

112TH CONGRESS  
1ST SESSION

# S. 772

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 8, 2011

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

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## A BILL

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

**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 2011” or the “SECURE Facilities Act  
5 of 2011”.

**6 SEC. 2. DEFINITIONS.**

7       In this Act:

1           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
2       TEES.—The term “appropriate congressional com-  
3       mittees” means—

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

6           (B) the Committee on Appropriations of  
7       the Senate;

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

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

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

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

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

21          (A) the Albuquerque National Nuclear Se-  
22       curity Administration Service Center;

23          (B) the Brookhaven National Laboratory  
24       and Brookhaven Site Office;

1 (C) the Argonne National Laboratory, the  
2 Argonne Site Office and the Chicago Service  
3 Center;

4 (D) the Department of Energy Office of  
5 Secure Transportation, and associated field lo-  
6 cations;

7 (E) the Idaho National Laboratory and the  
8 Idaho Site Office;

9 (F) the Kansas City Plant and the Kansas  
10 City Site Office;

11 (G) the Pittsburgh Naval Reactors Office,  
12 Bettis Atomic Power Laboratory, Idaho Naval  
13 Reactors Facility, and the Knolls Atomic Power  
14 Laboratory;

15 (H) the Nevada Site Office and the Ne-  
16 vada National Security Site;

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

19 (J) the Lawrence Livermore National Lab-  
20 oratory and Lawrence Livermore Site Office;

21 (K) the National Energy Technology Lab-  
22 oratory;

23 (L) the Oak Ridge National Laboratory,  
24 Department of Energy Oak Ridge Office, and

1 the Department of Energy East Tennessee  
2 Technology Park;

3 (M) the Pantex Plant and Pantex Site Of-  
4 fice;

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

7 (O) the Richland Operations Office and  
8 Hanford Site;

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

11 (Q) the Strategic Petroleum Reserve  
12 Project Office and the Strategic Petroleum Re-  
13 serve Sites;

14 (R) the Savannah River Plant and the De-  
15 partment of Energy Office of Environmental  
16 Management's Savannah River Site Office;

17 (S) the Savannah River National Labora-  
18 tory;

19 (T) the National Nuclear Security Admin-  
20 istration's National Savannah River Site Office,  
21 the Tritium Extraction Facility and Mixed  
22 Oxide Fuel Fabrication Facility;

23 (U) the Waste Isolation Pilot Plant; and

1 (V) the National Nuclear Security Admin-  
2 istration’s Y–12 Site Office and the Y–12 Na-  
3 tional Security Complex.

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

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

13 (B) does not include—

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

16 (ii) any facility used for activities cov-  
17 ered under the Atomic Energy Act of 1954  
18 (42 U.S.C. 2011 et seq.).

19 (5) FEDERAL PROTECTIVE SERVICE OFFICER.—  
20 The term “Federal protective service officer”—

21 (A) has the meaning given under sections  
22 8331 and 8401 of title 5, United States Code;  
23 and

24 (B) includes any other employee of the  
25 Federal Protective Service designated as a Fed-

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

(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:

17   **“SEC. 241. DEFINITIONS.**

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

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

1           “(B) the Committee on Appropriations of  
2           the Senate;

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

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

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

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

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

14               “(A) means a rating of each Federal facil-  
15               ity based on the analysis of several facility fac-  
16               tors that provides a basis for that facility’s  
17               attractiveness as a target and potential effects  
18               or consequences of a criminal or terrorist at-  
19               tack, which then serves as a basis for the imple-  
20               mentation of certain levels of security protec-  
21               tion; and

22               “(B) is determined by the Federal Protec-  
23               tive Service, the United States Marshals Service  
24               under section 566 of title 28, United States  
25               Code, or another agency authorized to provide

1 all protective services for a facility under the  
2 provisions of section 263 and guided by Inter-  
3 agency Security Committee standards.

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

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

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

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

15 “(D) the Department of Energy Office of  
16 Secure Transportation, and associated field lo-  
17 cations;

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

20 “(F) the Kansas City Plant and the Kan-  
21 sas City Site Office;

22 “(G) the Pittsburgh Naval Reactors Office,  
23 Bettis Atomic Power Laboratory, Idaho Naval  
24 Reactors Facility, and the Knolls Atomic Power  
25 Laboratory;



1           “(H) the Nevada Site Office and the Ne-  
2 vada National Security Site;

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

5           “(J) the Lawrence Livermore National  
6 Laboratory and Lawrence Livermore Site Of-  
7 fice;

8           “(K) the National Energy Technology  
9 Laboratory;

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

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

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

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

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

22          “(Q) the Strategic Petroleum Reserve  
23 Project Office and the Strategic Petroleum Re-  
24 serve Sites;

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

4           “(S) the Savannah River National Labora-  
5           tory;

6           “(T) the National Nuclear Security Ad-  
7           ministration’s National Savannah River Site  
8           Office, the Tritium Extraction Facility and  
9           Mixed Oxide Fuel Fabrication Facility;

10          “(U) the Waste Isolation Pilot Plant; and

11          “(V) the National Nuclear Security Ad-  
12          ministration’s Y-12 Site Office and the Y-12  
13          National Security Complex.

14          “(6) 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—

24                       “(i) any building, grounds, or prop-  
25                       erty used for military activities; or

1                   “(ii) any facility used for activities  
2                   covered under the Atomic Energy Act of  
3                   1954 (42 U.S.C. 2011 et seq.).

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

8                   “(A) means those facilities owned or leased  
9                   by the General Services Administration, and  
10                  other facilities at the discretion of the Sec-  
11                  retary; and

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

16                  “(8) FEDERAL PROTECTIVE SERVICE OFFI-  
17                  CER.—The term ‘Federal protective service offi-  
18                  cer’—

19                  “(A) has the meaning given under sections  
20                  8331 and 8401 of title 5, United States Code;  
21                  and

22                  “(B) includes any other employee of the  
23                  Federal Protective Service designated as a Fed-  
24                  eral protective service officer authorized to

1           carry firearms and make arrests by the Sec-  
2           retary.

3           “(9) INFRASTRUCTURE SECURITY CANINE  
4 TEAM.—The term ‘infrastructure security canine  
5 team’ means a certified canine and a Federal protec-  
6 tive service officer that are trained to detect explo-  
7 sives or other threats as defined by the Secretary.

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

16           “(11) SECURITY ORGANIZATION.—The term  
17 ‘security organization’ means an agency or an inter-  
18 nal agency component responsible for security at a  
19 specific Federal facility.

20 **“SEC. 242. ESTABLISHMENT.**

21           “(a) ESTABLISHMENT.—There is established the  
22 Federal Protective Service within the Department.

23           “(b) MISSION.—The mission of the Federal Protec-  
24 tive Service is to render Federal facilities protected by the

1 Federal Protective Service safe and secure for Federal em-  
2 ployees, contract employees, officers, and visitors.

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

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

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

13 “(2) PROTECTION.—The Director shall secure  
14 Federal facilities which are protected by the Federal  
15 Protective Service, and safeguard all occupants, in-  
16 cluding Federal employees, contract employees, offi-  
17 cers, and visitors.

18 “(3) ENFORCEMENT POLICY.—The Director  
19 shall establish and direct the policies of the Federal  
20 Protective Service, and advise the Under Secretary  
21 for the National Protection and Programs Direc-  
22 torate on policy matters relating to the protection of  
23 Federal facilities.

24 “(4) TRAINING.—The Director shall—

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

3                   “(i) employees of the Federal Protec-  
4                   tive Service; and

5                   “(ii) armed contract security guards  
6                   at Federal facilities protected by the Fed-  
7                   eral Protective Service; and

8           “(B) provide training, to members of a Fa-  
9           cility Security Committee that meets the stand-  
10          ards established by the Interagency Security  
11          Committee.

12          “(5) INVESTIGATIONS.—The Director shall en-  
13          sure violations of any Federal law affecting the secu-  
14          rity of Federal facilities protected by the Federal  
15          Protective Service are investigated and referred for  
16          prosecution as appropriate.

17          “(6) INSPECTIONS.—The Director shall inspect  
18          Federal facilities protected by the Federal Protective  
19          Service for the purpose of determining compliance  
20          with Federal security standards and making appro-  
21          priate risk mitigation recommendations.

22          “(7) PERSONNEL.—The Director shall provide  
23          adequate numbers of trained personnel to ensure  
24          Federal security standards are met.

1           “(8) INFORMATION SHARING.—The Director  
2       shall provide crime prevention, threat awareness,  
3       and intelligence information to the Administrator of  
4       General Services and tenants of Federal facilities.  
5       The Director shall ensure effective coordination and  
6       liaison with other Federal law enforcement agencies  
7       and State and local law enforcement agencies.

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

12          “(10) SECURITY ASSESSMENT.—The Director  
13      shall ensure a security risk assessment is conducted  
14      for each Federal facility protected by the Federal  
15      Protective Service on a recurring basis and in ac-  
16      cordance with standards established by the Inter-  
17      agency Security Committee.

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

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

23              “(B) provide technical assistance to agen-  
24              cies that are the tenant of a Federal facility  
25              protected by the Federal Protective Service in

1 developing plans described in subparagraph (A);  
2 and

3 “(C) ensure plans described in subpara-  
4 graph (A) are exercised in accordance with  
5 standards established by the Interagency Secu-  
6 rity Committee.

7 “(12) SECURITY COUNTERMEASURES.—The Di-  
8 rector shall ensure and supervise the effective de-  
9 sign, procurement, installation, maintenance, and  
10 operation of security countermeasures (including  
11 armed contract guards, electronic physical security  
12 systems, and weapons and explosives screening de-  
13 vices) for Federal facilities protected by the Federal  
14 Protective Service.

15 “(13) SUITABILITY ADJUDICATION OF GUARDS  
16 AND BUILDING SERVICE CONTRACTORS.—The Direc-  
17 tor shall ensure that—

18 “(A) background investigations are con-  
19 ducted for contract guards and building service  
20 contractors; and

21 “(B) each contract guard and building  
22 service contractor is suitable for work in a Fed-  
23 eral facility protected by the Federal Protective  
24 Service before being granted unescorted or re-  
25 curring access.



1           “(14) PROTECTIVE SERVICE GUARD CON-  
 2           TRACTING.—The Director shall be responsible for all  
 3           protective service guard contracting requirements for  
 4           those facilities owned or leased by the General Serv-  
 5           ices Administration, and other facilities at the dis-  
 6           cretion of the Secretary.

7           “(15) ASSISTANCE TO FACILITY SECURITY COM-  
 8           MITTEES.—The Director shall ensure coordination  
 9           with and provide assistance to Facility Security  
 10          Committees on matters relating to facilities, facility  
 11          vulnerabilities, and potential consequences of an in-  
 12          cident.

13   **“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIRE-**  
 14                   **MENTS.**

15          “(a) IN GENERAL.—The Secretary shall ensure that  
 16          the Federal Protective Service maintains not fewer than  
 17          1,371 full-time equivalent employees, including not fewer  
 18          than 950 in-service field staff in fiscal year 2012.

19          “(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE  
 20          LEVEL.—

21               “(1) IN GENERAL.—The Secretary shall ensure  
 22          that the Federal Protective Service shall maintain at  
 23          any time not fewer than 1,200 full-time equivalent  
 24          employees, including not fewer than 900 in-service  
 25          field staff.

1           “(2) REPORT.—In any fiscal year after fiscal  
 2           year 2012 in which the number of full-time equiva-  
 3           lent employees of the Federal Protective Service is  
 4           fewer than the number of full-time equivalent em-  
 5           ployees of the Federal Protective Service in the pre-  
 6           vious fiscal year, the Secretary shall submit a report  
 7           to the appropriate congressional committees that  
 8           provides—

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

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

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

15           “(a) ARMED GUARD TRAINING REQUIREMENTS.—

16                  “(1) ESTABLISHMENT.—Not later than 180  
 17                  days after the date of enactment of the Supporting  
 18                  Employee Competency and Updating Readiness En-  
 19                  hancements for Facilities Act of 2011, the Director  
 20                  shall establish minimum training requirements for  
 21                  all armed guards procured by the Federal Protective  
 22                  Service.

23                  “(2) REQUIREMENTS.—Training requirements  
 24                  under this subsection shall include—

1           “(A) at least 80 hours of instruction before  
 2           a guard may be deployed, and at least 16 hours  
 3           of recurrent training on an annual basis there-  
 4           after; and

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

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

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

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

15                  and

16                  “(iv) at least 25 percent of the hours  
 17                  of required instruction in fiscal year 2014

18                  and each fiscal year thereafter.

19           “(b) TRAINING AND SECURITY ASSESSMENT PRO-  
 20   GRAM.—

21           “(1) ESTABLISHMENT.—Not later than 180  
 22   days after the date of enactment of the Supporting  
 23   Employee Competency and Updating Readiness En-  
 24   hancements for Facilities Act of 2011, the Director  
 25   shall establish a program to periodically assess—

1           “(A) the training of guards for the security  
2           and protection of Federal facilities protected by  
3           the Federal Protective Service; and

4           “(B) the security of Federal facilities pro-  
5           tected by the Federal Protective Service.

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

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

10          “(B) a remedial training program for  
11          guards;

12          “(C) procedures for taking personnel ac-  
13          tions, including processes for removing individ-  
14          uals who fail to conform to the training or per-  
15          formance requirements of the contract; and

16          “(D) an overt and covert testing program  
17          for the purposes of assessing guard perform-  
18          ance and other facility security counter-  
19          measures.

20          “(3) REPORTS.—The Secretary shall annually  
21          submit a report to the appropriate congressional  
22          committees, in a classified manner, if necessary, on  
23          the results of the assessment of the overt and covert  
24          testing program of the Federal Protective Service.

1       “(c) REVISION OF GUARD MANUAL AND POST OR-  
2   DERS.—

3           “(1) IN GENERAL.—Not later than 180 days  
4   after the date of enactment of the Supporting Em-  
5   ployee Competency and Updating Readiness En-  
6   hancements for Facilities Act of 2011, the Director,  
7   in consultation with the Administrator of General  
8   Services, shall—

9           “(A) update the Security Guard Informa-  
10   tion Manual and post orders for each guard  
11   post overseen by the Federal Protective Service;  
12   or

13          “(B) certify to the Secretary that the Se-  
14   curity Guard Information Manual and post or-  
15   ders described under subparagraph (A) have  
16   been updated during the 1-year period pre-  
17   ceding the date of enactment of the Supporting  
18   Employee Competency and Updating Readiness  
19   Enhancements for Facilities Act of 2011.

20          “(2) REVIEW AND UPDATE.—Beginning with  
21   the first calendar year following the date of enact-  
22   ment of the Supporting Employee Competency and  
23   Updating Readiness Enhancements for Facilities Act  
24   of 2011, and every 2 years thereafter, the Director  
25   shall review and update the Security Guard Informa-

1       tion Manual and post orders for each guard post  
2       overseen by the Federal Protective Service.

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

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

8       “(a) IN GENERAL.—

9               “(1) INCREASED CAPACITY.—Not later than  
10       180 days after the date of enactment of the Sup-  
11       porting Employee Competency and Updating Readiness  
12       Enhancements for Facilities Act of 2011, the  
13       Director shall—

14               “(A) begin to increase the number of infra-  
15       structure security canine teams certified by the  
16       Federal Protective Service for the purposes of  
17       infrastructure-related security by up to 15 ca-  
18       nine teams in each of fiscal years 2012 through  
19       2015; and

20               “(B) encourage State and local govern-  
21       ments and private owners of high-risk facilities  
22       to strengthen security through the use of highly  
23       trained infrastructure security canine teams.

24               “(2) INFRASTRUCTURE SECURITY CANINE  
25       TEAMS.—To the extent practicable, the Director

1 shall increase the number of infrastructure security  
2 canine teams by—

3 “(A) partnering with the Customs and  
4 Border Protection Canine Enforcement Pro-  
5 gram and the Canine Training Center Front  
6 Royal, the Transportation Security Administra-  
7 tion’s National Explosives Detection Canine  
8 Team Training Center, or other offices or agen-  
9 cies within the Department with established ca-  
10 nine training programs;

11 “(B) partnering with agencies, State or  
12 local government agencies, nonprofit organiza-  
13 tions, universities, or the private sector to in-  
14 crease the training capacity for canine detection  
15 teams; or

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

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

24 “(1) IN GENERAL.—The Director, in coordina-  
25 tion with the Office of Infrastructure Protection,

1 shall establish criteria, including canine training cur-  
2 ricula, performance standards, and other require-  
3 ments, necessary to ensure that infrastructure secu-  
4 rity canine teams trained by nonprofit organizations,  
5 universities, and private sector entities are ade-  
6 quately trained and maintained.

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

9 “(A) coordinate with key stakeholders, in-  
10 cluding international, Federal, State, and local  
11 government officials, and private sector and  
12 academic entities to develop best practice guide-  
13 lines;

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

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

22 “(c) DEPLOYMENT.—The Director—

23 “(1) shall use the additional canine teams in-  
24 creased under subsection (a) to enhance security at  
25 Federal facilities;



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

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

6                   “(A) for high-risk areas;

7                   “(B) to address specific threats; or

8                   “(C) on an as-needed basis.

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

13       **“SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STAND-**  
14               **ARDS.**

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

20       **“SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH**  
21               **FEDERAL SECURITY STANDARDS.**

22           “(a) IN GENERAL.—The Secretary may assess secu-  
23          rity charges to an agency that is the owner or the tenant  
24          of a Federal facility protected by the Federal Protective  
25          Service in addition to any security charge assessed under

1 section 248 for the costs of necessary security counter-  
 2 measures if—

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

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

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

14 “(i) the noncompliance;

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

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

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

21 “(b) REPORT ON NONCOMPLIANT FACILITIES.—The  
 22 Secretary shall submit a report to the appropriate congres-  
 23 sional committees, in a classified manner if necessary, of  
 24 any facility determined to be in noncompliance with the

1 Federal security standards established by the Interagency  
2 Security Committee.

3 **“SEC. 248. FEES FOR PROTECTIVE SERVICES.**

4 “(a) IN GENERAL.—The Secretary may assess and  
5 collect fees and security charges from agencies for the  
6 costs of providing protective services.

7 “(b) DEPOSIT OF FEES.—Any fees or security  
8 charges paid under this section shall be deposited in the  
9 appropriations account under the heading ‘FEDERAL PRO-  
10 TECTIVE SERVICES’ under the heading ‘NATIONAL PRO-  
11 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-  
12 ment.

13 “(c) ADJUSTMENT OF FEES.—The Director of the  
14 Office of Management and Budget shall adjust fees as  
15 necessary to carry out this subtitle.

16 **“Subtitle F—Interagency Security**  
17 **Committee**

18 **“SEC. 261. DEFINITIONS.**

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

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

22 “(a) ESTABLISHMENT.—There is established within  
23 the executive branch the Interagency Security Committee  
24 (in this subtitle referred to as the ‘Committee’) responsible  
25 for the development of safety and security standards and

1 best practices to mitigate the effects of natural and man-  
 2 made hazards in Federal facilities.

3 “(b) CHAIRPERSON.—The Committee shall be  
 4 chaired by the Secretary, or the designee of the Secretary.  
 5 The chairperson shall be responsible for the daily oper-  
 6 ations of the Committee and appeals board, final approval  
 7 and enforcement of Committee standards, and the promul-  
 8 gation of regulations related to Federal facility security  
 9 prescribed by the Committee.

10 “(c) MEMBERSHIP.—

11 “(1) VOTING MEMBERS.—The Committee shall  
 12 consist of the following voting members:

13 “(A) AGENCY REPRESENTATIVES.—Rep-  
 14 resentatives from the following agencies, ap-  
 15 pointed by the agency heads:

16 “(i) Department of Homeland Secu-  
 17 rity.

18 “(ii) Department of State.

19 “(iii) Department of the Treasury.

20 “(iv) Department of Defense.

21 “(v) Department of Justice.

22 “(vi) Department of the Interior.

23 “(vii) Department of Agriculture.

24 “(viii) Department of Commerce.

25 “(ix) Department of Labor.

1 “(x) Department of Health and  
2 Human Services.

3 “(xi) Department of Housing and  
4 Urban Development.

5 “(xii) Department of Transportation.

6 “(xiii) Department of Energy.

7 “(xiv) Department of Education.

8 “(xv) Department of Veterans Affairs.

9 “(xvi) Environmental Protection  
10 Agency.

11 “(xvii) Central Intelligence Agency.

12 “(xviii) Office of Management and  
13 Budget.

14 “(xix) General Services Administra-  
15 tion.

16 “(B) OTHER OFFICERS.—The following  
17 Federal officers or the designees of those offi-  
18 cers:

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

21 “(ii) The Director.

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

24 “(C) JUDICIAL BRANCH REPRESENTA-  
25 TIVES.—A representative from the judicial

1 branch appointed by the Chief Justice of the  
2 United States.

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

7 “(A) Federal Aviation Administration.

8 “(B) Federal Bureau of Investigation.

9 “(C) Federal Deposit Insurance Corpora-  
10 tion.

11 “(D) Federal Emergency Management  
12 Agency.

13 “(E) Federal Reserve Board.

14 “(F) Internal Revenue Service.

15 “(G) National Aeronautics and Space Ad-  
16 ministration.

17 “(H) National Capital Planning Commis-  
18 sion.

19 “(I) National Institute of Standards &  
20 Technology.

21 “(J) Nuclear Regulatory Commission.

22 “(K) Office of Personnel Management.

23 “(L) Securities and Exchange Commission.

24 “(M) Social Security Administration.

25 “(N) United States Coast Guard.

1 “(O) United States Postal Service.

2 “(P) United States Army Corps of Engi-  
3 neers.

4 “(Q) Court Services and Offender Super-  
5 vision Agency.

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

8 “(3) GOVERNMENT ACCOUNTABILITY OFFICE.—  
9 The Comptroller General shall designate a represent-  
10 ative to act as a liaison to the Committee.

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

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

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

22 “(g) RESPONSIBILITIES.—The Committee shall—

23 “(1) not later than 1 year after the date of en-  
24 actment of the Supporting Employee Competency  
25 and Updating Readiness Enhancements for Facili-

1       ties Act of 2011, propose regulations to the Sec-  
2       retary for promulgation under section 1315(c)(1) of  
3       title 40, United States Code—

4               “(A) for determining facility security lev-  
5               els, unless the Committee determines that simi-  
6               lar regulations are issued by the Secretary be-  
7               fore the end of that 180-day period; and

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

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

17              “(3) prescribe regulations to determine min-  
18              imum levels of training and certification of contract  
19              guards;

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

22              “(5) establish minimum requirements and a  
23              process for providing basic security training for  
24              members of Facility Security Committees; and



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

4 “(A) encouraging agencies with security  
 5 responsibilities to share security-related intel-  
 6 ligence in a timely and cooperative manner;

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

10 “(C) developing long-term construction  
 11 standards for those locations with threat levels  
 12 or missions that require blast resistant struc-  
 13 tures or other specialized security requirements;

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

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

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

22 “(h) APPEALS BOARD.—

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

1 any Facility Security Committee or the Director of  
2 a—

3 “(A) facility security level determination;

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

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

11 “(2) MEMBERSHIP.—

12 “(A) IN GENERAL.—The appeals board  
13 shall consist of 7 members of the Committee, of  
14 whom—

15 “(i) 1 shall be designated by the Sec-  
16 retary;

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

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

23 “(B) RECUSAL.—An appeals board mem-  
24 ber shall recuse himself or herself from any ap-

1           peal from an agency which that member rep-  
2           resents.

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

6           “(i) AGENCY SUPPORT AND COOPERATION.—

7           “(1) ADMINISTRATIVE SUPPORT.—

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

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

20          “(2) COOPERATION AND COMPLIANCE.—

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

24          “(B) SUPPORT.—To the extent permitted  
25          by law and subject to the availability of appro-

1           priations, agencies shall provide such support as  
 2           may be necessary to enable the Committee to  
 3           perform the duties and responsibilities of the  
 4           Committee.

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

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

11   **“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE**  
 12                           **PROTECTIVE SERVICES.**

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

17          “(b) LAW ENFORCEMENT AUTHORITY.—The Federal  
 18          Protective Service shall retain the law enforcement au-  
 19          thorities of the Federal Protective Service at any Federal  
 20          facilities where an exemption is approved under subsection  
 21          (a).

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

24                 “(1) provide that—

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

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

5 “(C) an authorization may be renewed;  
6 and

7 “(D) not later than 60 days after an agen-  
8 cy submits an application to the Secretary for  
9 an authorization, the Secretary shall respond to  
10 the agency; and

11 “(2) require an agency to—

12 “(A) demonstrate security expertise;

13 “(B) possess law enforcement authority;

14 “(C) provide sufficient information through  
15 a security plan that the agency shall be in com-  
16 pliance with the Federal security standards of  
17 the Committee; and

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

20 “(d) AUTHORIZATION FOR CERTAIN DEPARTMENT  
21 OF ENERGY FACILITIES.—Nothing in this section shall—

22 “(1) alter authorizations in effect as of the date  
23 of enactment of the Supporting Employee Com-  
24 petency and Updating Readiness Enhancements for  
25 Facilities Act of 2011 that have been provided to the

1 Department of Energy for headquarters facilities lo-  
 2 cated in Washington, DC, and Germantown, Mary-  
 3 land; or

4 “(2) preclude the Secretary and the Secretary  
 5 of Energy from renegotiating the terms of the au-  
 6 thorizations for the Department of Energy head-  
 7 quarters facilities located in Washington, DC, and  
 8 Germantown, Maryland, without regard to the re-  
 9 quirements of subsection (c).

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

11 “(a) IN GENERAL.—

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

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

24 “(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) reviewing a security assessment completed by the Federal Protective Service or designated security organization representatives  
18      and, if requested by the Federal Protective  
19      Service or designated security organization, accompanying the representatives during on-site  
20      facility security assessments;  
21      assessments;  
22      assessments;  
23      assessments;  
24      assessments;

1           “(E) maintaining an official record of each  
2 meeting;

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

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

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

11       “(c) TRAINING FOR MEMBERS.—

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

18           “(2) TRAINING.—Training under this sub-  
19 section shall—

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

24           “(B) be commensurate with the security  
25 level of the facility; and



1 “(C) include training relating to—

2 “(i) familiarity with published stand-  
3 ards of the Interagency Security Com-  
4 mittee;

5 “(ii) physical security criteria for Fed-  
6 eral facilities;

7 “(iii) use of physical security perform-  
8 ance measures;

9 “(iv) facility security levels determina-  
10 tions;

11 “(v) best practices for safe mail han-  
12 dling;

13 “(vi) knowledge of an occupant emer-  
14 gency plan, the facility security assessment  
15 process, and the facility countermeasures  
16 plan; and

17 “(vii) the role of the Federal Protec-  
18 tive Service or designated security organi-  
19 zation and the General Services Adminis-  
20 tration.

21 “(3) WAIVERS.—The training requirement  
22 under this subsection may be waived by the Direc-  
23 tor, the head of a designated security organization,  
24 or the Chairperson of the Interagency Security Com-  
25 mittee if the Director, the head of the designated se-

1 security organization, or the Chairperson determines  
 2 that an employee has related experience in physical  
 3 security, law enforcement, or infrastructure security  
 4 disciplines.

5 “(4) INCUMBENT MEMBERS.—

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

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

17 “(ii) obtain a waiver under paragraph  
 18 (3).

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

24 “(d) MEETINGS AND QUORUM.—

1           “(1) MEETINGS.—Each Facility Security Com-  
 2       mittee shall meet on a quarterly basis, or more fre-  
 3       quently if determined appropriate by the chair-  
 4       person.

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

8       “(e) APPEAL.—

9           “(1) IN GENERAL.—If a Facility Security Com-  
 10      mittee disagrees with a determination of a facility  
 11      security level or a determination of noncompliance  
 12      with Federal security standards, the Chairperson of  
 13      a Facility Security Committee may file an appeal of  
 14      the determination with the Interagency Security  
 15      Committee appeals board.

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

19          “(3) MATTERS SUBJECT TO APPEAL.—A deter-  
 20      mination of the Federal Protective Service may be  
 21      appealed under this subsection, including any deter-  
 22      mination relating to—

23                  “(A) countermeasure improvements;

24                  “(B) facility security assessment findings;

25                  and

1 “(C) facility security levels.”.

2 (b) TECHNICAL AND CONFORMING AMENDMENT.—

3 The table of contents for the Homeland Security Act of  
 4 2002 is amended by inserting after the matter relating  
 5 to title II the following:

“Subtitle E—Federal Protective Service

“Sec. 241. Definitions.

“Sec. 242. Establishment.

“Sec. 243. Full-time equivalent employee requirements.

“Sec. 244. Oversight of contract guard services.

“Sec. 245. Infrastructure Security Canine Teams.

“Sec. 246. Checkpoint detection technology standards.

“Sec. 247. Compliance of Federal facilities with Federal security standards.

“Sec. 248. Fees for protective services.

“Subtitle F—Interagency Security Committee

“Sec. 261. Definitions.

“Sec. 262. Interagency Security Committee.

“Sec. 263. Authorization of agencies to provide protective services.

“Sec. 264. Facility security committees.”.

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

8 (a) LAW ENFORCEMENT AUTHORITY OF SECRETARY  
 9 OF HOMELAND SECURITY.—Section 1315(b)(2) of title  
 10 40, United States Code, is amended—

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

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

17 (b) CARRYING CONCEALED FIREARMS.—Section  
 18 926B(f) of title 18, United States Code, is amended by

1 inserting “, a law enforcement officer of the Federal Pro-  
 2 tective Service” after “Federal Reserve,”.

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

5 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

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

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

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

12 (C) by adding at the end the following:

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

16 “(A) who holds a position within the GS–  
 17 0083, GS–0080, GS–1801, or GS–1811 job se-  
 18 ries (determined applying the criteria in effect  
 19 as of September 1, 2007 or any successor posi-  
 20 tion; and

21 “(B) who are authorized to carry firearms  
 22 and empowered to make arrests in the perform-  
 23 ance of duties related to the protection of build-  
 24 ings, grounds and property that are owned, oc-  
 25 cupied, or secured by the Federal Government

(including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after 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.”.
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(3) MANDATORY SEPARATION.—The first sentence 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—

1 (A) in subsection (c)(1), by inserting “Fed-  
 2 eral protective service officer,” before “or cus-  
 3 toms and border protection officer,”; and

4 (B) in subsections (m) and (n), by insert-  
 5 ing “as a Federal protective service officer,” be-  
 6 fore “or as a customs and border protection of-  
 7 ficer,”.

8 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

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

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

13 (B) in paragraph (36), by striking the pe-  
 14 riod and inserting “and”; and

15 (C) by adding at the end the following:

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

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

24 “(B) who are authorized to carry firearms  
 25 and empowered to make arrests in the perform-

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

13           (2) IMMEDIATE RETIREMENT.—Paragraphs (1)  
 14          and (2) of section 8412(d) of title 5, United States  
 15          Code, are amended by inserting “Federal protective  
 16          service officer,” before “or customs and border pro-  
 17          tection officer,”.

18           (3) COMPUTATION OF BASIC ANNUITY.—Section  
 19          8415(h)(2) of title 5, United States Code, is amend-  
 20          ed by inserting “Federal protective service officer,”  
 21          before “or customs and border protection officer,”.

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

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



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

7           (6) MANDATORY SEPARATION.—Section  
 8           8425(b)(1) of title 5, United States Code, is amend-  
 9           ed—

10                   (A) by inserting “Federal protective service  
 11                   officer,” before “or customs and border protec-  
 12                   tion officer,” the first place that term appears;  
 13                   and

14                   (B) inserting “Federal protective service  
 15                   officer,” before “or customs and border protec-  
 16                   tion officer,” the second place that term ap-  
 17                   pears.

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

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

1 (d) REGULATIONS.—Any regulations necessary to  
2 carry out the amendments made by this section shall be  
3 prescribed by the Director of the Office of Personnel Man-  
4 agement in consultation with the Secretary.

5 (e) EFFECTIVE DATE; TRANSITION RULES; FUND-  
6 ING.—

7 (1) EFFECTIVE DATE.—The amendments made  
8 by this section shall become effective on the later of  
9 June 30, 2011 or the first day of the first pay pe-  
10 riod beginning at least 6 months after the date of  
11 enactment of this Act.

12 (2) TRANSITION RULES.—

13 (A) NONAPPLICABILITY OF MANDATORY  
14 SEPARATION PROVISIONS TO CERTAIN INDIVID-  
15 UALS.—The amendments made by subsections  
16 (a)(3) and (b)(6), respectively, shall not apply  
17 to an individual first appointed as a Federal  
18 protective service officer before the effective  
19 date under paragraph (1).

20 (B) TREATMENT OF PRIOR FEDERAL PRO-  
21 TECTIVE SERVICE OFFICER SERVICE.—

22 (i) GENERAL RULE.—Except as pro-  
23 vided in clause (ii), nothing in this section  
24 shall be considered to apply with respect to  
25 any service performed as a Federal protec-

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

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

14          (C) MINIMUM ANNUITY AMOUNT.—The an-  
15          nuity of an individual serving as a Federal pro-  
16          tective service officer on the effective date  
17          under paragraph (1) pursuant to an appoint-  
18          ment made before that date shall, to the extent  
19          that its computation is based on service ren-  
20          dered as a Federal protective service officer on  
21          or after that date, be at least equal to the  
22          amount that would be payable to the extent  
23          that such service is subject to the Civil Service  
24          Retirement System or Federal Employees Re-  
25          tirement System, as appropriate, by applying

1 section 8339(d) of title 5, United States Code,  
2 with respect to such service.

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

8 (3) FEES AND AUTHORIZATIONS OF APPROPRIA-  
9 TIONS.—

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

14 (B) AUTHORIZATION OF APPROPRIA-  
15 TIONS.—There are authorized to be appro-  
16 priated such sums as are necessary to carry out  
17 this section.

18 (4) ELECTION.—

19 (A) INCUMBENT DEFINED.—For purposes  
20 of this paragraph, the term “incumbent” means  
21 an individual who is serving as a Federal pro-  
22 tective service officer on the date of the enact-  
23 ment of this Act.

24 (B) NOTICE REQUIREMENT.—Not later  
25 than 30 days after the date of enactment of

1           this Act, the Director of the Office of Personnel  
 2           Management shall take measures reasonably de-  
 3           signed to ensure that incumbents are notified  
 4           as to their election rights under this paragraph,  
 5           and the effect of making or not making a time-  
 6           ly election.

7                   (C) ELECTION AVAILABLE TO INCUM-  
 8           BENTS.—

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

11                   (I) to be treated in accordance  
 12                   with the amendments made by sub-  
 13                   section (a) or (b), as applicable; or

14                   (II) to be treated as if sub-  
 15                   sections (a) and (b) had never been  
 16                   enacted.

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

23                   (iii) DEADLINE.—An election under  
 24           this subparagraph shall not be effective

1                   unless it is made at least 14 days before  
2                   the effective date under paragraph (1).

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

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

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

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

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

21                  (a) IN GENERAL.—Not later than 90 days after the  
22                  date of enactment of this Act, the Secretary shall submit  
23                  a report to the appropriate congressional committees on  
24                  the personnel needs of the Federal Protective Service that  
25                  includes recommendations on the numbers of Federal pro-

1 tective service officers and the workforce composition of  
2 the Federal Protective Service needed to carry out the  
3 mission of the Federal Protective Service during the 10-  
4 fiscal year period beginning after the date of enactment  
5 of this Act.

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

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

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

- 19 (1) retention rates within the Federal Protec-  
20 tive Service contract guard workforce; and  
21 (2) how the retention rate affects the costs and  
22 operations of the Federal Protective Service and the  
23 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  
5 date of enactment of this Act, the Secretary shall submit  
6 to the appropriate congressional committees a report on  
7 the feasibility of federalizing the Federal Protective Serv-  
8 ice contract guard workforce.

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

16 (c) CONTENTS.—The report under this section shall  
17 include 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  
23 enactment of this Act has a contract guard stationed  
24 at that facility;

25 (2) the immediate and projected costs of the  
26 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, Federal police officer, or Fed-  
7           eral protective service officer instead of a contract  
8           guard;

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

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

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

18          Not later than 180 days after the date of enactment  
19 of this Act, the Secretary shall submit to the appropriate  
20 congressional committees a report on the method of fund-  
21 ing for the Federal Protective Service, which shall include  
22 recommendations regarding whether the Federal Protec-  
23 tive Service should continue to be funded by a collection  
24 of fees and security charges, be funded by appropriations,

1 or be funded by a combination of fees, security charges,  
2 and appropriations.

3 **SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM EN-**  
4 **TERING FEDERAL FACILITIES.**

5 Not later than 1 year after the date of enactment  
6 of this Act, the Secretary shall submit a report to the ap-  
7 propriate congressional committees on the feasibility, ef-  
8 fectiveness, safety and privacy implications of the use or  
9 potential use of available methods to detect or prevent ex-  
10 plosives from entering Federal facilities, including the use  
11 of additional canine teams, advanced imaging technology,  
12 or other technology or methods for detecting explosives.

13 **SEC. 11. SAVINGS CLAUSE.**

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

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

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

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

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