance requirements of the contract; and*

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

14 “(3) *REPORTS.*—*The Secretary shall annually*
 15 *submit a report to the appropriate congressional com-*
 16 *mittees, in a classified manner, if necessary, on the*
 17 *results of the assessment of the overt and covert test-*
 18 *ing program of the Federal Protective Service.*

19 “(c) *REVISION OF GUARD MANUAL AND POST OR-*
 20 *DERs.*—

21 “(1) *IN GENERAL.*—*Not later than 180 days*
 22 *after the date of enactment of the Supporting Em-*
 23 *ployee Competency and Updating Readiness En-*
 24 *hancements for Facilities Act of 2010, the Director, in*

1 *consultation with the Administrator of General Serv-*
2 *ices, shall—*

3 “(A) *update the Security Guard Informa-*
4 *tion Manual and post orders for each guard post*
5 *overseen by the Federal Protective Service; or*

6 “(B) *certify to the Secretary that the Secu-*
7 *rity Guard Information Manual and post orders*
8 *described under subparagraph (A) have been up-*
9 *dated during the 1-year period preceding the*
10 *date of enactment of the Supporting Employee*
11 *Competency and Updating Readiness Enhance-*
12 *ments for Facilities Act of 2010.*

13 “(2) *REVIEW AND UPDATE.—Beginning with the*
14 *first calendar year following the date of enactment of*
15 *the Supporting Employee Competency and Updating*
16 *Readiness Enhancements for Facilities Act of 2010,*
17 *and every 2 years thereafter, the Director shall review*
18 *and update the Security Guard Information Manual*
19 *and post orders for each guard post overseen by the*
20 *Federal Protective Service.*

21 “(d) *DATABASE OF GUARD SERVICE CONTRACTS.—*
22 *The Director shall establish a database to monitor all con-*
23 *tracts for guard services. The database shall include infor-*
24 *mation relating to contract performance.*

1 **“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.**

2 “(a) *IN GENERAL.*—

3 “(1) *INCREASED CAPACITY.*—*Not later than 180*
4 *days after the date of enactment of the Supporting*
5 *Employee Competency and Updating Readiness En-*
6 *hancements for Facilities Act of 2010, the Director*
7 *shall—*

8 “(A) *begin to increase the number of infra-*
9 *structure security canine teams certified by the*
10 *Federal Protective Service for the purposes of in-*
11 *frastructure-related security by up to 15 canine*
12 *teams in each of fiscal years 2011 through 2014;*
13 *and*

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

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

22 “(A) *partnering with the Customs and Bor-*
23 *der Protection Canine Enforcement Program*
24 *and the Canine Training Center Front Royal,*
25 *the Transportation Security Administration’s*
26 *National Explosives Detection Canine Team*

1 *Training Center, or other offices or agencies*
2 *within the Department with established canine*
3 *training programs;*

4 “(B) *partnering with agencies, State or*
5 *local government agencies, nonprofit organiza-*
6 *tions, universities, or the private sector to in-*
7 *crease the training capacity for canine detection*
8 *teams; or*

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

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

17 “(1) *IN GENERAL.—The Director, in coordina-*
18 *tion with the Office of Infrastructure Protection, shall*
19 *establish criteria, including canine training cur-*
20 *ricula, performance standards, and other require-*
21 *ments, necessary to ensure that infrastructure security*
22 *canine teams trained by nonprofit organizations, uni-*
23 *versities, and private sector entities are adequately*
24 *trained and maintained.*

1 “(2) *EXPANSION.*—*In developing and imple-*
 2 *menting the criteria, the Director shall—*

3 “(A) *coordinate with key stakeholders, in-*
 4 *cluding international, Federal, State, and local*
 5 *government officials, and private sector and aca-*
 6 *demic entities to develop best practice guidelines;*

7 “(B) *require that canine teams trained by*
 8 *nonprofit organizations, universities, or private*
 9 *sector entities that are used or made available by*
 10 *the Secretary be trained consistent with the cri-*
 11 *teria; and*

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

15 “(c) *DEPLOYMENT.*—*The Director—*

16 “(1) *shall use the additional canine teams in-*
 17 *creased under subsection (a) to enhance security at*
 18 *Federal facilities;*

19 “(2) *may use the additional canine teams in-*
 20 *creased under subsection (a) on a more limited basis*
 21 *to support other homeland security missions;*

22 “(3) *may make available canine teams from*
 23 *other agencies within the Department—*

24 “(A) *for high-risk areas;*

25 “(B) *to address specific threats; or*

1 “(C) on an as-needed basis; and

2 “(4) shall encourage, but not require, any Fed-
3 eral facility under the purview of Federal Protective
4 Service to deploy Federal Protective Service-certified
5 infrastructure security canine teams developed under
6 this section.

7 “(d) CANINE PROCUREMENT.—The Director, shall en-
8 sure that infrastructure security canine teams are procured
9 as efficiently as possible and at the lowest cost, while main-
10 taining the needed level of quality.

11 **“SEC. 246. ADVANCED IMAGING TECHNOLOGY.**

12 “(a) IN GENERAL.—The Secretary, acting through the
13 Director of the Federal Protective Service, shall designate
14 3 Federal facilities protected by the Federal Protective Serv-
15 ice for the deployment of advanced imaging technology.

16 “(b) PRIVACY AND HEALTH PROTECTIONS.—

17 “(1) PROCEDURES.—The Secretary shall estab-
18 lish procedures that protect the privacy of individuals
19 who are screened with advanced imaging technology
20 and ensure that individuals screened or working with
21 the technology suffer no adverse health effects, includ-
22 ing establishing penalties for noncompliance with or
23 violation of the procedures or the regulations issued
24 under paragraph (3).

1 “(2) *PROHIBITION ON STORED IMAGES.*—An
2 *agency may not store images of individuals screened*
3 *by advanced imaging technology.*

4 “(3) *REGULATIONS.*—Before the deployment of
5 *any advanced imaging technology which generates*
6 *images of individuals that are viewed by a human*
7 *operator, the Secretary shall prescribe regulations to*
8 *protect the privacy and health of individuals who are*
9 *screened using that advanced imaging technology.*

10 “(c) *COORDINATION.*—The Secretary shall coordinate
11 *with the Administrator of the General Services Administra-*
12 *tion and the head of the relevant agencies in the deployment*
13 *under subsection (a).*

14 “(d) *REPORT.*—Not later than 1 year after the imple-
15 *mentation of this section, the Secretary and the Adminis-*
16 *trator of General Services shall jointly submit a report to*
17 *the appropriate congressional committees that includes—*

18 “(1) *an analysis of the readiness or use of auto-*
19 *matic detection technology for facility security;*

20 “(2) *an evaluation of the lessons learned from*
21 *the advanced imaging technology implemented under*
22 *this section;*

23 “(3) *an analysis of the effect of such implementa-*
24 *tion on entry into Federal facilities;*

1 “(4) an analysis for requirements, including
2 costs, to install and maintain advanced imaging tech-
3 nology;

4 “(5) an analysis of the privacy protections used
5 under the program; and

6 “(6) an analysis of how the Federal Protective
7 Service and the General Services Administration
8 identified and resolved health and safety issues associ-
9 ated with the use of advanced imaging technology in
10 Federal facilities.

11 **“SEC. 247. CHECKPOINT DETECTION TECHNOLOGY STAND-**
12 **ARDS.**

13 *“The Secretary, in coordination with the Interagency*
14 *Security Committee, shall develop performance-based stand-*
15 *ards for checkpoint detection technologies for explosives and*
16 *other threats at Federal facilities protected by the Federal*
17 *Protective Service.*

18 **“SEC. 248. COMPLIANCE OF FEDERAL FACILITIES WITH FED-**
19 **ERAL SECURITY STANDARDS.**

20 *“(a) IN GENERAL.—The Secretary may assess security*
21 *charges to an agency that is the owner or the tenant of a*
22 *Federal facility protected by the Federal Protective Service*
23 *in addition to any security charge assessed under section*
24 *249 for the costs of necessary security countermeasures if—*

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

8 “(2) the Interagency Security Committee or the
9 Director of the Federal Protective Service—

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

12 “(i) the noncompliance;

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

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

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

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

1 **“SEC. 249. FEES FOR PROTECTIVE SERVICES.**

2 “(a) *IN GENERAL.*—*The Secretary may assess and col-*
3 *lect fees and security charges from agencies for the costs of*
4 *providing protective services.*

5 “(b) *DEPOSIT OF FEES.*—Any fees or security charges
6 paid under this section shall be deposited in the appropri-
7 ations account under the heading ‘FEDERAL PROTECTIVE
8 SERVICES’ under the heading ‘NATIONAL PROTECTION AND
9 PROGRAMS DIRECTORATE’ of the Department.

10 “(c) *ADJUSTMENT OF FEES.*—*The Director of the Of-*
11 *fice of Management and Budget shall adjust fees as nec-*
12 *essary to carry out this subtitle.*

13 ***“Subtitle F—Interagency Security***
14 ***Committee***

15 **“SEC. 261. DEFINITIONS.**

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

18 **“SEC. 262. INTERAGENCY SECURITY COMMITTEE.**

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

25 “(b) CHAIRPERSON.—*The Committee shall be chaired*
26 *by the Secretary, or the designee of the Secretary. The chair-*

1 *person shall be responsible for the daily operations of the*
 2 *Committee and appeals board, final approval and enforce-*
 3 *ment of Committee standards, and the promulgation of reg-*
 4 *ulations related to Federal facility security prescribed by*
 5 *the Committee.*

6 “(c) *MEMBERSHIP.*—

7 “(1) *VOTING MEMBERS.*—*The Committee shall*
 8 *consist of the following voting members:*

9 “(A) *AGENCY REPRESENTATIVES.*—*Rep-*
 10 *resentatives from the following agencies, ap-*
 11 *pointed by the agency heads:*

12 “(i) *Department of Homeland Secu-*
 13 *rity.*

14 “(ii) *Department of State.*

15 “(iii) *Department of the Treasury.*

16 “(iv) *Department of Defense.*

17 “(v) *Department of Justice.*

18 “(vi) *Department of the Interior.*

19 “(vii) *Department of Agriculture.*

20 “(viii) *Department of Commerce.*

21 “(ix) *Department of Labor.*

22 “(x) *Department of Health and*
 23 *Human Services.*

24 “(xi) *Department of Housing and*
 25 *Urban Development.*

1 “(xii) *Department of Transportation.*

2 “(xiii) *Department of Energy.*

3 “(xiv) *Department of Education.*

4 “(xv) *Department of Veterans Affairs.*

5 “(xvi) *Environmental Protection Agen-*
6 *cy.*

7 “(xvii) *Central Intelligence Agency.*

8 “(xviii) *Office of Management and*
9 *Budget.*

10 “(xix) *General Services Administra-*
11 *tion.*

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

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

16 “(ii) *The Director.*

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

19 “(C) *JUDICIAL BRANCH REPRESENTA-*
20 *TIVES.—A representative from the judicial*
21 *branch appointed by the Chief Justice of the*
22 *United States.*

23 “(2) *ASSOCIATE MEMBERS.—The Committee*
24 *shall include as associate members who shall be non-*

1 *voting members, representatives from the following*
2 *agencies, appointed by the agency heads:*

3 “(A) *Federal Aviation Administration.*

4 “(B) *Federal Bureau of Investigation.*

5 “(C) *Federal Deposit Insurance Corpora-*
6 *tion.*

7 “(D) *Federal Emergency Management*
8 *Agency.*

9 “(E) *Federal Reserve Board.*

10 “(F) *Government Accountability Office.*

11 “(G) *Internal Revenue Service.*

12 “(H) *National Aeronautics and Space Ad-*
13 *ministration.*

14 “(I) *National Capital Planning Commis-*
15 *sion.*

16 “(J) *National Institute of Standards &*
17 *Technology.*

18 “(K) *Nuclear Regulatory Commission.*

19 “(L) *Office of Personnel Management.*

20 “(M) *Securities and Exchange Commission.*

21 “(N) *Smithsonian Institution.*

22 “(O) *Social Security Administration.*

23 “(P) *United States Coast Guard.*

24 “(Q) *United States Postal Service.*

1 “(R) *United States Army Corps of Engi-*
2 *neers.*

3 “(S) *Court Services and Offender Super-*
4 *vision Agency.*

5 “(T) *Any other Federal officers as the Presi-*
6 *dent shall appoint.*

7 “(d) *WORKING GROUPS.—The Committee may estab-*
8 *lish interagency working groups to perform such tasks as*
9 *may be directed by the Committee.*

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

15 “(f) *MEETINGS.—The Committee shall at minimum*
16 *meet quarterly.*

17 “(g) *RESPONSIBILITIES.—The Committee shall—*

18 “(1) *not later than 180 days after the date of en-*
19 *actment of the Supporting Employee Competency and*
20 *Updating Readiness Enhancements for Facilities Act*
21 *of 2010, prescribe regulations under the authority*
22 *granted to the Secretary under section 1315(c)(1) of*
23 *title 40, United States Code—*

24 “(A) *for determining facility security levels,*
25 *unless the Committee determines that similar*

1 *regulations are issued by the Secretary before the*
2 *end of that 180-day period; and*

3 “(B) *to establish risk-based performance*
4 *standards for the security of Federal facilities,*
5 *unless the Committee determines that similar*
6 *regulations are issued by the Secretary before the*
7 *end of that 180-day period;*

8 “(2) *establish protocols for the testing of the com-*
9 *pliance of Federal facilities with Federal security*
10 *standards, including a mechanism for the initial and*
11 *recurrent testing of Federal facilities;*

12 “(3) *prescribe regulations to determine min-*
13 *imum levels of training and certification of contract*
14 *guards;*

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

17 “(5) *establish minimum requirements and a*
18 *process for providing basic security training for mem-*
19 *bers of Facility Security Committees; and*

20 “(6) *take such actions as may be necessary to en-*
21 *hance the quality and effectiveness of security and*
22 *protection of Federal facilities, including—*

23 “(A) *encouraging agencies with security re-*
24 *sponsibilities to share security-related intel-*
25 *ligence in a timely and cooperative manner;*

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

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

8 “(D) evaluating standards for the location
9 of, and special security related to, day care cen-
10 ters in Federal facilities; and

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

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

16 “(h) APPEALS BOARD.—

17 “(1) ESTABLISHMENT.—The Committee shall es-
18 tablish an appeals board to consider appeals from
19 any Facility Security Committee of—

20 “(A) a facility security level determination;

21 “(B) Federal Protective Service or des-
22 ignated security organization recommendations
23 for countermeasures for a facility; or

24 “(C) a determination of noncompliance
25 with Federal facility security standards.

1 “(2) *MEMBERSHIP.*—

2 “(A) *IN GENERAL.*—*The appeals board shall*
3 *consist of 7 members of the Committee, of*
4 *whom—*

5 “(i) *1 shall be designated by the Sec-*
6 *retary;*

7 “(ii) *4 shall be selected by the voting*
8 *members of the Committee; and*

9 “(iii) *2 shall be selected by the voting*
10 *members of the Committee to serve as alter-*
11 *nates in the case of recusal by a member of*
12 *the appeals board.*

13 “(B) *RECUSAL.*—*An appeals board member*
14 *shall recuse himself or herself from any appeal*
15 *from an agency which that member represents.*

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

19 “(i) *AGENCY SUPPORT AND COOPERATION.*—

20 “(1) *ADMINISTRATIVE SUPPORT.*—

21 “(A) *IN GENERAL.*—*To the extent permitted*
22 *by law and subject to the availability of appro-*
23 *priations, the Secretary shall provide the Com-*
24 *mittee such administrative services, funds, facili-*
25 *ties, staff and other support services as may be*

1 *necessary for the performance of the functions of*
 2 *the Committee.*

3 “(B) *AUTHORIZATION OF APPROPRIA-*
 4 *TIONS.—There are authorized to be appropriated*
 5 *to the Department such sums as necessary to*
 6 *carry out the provisions of this paragraph.*

7 “(2) *COOPERATION AND COMPLIANCE.—*

8 “(A) *IN GENERAL.—Each agency shall co-*
 9 *operate and comply with the policies, standards,*
 10 *and recommendations of the Committee.*

11 “(B) *SUPPORT.—To the extent permitted by*
 12 *law and subject to the availability of appropri-*
 13 *ations, agencies shall provide such support as*
 14 *may be necessary to enable the Committee to per-*
 15 *form the duties and responsibilities of the Com-*
 16 *mittee.*

17 “(3) *COMPLIANCE.—The Secretary shall be re-*
 18 *sponsible for monitoring agency compliance with the*
 19 *policies and recommendations of the Committee.*

20 “(j) *AUTHORIZATION.—There are authorized to be ap-*
 21 *propriated to the Department such sums as necessary to*
 22 *carry out the provisions of this section.*

1 **“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PRO-**
 2 **TECTIVE SERVICES.**

3 “(a) *IN GENERAL.*—*The Secretary, in consultation*
 4 *with the Committee, shall establish a process to authorize*
 5 *an agency to provide protective services for a Federal facil-*
 6 *ity instead of the Federal Protective Service.*

7 “(b) *LAW ENFORCEMENT AUTHORITY.*—*The Federal*
 8 *Protective Service shall retain the law enforcement authori-*
 9 *ties of the Federal Protective Service at any Federal facili-*
 10 *ties where an exemption is approved under subsection (a).*

11 “(c) *REQUIREMENTS.*—*The process under subsection*
 12 *(a) shall—*

13 “(1) *provide that—*

14 “(A) *an agency may submit an application*
 15 *to the Secretary for an authorization;*

16 “(B) *an authorization shall be for a 1-year*
 17 *period; and*

18 “(C) *an authorization may be renewed on*
 19 *an annual basis; and*

20 “(2) *require an agency to—*

21 “(A) *demonstrate security expertise;*

22 “(B) *possess law enforcement authority;*

23 “(C) *provide sufficient information through*
 24 *a security plan that the agency shall be in com-*
 25 *pliance with the Federal security standards of*
 26 *the Committee; and*

1 “(D) submit a cost benefit analysis dem-
2 onstrating savings to be realized.

3 **“SEC. 264. FACILITY SECURITY COMMITTEES.**

4 “(a) *IN GENERAL.*—

5 “(1) *MAINTENANCE OF FACILITY SECURITY COM-*
6 *MITTEES.*—*Except as provided under paragraph (2),*
7 *the agencies that are tenants at each Federal facility*
8 *shall maintain a Facility Security Committee for*
9 *that Federal facility. Each agency that is a tenant at*
10 *a Federal facility shall provide 1 employee to serve as*
11 *a member of the Facility Security Committee.*

12 “(2) *EXEMPTIONS.*—*The Secretary may exempt*
13 *a Federal facility from the requirement under para-*
14 *graph (1), if that Federal facility is authorized under*
15 *section 263 to provide protective services.*

16 “(b) *CHAIRPERSON.*—

17 “(1) *IN GENERAL.*—*Each Facility Security Com-*
18 *mittee shall be headed by a chairperson, elected by a*
19 *majority of the members of the Facility Security*
20 *Committee.*

21 “(2) *RESPONSIBILITIES.*—*The chairperson shall*
22 *be responsible for—*

23 “(A) *maintaining accurate contact informa-*
24 *tion for agency tenants and providing that infor-*
25 *mation, including any updates, to the Federal*

1 *Protective Service or designated security organi-*
2 *zation;*

3 *“(B) setting the agenda for Facility Secu-*
4 *rity Committee meetings;*

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

8 *“(D) reviewing a security assessment com-*
9 *pleted by the Federal Protective Service or des-*
10 *ignated security organization representatives*
11 *and, if requested by the Federal Protective Serv-*
12 *ice or designated security organization, accom-*
13 *panying the representatives during on-site facil-*
14 *ity security assessments;*

15 *“(E) maintaining an official record of each*
16 *meeting;*

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

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

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

25 *“(c) TRAINING FOR MEMBERS.—*

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

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

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

13 “(B) *be commensurate with the security*
14 *level of the facility; and*

15 “(C) *include training relating to—*

16 “(i) *familiarity with published stand-*
17 *ards of the Interagency Security Committee;*

18 “(ii) *physical security criteria for Fed-*
19 *eral facilities;*

20 “(iii) *use of physical security perform-*
21 *ance measures;*

22 “(iv) *facility security levels determina-*
23 *tions;*

24 “(v) *best practices for safe mail han-*
25 *dling;*

1 “(vi) knowledge of an occupant emer-
 2 gency plan, the facility security assessment
 3 process, and the facility countermeasures
 4 plan; and

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

8 “(3) *WAIVERS.*—The training requirement under
 9 this subsection may be waived by the Director, the
 10 head of a designated security organization, or the
 11 Chairperson of the Interagency Security Committee if
 12 the Director, the head of the designated security orga-
 13 nization, or the Chairperson determines that an em-
 14 ployee has related experience in physical security, law
 15 enforcement, or infrastructure security disciplines.

16 “(4) *INCUMBENT MEMBERS.*—

17 “(A) *IN GENERAL.*—This subsection shall
 18 apply to any Facility Security Committee estab-
 19 lished before, on, or after the date of enactment
 20 of the Supporting Employee Competency and
 21 Updating Readiness Enhancements for Facilities
 22 Act of 2010, except that any member of a Facil-
 23 ity Security Committee serving on that date
 24 shall during the 1-year period following that
 25 date—

1 “(i) *successfully complete a training*
 2 *course as required under paragraph (1); or*
 3 “(ii) *obtain a waiver under paragraph*
 4 *(3).*

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

10 “(d) *MEETINGS AND QUORUM.—*

11 “(1) *MEETINGS.—Each Facility Security Com-*
 12 *mittee shall meet on a quarterly basis, or more fre-*
 13 *quently if determined appropriate by the chairperson.*

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

17 “(e) *APPEAL.—*

18 “(1) *IN GENERAL.—If a Facility Security Com-*
 19 *mittee disagrees with a recommendation of the Fed-*
 20 *eral Protective Service for necessary countermeasures*
 21 *or physical security improvements, the Chairperson of*
 22 *a Facility Security Committee may file an appeal of*
 23 *the recommendation with the Interagency Security*
 24 *Committee appeals board.*

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

4 “(3) *MATTERS SUBJECT TO APPEAL.*—*A rec-*
 5 *ommendation of the Federal Protective Service may*
 6 *be appealed under this subsection, including rec-*
 7 *ommendations relating to—*

8 “(A) *countermeasure improvements;*

9 “(B) *facility security assessment findings;*

10 *and*

11 “(C) *facility security levels.*”.

12 (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 13 *table of contents for the Homeland Security Act of 2002*
 14 *is amended by inserting after the matter relating to title*
 15 *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. Advanced imaging technology.*

 “*Sec. 247. Checkpoint detection technology standards.*

 “*Sec. 248. Compliance of Federal facilities with Federal security standards.*

 “*Sec. 249. 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.*”.

1 **SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-**
 2 **DUTY CARRYING OF FIREARMS.**

3 *Section 1315(b)(2) of title 40, United States Code, is*
 4 *amended—*

5 *(1) in the matter preceding subparagraph (A),*
 6 *by striking “While engaged in the performance of offi-*
 7 *cial duties, an” and inserting “An”; and*

8 *(2) in subparagraph (B), by striking “carry fire-*
 9 *arms;” and inserting “carry firearms on or off*
 10 *duty;”.*

11 **SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL**
 12 **EMPLOYEES RETIREMENT SYSTEM.**

13 *(a) CIVIL SERVICE RETIREMENT SYSTEM.—*

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

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

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

20 *(C) by adding at the end the following:*

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

24 *“(A) who holds a position within the GS–*
 25 *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 performance 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) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—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.”.

1 (3) *MANDATORY SEPARATION.*—*The first sentence*
 2 *of section 8335(b)(1) of title 5, United States Code, is*
 3 *amended by inserting “Federal protective service offi-*
 4 *cer,” before “or customs and border protection offi-*
 5 *cer,”.*

6 (4) *IMMEDIATE RETIREMENT.*—*Section 8336 of*
 7 *title 5, United States Code, is amended—*

8 (A) *in subsection (c)(1), by inserting “Fed-*
 9 *eral protective service officer,” before “or customs*
 10 *and border protection officer,”; and*

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

14 (b) *FEDERAL EMPLOYEES RETIREMENT SYSTEM.*—

15 (1) *DEFINITION.*—*Section 8401 of title 5, United*
 16 *States Code, is amended—*

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

19 (B) *in paragraph (36), by striking the pe-*
 20 *riod and inserting “and”; and*

21 (C) *by adding at the end the following:*

22 “(37) ‘Federal protective service officer’ means
 23 *an employee in the Federal Protective Service of the*
 24 *Department of Homeland Security—*

1 “(A) who holds a position within the GS–
2 0083, GS–0080, GS–1801, or GS–1811 job series
3 (determined applying the criteria in effect as of
4 September 1, 2007) or any successor position;
5 and

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

20 (2) *IMMEDIATE RETIREMENT.*—Paragraphs (1)
21 and (2) of section 8412(d) of title 5, United States
22 Code, are amended by inserting “Federal protective
23 service officer,” before “or customs and border protec-
24 tion officer,”.

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

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

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

8 (5) *GOVERNMENT CONTRIBUTIONS.*—Paragraphs
 9 (1)(B)(i) and (3) of section 8423(a) of title 5, United
 10 States Code, are amended by inserting “Federal pro-
 11 tective service officer,” before “customs and border
 12 protection officer,” each place that term appears.

13 (6) *MANDATORY SEPARATION.*—Section
 14 8425(b)(1) of title 5, United States Code, is amend-
 15 ed—

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

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

22 (c) *MAXIMUM AGE FOR ORIGINAL APPOINTMENT.*—
 23 Section 3307 of title 5, United States Code, is amended by
 24 adding at the end the following:

1 “(h) *The Secretary of Homeland Security may deter-*
 2 *mine and fix the maximum age limit for an original ap-*
 3 *pointment to a position as a Federal protective service offi-*
 4 *cer, as defined by section 8401(37).”.*

5 (d) *REGULATIONS.—Any regulations necessary to*
 6 *carry out the amendments made by this section shall be pre-*
 7 *scribed by the Director of the Office of Personnel Manage-*
 8 *ment in consultation with the Secretary.*

9 (e) *EFFECTIVE DATE; TRANSITION RULES; FUND-*
 10 *ING.—*

11 (1) *EFFECTIVE DATE.—The amendments made*
 12 *by this section shall become effective on the later of*
 13 *June 30, 2011 or the first day of the first pay period*
 14 *beginning at least 6 months after the date of enact-*
 15 *ment of this Act.*

16 (2) *TRANSITION RULES.—*

17 (A) *NONAPPLICABILITY OF MANDATORY SEP-*
 18 *ARATION PROVISIONS TO CERTAIN INDIVID-*
 19 *UALS.—The amendments made by subsections*
 20 *(a)(3) and (b)(6), respectively, shall not apply to*
 21 *an individual first appointed as a Federal pro-*
 22 *jective service officer before the effective date*
 23 *under paragraph (1).*

24 (B) *TREATMENT OF PRIOR FEDERAL PRO-*
 25 *TECTIVE SERVICE OFFICER SERVICE.—*

1 (i) *GENERAL RULE.*—*Except as pro-*
 2 *vided in clause (ii), nothing in this section*
 3 *shall be considered to apply with respect to*
 4 *any service performed as a Federal protec-*
 5 *tive service officer before the effective date*
 6 *under paragraph (1).*

7 (ii) *EXCEPTION.*—*Service described in*
 8 *section 8331(32) and 8401(37) of title 5,*
 9 *United States Code (as amended by this sec-*
 10 *tion) rendered before the effective date under*
 11 *paragraph (1) may be taken into account to*
 12 *determine if an individual who is serving*
 13 *on or after such effective date then qualifies*
 14 *as a Federal protective service officer by*
 15 *virtue of holding a supervisory or adminis-*
 16 *trative position in the Department of*
 17 *Homeland Security.*

18 (C) *MINIMUM ANNUITY AMOUNT.*—*The an-*
 19 *nuity of an individual serving as a Federal pro-*
 20 *tection service officer on the effective date under*
 21 *paragraph (1) pursuant to an appointment*
 22 *made before that date shall, to the extent that its*
 23 *computation is based on service rendered as a*
 24 *Federal protective service officer on or after that*
 25 *date, be at least equal to the amount that would*

1 *be payable to the extent that such service is sub-*
 2 *ject to the Civil Service Retirement System or*
 3 *Federal Employees Retirement System, as ap-*
 4 *propriate, by applying section 8339(d) of title 5,*
 5 *United States Code, with respect to such service.*

6 *(D) RULE OF CONSTRUCTION.—Nothing in*
 7 *the amendment made by subsection (c) shall be*
 8 *considered to apply with respect to any appoint-*
 9 *ment made before the effective date under para-*
 10 *graph (1).*

11 *(3) FEES AND AUTHORIZATIONS OF APPROPRIA-*
 12 *TIONS.—*

13 *(A) FEES.—The Federal Protective Service*
 14 *shall adjust fees as necessary to ensure collections*
 15 *are sufficient to carry out amendments made in*
 16 *this section.*

17 *(B) AUTHORIZATION OF APPROPRIA-*
 18 *TIONS.—There are authorized to be appropriated*
 19 *such sums as are necessary to carry out this sec-*
 20 *tion.*

21 *(4) ELECTION.—*

22 *(A) INCUMBENT DEFINED.—For purposes of*
 23 *this paragraph, the term “incumbent” means an*
 24 *individual who is serving as a Federal protective*

1 *service officer on the date of the enactment of this*
 2 *Act.*

3 *(B) NOTICE REQUIREMENT.—Not later than*
 4 *30 days after the date of enactment of this Act,*
 5 *the Director of the Office of Personnel Manage-*
 6 *ment shall take measures reasonably designed to*
 7 *ensure that incumbents are notified as to their*
 8 *election rights under this paragraph, and the ef-*
 9 *fect of making or not making a timely election.*

10 *(C) ELECTION AVAILABLE TO INCUM-*
 11 *BENTS.—*

12 *(i) IN GENERAL.—An incumbent may*
 13 *elect, for all purposes, either—*

14 *(I) to be treated in accordance*
 15 *with the amendments made by sub-*
 16 *section (a) or (b), as applicable; or*

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

19 *(ii) FAILURE TO MAKE A TIMELY*
 20 *ELECTION.—Failure to make a timely elec-*
 21 *tion under clause (i) shall be treated in the*
 22 *same way as an election made under clause*
 23 *(i)(I) on the last day allowable under clause*
 24 *(iii).*

1 (iii) *DEADLINE.*—An election under
 2 this subparagraph shall not be effective un-
 3 less it is made at least 14 days before the
 4 effective date under paragraph (1).

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

10 (6) *EXCLUSION.*—Nothing in this section or any
 11 amendment made by this section shall be considered
 12 to afford any election or to otherwise apply with re-
 13 spect to any individual who, as of the day before the
 14 date of the enactment of this Act—

15 (A) holds a positions within the Federal
 16 Protective Service; and

17 (B) is considered a law enforcement officers
 18 for purposes of subchapter III of chapter 83 or
 19 chapter 84 of title 5, United States Code, by vir-
 20 tue of such position.

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

23 (a) *IN GENERAL.*—Not later than 90 days after the
 24 date of enactment of this Act, the Secretary shall submit
 25 a report to the appropriate congressional committees on the

1 *personnel needs of the Federal Protective Service that in-*
 2 *cludes recommendations on the numbers of Federal protec-*
 3 *tive service officers and the workforce composition of the*
 4 *Federal Protective Service needed to carry out the mission*
 5 *of the Federal Protective Service during the 10-fiscal year*
 6 *period beginning after the date of enactment of this Act.*

7 (b) *REVIEW AND COMMENT.*—*The Secretary shall pro-*
 8 *vide the report prepared under this section to a qualified*
 9 *consultant for review and comment, before submitting the*
 10 *report to the appropriate congressional committees. The*
 11 *Secretary shall provide the comments of the qualified con-*
 12 *sultant to the appropriate congressional committee with the*
 13 *report.*

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

17 *Not later than 90 days after the date of enactment of*
 18 *this Act, the Secretary shall submit a report to the appro-*
 19 *priate congressional committees on—*

20 (1) *retention rates within the Federal Protective*
 21 *Service contract guard workforce; and*

22 (2) *how the retention rate affects the costs and*
 23 *operations of the Federal Protective Service and the*
 24 *security of Federal facilities.*

1 **SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING**
2 **THE FEDERAL PROTECTIVE SERVICE CON-**
3 **TRACT GUARD WORKFORCE.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this Act, the Secretary shall submit to the
6 appropriate congressional committees a report on the feasi-
7 bility of federalizing the Federal Protective Service contract
8 guard workforce.

9 (b) *REVIEW AND COMMENT.*—The Secretary shall pro-
10 vide the report prepared under this section to a qualified
11 consultant for review and comment, before submitting the
12 report to the appropriate congressional committees. The
13 Secretary shall provide the comments of the qualified con-
14 sultant to the appropriate congressional committee with the
15 report.

16 (c) *CONTENTS.*—The report under this section shall in-
17 clude an evaluation of—

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

25 (2) *the immediate and projected costs of the con-*
26 *version;*

1 (3) *the immediate and projected costs of main-*
2 *taining guards under contract status and of main-*
3 *taining full-time Federal employee guards;*

4 (4) *the potential increase in security if con-*
5 *verted, including an analysis of using either a Fed-*
6 *eral security guard, Federal police officer, or Federal*
7 *protective service officer instead of a contract guard;*

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

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

15 **SEC. 9. REPORT ON AGENCY FUNDING.**

16 *Not later than 180 days after the date of enactment*
17 *of this Act, the Secretary shall submit to the appropriate*
18 *congressional committees a report on the method of funding*
19 *for the Federal Protective Service, which shall include rec-*
20 *ommendations regarding whether the Federal Protective*
21 *Service should continue to be funded by a collection of fees*
22 *and security charges, be funded by appropriations, or be*
23 *funded by a combination of fees, security charges, and ap-*
24 *propriations.*

1 **SEC. 10. SAVINGS CLAUSE.**

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

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

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

8 *(3) any authority of the Federal Protective Serv-*
9 *ice not specifically enumerated by this Act that is in*
10 *effect on the day before the date of enactment of this*
11 *Act.*

Calendar No. 684

11TH CONGRESS
2^D Session

S. 3806

A BILL

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

DECEMBER 10, 2010

Reported with an amendment