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PROPOSALS TO DOWNSIZE THE FEDERAL PROTECTIVE SERVICE AND EFFECTS ON THE PROTECTION OF FEDERAL BUILDINGS

(110–26)

HEARING

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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April 16, 2007

SUMMARY OF SUBJECT MATTER

TO: Members of the Committee on Transportation and Infrastructure

FROM: Committee on Transportation and Infrastructure Staff

SUBJECT: Hearing on "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings"

PURPOSE OF THE HEARING

On Wednesday, April 18, 2007, at 10 a.m., in room 2167 Rayburn House Office Building, the Committee on Transportation and Infrastructure will hold a hearing on the Department of Homeland Security's plan to reduce the number of Federal Protective Service (FPS) officers and their presence at Federal buildings nationwide.

Pursuant to the President's FY 2008 Budget request, the Department of Homeland Security (DHS) proposes to cut the number of authorized FPS Law Enforcement Officers and civilian employees by more than 25 percent – from 1,295 full-time equivalent (FTE) employees to 950 FTE employees. This DHS downsizing plan eliminates 249 existing FPS positions. The Committee is extremely concerned with the effects of the DHS downsizing plan on FPS' ability to provide law enforcement and security services at more than 8,900 federally owned and leased facilities throughout the United States, totaling approximately 330 million square feet of space, and housing more than 1.1 million Federal personnel.

A December 20, 2006 analysis of the President's FY 2008 FPS Budget prepared by U.S. Immigration and Customs Enforcement (ICE) of DHS and presented to the FPS Regional Directors specifically includes a description of the **"Risk Assumed by Transformation"**:

"Consolidated and eliminated activities: Reduced 503 Authorized/245 On-hand personnel

- ***No proactive patrol to deter attack planning; and detect/deter suspicious and criminal activity.*** Reporting of suspicious activity will depend on Federal Employees and activity previously deterred by patrol may occur. ***Any pre-attack actions at a facility***

would only be detected by occupants or roving guards. Only reactive response will be provided.

- *No response to calls for police service to protect Federal employees and visitors, and investigate crimes at Federal facilities in areas where FPS will no longer have a presence.* These facilities and employees will receive only the same response from local authorities as any other commercial property. Local police, particularly in large cities, respond based on a priority basis. This may mean criminal activity previously investigated may only be reported, with no investigation.
- *No FPS presence in approximately 50 current cities.*
- *Security risk assessments at 7,215 security level 1&2 facilities will be conducted every six years instead of every four years. Changes in threats and risks may not be noticed or mitigated.*
- No routine checks for compliance, countermeasure effectiveness or threat changes at 4,700 security level 2 facilities.
- *FPS Explosive Detection Dog Teams will be stationed only in the 18 largest cities. 10 cities will no longer have the capability. Teams will be reduced from 60 to 29.*
- *Participation in FBI Joint Terrorism Task Forces reduced to 12 Special Agents from 24.*
- Special Agents available to investigate serious crimes reduced to 14 from 58.
- *No night or weekend police response or service anywhere.*
- *Largest reductions in New York and Washington DC due to proactive activity elimination.*
- *States with largest percentage reductions also include Connecticut, Maine, NH and Wyoming."*[1] [Emphasis added]

In addition to concerns regarding the DHS proposal to downsize FPS, the hearing will examine whether FPS, like the Federal Emergency Management Agency, has lost its focus on core capabilities since being placed within the Department of Homeland Security. The Committee remains concerned with the placement of FPS within ICE. Prior to the creation of the Department of Homeland Security, FPS was an agency within the General Services Administration (GSA). In March 2003, FPS was transferred to the newly established DHS and is a division within DHS' ICE. In March 2005, a panel of national security experts unanimously testified at a House Homeland Security Committee hearing that FPS was poorly placed within ICE and its effectiveness had been diminished. On June 14, 2005, then-Ranking Member Oberstar and then-Economic Development Subcommittee Ranking Member Norton wrote to Secretary of Homeland Security Michael Chertoff expressing concern about the placement of FPS within ICE and how the placement is affecting the agency's funding, and whether the placement is affecting FPS' ability to maximize its institutional

[1] U.S. Immigration and Customs Enforcement, Briefing on the Federal Protective Service Transition to FY 08 Budget, Prepared for FPS Regional Directors, December 20, 2006, p. 8.

security and law enforcement expertise. DHS never wrote a response to the letter. As part of DHS' Second Stage Review, the Department made no change with regard to the placement of FPS within ICE.

BACKGROUND

FPS History

The origins of FPS date to 1790, with the enactment of legislation authorizing President George Washington to appoint three commissioners to establish a federal territory for a permanent seat of Federal Government. Prior to the formal establishment of the seat of government, the commissioners hired six night watchmen to protect the designated buildings the government was intended to occupy. FPS traces its origins to the appointment of these six night watchmen.

FPS has resided in a number of different agencies over the years. The Act of June 1, 1948 authorized the Federal Administrator to appoint special policemen for duty in connection with the policing of all buildings owned and occupied by the United States. In 1949, Congress enacted the Federal Property and Administrative Services Act of 1949, which consolidated real property functions within the newly created General Services Administration (GSA). The FPS force, known at the time as the United States Special Police, came under the supervision of the Protection Division of the Public Building Service (PBS). In 1971, the Administrator of GSA signed an order formally establishing the Federal Protective Force, later known as FPS, and the Civil Service Commission authorized the special classification title of Federal Protective Officer (FPO).

Initially the main function of FPS was protection, as an integral part of building operations. For the most part, the force held fixed posts and performed duties that would be considered safety functions today, such as: eliminating fire and safety hazards, patrolling buildings, detecting fires, and providing the first line of defense in fighting fires; and answering visitor questions, assisting citizens, rendering first aid, and directing traffic when necessary. By 1960, the mission of FPS became the first line of defense against bomb threats, bombings, vandalism, mass demonstrations, and violence against Federal buildings.

More recently, the role of the FPS officer has undergone further changes. The FPS has shifted its emphasis from the fixed guard post concept of security to a mobile police patrol and response. FPS officers perform all duties attendant to the normal interpretation of a police officer function including maintaining law and order, preventing or deterring disturbances, and investigating both felonies and misdemeanors. The Civil Service Commission developed standards for FPS applicants, which included a written examination, background investigations, and physical examinations.

Pursuant to the Homeland Security Act of 2002, FPS was transferred from GSA to the newly established Department of Homeland Security, effective March 1, 2003.[2] FPS became part of ICE.

[2] 6 U.S.C. 203.

Vulnerability Assessment of Federal Facilities

In the wake of the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, the Department of Justice (DOJ) assessed the vulnerability of Federal office buildings in the United States, particularly to acts of terrorism and other forms of violence. The DOJ's June 1995 report, *Vulnerability Assessment of Federal Facilities*, designated security levels I through V into which Federal buildings were classified. Fifty-two minimum standards were established, with level I having 18 minimum standards and level V having 39 minimum standards. The DOJ report made several recommendations to bring each Federal facility up to minimum standards recommended for its security level. Part of the recommendations centered on upgrading the Federal Protective Service. The report noted that FPS has the experience and historical character to provide security services for much of the Federal workforce. However, the report also noted that the FPS has limited resources to determine building security requirements to address terrorist threats and does not have the resources to respond to these requirements even if the requirements are properly articulated.

The level of physical protection services that FPS provides at each building varies depending on the Federal building's security level and the security needs of the particular agency.

Federal Protective Service Functions

FPS is the Federal law enforcement organization responsible for the protection and security of Federally-owned and leased buildings, property, and personnel across the nation. Under the Homeland Security Act, DHS became responsible for protecting buildings, grounds, and property owned, occupied, or secured by the Federal Government that are under GSA's jurisdiction.[3] In addition to GSA facilities, the Act also provides FPS with authority to protect buildings of other agencies whose functions were transferred to GSA.[4]

FPS is a full-service law enforcement and security service agency with comprehensive hazardous materials, weapons of mass destruction, canine, and emergency response programs. FPS customers reimburse the agency for these services through direct billing. FPS services include providing a visible uniformed presence in our major Federal buildings, responding to criminal incidents and other emergencies, installing and monitoring security devices and systems, investigating criminal incidents, conducting physical security surveys, coordinating a comprehensive program for occupants' emergency plans, presenting formal crime prevention and security awareness programs, providing police emergency and special security services during natural disaster, major civil disturbances, and man-made disasters, such as terrorist attacks and riots.

On an annual basis, the FPS handles: 10 million law enforcement calls for service, including 3.8 million radio calls, 2.4 million telephone calls, and 3.8 million alarm responses; more than 1,000 criminal investigations for crimes against government facilities and employees; arrests of more than 4,000 people for committing crimes on Federal property; and guarding more than 500 facilities 24 hours per day, 7 days a week.

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[3] 40 U.S.C. 1315 and 6 U.S.C. 203.
[4] 40 U.S.C. 1315.

FPS Force

The current FPS force is composed of both uniformed and non-uniformed officers, including criminal investigators and law enforcement and security specialists. Training for FPS officers includes 8-13 weeks of instruction at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, with additional periodic in-service and refresher training courses. FPS has a force of approximately 1,196 FPS employees, of which 870 employees are law enforcement personnel. The Law Enforcement personnel include 447 inspectors, 290 Federal Police Officers (FPO), 122 criminal investigators, and 9 physical security specialists.[5] The FPS also uses approximately 15,000 contract security guards.

As part of its reduction in force, the FPS proposes to realign its law enforcement personnel from police officers to inspectors. Police officer duties are comparable to traditional police patrol officers. Inspectors prepare building security plans, inspect facilities, manage contract security guards, and respond to incidents as needed. Investigators perform in-depth criminal investigations.

FPS Financing System

When FPS was part of GSA, FPS was funded primarily through security fees that were included with the rent payments GSA received from tenant agencies. GSA also covered any shortfall between the cost of security and the amount of security fees collected. In fiscal year 2003, GSA estimates that it provided $139 million to FPS to address the funding shortfall. According to a July 2004 Government Accountability Office (GAO) report, the shortfalls have been caused over the years by increasing security costs and restrictions on tenant agencies' rental payments that were enacted in legislation. Similar shortfalls continue to impact FPS and its operations. Since FPS was transferred to DHS, similar shortfalls continue to impact FPS and its operations. However, GSA no longer covers these shortfalls. In addition, with its transfer to DHS, FPS has additional administrative costs, such as rent, that it did not have to pay when it resided in GSA.

Security fees consisted of three separate components: basic security fees, building-specific security fees, and tenant-specific security fees. Basic security fees cover security services provided by FPS to all GSA tenants and include such services as patrol and response, security surveys, alarm monitoring, salaries, and other common cost items. This fee is charged to all building on a per square footage basis in GSA-owned and operated facilities. The FY 2008 Budget proposes a fee of $0.57 per square foot, an increase of 18 cents from the FY 2007 fee ($0.39 per square foot).

Building-specific security fees cover security measures specific to a particular building based on its designated security level. For example, a level IV building may have more guards, magnetometers, and cameras than a level I building. Contract security guards may control provide access control, monitor security equipment, and provide roving patrols. The charges for building-specific security services are allocated to tenants based on the number of square feet they occupy in the building. In addition, FPS uses a reimbursable program to charge for security services in excess of what FPS determines to be sufficient for a building. For example, agencies may request additional magnetometers or more advanced perimeter surveillance capabilities.

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[5] Immigration and Customs Enforcement, FPS Law Enforcement Personnel as of December 2006.

In addition, tenants may request additional tenant-specific security measures through a special work authorization. For instance, the tenant may request an extra law enforcement officer to guard the office entrance. The tenant pays FPS for these additional services.

Prior to the transfer of FPS from GSA to DHS, GSA delegated some of its authority for facility protection or contract guard services regarding some specific facilities. This delegation includes facilities occupied by the Departments of Defense, Justice, State, and Transportation. DHS has not granted any additional delegations since FPS became part of the Department. Pursuant to the delegation of facility protection, agencies may have uniformed officers of their own or may contract separately for guard services. These agencies continue to pay the basic security fee but they use their own administrative funds to finance building- or tenant-specific security.

Attached are the witness list and the U.S. Immigrations and Customs Enforcement December 20, 2006 Briefing on the Federal Protective Service transition to the FY 2008 President's Budget which was prepared for the FPS Regional Directors.

WITNESSES

The Honorable David Wu
Member of Congress

Inspector Michael J. Brown
Federal Protective Service

Corporal Stanley Nowak
Federal Protective Service

Inspector Sterling Proctor Jr.
Federal Protective Service

Officer Jim Ward
Federal Protective Service

The Honorable Michael Jackson
Deputy Secretary
Department of Homeland Security

David Wright
President
American Federation of Government Employees, Local 918

Chuck Canterbury
President
Fraternal Order of Police

Federal Protective Service Force*

Regions	States	Current FPS Force	DHS Downsizing Plan	Difference
Region 1	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont	62	31	-31
Region 2	New Jersey, New York, Puerto Rico, and Virgin Islands	99	56	-43
Region 3	Delaware, Maryland, Pennsylvania, Virginia, and West Virginia	93	77	-16
Region 4	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee	116	98	-18
Region 5	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin	103	88	-15
Region 6	Iowa, Kansas, Missouri and Nebraska	58	43	-15
Region 7	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas	100	86	-14
Region 8	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming	67	46	-21
Region 9	Arizona, California, Hawaii, and Nevada	102	99	-3
Region 10	Alaska, Idaho, Oregon, and Washington	64	47	-17
Region 11	Maryland, Virginia, and Washington, DC	200	124	-76
HQ	N/A	132	155	23
Total		**1,196**	**950**	**-249**

*Prepared by T&I Committee Majority Staff based on U.S. Immigration and Customs Enforcement, Briefing on the Federal Protective Service Transition to FY 08 Budget, Prepared for FPS Directors, December 20, 2006, p. 6.

HEARING ON DOWNSIZING THE FEDERAL PROTECTIVE SERVICE AND ITS EFFECT ON THE PROTECTION OF FEDERAL BUILDINGS

Wednesday, April 18, 2007

HOUSE OF REPRESENTATIVES
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The committee met, pursuant to call, at 10:10 a.m., in Room 2167, Rayburn House Office Building, the Honorable Eleanor Holmes Norton [chairwoman of the committee] presiding.

Ms. NORTON. The Committee is about to begin with an offer of my gratitude and welcome to all of the witnesses who have agreed to appear before the Committee this morning.

The Committee and our subcommittee are particularly interested in the status and condition of the Federal Protective Service, the police force that protects 2 million Federal employees and judges, and $500 billion of Federal office space in the post-9/11 period.

Congress was quick to shore up its own security after 9/11, bulking up the Capitol Police by approximately 50 percent since then. The White House was the first to go on a super-vigilant virtual lock-out mode following the Oklahoma City attack with the shutdown of Pennsylvania Avenue, putting the White House nearly out of reach for visitors and terrorists alike.

However, security experts report that when only some targets get concentrated attention, softer targets become harder and more vulnerable. Therefore, it is fair to ask what is being done to afford necessary protection and security for Federal employees nationwide located in every State and in most congressional districts, many of whom protect the homeland.

The Federal Protective Service is the Federal police force on the front lines to protect millions of civil servants, judges, and visitors to Federal sites.

After the Oklahoma City bombing, I supported the Department of Justice Building Vulnerability Report and particularly noted the report's observations regarding the ability of the FPS to provide, and I am quoting, "security service for much of the Federal workforce."

In 2002, along with several members of this Committee, I also supported moving the FPS from the General Services Administration to the newly created Department of Homeland Security. We had high hopes that the theory of full integration of the FPS law enforcement expertise into the broader fabric of national security would come together to enhance overall security.

However, only recently, as a member of the Homeland Security Committee, I felt obliged to offer an amendment to the bill which authorized the Department of Homeland Security. This amendment would have the effect of a cease and desist order on activities to downsize the FPS until the GAO issues its report on the status of FPS and its funding sources. This amendment was passed without opposition because of distressing concerns about huge structural changes in the FPS that could lead to new terrorist and law enforcement vulnerability in Federal facilities.

As you are aware, the FPS mission continues to be grounded in force protection, but now includes new security duties at a time when, ironically, the number of police officers has been diminishing. In addition to traditional law enforcement duties plus, of course, answering questions, assisting citizens, and helping Federal employees, today's FPS officer is the first line of defense against terrorists and other new criminal risks and incidents in Federal buildings, providing comprehensive intelligence gathering through its unparalleled network of State and local police, providing building vulnerability assessments, recommending appropriate security threat countermeasures and responding to bomb threats, vandalism, and mass demonstrations.

It is of special interest to this Committee and should be of even greater interest to DHS that FPS has had a close and effective working relationship with FEMA, another agency under our Committee's jurisdiction. FPS provides emergency police and special security services to support FEMA during natural disasters, as well as during terrorist and criminal actions. For example, on August 29th, 2005, the day Hurricane Katrina hit the Gulf Coast, 29 FPS law enforcement personnel deployed into New Orleans to provide support to FEMA and ensure security and order in Federal facilities. Within 24 hours, one day after the major levee breaks, FPS had deployed 113 personnel into the affected region, and within 72 hours 211 police officers and support personnel. In addition, three command vehicles were deployed in strategic locations by the next day which enabled FPS officers to maintain radio communications over the Gulf area.

These personnel assets and command vehicles assisted the establishment of many operations that were of central importance. Moreover, because of the overwhelming effect Katrina had in the region and the total breakdown of social order in New Orleans proper, the mission of FPS expanded in directing police in the area as well as providing humanitarian assistance on an individual basis, in many instances personally handing out food and water.

On another tragically historic day, September 11th, 2001, FPS officers assigned to the mobile units around the Federal courthouse in Lower Manhattan, immediately responded to the initial crash and other FPS officers ran the six blocks to the World Trade Center to assist in the evacuation efforts. By 6 p.m., officers from Region 1-New England were on site, including the chief of operations, two special agents, and several uniformed officers, to assist in the search.

These examples of professionalism, of police peace officer professionalism, have been the norm for FPS officers throughout its history as the only uniformed law enforcement presence in DHS. All

should be proud of the Federal Protective Services' capabilities and record.

The recent transformation initiative begins a major departure from the core FPS missions, however. Tellingly, last fall, ICE began the process of recruiting a new FPS director and posted two job announcements for the position, one requiring a law enforcement background and the other requiring managerial experience. I immediately questioned the wisdom of advertising for a law enforcement job without requiring law enforcement experience and credentials. After all, the lessons from the Katrina tragedy, which shook DHS to its core, had much to do with unprofessional staffing.

It is therefore particularly surprising that the position descriptions for both announcements were virtually identical except for one vital skill. To qualify for the law enforcement announcement, the director would be required to develop plans to respond to criminal incidents and emergencies occurring on Federal property, as well as supervising senior law enforcement officers in activities such as investigating incidents, disseminating terrorism-related intelligence, and conducting joint terrorism task force operations. Despite the fact that an individual with all these skills and more was identified as "best qualified" for the job on the job announcement, ICE selected an individual who qualified third on the managerial analyst posting. It is as if a jurisdiction would advertise for a police chief who had no law enforcement expertise.

The shift from a director with true law enforcement experience to one that requires general management skills is consistent with the change in ICE's new vision of the role of FPS. In eliminating the 290 police officers, there will be no officers to meet this role as written "to interrogate suspects who display violence and irrational temperament, seek out and question witnesses and suspects, preserve the peace, prevent crimes, arrest offenders, and provide crime prevention guidance and police assistance during emergency situations."

Instead, the new mission of FPS relies on inspectors whose jobs include such duties as—and I am quoting—"presents employee awareness programs, conducts crime prevention studies, conducts physical security surveys, and coordinates minor repairs of electronic security systems."

What, then, is to be done about "investigating criminal incidents, disseminating terrorism-related intelligence, and conducting post-terrorism force operations," the job description of the FPS officer? Who will perform these functions that are related to both traditional law enforcement and to the new terrorist responsibilities of the FPS in protecting Federal employees, visitors, and property?

The Chairman has mentioned on occasion to me the drastic reduction in the number of uniformed officers in the transportation plan. In the absence of a Federal police presence, ICE expects local law enforcement agencies to become the primary protectors of Federal property and employees. ICE claims that it has Memorandums of Understanding—but we have been unable to obtain these memorandums—MOUs with 31 city and local agencies allow for reciprocal services; local law enforcement can assist FPS on Federal property and FPS can assist local law enforcement in areas adjacent to or near Federal property. Of course, once FPS eliminates

its police officers, these MOUs will be worthless. They require reciprocity and FPS can't reciprocate if it doesn't have police officers.

Moreover, anyone familiar with local law enforcement knows how unlikely these agencies are to take on the new Federal responsibilities left behind by vacating Federal police officers. On January 24th, 2007, the National Council of Mayors reported "alarming growth," their words, in violent crimes in their cities, which have to come first, obviously.

At the same time, Federal funding for local law enforcement programs has been slashed by more than $2 billion. To now ask these same local officers to assume additional Federal responsibilities for protecting Federal employees and property is adding insult to injury and, worse, unlikely to occur. Therefore, is adding risk and possible danger.

Moreover, these extra responsibilities will be significant. In the past six months there have been more than 20,000 incidents involving FPS officers on Federal property. These included 1,363 accidents, 849 thefts, 33 aggravated assaults, 177 incidents involving weapons and explosives, 852 fine, and 1 criminal homicide. Most of these crimes were in cities high on the list for losing Federal Protective Service police protection.

Who is prepared to trust the protection of millions of Federal employees, visitors, and property to local law enforcement, especially when the proposed plans leave FPS without peace officers sufficient to keep their part of the deal?

We are eager, most eager, to hear what the witnesses may have to tell us in order to allow us, as a Committee, to review the plan in keeping with oversight responsibilities for FPS that we have not exercised, not once, since FPS was absorbed into DHS. This Committee has both the opportunity and the responsibility to require adjustments that may be necessary to ensure the safety and security of Federal agencies.

I would like now to turn to the Ranking Member of the full Committee, Mr. Mica.

Mr. MICA. First of all, good morning, and I want to thank both Ms. Norton and Mr. Graves for holding this hearing on the Federal Protective Service, and thank our witnesses for being here today.

As we have all been reminded by the tragic events of the last 24 hours at Virginia Tech, our public facilities, whether they are educational or Federal buildings, have unfortunately been the sites of some horrific violence in the past, and it is very timely that we hold this hearing today. I have the greatest and deepest respect for our Federal Protective Service and the men and women who serve us in that capacity. It is an important responsibilities and, again, we are reminded of it by the events we have all unfortunately seen.

Government-owned and occupied facilities have been attacked at home and abroad, with deadly results sometimes, and it is our responsibility in Congress to make certain that we remain vigilant. As such, it is entirely appropriate for the Committee to continue its oversight of the Federal Protective Service and also our plans for protecting our Federal buildings. Our Transportation Committee has had a long history of protecting Federal agencies through physical security measures and also with the men and women of the Federal Protective Service. We have provided literally billions of

dollars to locate agencies out of harm's way where possible, design buildings against progressive collapse, and install blast-proof windows.

When it comes to the Federal Protective Service, we have always supported its law enforcement mission and it is important that we continue to do that. However, this is an interesting hearing, and I didn't know too much about the background until I was briefed on some of the problems that have been created when the Federal Protective Service transferred from the GSA to DHS, the Department of Homeland Security. In the process, the Federal Protective Service lost a significant amount of its funding.

According to a GAO report, GSA had previously subsidized the Federal Protective Service by at least $139 million a year. Now that the Federal Protective Service lost that subsidy, maintaining current operating levels is very difficult. The Federal Protective Service needs either additional appropriations or we need to find a way to honestly and transparently subsidize those operations in light of the current situation we find ourselves in with the threat of terrorism and against violence against public buildings.

As I understand the Administration's proposal, the Federal Protective Service is trying to close this budget gap by raising security fees and then also by making some cuts in personnel costs. Unfortunately, DHS was dealt not a very good hand here, and there have been some studies conducted and right now the current cost is right around 39 cents, I think staff told me—is that per square foot?—and they want to raise it to 57 cents to meet some of those costs. There is actually a Booz Allen study that was conducted and recommended an increase, I believe, in the force from 1200 to 2700, which would increase the costs from 57 cents, which is proposed by the Administration, to an actual cost of around $1.69. That would really cause some problems but, again, the purpose of this hearing is to find solutions.

I think that there are a number of approaches that we can look at today as a result of this hearing. We have got to find a way to provide the services, maintain the personnel level, and, if necessary, even increase those. However, we do face some challenges right now in the way DHS inherited this because, again, a portion of the funds in the past used by GSA were used in sort of cooking the books and obscuring the true cost of protecting Federal facilities. So we have inherited a very difficult financial situation. We need to find some creative solutions for getting additional funding to the agency. I have talked with our Ranking Member, Mr. Graves, and he is committed and our side is committed to finding a way to help the Federal Protective Service retain its employees, increase them, if necessary, and find the funding to do that. So I hope the testimony of our witnesses today will help us find solutions to resolve this problem.

I yield back.

Ms. NORTON. Thank you very much, Mr. Mica.

I would like to ask Mr. Oberstar to offer some remarks at this time, if he would be willing.

Mr. OBERSTAR. Thank you, Madam Chair. I appreciate your making a very comprehensive statement at the outset, really framing the issue, while I was navigating traffic for the last hour.

In reflecting on this hearing, 12 years ago this week Timothy McVeigh parked a rental truck with explosives in front of the Alfred P. Murrah Federal Building in Oklahoma City. A massive explosion tore through the north face of that building, killing 168 people, 19 children. On the heels of that tragedy is another unfolding in Virginia, just near us, and one of the victims—not a shooting victim, but a victim of the trauma, a young student at Virginia Tech, was also engaged in Columbine in the classroom where her classmates eight years ago were killed. She was telling her story this morning on network news.

It reminds us of the extraordinary role of the Federal Protective Service, which is not a fly-by-night agency. It was started in 1790 by President George Washington, when the first Federal buildings were established, to provide protection. And our Chair has outlined the extraordinary reach of the Federal Protective Service to the 330-plus million square feet of civilian office space the Federal Government is responsible for.

The evolution since absorption of FPS into the Department of Homeland Security, the evolution away from Federal Protective officers to contract employees brings back to my mind the situation in aviation security prior to September 11th and the horror stories of Argenbright, Huntley, and others. I served on the Pan Am 103 Commission. I wrote the first Aviation Security Act in this Committee room. I asked then for a Federal protective service as we have with the Transportation Security Administration. The Administration then wasn't willing to do that and we didn't have enough votes in the Congress to enforce it, but it sure happened with lightening speed after September 11th; a huge turnover in the contract forces engaged by the airlines foreign employees, not American citizens, not having English language capability. So the contractor guard system in FPS, with 15,000 contract guards, is something of great concern to me.

The Immigration and Customs Enforcement Agency, under which FPS has been assumed, itself said, in an analysis of their plan, risk assumed by transformation, which I quote—this is the agency itself examining FPS and the plan to contract out more and make changes in the operation—"There will be no proactive patrol to deter attack planning, to detect or deter suspicious criminal activity, only reactive response will be provided. There will be no response to calls for police service to protect Federal employees or visitors and investigate crimes at Federal facilities. There will be no night or weekend police response or service, no FPS presence in 50 current cities," meaning cities now served and protected by FPS. "FPS explosive detection dog teams will be stationed only in the 18 largest cities." Ten cities will no longer have the capability. "The largest reductions will be in New York and Washington, DC due to proactive activity elimination." I've never heard such bureaucratic garbage in my life. "States with largest percentage reductions also include Connecticut, Maine, New Hampshire, and Wyoming."

I don't think it would give great comfort to the folks in Oklahoma City to know that that is what is happening to the Federal Protective Service in the aftermath of a tragedy that occurred there, and we have our distinguished colleague from the State of Oklahoma

who is very familiar with that. I think the tragedy occurred during the time when Ms. Fallin was Lieutenant Governor of the State.

So I am just very distressed about the role of contract guards. It depends on company and State law, it depends on the terms of the contract, and I don't think that visitors to or employees of Federal Government agencies, where there is a contract service, would be very comforted by the knowledge that if something occurs, if a gunman enters the building, that the contract service will be able to call 911. That is not the way we protect public facilities.

I will withhold other comments because I want to get immediately to the testimony. I think we need to proceed. We have limited time because we have another hearing following shortly on the heels of this one. I thank members for their forbearance on opening statements, which will all be included in the record.

Ms. NORTON. Thank you very much, Mr. Oberstar.

Going to the Ranking Member of the Subcommittee, Mr. Graves.

Mr. GRAVES. Thank you, Madam Chairman.

Chairman Oberstar's institutional knowledge in this Committee is renowned, and his ability to recall history is incredible, but I didn't know it goes all the way back to Washington. Did you help craft that too, Mr. Chairman?

Mr. OBERSTAR. Well, let me say I was not there, in fairness. I was not there, but there were three guards hired at the request of President Washington.

Mr. GRAVES. Thank you, Mr. Chairman, for holding this hearing. And I want to thank all the witnesses that are here today for coming in to talk to us about the Federal Protective Service. In particular, I want to thank two of our witnesses who are here today, who traveled all the way from Missouri, from my home State and from Kansas City. The first one is going to be Mr. Stanley Nowak. For coming in, I do want to thank him. He is a corporal with the Federal Protective Service's Region 6 in Kansas City and he has been with the FPS since 1976. I also want to thank David Wright for his testimony today. David is the President of the National Federal Protective Service Union and is an inspector with FPS Region 6 in Kansas City, Missouri. He has been with FPS since 1986. These gentlemen are going to be providing testimony today based on their experiences, vast experience in the Federal Protective Service, and I thank them for being here.

FPS is responsible not only for protecting our senior citizens from things like being robbed of their Social Security checks when leaving the Social Security Office, protecting us from something as simple as that to something as far-reaching and very important as being front line defense against any terrorism.

The first attack on the World Trade Center, the Oklahoma City bombing, the bombings of the Cobart Towers in Saudi Arabia, the 1998 U.S. Embassy bombings in Kenya and Tanzania, and the September 11th attacks on the World Trade Center and the Pentagon have made it clear that Federal facilities are targets for domestic and foreign terrorism. We need to ensure that the security force responsible for protecting Federal facilities has the capability to handle all of these kinds of threats.

This Committee has had a long history of trying to do just that. We have strongly shown our support for the inclusion of physical

security measures in the construction of Federal buildings and courthouses across the Country. Additionally, over the past several Congresses, we have held hearings and marked up legislation to upgrade FPS and address the funding shortfall in its operating budget.

Deputy Secretary Jackson testifies today on the Administration's proposal to address the chronic budget shortfall. The proposal raises security fees from 39 cents per square foot to 57 cents per square foot. The proposal also reduces FPS personnel from roughly 1200 to around 950 full-time employees. This proposed reduction of FPS personnel has raised a number of questions about the impact on Federal building security. As the Ranking Member of the Subcommittee that oversees Federal buildings, I am greatly interested in the security and the security of the Government workforce.

Kansas City has 12 of the 35 Level 3 buildings and 15 of the 42 Level 4 buildings located in FPS Region 6. I am concerned about how the proposal is going to impact the security of these Federal buildings and I am very concerned about how the reduction in personnel will impact the FPS personnel working in Kansas City. Those are things that concern me a great deal.

This is an extraordinary situation and it requires extraordinary measures, not just a prohibition on what FPS can do. What we need is creative solutions to this problem, not something that is going to further complicate FPS's operations. I hope our witnesses today can help clear some of this up and we can explore some of these creative solutions and, again, I thank the witnesses for being here and Chairman Oberstar for having this hearing.

Ms. NORTON. Thank you very much, Mr. Graves.

It is our custom to go to members to see if they have statements. I am reluctant to do that in light of the hearing that is coming right after us, the press conference we have with the Chairman, and particularly the fact that our Deputy Secretary, Mr. Jackson, is on the second panel, not the first panel, but I know this is a Committee that always engages statements. Are there any statements? Because if there were only a few——

[No response.]

Ms. NORTON. Thank you very much. We can then go straight to our first witness. I am very pleased to invite Congressman Wu, who is not here to offer a piece of legislation, but here as a witness who has had occasion to call upon the FPS, and we very much welcome David Wu as our first witness.

TESTIMONY OF THE HONORABLE DAVID WU, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WU. Madam Chair, honored members of the Committee, I am David Wu, 1st Congressional District of Oregon. I am here today to thank the Federal Protective Service, to express my appreciation for their long-time service, and to relay the particulars of one incident that occurred earlier this year.

On most days, my staff, like yours, perform their duties without dramatic incident. We all aspire to have service-oriented offices and constituents are very much welcomed in our offices. However, on this past February 8th, 2007, a constituent armed with a large knife entered our district office, making threats to others and to

himself. Fortunately, no constituents or staff were hurt. Most of my staff were out of the office attending meetings on my behalf.

The three staff members who were present at the time, given the layout of the office, two out of the three were able to lock themselves in another portion of the office within just a few seconds and the third was able to slip out a back door and get into a neighboring tenant's office. All three of the staff members almost instinctively dialed the dispatch center for the Federal Protective Service. Each quickly gave their location and the circumstances for the call. Within moments, FPS officers apprehended the knife-wielding man without significant incident.

My district office is located in a former Federal courthouse in Downtown Portland, Oregon. The tenants are a mix of public and private entities, and we rely on the Federal Protective Service to provide security. The building houses a post office on the main floor and there are no particular security measures required to either enter the building itself, nor to access the elevators for the floor where my district office is located. The FPS is located within the building itself.

My staff contacted the FPS immediately because they know that the FPS is onsite and the FPS has always been there for us. One thing that I know for certain is that without the FPS, my staff would have waited longer for help, being in the same suite of offices with a threatening person with a large knife. Two staff members dialed 911 and got a voice mail and were placed in a call queue. Eventually, 911 connected with them and they were told that FPS officers were already on their way. In fact, one of the response from 911 was that the FPS was already in the office and had the man under control.

After this particular event, I discussed with my staff the possibility of moving to another Federal building with higher security and with metal detectors, but our staff concluded that, because such incidents are relatively rare and because FPS responded so well and so quickly, that the move was not necessary.

Here on Capitol Hill we have the benefit of the Capitol Police. In our district offices, where we truly have folks on the front line, they also deserve a level of security to carry out their jobs as best they can, and it is my hope that our staff in the district office can continue to count on the professional help of the Federal Protective Service going forward into the future.

I thank you for the opportunity to share my views, to relay this particular incident, and to thank the Federal Protective Service for its service over many years during my time in the United States Congress. Thank you.

Ms. NORTON. Thank you very much, Congressman Wu, for this firsthand account of an incident. You said you were in a Federal building that was still a courthouse or used to be a courthouse?

Mr. WU. This is a former courthouse. It remains a Federal building and it has a post office on the ground floor and a mix of tenants, some of which are governmental and some of which are private sector tenants.

Ms. NORTON. You said the Federal Protective Service is located there. Is that because they had an office there for the area or be-

cause they were there because Federal employees such as yourself were there?

Mr. WU. They have an office there.

Ms. NORTON. That covers the entire area of Federal employees?

Mr. WU. My understanding is that they also have some other offices in the Downtown Portland area.

Ms. NORTON. Now, I am concerned that your staff called 911, because that is calling local police force, normally. Are there generally instructions to call an FPS officer who might be close at hand, particularly since FPS was located in the building, or was that just the instinct to call 911 because everybody calls 911?

Mr. WU. Well, their first instinct was to call the FPS, and they made those calls and there were three staff members in the office at the time. There was a fourth in the building and between the four of them several calls were made, the first calls were to FPS, and there were follow-up calls or calls made by the fourth staffer to 911.

Ms. NORTON. Does this FPS have a number like 911 or do you have to dial a number that is like an ordinary number in order to call FPS?

Mr. WU. Madam Chair, I actually do not have the answer to that right now.

Ms. NORTON. I will ask that of the officers. I would think that that is the kind of change we would want to have FPS make if we could. I would be concerned because it seems to me that local police are almost always inclined to give—and I recognize that most of the staff called the FPS and they knew what to do. All credit to you and your staff that they already knew what to do. But I would be concerned about calling 911 because many areas would simply assume that is for the Feds and I have got to keep dealing with crime here in my own jurisdiction. So that will be a question I reserve for the Federal police.

I understand there was a demonstration of sorts going on at the time in front of the Federal building in which your office is located. Do you recall that?

Mr. WU. I do not recall that there was a demonstration in front of the office at that time.

Ms. NORTON. Now, was there any need, after this incident, to upgrade security in your office in your view and was it done?

Mr. WU. We considered either moving to a higher security office and——

Ms. NORTON. Say a word about higher security office. The office in which you were located had what kind of security? You said you could get through the elevator and so forth. Was there no security at the door?

Mr. WU. There is no security at the door. There are no metal detectors or other screening mechanisms. It is my understanding that there are regulations about how many Federal employees are at a particular site before there is security at the door or there are metal detectors. We have explored those possibilities and we have also explored the possibility of moving to another facility with more Federal employees, which comes with more security. But after assessing all the options and the fact that FPS is able to respond so quickly and the fact that this is an office which has served us well,

the staff decision was to stay put with the FPS protection and where they are right now.

Ms. NORTON. Well, that is understandable. I see nothing wrong with some Federal employees being in buildings where, shall we call them, civilian agencies are located, and the risk is based on whether or not there is a risk. And if there were a risk, then you wouldn't be located there. People would think that the office of a member of Congress would not present such a risk, so I can understand and I think I would have made the same decision. My office is located in the National Press Office at 14th Street and Pennsylvania Avenue. I can assure you that there are not many Federal offices there. But it certainly wouldn't make financial or economic sense for people like us to insist that we are in the most secure buildings for the most part.

But the point, it seems to me, of the incident involving you, Congressman Wu, is that there were Federal police on hand. How would you assess the response of the Federal police to the incident?

Mr. WU. Madam Chair, that is precisely the point, that the FPS were immediately at hand and were able to respond in a very quick manner. From the way the incident played out, they responded, I believe, much more quickly than local law enforcement could have because they have a focal point, or few focal points, for what they need to protect, which are the Federal buildings and the Federal facilities around. Not all district offices have the benefit of such close proximity, but in our particular instance, the access to and the proximity of the Federal Protective Service has been of great help, security, and reassurance for our staff.

Ms. NORTON. Thank you very much, Congressman Wu.

I will now move to Mr. Graves to see if you have any questions. Are there members on your side? Congressman Graves, do you have any questions at this time for Congressman Wu?

[No response.]

Ms. NORTON. Are there any questions on our side for Congressman Wu?

[No response.]

Ms. NORTON. Let me thank you, Congressman Wu, for taking your time this morning to inform us firsthand of an experience that I think helps us to understand the role of FPS.

Mr. WU. Thank you very much.

Ms. NORTON. I would like now to call four members of the Federal Protective Service. They are Inspector Michael—I am sorry, I do not have their locations here, the locations from which they come. I will ask them when they give their testimony to tell us their location.

Would the four witnesses from Federal Protective Service—Inspector Michael Brown, Corporal Stanley Nowak, Inspector Sterling Proctor, Jr., and Officer Jim Ward, all of the Federal Protective Service—come forward now and would you stand so that I may swear you in, as we swear in all witnesses? I would ask each of you to raise your right hand.

Do you solemnly swear the testimony you will give before the Committee on Transportation and Infrastructure will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BROWN. I do.

Mr. NOWAK. I do.
Mr. PROCTOR. I do.
Mr. WARD. I do.
Ms. NORTON. Thank you. Be seated.

Gentlemen, you may offer testimony if you desire. You need not offer testimony.

I need to say for the record that I felt compelled to write to the Secretary of the Department of Homeland Security after I was made aware of a letter that was sent to these officers after they were subpoenaed by the Committee. The letter was a kind letter; it was not, in its language, intimidating, but it was an inappropriate letter. It asked that the officers submit their testimony to the Department before offering it to the Committee. Understand, these are line officers appearing in their personal capacity, and it is in that capacity that they were subpoenaed. This is police work and the Committee is interested in the day-to-day effect on police work. You can't find that out by talking to somebody in Washington or somebody in charge of the FPS; you have got to talk to witnesses like Congressman Wu or like the witnesses before us now.

The letter, which I will make a part of the record, signed by Dean S. Hunter, Acting Director, U.S. Immigration and Customs Enforcement, said that they simply wanted to assure that nothing would be said of a sensitive nature that would undermine the FPS mission or endanger members of the public. Now, we are talking about police officers appearing before us, now. And also that any information that the officers would offer would not be, and I am quoting, "privileged or otherwise restricted from disclosure by law," and, thus, they wanted the opportunity to discuss their testimony.

Now, I am on another committee that has jurisdiction over Federal employees. I can think of nothing more intimidating on its face, however worded, than to receive a letter from someone called the acting assistant director requesting an opportunity to discuss your testimony. I might decide, if I were a Federal employee, maybe this isn't such a good idea after all.

I indicated to staff that I wanted the officers to know that I was concerned, and I said to them that this Committee would do nothing to put these officers at risk because we had subpoenaed them. They are not being subpoenaed because of wrongdoing; they are being subpoenaed to offer information that we thought only they had.

I then wrote a letter, which has not yet been answered, to Secretary Chertoff, indicating to them how concerned and even shocked I was that Federal employees, who were not a part of the Administration but were line employees, were being asked to submit their own testimony or to discuss it before coming to appear before a committee and indicating that, in my view, this kind of communication has a chilling effect and therefore could prevent the Committee from receiving the candor and necessary information we must have.

We, of course, are interested in the day-to-day routine, particularly today, in FPS officers because, as I indicated in my opening statement, we have had no hearing, not one, involving the FPS since they were absorbed several years ago into DHS, so we are a

blank slate. Even though I have been on this Committee 17 years, we are a blank slate when it comes to knowing what the effect has been of this vital service on their core mission, now enlarged, to protect Federal employees.

I offered in the letter, since, however inconceivable it is that officers with this experience would offer testimony that would in fact be of a sensitive nature or somehow disclose matters that were not intended to the public or could harm the public or the Federal Protective Service, I indicated that, in any case, we would welcome the presence in the audience of a lawyer from the Department of Homeland Security who might have, if he heard anything of this sort, quickly alert us. But you have to understand that they must have been talking to us, because we are asking questions, so the assumption has to be, therefore, not only that we would disclose, but that we, members of Congress, would ask questions or would allow testimony that would endanger members of the public, or that would be sensitive information that could undermine the FPS, or that was either privileged or restricted from disclosure by law. So it seemed to me to be a reflection on Congress, perhaps as much as on the officers involved.

I want to put this in the record because the first thing that occurred to me, because I have been a member of an administration and understand fully, and believe fully, that if you are testifying on behalf of an administration, that your testimony should go to the OMB and be cleared. I am fully familiar with OMB Circular A-19 and I am equally certain that that Circular from the Office of Management and Budget does not apply to civil servants in the ordinary course of business.

So I had to say, therefore, in my letter to Secretary Chertoff, that this Committee will use all of its capability to ensure that there is no retaliatory action taken against these subpoenaed FPS officers.

Ms. NORTON. So the first thing I am going to say to the officers is you do not have to offer testimony. You may offer testimony if you would like or you may simply open yourself to questions, as you see fit. What is your pleasure? Please do not feel that it is necessary to speak up before we ask questions. Would you prefer me to begin with questions? I would prefer it that way, but if you would prefer otherwise, then I would defer to you.

Mr. NOWAK. Madam Chairwoman, I would prefer whatever you request. We will go ahead and go with that.

TESTIMONY OF INSPECTOR GENERAL MICHAEL J. BROWN, FEDERAL PROTECTIVE SERVICE, SEATTLE, WASHINGTON; INSPECTOR STERLING PROCTOR, JR., FEDERAL PROTECTIVE SERVICE, NATIONAL CAPITAL REGION; CORPORAL STANLEY NOWAK, FEDERAL PROTECTIVE SERVICE, KANSAS CITY, MISSOURI; AND OFFICER JIM WARD, FEDERAL PROTECTIVE SERVICE, NEW YORK CITY, NEW YORK

Ms. NORTON. In your case, officers, we subpoenaed you for information. I can't believe that any of you have had to prepare testimony, particularly not knowing much about what we were interested in at some of the levels I discussed in my opening testimony. So if you do not feel offended, I would as soon begin with questions and ask, in these first questions, any of you to answer.

Give me some examples of crimes, criminal acts, or events that you, as peace officers, typically investigate or are called to respond to.

Mr. BROWN. Madam, Inspector Brown from Seattle, Washington. In our area, the most common call is someone attempting to bring a weapon into a Federal facility, be it a Social Security office where the guard checks bags on a random basis or someone who is detected trying to bring it through the magnetometer on the way to the Veterans Administration in the major Federal building. Followed by that would be disturbances at Federal offices, again, Social Security offices typically the largest generation of those complaints; followed by suspicious circumstances and activities. We have security guards at many of our facilities, and when they see something that is unusual, we try to get them to call us so that, as police officers, we can come and resolve the situation and determine whether it is suspicious activity, whether it is illegal, or whether it is just a citizen taking an art class, making sketches of a Federal building.

Ms. NORTON. Do the other officers have any experience they would like to offer in answer to that question?

Mr. WARD. We have the same in New York City. Another initiative we have in New York City is that we have initiated an operation we dubbed Operation Stinking Badges. Persons who enter the Federal buildings in Lower Manhattan go through a screening process by the security guards, and during that screening process we frequently detect, identify, arrest, and prosecute persons who are in possession and using fraudulent law enforcement credentials, badges, parking placards, law enforcement style uniforms and equipment. They use these items sometimes to unlawfully gain entry to the building posing as law enforcement officers or just carry these on their person and use it for other means. There is an investigation going on at this time for Operation Stinking Badges that continues and has been very successful in working with the NYPD, their Police Impersonation Unit and with our Threat Management Branch, in stopping these persons from unlawfully our Federal facilities.

Ms. NORTON. All of us, of course, when you speak particularly of weapons, are still, frankly, in shock about what has just happened in Virginia, just across the line. None of us take lightly the notion that people come in, even though obviously most of them may have forgotten. Who could assume that after what we have just experienced? False IDs, that is bothersome. That is very bothersome.

Would you make us understand? I think the general public doesn't understand the difference, often, between a "peace officer" and a contract officer in Federal buildings, because we have a mix of officers, and should have a mix of officers in Federal buildings. Gentlemen, are you not the full equivalent of a police officer, for example, for Federal facilities of the kind we would have in the District of Columbia, for example?

Mr. PROCTOR. Yes.

Mr. BROWN. Yes.

Mr. NOWAK. Yes.

Mr. WARD. Yes.

Ms. NORTON. Now, what is the difference between you as a peace officer and other officers that also have duties, protective duties, in Federal buildings?

Mr. BROWN. Madam, as inspectors, the first is our training. We attend the same police training course at the Federal Law Enforcement Training Center as do the members of the Secret Service Uniformed Division and the members of the Capitol Police. When we get back to our station, we have a field training officer program that lasts approximately eight more weeks, where we learn the trade craft of working with the people in our particular area, learn where our facilities are, and all the things we have to do. And we have the full authority to enforce Federal law, including misdemeanor building rule violations or conduct felony investigations and refer them to the U.S. attorney for prosecution.

Contract security officers, on the other hand, have the same power as any citizen on the street in most States.

Ms. NORTON. Now, what does that mean? Does that mean the same ability that I have on the streets?

Mr. BROWN. Yes, to make a citizen's arrest. That is the only authority they would have. They can detain people at our request, and frequently do, but that is for a limited duration.

Ms. NORTON. Do they have guns to do that?

Mr. BROWN. They have guns and handcuffs and radios—depending on the terms of the contract and the facility, and their training is about one week given by the contractor and about 16 hours given by the Federal Protective Service, and then marksmanship training of another week.

Ms. NORTON. So what I have been calling the other fashioned word "peace officers," they are not.

Mr. BROWN. No, madam.

Ms. NORTON. Because while they have guns, they lack most of the authority of a Federal Protective Service officer.

Mr. PROCTOR. Yes.

Ms. NORTON. They are not the functional equivalent of a police officer in a local jurisdiction.

Mr. PROCTOR. No.

Ms. NORTON. And they have one week's worth of training, perhaps.

Mr. WARD. They primarily observe and report.

Ms. NORTON. Say that again?

Mr. WARD. They primarily observe and report, and then an FPO would be the enforcement.

Mr. PROCTOR. Right. They do no investigations of that sort, merely just access control.

Ms. NORTON. I want to ask one more question before I go to Mr. Graves, because I am just simply trying to set up what we have here.

We are told that there will be 50 cities—we don't know what they are—that will no longer have any peace offices, that is to say, men and women like you, people who not only carry guns, but who have total police authority. In such a city, with nobody with full police authority, how do you contemplate that those officers will respond to crimes in local cities, in local jurisdictions? What would be the difference between the way whoever is left there operates

now and the way you operate? I would like you to evaluate what the security and crime protection situation would look like in a city where there were Federal buildings where the Federal Protective Service once had jurisdiction but now find that there are no FPS officers.

Mr. BROWN. One of the beats I had when I first started with the Federal Protective Service included a large area of four counties in Western Washington. We have a Federal building in Port Angeles, which is up on the tip of Puget Sound, about an hour and a half from Seattle, where I was based. And when incidents happened there, the contract security guard called our megacenter, who referred it to the Port Angeles Police, who responded. But we had a good working relationship with them and we helped them out when we could, and they were happy to respond for those calls. But calls of suspicious activity around the building, where it didn't involve a criminal threat or an indication of a criminal threat, he called us, and sometimes it was that day, sometimes it was the next week before one of us was able to get out there. That, with a reduced presence, is going to happen in more cities.

Ms. NORTON. Why did it take you that long to get out there?

Mr. BROWN. It depended on what else we had going on, how many cases we had, how many people we had available and, again, the significance of the call. If it was recurring activity, where we had identification on the individual, we would go out there that night and stay until we finished it. If it was merely an indication of someone parked across the street or something like that, we would typically talk to the local detectives and then we would come out and follow up with them later.

Ms. NORTON. So if you are not there at all, what happens in a situation like that? For any of you, actually. What happens now if even if you, who apparently didn't have the manpower to come out for every call? If you are not there, there must be somebody there, and we will find out exactly who. Who do you think will be there?

Mr. WARD. Local law enforcement.

Mr. NOWAK. In Kansas City, for instance—I don't know how the other cities are, but during the summertime the Kansas City, Missouri Police Department goes into what they call blackout. That is where all officers are already out on calls—these are local officers—and if they have a call to a Federal facility, it will just have to be stacked up and wait for when an officer becomes free. That could be three, four hours, or the next day. And a lot of times, when I have been dispatched to distant facilities within our region, we always beat the local police in, even if they were 20 miles away. If our travel time was 20 miles, we generally always beat the local police into that facility, IRS office or Social Security office. We generally beat them in.

Mr. WARD. I have a specific example from last week. Being from New York City, the largest police department in the Country, we responded to a call that came in through our megacenter of a disturbance in the Federal building at 26 Federal Plaza. Myself and my fellow officers responded to this call. It was a disturbance. It was actually two disturbances going on simultaneously. We were able to resolve both instances. It was an altercation between CIS clerk and a person seeking some services from that agency.

Forty-five minutes later I was back out on my patrol, having left that call 45 minutes earlier, and I was approached by an NYPD sergeant, and he said I received a call at this location inside 26 Federal Plaza of a disturbance, can you please go in the building and respond there and telephone me back at the desk at the local precinct house and let me know what the disposition is? So, once again, we responded. It was the same identical location. Spoke to the complainants at that location; they said, yes, they had placed a call simultaneously to the megacenter and to 911. So what happened was, when the call came to FPS, we responded immediately. When the call went to 911, NYPD, they responded up to an hour later.

So here is the largest police department in America, and they can't even get to the calls in a prompt, timely manner. That is one specific incident. It happens routinely at 26 Federal Plaza in the Lower Manhattan area. FPS gets there a long time before the locals get there. And the locals are just tied up, it is nothing with them. There are a lot of things that go on in the Lower Manhattan area that keeps the local NYPD pretty tied up with what they are doing, and they already know that we are there in these Federal buildings providing police services.

Ms. NORTON. Well, in fairness, we don't know that New York would be one of the areas. In fact, we don't know what they would be. We do know this, that if a call comes from a neighborhood and it comes from a Federal building, it better stack up the Federal call, as opposed to not responding to the taxpayers in their own local community.

Mr. Proctor, finally, you are in the National Capital Region. That, of course, is not just the District of Columbia. They probably will have police here. In fact, we have more police here because there are other kinds of Federal police here. But I tell you that half the Federal presence is located in the suburbs, in what might be called the counties or smaller communities. So, Mr. Proctor, would you answer that question for your jurisdiction?

Mr. PROCTOR. Yes. I am located here in the National Capital Region, but I cover Prince George's County, mainly the Suitland Federal Center, which is an exclusive jurisdiction. We get various calls, suspicious activity——

Ms. NORTON. Now, that is in Prince George's County. What is the town?

Mr. PROCTOR. Suitland.

Ms. NORTON. The town is Suitland.

Mr. PROCTOR. Suitland, Maryland.

Ms. NORTON. And the police are Suitland police or Prince George's police?

Mr. PROCTOR. Well, on Suitland Federal Center it is exclusive jurisdiction, so the only police is FPS.

Ms. NORTON. If in fact there were local law enforcement to rely upon——

Mr. PROCTOR. It would be Prince George's County. Prime example, we got a call maybe about a month ago for suspicious activity—like Inspector Brown was saying, we get that quite a bit too—where individuals are walking around the Suitland area because the Suitland Federal Center is going through a new makeover; we

have a new census building out there. And this particular individual was stopped by Prince George's County Police and they called FPS and we had to come over there and investigate the incident, and the guy was taking pictures of the Federal building, which is not really a crime, but it just raised our suspicion on to why an individual would like to take pictures of the Federal building. So what we try to do is make sure they are not taking pictures of any entry points or exit points of the Federal facility, and what we do is we look through the camera to make sure they don't have any pictures of your entry points, where the guards are located, so that in case, if they are some type of terrorist activity, we can try to prevent it by confiscating the camera, if need be.

Ms. NORTON. Thank you, Mr. Proctor.

Before I go to Mr. Graves, I do want to say I am a member of the Homeland Security Committee. What this officer said about suspicious activity is exactly what we are about. We don't want the bomb to go off. We want to err on the side of seeing whether this citizen—and, remember, you have every right to have a camera—seeing whether this citizen is a suspicious person or not.

Now, I can tell you one thing. It reminds me reading the paper. Prince George's has had a spurt in crime, and a terrible spurt in crime, and I can say, I think without fear of contradiction—Mr. Wynn is not on this Committee—that there is a very fat chance in you know where that any priority could possibly be given to the Suitland facility, a very important Federal facility.

Mr. Graves.

Mr. GRAVES. Thank you, Madam Chairman.

I am going to be a little parochial, if that is all right, and specifically talk about Kansas City, because that is obviously where I represent and very important to me, and I can kind of translate that into what is going to happen around the Country. So my question is to Mr. Nowak.

Are we staffed adequately now, in the Kansas City area, to cover all the things that you have to cover? And what is going to happen, under this new proposal, to us in Kansas City if you get cut 15 slots, which I think is the proposal right now, which will take you down to 43 individuals?

Mr. NOWAK. Sir, we are not adequately staffed. We haven't been for years. And if they remove the police officers, all you will have is the contract guards, and guards, on the most part, are pretty good, but there are problems with them: the employees don't respect them; people coming in off the street for service and visitors don't respect them, they know they are just guards; and if they are asked to do something, the only time the employees will listen to the guards is if they know we back them up, and without us there, there is no backup for them. And local police will not come into a Federal building to enact any or protect the employees there unless they are called in, but if we are there they won't come over unless we are there. If we are moved after whatever date, they still are kind of hesitant to come into the Federal facility because of prior problems they had on Federal property years ago.

Mr. GRAVES. Are you concerned for the safety of the folks working in those buildings?

Mr. NOWAK. Very much so.

Mr. GRAVES. And that will obviously just increase if this is implemented, that concern?

Mr. NOWAK. Yes, very much so.

Mr. GRAVES. Thank you, Madam Chair.

Ms. NORTON. Thank you, Mr. Graves.

Mr. Bishop?

Mr. BISHOP. Thank you, Madam Chair, and thank you for holding this hearing.

I represent New York 1, which is the eastern half of Long Island, so first to Officer Ward. I understand that the proposed reduction in Federal Protective Service people for Federal Region 2, which includes New York, is 45 percent; for New England it is 50 percent; for Region 4—Alabama, Florida, Georgia, Kentucky—it is only 15 percent. As a professional law enforcement officer, can you tell me by what logic does a reasonable, well-intentioned person think that it is okay to cut law enforcement presence in a region like New York, which includes New York City, obviously, by 45 percent?

Mr. WARD. I don't understand the logic myself, so I am unable to explain it. But if you do that, then you are going to place these Federal buildings at serious risk and there is going to be some serious situation that is going to occur in the future because, as we all know, terrorists will attack again; there will be another attack. And if you peel away that layer of security that you currently have in place, and if you don't increase that layer of security and add additional police officers, the risk is just going to be even greater.

Mr. BISHOP. Congressman Graves just asked if the security presence in Kansas City was appropriate at this time. Would you consider the current staffing in New York to be appropriate or is it light?

Mr. WARD. It is light. Another example is Plumb Island. We used to have——

Mr. BISHOP. I wanted to come to Plumb Island in a second. Let me do that.

Mr. WARD. Okay.

Mr. BISHOP. Plumb Island is just that, an island, and it has a very sensitive Federal facility on it, and my understanding is that there are now no Federal Protective Service personnel on the island, and that the Memorandum of Understanding that the Chairwoman referred to earlier in her statement, vests law enforcement authority on a local police officer which, best case, is a 45 minute boat ride away. So I would ask all of you, as professional law enforcement officers, do any of you consider that to be an appropriate arrangement for any kind of facility, but particularly one that studies very sensitive and very dangerous diseases?

Mr. WARD. Absolutely not. There should be an FPS presence on that island 24/7. We had one police officer there and there is a contract security guard for us that does not have law enforcement authority, but we do need an FPS presence on Plumb Island 24/7 given the sensitive nature and the sensitive diseases that are there.

Mr. BISHOP. One last question. It is my understanding, and correct me if I am wrong, please, that the MOU with the local police force vests authority in that police force to execute arrests only if

the police force has been deputized. Is that your understanding as well?

Mr. WARD. I am not sure an MOU exists. I haven't seen a copy of it, so——

Mr. BISHOP. One does exist. After great difficulty, we have obtained a copy. One does exist.

Mr. WARD. If the island was exclusive jurisdiction, then somebody would have to be deputized with Federal law enforcement powers in order to execute any arrests on that island.

Mr. BISHOP. And if that local law enforcement entity has not been deputized and there is no Federal Protective Service currently on the island, is it reasonable to assume that there is, therefore, no local or even Federal authority that has the authority to execute arrests?

Mr. WARD. That is correct. And not to disparage that police department, but that is a very small police department.

Mr. BISHOP. It's a first rate police department, but you are right, very small.

Mr. WARD. And they have their community they have to protect, and for them to get the extra burden of having to worry about Plumb Island, which should be the responsibility of the Federal Government, just places that additional burden on a small town police department that shouldn't have to worry about that.

Mr. BISHOP. I couldn't agree more. Thank you very much for your testimony and thank you for what you do to protect our buildings. Thank you.

Mr. WARD. Thank you, sir.

Ms. NORTON. Thank you very much, Mr. Bishop.

Who else on this side? Mr. Reichert.

Mr. REICHERT. Thank you, Madam Chair.

First of all, thank you for your service. Mr. Brown, good to see you. I was the sheriff in Seattle before I came to Congress; have done 33 years of cop experience with the sheriff's office, so I kind of miss the badge and the gun and the uniform. You guys look good and you do good work. How were you selected to be subpoenaed today? How did the four of you, out of 1200 and some employees, get subpoenaed?

Mr. WARD. I don't really know, sir.

Mr. REICHERT. You just ended up with a subpoena in your mailbox?

Mr. WARD. Yes.

Mr. NOWAK. Kind of volunteered.

Mr. REICHERT. Volunteered. Okay. Do you have any fear of retaliation testifying today, about your job?

Mr. WARD. Do not.

Mr. NOWAK. Well, there is always that thought in the back of your mind.

Mr. REICHERT. Mr. Brown?

Mr. BROWN. No problem, sir. I was subpoenaed because a Committee staffer called me. I think somebody had provided the Committee with some of my work on staff modeling.

Mr. REICHERT. You know, let's just get down to the bottom line and talk some cops talk. You have a job to do on that Federal property in those Federal buildings, and the relationship that you have

with the Seattle Police Department in Mr. Brown's case, with the King County Sheriff's Office, I know personally is exemplary. Do you know anything different, Mr. Brown?

Mr. BROWN. No. We work very closely with Seattle and King County, as well as the other surrounding police departments where there are Federal facilities.

Mr. REICHERT. And the three of you all experience the same partnership with the local police departments?

Mr. PROCTOR. Yes.

Mr. REICHERT. How many positions in Seattle are we talking about losing?

Mr. BROWN. They haven't announced how many they are losing. We currently have 5 police officers and four inspectors, so with 9 now, if the police officers are going, it would be 5 or 6.

Mr. REICHERT. What is the contingent of the private security that you have talked about? You already have some contingent there that you are working with in all four areas, I assume.

Mr. BROWN. Yes. In the Seattle area we have got—I am not sure of the number of guards because some are part-time and some full-time, but we have over 60 guard posts, including 24-hour guard posts at the major Federal facilities and guard posts at Social Security and other service level offices.

Mr. REICHERT. And is it the purpose of those positions to free you up to respond to criminal calls and calls for help?

Mr. BROWN. It is for that and so that we can engage in proactive patrols. An example, a Federal facility that has U.S. Court of Appeals, the Environmental Protection Agency, and a child care center is next to Freeway Park in Seattle, and when the children come out we go up there and conduct patrols of the areas around the outside of the building. Last week, the officer that went up there found one individual who was smoking marijuana. Not a particularly big problem. He also happened to be a level 3 sex offender after we contacted and checked him. Two other individuals on the other side there climbed over a wall where the sign says you can't climb over, climbed back. Unusual. The officer went over there, asked them to come up on him, one dropped a baggy; it had eventually eight balloons of heroin and some needles in it. So those are the kinds of things that we find outside facilities and we can stop from happening, be it terrorist or criminal.

Mr. REICHERT. So if we eliminate these commission positions, is it your understanding that there will be additional security guards hired, then, to fulfill some duties, or are you going to maintain the same security personnel and reduce your commission ranks?

Mr. WARD. If they can't afford police officers, how are they going to afford the security guards? If the whole purpose is to save money by eliminating positions, you are not going to be able to go back and have extra money to go out and buy security guards. In some cases security guards are more money than police officers.

Mr. REICHERT. Yes.

Mr. BROWN. I haven't seen anything that would indicate that in the Seattle area——

Mr. REICHERT. So we are just going to have a reduction in security, as far as you know.

Mr. BROWN. We are going to take the risk of not doing any proactive patrol between responses to calls. Instead of it being two or three people working out on proactive patrol, be it an inspector or police officer responding, but myself, as an inspector, I may be conducting a security review or an assessment of a facility or a security meeting with the committee that is in charge of security for that facility, and I am taking a call from that meeting to respond to an incident, as opposed to it being somebody on patrol and me moving as a backup officer.

Mr. REICHERT. Well, I again just want to say thank you for your service to our communities and keep up the good work. I know how important it is to have you where you are and to have the numbers of people that you need to do your job correctly. The sheriff's office was always understaffed too, and it is always a struggle for law enforcement to come up with the right numbers to do the job they need to do to protect the public, and I admire each and every one of you for what you do. Thank you.

Mr. BROWN. Thank you, sir.

Mr. REICHERT. I yield back, Madam Chair.

Ms. NORTON. Mr. Arcuri?

Mr. ARCURI. Thank you, Madam Chair.

Gentlemen, thank you for being here and, more importantly, for the work that you do. I am also from New York, and until very recently I was a DA, so although a local prosecutor, I worked very, very closely with many Federal agencies, and I can tell you that the benefit that we received as a local agency from being able to work with Federal agencies, regardless of what it was, whether it was the FBI or one of the other agencies, was just dramatically helpful to us.

My concern is this. I think one of the things that people fail to see is that crime is cyclical, and if today we are doing our job in terms of cutting back on crime and we don't continue that effort, tomorrow crime is just going to be on the rise again, that it is a constant vigilant job that we have to do. Obviously, my concern is when we cut agencies, Federal agencies such as yours, the void is going to have to be filled somewhere, and crime is going to rise. And if that void is filled, obviously, by local law enforcement, it is going to hurt because that is going to be local police officers off the street.

I think, more importantly, however, is the role that you play in terms of working with local law enforcement. If you could, could you tell me a little bit about some of the different interactions that you have had with local law enforcement agencies in your time? Have you had a great deal of cooperation with local agencies?

Mr. NOWAK. When we approach suspicious people on our properties, we contact our megacenter and we have to make a direct call to the Kansas City Police Department, and we do a lot of warrant arrests, so we just take a ride over practically across the street, up the stairs to the jail, and we book them over there, either at the city jail, the county jail, or we take them to another county. So we do a lot of interaction with the local police department on their warrant arrests.

Mr. ARCURI. Does your agency do any investigatory work on the inspectors? Inspector, do you do any investigatory work?

Mr. BROWN. Yes. Typically, crimes against property, simple assaults and those kinds of things, and the initial investigation on almost anything. But one of our special agents would typically follow up and take over the investigation on the more serious ones, although sometimes we will do long-term ones. I participated on an identity theft case and that was a formal prosecution.

Mr. ARCURI. And did you work with local prosecutors, local law enforcement during the prosecution of the case?

Mr. BROWN. Yes. This case, the King County Sheriff's Department had a case on the same individual. Two of the agencies on the east side of the lake did. She had shown us fraudulent ID when we arrested her for possession of marijuana at a Social Security Office, which is how we got involved, and ultimately, between the King County prosecutor and the U.S. attorney's office, our case gave her a five year additive on what she pled to.

Mr. ARCURI. Thank you.

Yes, Mr. Nowak?

Mr. NOWAK. We have been involved also on two drug undercover operations with local police departments involving two different government agencies. We planted a young officer agent in there for a year or so and were able to bust employees within the agency that were selling or dealing in drugs. So we worked with the local police departments and other Federal agencies to take care of that problem.

Mr. ARCURI. Officer Ward, do you know if the agency in New York works with the NYPD on intelligence—the intelligence group that they have in New York City? Are you a part of that?

Mr. WARD. We work very closely with them. I mentioned Operation Stinking Badges earlier. They worked with the local prosecutors in probably all five burroughs on that effort. We also work with them on what we call the Fugitive Apprehensions Statistical Tracking Program, where we apprehend fugitives who enter into Federal buildings that are applying for benefits and are identified that they have an outstanding warrant in an outside jurisdiction. We will deal with those persons as well. And frequently, with NYPD, we are provided with training from their Counterterrorism Division, different courses that are available to us. We also provide training to them and with the United States Park Police, conduct training that helps us in our counterterrorism effort and protecting Federal facilities in New York City.

Mr. ARCURI. And do all of you share intelligence with local law enforcement agencies as you develop it?

Mr. WARD. We have daily bulletins that they provide to us, suspects, murders, stuff like that. We put BOLOs out; we contact them.

Mr. BROWN. We participate in the local regional working groups. We have had our special agents—and still do in many locations throughout the Nation—that are on the FBI's Joint Terrorism Task Forces with the local jurisdictions and there is a lot of cross-information back and forth at the intelligence level and then the common criminal intelligence level, who is doing what. We will arrest somebody that has been frequently arrested by another agency and we will typically let them know that we picked that person up and where we did.

Mr. PROCTOR. In the National Capital Region, primarily our investigators are the ones that are working in the task forces and stuff like that. We rarely use a uniformed officer, such as they use out in Kansas City, to do plain clothes work of that sort.

Mr. ARCURI. Inspector Proctor, do they do undercover work? Do your people do undercover work ever?

Mr. PROCTOR. We have someone. I don't know if we have any investigators on it now, but in the past I know on several task forces we have deployed investigators.

Mr. ARCURI. I just want to say thank you again. I think it is so important that we not cut money to law enforcement, whether it is on the Federal or local level, because the job that you do obviously is critical to keeping all of us safe and, equally important, trickles down to local law enforcement as well. So I thank you very much for what you do. I appreciate it.

Ms. NORTON. Thank you, Mr. Arcuri.

Congresswoman Fallin, I know you are from Oklahoma. Perhaps you have some questions?

Ms. FALLIN. Yes, ma'am. Thank you, Mr. Chairman. In fact, tomorrow will be our twelfth anniversary date of the Oklahoma City Murrah Building that was bombed, and I had been in office 101 days, Mr. Chairman, when that occurred, and I still remember that day very vividly because the governor and I were brand new on the job, just a couple of months, and security whisked us away to a bomb shelter and our command control center with all of our State agencies, and we stayed there from 9 in the morning, when it happened, until 3 in the afternoon, approximately, until we could figure out who was attacking our Federal building in Oklahoma City.

I must say that we learned many great lessons about security and about the need for law enforcement to work together and to communicate together and to have good emergency procedures in place to be prepared for any type of catastrophe that would happen like that, and sometimes you learn those lessons when they happen. So I think the Nation has made a great effort to secure our Federal buildings and make sure that we are just secured as a Nation.

I am listening to this discussion and this is new to me. I am one of the new members, guys, so I am listening with interest. Of course, when Timothy McVeigh came up to our building, Mr. Chairman, he drove up in a U-Haul truck and just parked, never even came inside the building. I have seen the videotape when he drove up and some of the footage around that and, of course, some of the police reports, so he never even made it into the building for an officer to be able to see at that time.

I had a couple of questions for you. Let me just say, first of all, thank you for what you do. I know it is a hard job, and we appreciate what you do to take care of our buildings and to make sure that they are secure, and our other structures.

I was reading in this report about the FPS proposal to realign the law enforcement personnel from police officers to inspectors, and I know we have got a combination of both sitting here, and the differences and roles between a police officer and an inspector. So I don't want to put anybody on the spot, per se, but in your professional opinion, is it satisfactory to mix the roles, to realign the law

enforcement roles between the police officers and the inspectors? Will we still receive the same qualify of law enforcement?

Mr. BROWN. What we do as inspectors is both the security side and the police officer side, so it is an integrated effort. We can look at a facility we are assigned to; we can see the security weakness or the opportunity that a criminal or a terrorist has to attack that, and as police officers we can actually resolve that in how we respond to crimes, and then it feeds back into the security development process. In most larger cities we have enough facilities and enough work for a policeman as well, whose job is primarily to patrol and respond, certainly for after-hours. I would think that with the proposed administration budget of 950 people, we would be hard pressed to have 24 hour coverage in a single city when that is implemented. I think we are down to 7 or 8 now. At one time it was as high as 15. Staffing studies have recommended between 18 and 23 cities should have that round-the-clock coverage.

So that is the difference between what we do. We all enforce the law, inspectors do a little bit more, and there is very definitely a role for our straight police officers as well.

Ms. FALLIN. Yes, sir.

Mr. PROCTOR. Well, see, that is where the problem comes in. The problem comes in because the inspector, as well as patrolling, you have so many other duties: your BSCs, which is your building security committee meetings; your awareness programs, where you go out to the Federal facilities and you hold programs regarding thefts in the building, crime in the area, which we call our crime awareness; then some inspectors have been tasked as being the COTR, which is the contracting officers' technical representative, for a particular contract, guard contract. So with the inspector wearing so many hats, as well as being assigned to patrol, that is why we need the O83 police officer, because we can't do it all. So we need the O83 police officer. We need the ones that are primarily actively patrolling.

Ms. FALLIN. So are you saying that you think the realignment may not be the best policy?

Mr. PROCTOR. No. I truly think downsizing will cause a great terrorist risk. I believe that we need to build up. I have been a part of FPS since 1996. I was part of the hiring right after the Murrah bombing, and we have built our numbers up, but now the numbers have declined, and it is just mind-boggling.

Ms. FALLIN. Can I ask you is there an issue with the concept of and the use of contract employees over the policy, or the policy, I should say, to reduce the FPS oversight and the duties? Do you feel like you work well with contract employees?

Mr. PROCTOR. Well, the contract employees—not to diminish their role—they are our eyes and ears while we are out doing our other duties. I am not saying that there is no need for them, because I think there is a need for them, but they just don't have the training that we get, and to cut us would be just terrible.

Ms. FALLIN. And do you have good working relationships with local State and Federal agencies? Do you really try to marry that together to where you communicate between each other?

Mr. PROCTOR. Yes.

Ms. FALLIN. That is one of the lessons we learned in Oklahoma City, is that we have to have a good line of communication between all the different agencies.

Mr. PROCTOR. As far as I know, we have a very good working relationship with the locals.

Ms. FALLIN. Good.

Thank you, Mr. Chairman.

Ms. NORTON. Thank you very much, Congresswoman Fallin.

The Chairman may well have questions.

Mr. OBERSTAR. Thank you very much.

I particularly appreciate and welcome the testimony, in her own words and her own experience, of Congresswoman Fallin, who, as lieutenant governor, lived through the experience with the Murrah Building, and it is just by coincidence that we are having the hearing on the same day. But her experience in this tragedy I think can be very instructive for us. She has already pointed out several valuable lessons, and we thank you very much for your contribution.

Thank you very much for your willingness to testify. I know that under these circumstances you may do so with a little bit of trepidation and with some distress, but as I have learned in the oversight investigative work over the years, it is our responsibility to protect witnesses against any retribution, and we do not anticipate that there will be any.

In 2005, the former director of the Federal Protective Service commissioned a workload survey to determine the appropriate staffing levels. What was the purpose of that activity? Were you engaged in that study? Whoever wishes to answer.

Mr. BROWN. I was engaged in that study; I am the only one of the panel who was. It was a study with representatives from all 11 regions and all the disciplines of the Federal Protective Service. It included two deputy region directors, several district commanders, several area commanders, the first-line of supervision, and three inspectors. We looked at what the FPS required to do its job, as our mission was delineated then, in terms of how many inspectors and how many police officers, and the team recommended a total of about 2,730, of which——

Mr. OBERSTAR. That was system-wide you were looking at. Did you do facility-by-facility assessment to determine appropriate staffing levels?

Mr. BROWN. We allocated the staffing levels based on the four levels of the Department of Justice vulnerability study, so obviously considerably more for the Level 4, considerably less for the Level 1, about 9 percent of the Level 4 for the Level 1; and then we looked at where a facility was located and looked at about 70 communities where we established they should have some type of daily proactive patrol based on the number of employees, the density of the facilities and the security level there, and 23 cities that should have 24 hour/7 day patrol.

Mr. OBERSTAR. So you did a very thorough review; facility-by-facility, level of activity, level of security requirement, number of Federal employees in the facility.

Mr. BROWN. Yes. We didn't reach down to the individual facility. Our goal was to provide the field supervisors enough people to handle the average number of facilities in their area based on its nu-

merical security level and its location, and then they would have the flexibility, based on individual threat assessments and threat for their particular area, to move those people around.

Mr. OBERSTAR. Here we have a professionally undertaken, conducted and completed, review of staffing level needed. What resulted from the effort? To whom was your report submitted?

Mr. BROWN. Our report was submitted to the deputy director of FPS at the time, Mr. Durette, and it was submitted as a draft. We started in——

Mr. OBERSTAR. And then where did it go from the deputy director?

Mr. BROWN. I briefed Mr. Durette on it after he became the acting director and, as a result of that, I developed some other models with——

Mr. OBERSTAR. Did he send it on up to ICE?

Mr. BROWN. I don't know. The other model I developed I did brief the Assistant Secretary on.

Mr. OBERSTAR. You don't know where it went from there, then.

Mr. BROWN. I am not sure where this particular model went, no, sir.

Mr. OBERSTAR. And, in the end, did the Department of Homeland Security, in establishing staffing levels, take into account this study and did they make the adjustments that your study recommended?

Mr. BROWN. Not as far as I know, sir.

Mr. OBERSTAR. Did your study recommend the level of FPS personnel as well as any contract personnel?

Mr. BROWN. We didn't establish contract levels; we recommended 1700 and some uniformed FPS inspectors and officers, and then the special agents, support people and supervision that would go with that.

Mr. OBERSTAR. At the outset of the hearing today, I quoted from the ICE report, which was a very chilling—to me, shocking—assessment—an honest assessment, it seems to me—of what would happen, and yet the Department has gone ahead with stopping levels and with changes and with increases in contract personnel without taking into account those cautionary statements. What will be the risk, in your judgment, to Federal facilities of 50 not having security at all, and others being downgraded or FPS substituted with contract persons? What will be the result?

Mr. WARD. It will place those Federal facilities at great risk of terrorist attack, crimes, and other things that may occur.

Mr. OBERSTAR. In Ms. Fallin's comment and accurate observation which I made in my opening statement, the McVeigh vehicle was parked on the street; he did not enter the property. But the lesson we learned from Murrah, the lesson we learned from the aviation security is that you push the perimeter ever further out, whether that perimeter is intelligence gathering from foreign or domestic sources, or surveillance cameras further out to detect and deter suspicious activity. If you don't nave enough personnel, you can't push that perimeter out far enough, is that correct?

Mr. BROWN. That is correct.

Mr. PROCTOR. That is correct, sir.

Mr. OBERSTAR. What is the turnover level in your FPS personnel?

Mr. BROWN. From the summer of 2002 until last year, the force was fairly stable. We brought on new people and they stayed. Because we had had so many leave before, we were authorized a 10 percent retention allowance. As they encouraged people to leave, starting last summer, so that they could get the numbers down to the budget, they eventually removed that and I think the turnover rate is going even higher. Everybody sitting at this table took between a——

Mr. OBERSTAR. Did you lose retention pay?

Mr. BROWN. Yes, we did, sir.

Mr. OBERSTAR. My experience over 44 years of public service in the Congress in one capacity or another is that the Federal Protective Service has been a very stable guard force; that those who sign up for duty and are in the career force enjoy their work, are extremely loyal to it, they stay with it. But as we learned in aviation security, turnover was immense out at Dulles Airport. They had a 400 percent turnover rate with Argenbright. They also hired non-English speaking, or at least non-English fluent guards, others who had not had background security checks, and some who were not even American citizens. And I have concerns about turning over protection of our Federal facilities to contract authority and falling back into the failure of aviation security.

What training requirements for the private security guards compared to yours? I know you have answered this for a previous colleague, but I want you to say it again.

Mr. BROWN. The FPS standard requires 40 hours of basic training and 40 of firearms training if they are going to be an armed guard——

Mr. OBERSTAR. Probably half of the security personnel.

Mr. BROWN. It varies from State to State.

Mr. OBERSTAR. From State to State?

Mr. BROWN. For a private security guard not contracted by the Federal Protective Service.

Mr. OBERSTAR. They don't measure up to Federal standards?

Mr. BROWN. There isn't a Federal standard for licensing or certification of private security guards.

Mr. OBERSTAR. And they are protecting Federal property.

Mr. BROWN. Those that protect Federal property that we hire through FPS, or I should say we contract through FPS, have a standard.

Mr. OBERSTAR. But some agencies have the authority to contract on their own.

Mr. BROWN. That is correct, sir.

Mr. OBERSTAR. And are their security guards subjected to FPS standards or to State standards?

Mr. BROWN. They are subjected generally to State standards, not FPS standards.

Mr. OBERSTAR. And they are protecting Federal property and Federal personnel.

Mr. BROWN. Yes, sir. So they don't undergo the same rigorous background check that is part of our risk mitigation strategy with our——

Mr. OBERSTAR. And we have 15,000 of those in the protective service.

Mr. BROWN. The 15,000 meet the standard. The 15,000 meet FPS's standard; they receive the background check, they receive the training that is called for in our contract. But there are places where other agencies will hire or contract for guards, or will pay for them through the building owner, and those guards we don't supervise and we don't apply those measures to.

Mr. OBERSTAR. Is there a situation where there is a Federal Government agency also contracts out and you have a mixed force within the building?

Mr. BROWN. Twenty-four facilities on a delegation to the Passport Agency. The State Department, through the Passport Agency, hires their own security guard contractors and they don't work for us, and they work inside the same building as we maintain——

Mr. OBERSTAR. So if an emergency occurs and a knife-wielding suspect, as Congressman Wu described earlier, gets into the facility, they would call FPS?

Mr. BROWN. They would call FPS, and the terms of the delegation requires them to assist us.

Mr. OBERSTAR. Do they work 40 hours a week, the FPS-contracted personnel?

Mr. BROWN. Some work more; some work less. That is up to the contractor and how he meets his requirements. We do generally prohibit the contract guard from working more than 12 hours in a row.

Mr. OBERSTAR. Twelve hours in a row. But in the non-FPS hired force, we have information that typically they do not work full 40 hours, that their contracts do not include comparable benefits that you have in retirement and health, etc., in the Federal workforce.

Mr. BROWN. I know that to be the case with two of my facilities where——

Mr. NOWAK. That is the same way it is in Kansas City, sir.

Mr. PROCTOR. For the most part——

Mr. OBERSTAR. I didn't mean for Inspector Brown to be answering everything, but all of you can respond to your own experience.

Well, that sets up two standards, creates two standards of service to the public. I want to make it clear that the Federal Protective Service is there to protect not only the Federal employees, but those of the public who come to seek services of the Federal Government. They are also being protected. Keep that in mind.

Do you have concerns that this contracting out is going to extend even further than it is today? Do you have inside information about what further plans are within the Department?

Mr. WARD. No. And where would the money come from? If they are reducing paid Federal employees who are law enforcement officers to save money, they are not going to be able to spend more money on these contract personnel.

Mr. OBERSTAR. The argument that we have heard is, oh, well, there isn't enough money to do this, but the OMB, the Office of Management and Budget, is the one that sets the level, and Federal Protective Service, I know from several years, has asked for an increase in the fee they charge the Government agencies, and OMB has not approved that fee increase.

Mr. BROWN. We understand that to be correct, sir, and, again, that is increasing taxes on other agencies. Their money is to provide their services to the public. When we reach out and collect money back from them to pay for us, I think that is not what we wanted to do with the Department of Homeland Security being responsible for everything. The money should probably be appropriated to the Department, and we shouldn't ask agencies to make decisions on spending their budget to support the public or to pay for security for their employees.

Mr. OBERSTAR. I appreciate your statement not only because it is a very thoughtful statement, but it is something I have long believed. We are just taking money out of one Government pocket to put it into another Government pocket, asking one Federal Government agency to support the activity of another Government agency which is supposedly rendering service, and now the agencies you serve are being called customers. I think that is wacky, frankly. They are not customers, you are in the business of public service. This is not the Post Office. They have gone to calling postal patrons customers. Well, if they want to do that, but the person coming to seek services from a Government agency is not a customer; it is a citizen of the United States and should be treated as a citizen, not as a customer who just blew in off the street. Excuse me.

Mr. WARD. This was discussed on July 17th, 2002. In fact, before FPS moved into Homeland Security, the Senate Environment and Public Works Committee sent a letter to the Senate Government Affairs Committee and said that FPS should be funded directly and the money that is given to these other agencies should go directly to FPS through DHS or direct appropriations funding.

Mr. OBERSTAR. Thank you. Thank you very much.

Madam Chair, there are many other questions, some of which I think we will submit in writing to the panel. There are more factual affirmations that I would like to see, but I think we need to move on to the next panel.

Ms. NORTON. Are there any more questions for these witnesses?

I only have one more question, and I just want to apologize to Deputy Secretary Jackson, who has very kindly sat through this testimony. He and I work very closely together. We are going to get to him very shortly. There are things that we are simply trying to learn, frankly, about these activities and we are foregoing any number of these questions in order to try to get written answers.

One thing I just have to understand because I want to be clear. There is something about making officers, both officers and inspectors is kind of neat. I am not a member who objects to efficiencies that do not have a negative impact on the underlying mission.

If I could tell you where I am coming from, as someone who headed a Federal agency that was in deep trouble, one of the first things I did when I went to the EOC was to decide that we were going to settle cases. The great notion that you had to go through the Federal courts to do everything made didn't make any sense. Lawyers understood that you settle cases, and the earlier you settled them the better. Because in my days as a student, I came out of the civil rights movement and knew all the civil rights leaders, they would say, look, Eleanor is going to settle cases right out from under us. Well, I found that at the EOC they weren't getting any

remedies because the cases got so old, and once we went into a very professional settlement mode, as opposed t simply haggling, the remedy rate went way up.

So I am real open to greater efficiencies. I am even open to the notion that police officers can be inspectors, because I know good and well, here in the Capitol, the officers are doing security when yesterday, if you will forgive me, friends, they were cops. Today they are not only police officers, you know, we regard them as our security officers and a lot of what they are doing we are learning on the job. A lot of it doesn't involve what you do or what the inspectors do, going around and, in fact, looking at various places to see what is happening, although, as you see them patrol, they clearly are doing precisely that.

I need to know whether my impression is right that the inspectors will not be doing the kind of patrols that we learned might be necessary outside the building to keep the event from coming in or the kind of ordinary police responses that on the Homeland Security Committee we would regard as preventative of terrorism or preventative of crime. Will these inspectors, who obviously will be doing some form of double duty, continue to patrol the facility to keep it safe the way every staircase in the Capitol, every floor in the Capitol is patrolled by a Capitol Police officer?

Mr. PROCTOR. No, ma'am.

Mr. WARD. No.

Ms. NORTON. Will there be any patrol? That is what I want to know.

Mr. PROCTOR. Very little. Very little patrol, because of all the other duties that are required from the physical security side.

Mr. WARD. In New York City we have the police officers, a large amount, patrolling around the Federal buildings basically in the Lower Manhattan area and the outer burroughs, and as a police officer conducting these patrols myself, I rarely, very rarely see an inspector on patrol. We have a very limited number of inspectors, we are understaffed in inspectors because we lost a few recently, and the workload is just every-increasing in our COTR responsibilities, as mentioned earlier, monitoring of the contract guards. All this places an additional burden on these inspectors, and they are only inspecting maybe 5 percent or less of their time conducting law enforcement patrol and response to calls. The burden is even on the canine officers who are doing the dual duty of inspector role. So here is a canine, an explosive detection dog that should be out patrolling the perimeter of our Federal facilities, sitting in an office while the canine inspector is conducting his administrative duties related to physical security of these buildings.

Mr. BROWN. The goal, ma'am, of the inspector program is for the inspector to spend at least half of his time doing that. In Seattle, we have been fortunate enough to have enough people that we can spend half of our time doing law enforcement and patrol work and the other half with surveys and taking care of the security tasks. It is unusual, but that is because we have enough inspectors there. There should be more inspectors; there should be more police officers.

Mr. NOWAK. In Kansas City, the inspectors aren't even in uniform or police officer; they wear khaki pants and a polo shirt.

Ms. NORTON. The inspectors are not peace officers, necessarily?

Mr. NOWAK. They do not wear a uniform, they wear khaki pants and a polo shirt.

Ms. NORTON. Why not at least let them wear a uniform?

Mr. NOWAK. I don't know. That is their uniform now.

Mr. BROWN. That is not the case in our part of the Country. We are police officers and we wear a uniform.

Mr. WARD. In New York City we only have two explosive detection dogs that are assigned to inspectors, and the only time I see those dogs around the perimeter is when it is—excuse the lack of a better term—time to walk the dog, and then go back up to the office and get their paperwork done. But other than that it is just when the dog needs a break is the only time the dog is outside any Federal facilities in New York.

Mr. PROCTOR. The inspectors here in NCR wear uniforms and like Inspector Brown said——

Ms. NORTON. I don't mind it if they are doing undercover work, but otherwise the uniform is a deterrent. That is all I am thinking about. To have fewer people, the more people they see look like cops, the more people respond as if they are not supposed to penetrate that.

Gentlemen, I want to thank you for testimony of the kind we need in order to intelligently respond to what the agency is trying to do.

Mr. Chairman, I am going to say something that apparently the Federal Government has never done that also came out of this hearing that I think we would like to perhaps just investigate with the agency, and that is that you can have security guards. And I, for one, understand why we have to have some people who are security guards and others who are peace officers, but apparently there are no standards, and it does seem to me, at least with respect to buildings that are either Federal buildings or buildings where there are Federal personnel, there would be some minimal standards. Now, those standards could be set by the local jurisdiction if they were high enough, but the notion that there would be no standards uniformly across the Federal workforce would put, it seems to me, this Committee at risk and has made it look like we didn't care about our facilities and X, Y, or Z place who were operating with contract guards, perhaps, who were not up to the standard of some other place. That is something I want to look at separately.

Above all, I want to thank each of you for coming here to Washington—Mr. Proctor, of course, was in the region—for offering us very important testimony.

I ask that the next witness come forward and excuse these witnesses.

Again, as he is coming forward, I want to apologize to Mr. Jackson. It is the way of hearings that there is no way to tell how long they will take and the Committee was particularly interested in hearing the perspective of the officer. Perhaps after hearing it, Mr. Jackson will be able to correct some of the impressions and help us better understand.

Could I ask you, sir, if you would stand so that I can administer the oath, as we do to all witnesses?

Do you solemnly swear the testimony you will give before the Committee on Transportation and Infrastructure will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JACKSON. I do.

Ms. NORTON. Just briefly, Mr. Secretary, you and I have worked well together. We are working on very important project of this Committee together right now and have done so both in the last Congress and in this Congress very well.

I don't know if you were here when I expressed my concern about the fact that these officers had been asked to discuss their testimony ahead of time, even though they were not appearing in their professional capacity, and even though they were appearing under subpoena. The kind letter had no intimidating language in it from the agency; nevertheless, if you put yourself in the position of the line Federal employee, has to have an intimidating or at least chilling effect, and reflecting, it seems to me, on the Committee as well, since the notion was you wanted to make sure the security and information that should not be disclosed, as if members of Congress wouldn't want to protect that as much as the agency.

I don't want to examine you about that; I have written to the secretary about that. I am only asking that in the future, particularly since the OMB Circular A-19 contemplates people who speak for the Administration, that if we are to ever call upon civil servants again, that they not receive such a letter. Let me assure you, because I am a longstanding member of a committee with jurisdiction over civil servants, normally we call the union. We didn't think the union could tell us what we wanted to know here. We needed to know from somebody who, as it were, walked the beat. That is all we are after.

Thank you very much, sir. I am ready to hear your testimony.

TESTIMONY OF THE HONORABLE MICHAEL P. JACKSON, DEPUTY SECRETARY, DEPARTMENT OF HOMELAND SECURITY

Mr. JACKSON. Madam Chairwoman, thank you for having me here. I am grateful to be with Chairman Oberstar and Mr. Graves as well. I feel very much at home in this Committee. I have been welcomed here many times before and I am glad to be here to talk about this important topic.

I would like to just start. I won't try to take, Madam Chairman, the question that you ended with there into any great length, but I will tell you that I am extremely grateful and a tremendous admirer of the work done by FPS. Honestly, the men and women that do these jobs have a tremendously difficult challenge in many cases. They are dedicated. You don't do these type of jobs for the money; you do it because you have a commitment and a passion to public service, and I respect and honor and am grateful for that commitment that I see in these gentlemen.

I have to tell you, if there was a chill cast by any departmental action, I tried to throw a little heater on it this morning because I said to these guys before they came up, I said, thank you for being here, thank you for testifying; say whatever the heck is on your mind; tell them everything you know and whatever you think is the right thing to do; these people are here to help us make FPS a success, and I want you to be able to say that.

So I will tell you that from the Department's highest levels we are happy to have these people testifying. We are happy to do that again in the future with you. I get my testimony scrutinized by a bunch of lawyers too before I come here, and I think that is just the standard practice of the Department, and that is all we are trying to do, is make certain that we are disciplined in the way that we appear before you and provide truthful evidence for you.

Ms. NORTON. Mr. Secretary, I appreciate that you spoke directly to the officers. Your last remarks made me think that you were simply working in the ordinary course of business. The ordinary course of business would not involve these officers submitting their testimony in any way because they are not subject to the Circular.

Go ahead.

Mr. JACKSON. Okay. I would like just to start in the vein of saying how important the people are to the success of this mission.

Chairman Oberstar, to just say a quick word about the conversation you raised, perhaps I can shed a little light hopefully for you on the selection of our new director. Gary Shinkler is in the room with us today here.

Gary, could you raise your hand for the Chairman to see?

I want to tell you about the selection that we made for him. Gary is a veteran of the Marine Corps and has spent—I am going to look for it here—29 years in the Marine Corps. He also is a veteran of the Chicago Police force, and he came to us, Chairman Oberstar, from the TSA, where he was the deputy FSD at Chicago Midway Airport, which has a very substantial, as you know almost as well as anyone, law enforcement mission in those airports. He was not number three on the list. The list was, I am told, in alphabetical order. The review was a career SES review. He was the number one choice of that review of the career SES folks that looked for it and was the recommendation made to Julie Meyers, who is here with me today and who is responsible for ICE and FPS. I am the chairman of the Department's committee that reviews all SES appointments, and when I got this one I stopped because it was such an important one. I went out and did a little bit of my own nosing around to ask about the guy, and everything that I found was extraordinarily complimentary of his military, his police, and his TSA experience.

So I just want you to know that this is not an appointment that we made lightly, but it is the person who was most qualified for the job and is an excellent guy. You are going to like working with him, sir, I can guarantee you that.

I think that the framing remarks for this, first of all, Madam Chairwoman, can I just thank you for this testimony? This needs light shone on FPS. You are absolutely right in your remarks about how important FPS is to the Country, to the Federal workforce, to those who visit our Federal buildings, and I welcome having this Committee as partners and us thinking through what is the future structure, the financial discipline, and the funding mechanisms necessary to make the workforce that we need to do the job that is at hand.

I will tell you that Congressman Mica was absolutely spot-on, and I am grateful for him just pointing out that DHS has inherited a very complex stew of management, financial, and operational

problems, and we are trying to sort these out. I am actually very, very impressed at the work that ICE has done to try to get us to a better place here. I won't try to go through the financial disciplines and controls that have been put in place over the last two years, but I will just say that that report that GAO made where they suggested that there was a $139 million deficit in the amount of money that the fees paid for is, I believe, spot-on, and we see, even today, in looking at costs that were picked up by GSA initially in IT, in HR, in legal, and in building fees—GSA didn't use to charge building fees for the space that these guys occupy. Now we have to pay it. We are a—sorry, Mr. Oberstar—customer of GSA and we are paying the bill. So this is about $59 million worth of expenses this year, in 2007, that were not part of the cost of doing business when this was moved, prior to it being moved into DHS.

So I want to just say that this financial and operational discipline and the work that we are trying to do to make sure that we are spending the taxpayers' money wisely is responsive to a slew of GAO and IG reports before this group came to DHS and after, and we are systematically working through it. I know one story from my reviews of this, where we had contracting authority spread out all around the Country so people could make commitments for a contract workforce and not tell, in a disciplined way, what was there. We couldn't even obligate the appropriate amount of money if we didn't know a contract had been let. In one case, one of Julie Meyers' inspectors went out and found a pile of these contracts that had not been sent up through the contracting process, and they became known only when the bills started piling up and asking for payment. So the work that has been done in the last two years is something that I want to just say off to the side here is worth your coming to understand better and digging into more. It is very substantial and I think very good.

Let me just talk about the task that we face. I am grateful for your forbearance. I won't talk long and then we can just talk questions.

The task that we face is to live within a funding structure and mechanism that Congress established. It is a fee-based business. Then we had this gap between the type of costs that were not covered by the fees but which GSA absorbed that was the old business model. So now we have that gap that we have to deal with. During the course of fiscal year 2003, essentially, in the beginning of fiscal year 2004, this gap was not evident at DHS because there were some unobligated balances that carried into DHS that obscured the actual loss of or the gap between the fees collected and the expense of running the organization.

In 2004, some of that gap was itself disguised by Katrina, because what happened is we detailed people in calendar year 2004, we detailed people in effect to the FEMA, FEMA fully reimbursed all those costs through the Stafford Act funds, and, therefore, in some cases, for a while, more than 200 people were not doing FPS police work or investigatory work or inspector work, they were doing the Lord's work for us at FEMA and being reimbursed for that.

So last year was when the crisis became absolutely unmanageable for us. We took almost $30 million from other parts of DHS

to be able to make sure we did not go anti-deficient in FPS. We have made a proposal for what is a very, very substantial increase in the fee structure. I would just note, for example, that Judge Julia Gibbons, who chairs the judicial conference's budget committee, testified in the other chamber to the appropriators recently that this increase that we have proposed is very, very burdensome on the judiciary and was saying that we are asking too much money for our work here. So some of our—I am going to call them partners rather than customers because I am getting my vocabulary right—are not quite pleased at the big increase that we are asking for to accommodate our current level of operations.

So let me just make a final set of points and then stop.

It is about what we are doing. First of all, Chairman Oberstar, the report that you had, I would like to give you better figures. It was a preliminary work, it was not the final decision of what we are going to use to guide Gary's new work; and he is going to finally validate the course of action. I will give you just one example. In our current thinking, we actually propose to increase the number of FPS officials in 21 cities, the number of people we have on the ground, and in 19 cities to reduce it. That is just fundamentally different than the early calculations that you saw from a report that had not gone through the full process.

The size of this force has grown from, prior to Oklahoma City, of about 2300 total people on the outsource, the private contractor, to, after 9/11, now 15,000. So what we have seen is a growth that was about 7,000, 6,000 to 7,000 outsourced people prior to 9/11. There has been a very, very substantial growth. We are trying to bring discipline to how those people are used.

I just want to answer, Madam Chairman, a question you had at the very end. We actually do impose a standard discipline for the training. There is a curricula that is established for the guards by ICE, by FPS. It involves 72 hours of contractor training and 8 hours of FPS training. These are for the FPS approved and managed contractors. There are other contractors. For example, at my former department, at Transportation, they have had a delegation from GSA to be able to do their own hiring of this, and it is precisely one of those questions that we are trying to address in the transformation plan that FPS and Julie are working on to make certain that we have given greater clarity and guidance and standards.

I have been through that with you, sir, on the TSA front. I see this problem, our team does; we are working that. But that is a considerable amount of training. They have annual firearm certification; they have a background suitability examination; and, additionally, on an annual basis they have first aid and CPR training and periodic refresher courses. So there is an established and mandatory set of training and background investigation that is required for our management of these contracts.

I will just say that there has been a lot of discussion here this morning about the differences between three types of law enforcement officers: police officers, investigators, and our inspectors. So what I want to say to you is I agree with my colleagues back here, some of them who are inspectors, that we have not adequately sized and supported the inspector workforce that we need. There-

fore, ICE's proposal in this re-calibration is to increase by a considerable number that workforce of inspectors. So what we will do is we will say—I think you understand that they have the same police training and police skills that a straight police officer has. They are police plus. They should wear uniforms, I think. I don't know about the khaki deal; I will go look at that. But we expect them to show both presences of doing those two roles.

Our investigators also have substantial law enforcement capabilities and 1811 certification so they can do the work that they do. Right now we have about 1131 people actually working on FPS work on the payroll. We have about 48 that are assigned to other tasks on a fully reimbursable basis. This is a non-crisis level reimbursable basis job. One of them is to help stand up chemical security evaluations and the other one is to do some work in OPR, our professional responsibilities for managing the workforce across ICE altogether. So what we are going to do is grow the inspector workforce and focus on standards for building, focus on holding people accountable, getting greater discipline around what will actually work and how to manage our roles there. We are unable to take the money that we have in front of us and make it cover the additional proactive police monitoring work outside these buildings, so we have taken the assets that we have and we have put them in the most coherent form that we think we can give to you with the money that we believe is available to do this job.

So I will just stop there and answer any questions for you and be happy to unpack a little bit of this to the best of my ability.

Ms. NORTON. Thank you very much, Mr. Jackson. It was important testimony I think you did clear up a number of matters. What are the cities that will no longer be served by Federal Protective Service officers?

Mr. JACKSON. We have not made a final determination about this. The number that I mentioned to you is and estimate, and I would like honestly not to just publish that in the open hearing here today. I can talk to you about that process working, but what we are trying to do is let Gary take each of his regional directors. We are not laying off anybody in this process; we are using natural attrition, and that natural attrition is uneven. There may be more in one city that decide to retire or to move to ICE. We are taking some of these positions and we are very aggressively trying to offer individuals who are in the FPS job opportunities in the law enforcement responsibilities that ICE has. So we have not made some final Solomaic determination of exactly where——

Ms. NORTON. I appreciate that it does not involve layoffs from a workforce that apparently already has been thinned enormously, but let me ask you this. We understand there are 50 cities, 50 jurisdictions where you expect that Federal Protective Service officers will not be necessary. Is that true?

Mr. JACKSON. There are 51 cities right now that have 10 or fewer police officers. This would be the——

Ms. NORTON. Ten or fewer of FPS?

Mr. JACKSON. Yes, ma'am, police officers. This would be the universe of places where I think the likelihood would be that we would end up with no officers if there is a city that ends up with no police officer.

I will tell you I looked at the list this morning, and there are a considerable number of mid-sized cities in the Country that have one officer, one police officer in that city. That is not a 24/7 cover, it is only 8 hours cover, and it is not what I would call a substantial enhancement to the law enforcement capabilities if we only can marshal one person for that city. So what we are doing is we are taking a risk-based approach, we are saying cities like New York, Washington, Los Angeles, Chicago, places where there is a large Federal concentration and a larger risk is where we will move the resources that we have.

Ms. NORTON. At some point, of course, it is going to be common knowledge where the FPS cities are or are not, so we would ask you to submit that for the record as soon as those cities have been determined.

Mr. Secretary, I want you to know I don't have any bias in terms of location of personnel. The real question is coverage and prevention. Obviously, we also have very different threats in different parts of the Country, and I am the first, sitting here in the District of Columbia, to understand that. In fact, your agency has been criticized not for what you did, but for what Congress did in kind of depositing people and resources all over the Country without regard to risk and consequences. So it is the risk assessment that the Committee will want to see when entire jurisdictions are reduced to no FPS officers.

How, then, are these MOUs to work? If I am sitting in a local jurisdiction where you have carefully negotiated an MOU saying the local police agree to come, do they know that there are not going to be any peace officers there?

Mr. JACKSON. No, ma'am. This is not an easy task and a simple turnkey thing where a bunch of people like me are going to sit in Washington and say do it this way and, you know, hope it works. These will require leveraging the very substantial relationships that we have with the local law enforcement community to say—let's look at two categories. If we are eliminating presence of a police patrol capability in a given location and we have an MOU there, what we will have to do is revisit that MOU and say can you backstop with local police support some of the activity that we were previously——

Ms. NORTON. Why should they do that? This is an unfunded mandate. You are saying we don't have any now. We have got to ask you to amend this MOU because there are no peace officers here. Why should a local jurisdiction agree, once you want to change the terms of the MOU?

Mr. JACKSON. Well, there are approximately 780,000 State and local law enforcement officers in this Country. We have a couple of hundred FPS police officers. So what we think is that in those locations where we need to that we can ask the cooperation of these——

Ms. NORTON. No, no, my question is why should they. In my opening statement, I said that the crime spurt throughout the United States now, and we have had $2 billion cut in funding for local police like the cops. Why should a local police officer agree to this and if so, why should he give reports from Federal facilities any priority, given his own responsibilities in the local area?

Mr. JACKSON. Because if I am a chief of police, if I can borrow what Congressman Oberstar said, these are my citizens. These are my people that I am protecting. I am the chief of police and this is my city and I am going to try to make certain that all the facilities——

Ms. NORTON. This may or may not be the people who you are protecting. It is in a Federal facility.

Mr. JACKSON. But they live in those communities, they work in those communities, the people visiting there. It is the same enforcement. Look, I understand that we are making tough choices here. But I can't——

Ms. NORTON. Mr. Secretary, it is not that you are making tough choices. You are making choices for the local jurisdiction which the Committee cannot guarantee will protect the visitors and the employees in that jurisdiction. And very frankly, as somebody who knows something about local law enforcement, I think a police chief would be crazy to accept those terms. It is an unfunded mandate. You don't want the expense on the big kahuna's budget, and you want to shift it to local jurisdictions and they ought to take it with a smile? How do you think they are going to do that? Because we have to probe that kind of change and wonder if there is greater risk, both terrorism and to criminal incidents.

I am not one of those who say you have to have Federal police presence of the kind the FPS, round the clock Saturday and Sunday. Look, I am 24/7 here because I represent the District of Columbia. If you come down Independence to our entrances, you will see one entrance manned on the weekends. That is the South Capitol—sorry, that is the New Jersey, the main entrance. Go to D Street, you won't see any of those manned. If you come to South Capitol—have I complained? The reason I have not complained is because I do believe in risk assessments. I don't think about Al Qaeda, and say, wow, nobody is in the building, this is a great time to bomb the Capitol. Of course, we are at the Capitol, our folks are at the Capitol 24/7. I think that this was long before DHS was set up, over here the Capitol Police, who have the most to lose, decided on a risk basis that it was a waste of their personnel to put people all along D Street, to put people all along Independence Avenue, the way they are most of the time, but to have someone at the main entrance.

I know there will be people on my Committee who disagree with me. Well, I disagree with them. We can't take the position in the Department of Homeland Security that funds ought to be done based on a risk analysis throughout the Country. Hey, but when it comes to us, or for that matter, Federal employees, we want to be covered with security.

But what we need to see if your risk analysis. Again, you see, I am on both committees, we will be very, very leery of invidious comparisons between the kind of security we want for people like us and the kind of security we want for two million fellow employees, for visitors who walk into a Social Security building, or for after-hours. So you need to be on notice that we are going to insist upon being briefed on the risk analysis when in fact we find whole jurisdictions with no peace officer dependent upon the local police chief to give our facility, with all we have invested in it, and our

employees and our visitors all the attention they deserve. Because after all, we are all one big, happy family. You ask a police chief who his family is when it comes to his regular duties.

I want to go on to Mr. Graves, then to the Chairman.

Mr. GRAVES. I don't have any questions, Madam Chairman.

Ms. NORTON. Mr. Chairman?

Mr. OBERSTAR. Well, Madam Chair, I think you described the situation here at the Capitol very well. We are not securing the perimeter here on weekends very effectively. That is not Secretary Jackson's concern, but it is a good lesson for the other Government agencies that we are dealing with.

In your description of, first of all, your entire statement, which I read in detail last night and again this morning, will appear in full in the record, of course, and any supplements that you wish to make thereto will be included as well. It is always a pleasure to have you here before the Committee. There was a time when you spent a good deal of your life here in this Committee room when we were doing TSA.

Now, let's go to the funding issue, because I think that is at the core of much of what is happening. It is true that the Office of Management and Budget sets the fee scale, is it not?

Mr. JACKSON. The Administration does, and——

Mr. OBERSTAR. OMB makes that decision.

Mr. JACKSON. The Administration does, and OMB is part of the Administration, yes, sir. I am not going to run away from the Administration in that, Mr. Chairman.

Mr. OBERSTAR. Specifically, it is done, I know, I have been dealing with the green eyeshade folks for 40 years. But the fee is not OMB's origination. They didn't create it. It was just there. It evolved over time, probably as an adjunct to the Federal Public Buildings Fund, in which agencies contribute to the fund and from which future structures are built or leased.

Is this shuffle an appropriate way to fund this security function? Have you given that some thought about whether, now, in aviation, there is the security fee that passengers pay. And it covers nearly all of the TSA operational function.

Mr. JACKSON. Well, maybe not all of it.

Mr. OBERSTAR. A good portion. I said nearly. There is a big gap, yes, a gap that we need to fill. But it fills what it was intended to do largely in the beginning. But that is a different mission from this one. And from a budget standpoint, you have done a great deal with budgets, does it make a difference, does it have a budgetary effect whether the funding comes directly from an appropriation and a funding request from the Administration to FPS, or through the shuffle from the several constituent agencies?

Mr. JACKSON. As you know, sir, that is an excellent question. It goes to the heart of what we are struggling with in terms of the financial stream. Let me try to answer it as honestly as I can and with the intellect that I can bring to the topic. I am going to tell you that there are pros and cons to this on both sides. Let me just try to eliminate some of that.

Mr. OBERSTAR. But my question is, is there a budgetary effect, pro or con?

Mr. JACKSON. Yes, there is.

Mr. OBERSTAR. Answer the question.

Mr. JACKSON. So on that score, for example, there are many places in DHS where we are fee-funded, as you have already indicated, through TSA. Our citizenship and immigration services is virtually entirely fee-funded. That is a legitimate way to do business and it works. And Congress in its wisdom over the years has continued this method of funding FPS.

There is one downside, for example, since you have to anticipate changes in the services that we need to provide in the growth and you have to model those fees in advance of the time that you collect them. So there can be changed in the environment, changes in the threat, and some lag there as we collect them. There are always unknowns with respect to some margin of the fee that we would ultimately collect that have to do with new buildings opening and closing and delegations that might authorize a particular agency not to operate within this structure of the same type of fee collection.

Most of the agencies, for example, to whom we have delegated the responsibility for doing their own guard service, for example, are paying the basic fee that is our basic service charge, which covers the perimeter outside, not the work that is done inside the building. So I think that you could, in principle, imagine paying for this both from direct appropriation and from a fee. The fee works, it just requires a little bit of skill. It also honestly, when it is at the bottom of the line, when it has hit DHS now, it is no longer part of the big rent payment that you make to GSA and all of the IT office space, HR, lawyer expenses that were bundled at GSA into serving the FPS needs are gone now. We are having to pay for those out of this fee.

So it does put a big spotlight for our Federal partners on that fee. It creates some discontent, as I mentioned to you earlier, from the Judiciary testimony earlier.

Mr. OBERSTAR. Yes. The budgetary effect is that this cost does not appear on the books of the Department of Homeland Security, it appears on the books of the several constituent agencies housed in the respective Federal buildings, correct?

Mr. JACKSON. That is correct.

Mr. OBERSTAR. From a budgetary standpoint, if it is $100 million, just to pick a number out of the air, it has no relationship to anything, if it costs $100 million in fees from the several Government agencies who are paying it out of their appropriated funds, or if it is $100 million appropriated to and allocated to the FPS. The budgetary effect is nil.

Mr. JACKSON. I think that is right, sir. I am not a total budget geek here.

Mr. OBERSTAR. I am not asking you to certify this. It will not be covered under your oath.

Mr. JACKSON. Tell me when that time period stops, sir. You are getting straight answers all the time.

Mr. OBERSTAR. But from the standpoint of the public and from this view of the Congress, there is greater transparency in the latter.

Mr. JACKSON. I would argue there is substantial transparency in this one. Because we know how much money comes and hits the

bottom line as revenue. Instead of showing it as a budget item all placed in one location, you are still seeing that same total dollar figure, and you are getting something additional of value, which is to say, you have a greater degree of transparency into where those services are actually coming from, who we are helping, how we are doing it, in what proportion and where those priorities and risks are.

Mr. OBERSTAR. Now, we have, is it correct to say that fully loaded cost for an FPS officer grade 8 is roughly $100,000?

Mr. JACKSON. It is $121,000, sir.

Mr. OBERSTAR. And a fully loaded cost for a contract guard is in the range of $83,0000?

Mr. JACKSON. It is $83,720 is our estimate.

Mr. OBERSTAR. Are we getting value for value?

Mr. JACKSON. Yes, we are getting value from both. But they are very different.

Mr. OBERSTAR. What are the values?

Mr. JACKSON. They are different functions.

Mr. OBERSTAR. They are different missions.

Mr. JACKSON. Different missions, yes, sir.

Mr. OBERSTAR. And different training levels?

Mr. JACKSON. Exactly.

Mr. OBERSTAR. Skills?

Mr. JACKSON. Exactly. They are not law enforcement officials. They don't have arrest authority, they don't have the same set of responsibilities, training and skills that the law enforcement officers have. But as I have explained in the training curricula that we are trying to impose in a disciplined and systematic way, there is a substantial requirement. In our days of talking about the pre-TSA screeners, you could basically become a screener in a morning. And here what we are talking about is substantial training, 80 hours of training, basically.

So that is not an inconsequential requirement when you add also the annual qualifications and the certifications that are ongoing.

Mr. OBERSTAR. Yes, but there is recertification, 40 hours every two years for a contract officer and every year for——

Mr. JACKSON. Exactly, appropriately so.

Mr. OBERSTAR. Are there circumstances, other circumstances in which an individual Federal office building among the several agencies, where one of them opts out to contract with private security guards and they operate in the same structure with FPS officers?

Mr. JACKSON. I am not sure I understand the question.

Mr. OBERSTAR. What I am getting at is whether, and I ask the question blind, which in a hearing like this I don't like to do, because you are never sure of the answer you are going to get. What I am getting at is whether there are situations in which there are multiplicity of services.

Mr. JACKSON. There are a variety of services that do sometimes overlap in the same buildings. So for example, if we have one tenant, think of the first one, which is built into our basic services agreement. It covers the work that my colleagues were speaking about, of the police officers who provide perimeter security and patrol. And also our people who do the evaluations of how to struc-

ture the security for a given building, the inspectors. That is paid by the basic fee.

Inside the building, there is a building-specific fee. So for example, the building that Congressman Wu talked about early in his testimony did not have a guard force at the front door. It would have to be paid by an assessment for that specific building, by the occupants of that building. That building has both Federal and private sector tenants and they have a security committee that works with our FPS officers to determine what is the best set of security tools and can they afford it and will they pay for it.

So that is something of a negotiation that we have to do with each of the buildings in which we operate to say what level of security do we recommend. And remember, that is exactly where we are trying to beef up our team, to be standard setters, to look across and see best practices, to make certain that we are giving good counsel about risk-based investments to these buildings. But the individual tenants ended up having to pony up and pay.

So sometimes we could be in a building where FPS is providing private contract type of assets, cameras or the like, to a portion of the tenants and another contractor is doing so directly for another Federal agency.

Mr. OBERSTAR. Well, I asked the question earlier of the officers who were testifying about the effect of a survey that was done for appropriate staffing levels. And I want to ask you if you have completed review of that issue. I refer to the report, the internal report on the Federal Protective Service transition to fiscal year 2008 budget. And you said that was an interim report. Do you have it completed?

Mr. JACKSON. We do have a more complete and more contemporary version of that.

Mr. OBERSTAR. When would we get a copy of that?

Mr. JACKSON. I have to ask when it would be available. Within a month or so. What we are trying to do is let our new director, these reports were built bottom up from each of the 11 regions. We have given advice to the director——

Mr. OBERSTAR. Have you determined whether ICE is the final location for FPS and why, and when you are answering that, why can't it stand on its own? Why does it have to be subsumed into another agency?

Mr. JACKSON. I do believe that ICE is the right home. One of the reasons I believe that ICE is the right home is that this organization is in a considerable need of the financial discipline, the management supervision, the financial controls, the IT systems, and the support that comes from having a big brother that makes you part of his family.

Mr. OBERSTAR. Yes, well, we saw FEMA having big brother oversight, and it just went to hell in a handbasket, Mr. Secretary.

Mr. JACKSON. Well, we just gave FEMA a lot more plates to say grace over. And I think in this case, honestly, Mr. Chairman, ICE has made this a very significant priority. I personally in our second stage review looked and talked to other operating component heads in the Department about whether there was a better place for it. We had those types of conversations with virtually every component in the Department. I came to the conclusion, and Mike

Chertoff came to the conclusion that this was the best home for this organization, inside the Department.

By being part of just a slightly larger organization, and ICE is a large organization, the largest law enforcement organization in the Department, they have a natural nexus to the law enforcement mission in support for this. But they also have these management controls and financial controls and procurement assets that are inherently part of ICE that are being used to support the mission of FPS. I think that is a very valuable thing at this stage in FPS' evolution.

Mr. OBERSTAR. Well, in your, in your testimony, you present the work of the Department of Homeland Security as taking over a problem-ridden Federal Protective Service and correcting it. Instead, what has happened is, the number of contract guards has gone up, the number of professional officers has gone down. There are more facilities that are unprotected by FPS officers than previously. And it does not appear that security is improved; rather, it appears to be dis-served.

Mr. JACKSON. I think we are improving security, and I think we are clearly improving the management, discipline and financial accountability for the taxpayers' investment that is taking place within FPS. Are we at the perfect stage? No, absolutely not. But we are repairing fundamental ruptures in how the organization was supported.

The last thing I want is to say, I am not going to have enough people to do this mission. But it is also equally irresponsible for us to say, we are not going to train them, we are not going to let them travel, we are not going to let them have the skills, the tools, the support they need to do their job. We are here cutting our losses and focusing on the things that really matter most, which is this somewhat new vision of where FPS' core capabilities should be focused.

And that is why I welcome this dialogue with the Committee, who needs to own this with us, to think through this with us and to understand it in the same way we do. But we are trying to beef up this capacity to look at a building, see its vulnerabilities and insist upon the work force that is contracted out to meet standards that we will define, to go in and audit them and to watch them and to work with them to make certain that they are doing the job right.

So that is the skill set we are bumping up. That is why we are adding a very considerable number of people to the work force for the inspectors.

Mr. OBERSTAR. You cited earlier sort of evaluating facilities into various size, large size and mid-size and smaller size. Is Oklahoma City a mid-size city?

Mr. JACKSON. I would say so, yes, sir. It is a larger city, it is not the small size I was talking about. I will give you just an example.

Mr. OBERSTAR. Will it have a force?

Mr. JACKSON. Yes, it will have a force.

Mr. OBERSTAR. All right. FPS is historically, as we have discussed, a fee for service operation. ICE is not.

Mr. JACKSON. That is correct.

Mr. OBERSTAR. How do you mesh those two cultures within the same entity?

Mr. JACKSON. Where your money comes from, to be honest, doesn't have anything to do with the culture and the ability to operate it.

Mr. OBERSTAR. That partially answers the question I asked you earlier.

Mr. JACKSON. It is a Government convenience that has been established for us. We are going to make either way that the revenue stream arrives on the table work. But in this case, there is a strong, I think, affinity because of the law enforcement mission of ICE and their capacity to work on investigations and operational details with our guys.

Mr. OBERSTAR. Is the culture of FPS likely to be shifted, modified from community policing, from crime prevention, like a traditional uniformed police department to be molded into the service of ICE? Are you going to maintain the separate culture and identity and mission of FPS within ICE?

Mr. JACKSON. Yes, sir, absolutely. We are trying to, I know it seems peculiar and even to some of my colleagues in FPS, but what we are trying to do is preserve their capacity to excel at their unique mission and to give them the focus and the mission clarity and the tools necessary to be successful. We are not trying to make one big mush and say it is all ICE. What we are saying is, ICE is the administrative home for a very important and unique asset, FPS, and we want to burnish and support FPS within that framework.

Mr. OBERSTAR. Well, it is an infrastructure protection service, that of FPS. We want to make sure that continues, and we don't want to leave Achilles heels, for want of a better term, around the Country. Had the Murrah Building been the result of an Al Qaeda operative, it would have turned the Country into a tailspin. It is bad enough that they hit New York City. But to strike in the hinterland of the United States, in the heartland of the Country, to have something like that go off in Duluth or in Billings, Montana, as a result of a terrorist assault would be destructive.

So be careful, be careful. We are looking very carefully at the beginning of this process at those facilities that have been left vulnerable, if you will.

Mr. JACKSON. Mr. Oberstar, there is really almost no one in Congress that I admire more for his capacity to focus with passion on these issues, that is why I enjoyed working with you so much, even when we disagree on the particulars. We are in a constant balancing game that 9/11 has magnified to a whole new level. It is trying to decide how to balance security and safety with mobility and affordability in some appropriate balance. We are looking all the time at the risks from all sorts of sources from the tragic type of events that we saw in Blacksburg earlier this week to the Murrah Building itself.

So I cannot guarantee that we will always find that balance with some perfection. Because after an attack or after an incident, it will look clear that oh, gee, we should have put more at it. We are trying to work with you here and to find where that right balance point is, how to support this important team, how to take the men

and women who put that gun on every day successful and to protect them and to defend them and support them.

So I think we are finding a relatively reasonable and affordable balance point right now. It could be tweaked, and we will be happy to talk to you about tweaks.

Mr. OBERSTAR. We will do more than tweaking. We will do some very serious in-depth discussions, starting with the manner in which FPS is funded. It has not been revisited in a very long time, should have been. We need to rethink that process from a budget standpoint and from an individual agency service standpoint. The respective roles of security guards and FPS officers, the right-sizing of facilities, you know, we go through that periodically at FAA and right-sizing towers and centers and TRACONs. You know that from your work at the Department. That is a matter that we look forward to working in a very intensive, cooperative fashion, and we should not be waiting four months for an answer to a letter we sent in December.

Mr. JACKSON. Yes, sir. If there is a letter that has been four months outstanding, I don't know about it and I will get you an answer if I can.

Mr. OBERSTAR. We have to vacate this room, because we have another hearing coming.

Ms. NORTON. I would like to give Mr. Bishop the opportunity, and of course, we have another panel, Mr. Chairman.

Mr. BISHOP. Thank you, Madam Chair.

I want to focus on a facility that is in my district. But before I do, what I hear you saying is that the decision to cut the number of Federal Protective Service staff by 25 percent is a decision that at least in part is driven by the inability to identify offsetting revenue. Is that essentially what you are saying?

Mr. JACKSON. I am saying that the revenue issue is a real and meaningful thing that we are trying to find the balance.

Mr. BISHOP. All right. We are saying the same thing. I am not going to ask you to comment on this, but I am forced to observe that the very same Administration that thinks that this is a good idea is the Administration that is presiding over the expenditure of $19 million an hour on a war of choice, is presiding over the subject of the hearing we are going to have in this room in about an hour, in which we have squandered tens of millions of dollars on bolts that no longer can be used because of design flaws. This is one of the reasons why I think people have lost faith in the way in which we make decisions here in Washington. But I will leave that aside.

I have a facility in my district called the Plum Island Animal Disease Laboratory. In September of 2003, the Government Accountability Office issued a report on the inadequacy of the security at that facility and cited several specific ways in which the security was inadequate. The response of the Department of Homeland Security at that time was to place two Federal Protective Service people on the island. Those people have now been withdrawn and there has been, as I understand it, a memorandum of understanding entered into with the Southold town police force, which is a first-rate force, but very small. They, as I understand it, are expected to be the first responders for any incident that takes placed

on the island. They are very good, but they are separated from the island by a 45 minute boat ride.

So my question to you, in response to a question that was put to you by Chairman Oberstar, you said that you believed that the net effect here was that we were improving security. How do you square that statement with what specifically is happening on this facility in my district?

Mr. JACKSON. I would like to be able to get back to you on the details of what is going on on Plum Island. I am exquisitely aware of that facility and the importance of that facility to the Nation. It is not a GSA-controlled facility, so it doesn't flow under the normal revenue stream and controls that——

Mr. BISHOP. But it is a DHS-controlled facility.

Mr. JACKSON. It is a DHS facility, yes, sir. Therefore, and it is a very important DHS facility that deserves our protection. My understanding of where that is is that our new Under Secretary for Science and Technology has worked on this issue to be able to make certain that we are providing appropriate security. I would like to be able to consult with him.

Mr. BISHOP. In fairness, he has responded to a letter that I sent to him. But the response is that we have this MOU with the Southold town police force. So that is a response that——

Mr. JACKSON. I understand your point.

Mr. BISHOP. It looks good on paper, yes, we are dealing with it. But in the real world, to have the response mechanism be separated by 45 minutes worth of a boat ride, I think you would agree fall short of what we ought to be striving for.

The other thing I would say, my current understanding is that in order for the Southold town police force to have arrest authority on Plum Island, they must be first deputized. My current understanding is that they are not yet deputized. So following from that, if an incident were to take place today on Plum Island, what law enforcement body would have authority to execute an arrest?

Mr. JACKSON. I will get back to you with that answer. It is a very fair and appropriate question. Let me just get you the facts.

Mr. BISHOP. Okay. Let me just go one further thing. This was a question that I asked before with the panel of officers. New York is taking a 45 percent hit on the allocation of officers, according to the chart that I believe is part of your presentation. We are going from 99 officers in Federal Region II to 56, which is a reduction of 43. I am just doing it in my head, it is roughly a 45 percent reduction.

Mr. JACKSON. I think that is the same problem that I spoke to Chairman Oberstar about, which is the version of the paper that I think the Committee has gotten possession of is not the version that the ICE folks and the FPS folks are working on.

Mr. BISHOP. So you are saying that when we get the same version that you have I will be looking at different numbers for New York that will be somewhat less distressing than these?

Mr. JACKSON. I think so, yes, sir.

Mr. BISHOP. Okay, thank you. Thank you, Madam Chair.

Mr. OBERSTAR. The Secretary has committed to submitting a complete accounting for all of this to the Committee in the next month or so.

Ms. NORTON. Thank you very much. I want to thank you, Mr. Secretary. Just a further question. I had wondered whether or not there was a functional equivalent to 9-1-1 in the Federal Police Service so that a Federal employee can dial it. Is there?

Mr. JACKSON. A 9-1-1 for FPS?

Ms. NORTON. You dial 9-1-1, you are dialing into a backup. For FPS, is there a number like 9-1-1 that Federal employees have access to?

Mr. JACKSON. Is there a single number? I think so.

Ms. NORTON. What is it?

Mr. JACKSON. One eight seven seven for FPS, 4-1-1.

Ms. NORTON. That is outrageous. Why do you think 9-1-1 was invented?

Could I ask you, sir, to go back and at least do this rudimentary thing, for the FPS, I am very concerned whether or not there is an FPS presence or not that is not some shorthand way to—I don't know these folks in Congressman Wu's office knew where to call. I bet they were not carrying that around in their head.

Mr. JACKSON. They were not. We provide the numbers for local response to our occupants in our facilities, so that they know ho immediately to get access to the security services in their building.

Ms. NORTON. I am asking for the functional equivalent of 9-1-1. If it is an FPS, you heard testimony for example from New York, they were still waiting to come an hour later and FPS has been right there. We don't need to hear that about New York. If there is a number, it could differ place to place, I don't know why it shouldn't be a nationwide number, I don't know, 8-1-1. I don't know what it is. But could I ask you to report back to us in 30 days whether or not that is feasible to do?

Mr. JACKSON. Yes, certainly.

Ms. NORTON. I am going to let you go. Let me just say to you on two points, if you want us to add anything on the, some agencies are dazzled by brass. So if someone says they have been in the military, that is the functional equivalent of everything we need, I don't have any way to judge whom you chose. You indicated that you chose somebody from the Marine Corps. My first notion would be, was he in the Marine Corps police, would have some police experience in Chicago some years back. The best qualified person, as I understood, was a deputy director who had that experience and the managerial experience. We looked at who is chosen in the Department of Homeland Security, particularly after Katrina and being dismayed at what it took to become a high level official in the agency then. So I want you to know that it is hard for me to understand, except for some overlay of military credentials, why being in the Marine Corps, unless you were in the Marine Corps police. If you had Federal experience, there may be other reasons. But apparently this was deemed by the credentials best qualified.

I want you to know on inspectors versus patrol, you heard me say perhaps to the officers that I kind of like efficiencies. Those of who believe in government ought to take the lead on efficiencies. It is hard for us to reconcile double duty and efficiencies. It is hard for us to reconcile double duty and cutting the work force as efficient. I want you to know that our concern is rooted in fact. In 2007, the ICE FPS budget showed 1,543 officers would be needed

to do the FPS job. Now apparently 915 and going down every day. This in spite of the fact that everybody else over here has gulped up, because we are adding duties. So everywhere where there are high level Federal officials, like in the Congress or in the White House, you stumble over a cop. Here we reduce it, and yet tell them you are supposed to be an inspector, you are supposed to look at everything.

My concern, patrols. We are not here to simply say, respond when the blow the place up. You understand full well as a high level official in Homeland Security, the point is prevention. We fail to understand how lack of patrols assures the safety of Federal employees, visitors, judges, and the like. We are very concerned about the six month figures, 1,300, I mean, 850 thefts, 33 aggravated assaults. These are nation figures. One hundred seventy-seven incidents involving weapons and explosives. We are living here in the shadow of Virginia Tech. It is disturbing.

We have heard your testimony. I wanted you to leave with my concerns about the disparity between increased duties and a decreasing work force and my lack of confidence that this kind of disparity promotes efficiency. And you are talking to a member who likes the notion of efficiency and who does not see a problem with contractors, risk based, does not see a problem with people being inspectors and peace officers. But when I learned that nobody is patrolling to prevent incidents of terrorism and crime, then you get my attention.

Sir, if you have anything to say before you leave the panel, I would be glad to hear it.

Mr. JACKSON. No, ma'am. Thank you for the focus you are bringing to this issue. We look forward to working with you.

Ms. NORTON. Thank you. We will be seeing you on the new headquarters shortly.

Mr. JACKSON. Good.

Ms. NORTON. Thank you very much, Mr. Secretary, for all your patience and for your very informative and graciously given testimony.

Mr. JACKSON. Thank you, ma'am.

Ms. NORTON. The last panel, David Wright, President of the American Federal of Government Employees, Local 918; and Chuck Canterbury, President of the Fraternal Order of Police.

Gentlemen, we apologize to you. I think you understand why we had to proceed in some detail with those witnesses, and we did not mean to give you short shrift.

I wish you would each raise your right hand and respond. Do you solemnly swear the testimony you will give before the Committee on Transportation and Infrastructure will be the truth, the whole truth and nothing but the truth, so help you, God?

[Witnesses respond in the affirmative.]

Ms. NORTON. Please be seated.

Which of you would like to proceed first?

Mr. WRIGHT. Madam Chair, I will proceed first. I have a verbal statement I would like to open with.

TESTIMONY OF DAVID WRIGHT, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 918; CHUCK CANTERBURY, PRESIDENT, FRATERNAL ORDER OF POLICE

Mr. WRIGHT. Thank you, Madam Chair, members of the Committee.

On behalf of the FPS police officers, inspectors, special agents and other key personnel at the Federal Protective Service, represented by AFGE, I am David Wright, President of Local 918, the National Federal Protective Service Union. I am also a veteran FPS police officer-inspector of 21 years.

Madam Chair, it appears that we are at one of the lowest points in this agency's history and at a critical decision point for its future. I find it disturbing that I am testifying before you and the Committee on the eve of the 12th anniversary of the destruction of the Alfred P. Murrah Federal Building in Oklahoma City on April 19th, 1995, defending the notion that Federal law enforcement officers on 100 percent proactive patrol are the most viable front line protection against terrorism and crime at Federal facilities.

The Federal Protective Service is the only Federal agency charged with a specific mission of protecting and securing virtually all GSA-controlled facilities across the U.S., some 8,800 in total. These buildings often house sensitive and high level Government offices, Federal court buildings, numerous agency headquarters and public access facilities, such as Social Security and Immigration offices. I need not remind anyone in this room, particularly officials at the Department, that the most infamous terrorist attacks on U.S. soil occurred either at Federal buildings or in buildings which house Federal agencies. For example, the Murrah Building in Oklahoma City on April 19th, 1995, and at the World Trade Center on February 26th, 1993 and September 11th, 2001.

As an FPS officer, it is extremely difficult for me to imagine a more likely strategic or symbolic target for terrorists than a building that houses U.S. Government operations. Despite an obvious need to invest in or rebuild this critical Homeland Security Agency responsible for protection of Federal facilities, the Department proposal will result in the elimination of most direct law enforcement services by FPS.

Two hundred forty-nine Federal Protective police officer positions directly responsible for law enforcement patrol and response to Federal properties are to be eliminated. Most FPS special agent positions responsible for prosecution of Federal crimes, intelligence gathering and dissemination will be cut.

The Administration's budget submission offers this description of its plan for FPS in fiscal year 2008. In 2008, the Federal Protective Service will set security standards and enforce the compliance of those standards to protect Federal facilities. Those few words in the budget submission belie a proposal that is both dangerous and in our opinion, foolhardy, in the post-9/11 world in which we live. If anyone in this room doubts me on this, let me quote directly from a document prepared by U.S. ICE and FPS officials for the FPS regional directors, dated December 20th, 2006, where the agency describes the impact of the proposal:

"No proactive patrol to deter attack planing and detect or deter suspicious and criminal activity; no response to calls for police serv-

ice to protect Federal employees and visitors, or to investigate crimes at Federal facilities in areas where FPS will no longer have a presence; no FPS presence in approximately 50 current cities; participation in FBI joint terrorism task forces reduced to 12 special agents from 24; special agents available to investigate serious crime reduced to 14 from 58; no night or weekend police response or service anywhere; largest reductions in New York and Washington, D.C. due to proactive activity elimination."

And the list goes on, Madam Chair. We have attached a copy of this document for the record.

The agency has since issued statements to employees and the media denying the official nature of the document and describe a plan which leaves out the above particular highlights. Nonetheless, these are the facts as detailed by the agency and they are, in our view, shocking.

Madam Chair, members of this Committee, I urge you to reject this ill-conceived initiative proposed because of a financial deficit due to problems that the Department has neglected to remedy. Before we decide to eliminate this core FPS responsibility, let us pause and take a close look at whether this is the direction we really want to go. Do we really want to reduce this agency to an essentially regulatory body with no real law enforcement responsibilities? Do we really want to rely on a few hundred inspectors to oversee and ensure compliance with security guidelines for a vast work force of 15,000 private security guards? And finally, do we really want to reduce one facet of our Nation's essential homeland security protection just six years after September 11th? I don't think so, and pray that you don't, either.

Thank you.

Ms. NORTON. Thank you very much, Mr. Wright. We will go to Mr. Canterbury.

Mr. CANTERBURY. Madam Chairperson, thank you for the ability to be here. I think I probably bring a very unique view to the panels that you have had today in that I represent State and local police officers. I am a retired deputy chief of about a 250 man police department in South Carolina, and I am President of the National Fraternal Order of Police, the largest police labor organization in the Country.

I have heard quite a bit today about police response from State and local, MOUs, cooperation. I think the most important thing that I have heard here today was when Mr. Oberstar talked about human life versus capital. The new HR term in the Country is human capital. Well, where I live, that is people.

One of the things that as a State and local police officer I want to let you know is that we are going to respond to calls for service when called by citizens in our States. But I will tell you that the added responsibility of responding to Federal buildings will just add to the over-burden that local law enforcement has today. We talked about the 750,000 State and local officers that are out there. That is a reduction over what there was five years ago in the United States. Our funding has been cut over $2 billion, as Ms. Norton, as you relayed on several occasions today. On top of that, more responsibilities with these cuts.

We talked about the honesty of ICE in this report. I think it was refreshing to see that they talked about being a reactive rather than a proactive force. One of the things that I have testified before Congress before is that we would much rather be a preventive force than have to send red, shiny fire trucks to clean up a problem.

When we are here talking about appropriations and homeland, we believe that prevention would be much better than having to react. We bring that to this Committee again today and say that our brothers and sisters in the Federal Protective Service, I will let you know that if I respond to a Federal building in my jurisdiction, I do not want to be met at the door by a contract security guard that slept in a Holiday Inn Express last night. I want to be met by a professional law enforcement officer who has attended FLETSI, who has received the same training level that I have received, and that I could interact in an emergency situation, having full faith and confidence that as a police officer I would enter that building with equal or even better skills than the State and locals.

That is not to disparage contract security officers. They have a job to do. But they do not have the same training, capabilities, knowledge, skills and abilities of the police officers that are protecting these Federal buildings today. So we urge you to look at those issues.

But the most important thing that I have heard out of this is, I don't believe that DHS or ICE have any real goal to reduce force for efficiency. It is a budgetary issue. I sit here today and ask that this Committee relay to the powers that be in this matter that whether it is fee-based or appropriations-based, FPS needs to be funded to a level to protect the citizens of the United States. That is the most important thing I heard here today. I would like to relay on behalf of the Fraternal Order of Police that we support this Committee's efforts to look at that and protect human capital, which is the most important thing that we as police professionals do.

Thank you.

Ms. NORTON. Thank you, Mr. Canterbury.

Mr. Graves, do you have any questions?

Mr. GRAVES. No, thank you, Madam Chair.

Ms. NORTON. Let me just ask you quickly, you have heard us question the line officers, you have heard us question top management. As you might imagine, many of our questions have already been answered. I do want to say that the training level bothers me a great deal. In this time of budgetary constraints, I think all agencies, yes, even security agencies, have to be prepared to accept less than they would desire.

But for that reason, it seems to me the training level, you would expect better training levels, precisely if you believe you must have fewer officers. That is one problem I have.

Another problem I have, it makes me wonder about the theory of law enforcement. For example, and I have to ask this question of you two experienced law enforcement officers, one of the reductions is in explosive detection dog teams. Only in 18 of the largest cities, 10 cities will no longer have the capability. Teams will be reduced from 60 to 29.

Now, as a law enforcement matter, I am trying to think through, how do I reduce personnel consistent with a risk analysis? One of the things that would occur to me, and here I am speaking absolutely as a layman, leave aside patrol and the other areas, one thing that would occur to me as one of the things we most fear, some kind of bomb or explosion, it seems to me that I would say, well, canine it seems to me is one of the things I would like to, if anything, increase, where I am going to have less people. Because these dogs, at least the best of them, are extremely efficient, better than machines. I have a large problem with the reduction in personnel and the reduction in canines, sitting up here in the most secure facility on the planet, and saying to Federal employees, you all will get by.

Now, enlighten me on the canine, the role of canine and whether or not if anything they might help if they feel they must reduce or whether it makes some sense in your view, in light of what you know about risk, to reduce canine patrols as well.

Mr. WRIGHT. Madam Chair, the canine explosives detection program came about as a result of September 11th, 2001. FPS went to the finest training facility in the world for canine explosives detection, Auburn University. We trained 60 canine officers and we have expended untold amounts of funds getting these teams up and running. To have even the suggestion of a proposal to cut these critical detection teams is——

Ms. NORTON. Wait a minute. I know how difficult it is to train them, to get the very best. Are you saying when they go they will, where are they going to go to after we have invested in the training? What are we going to do with them?

Mr. WRIGHT. My understanding is that it would be a complete elimination of approximately 29 teams.

Ms. NORTON. Well, one of the things we are going to have to find out for the record, I will say to staff is, given how extraordinarily valuable canine dogs are and people who are trained in handling them, we need to know what they intend to do with canine that they are reducing. I certainly hope they will be somewhere in the Federal sector, so we can retrieve them at some point. That would bother me a great deal.

Mr. WRIGHT. I could only assume that they would be offered to local agencies or other Federal agencies.

Ms. NORTON. Let me ask Mr. Canterbury, where in South Carolina, sir?

Mr. CANTERBURY. Myrtle Beach.

Ms. NORTON. What would be, you are the Myrtle Beach Police Department?

Mr. CANTERBURY. Actually the county police, Horry County. But it is in the area that Myrtle Beach——

Ms. NORTON. What is the county?

Mr. CANTERBURY. Horry County.

Ms. NORTON. Give me your assessment of an MOU with Horry County that would say, now, you all pick up the slack here when we can't get there. How would you as a police chief respond to that? Would you sign such an MOU?

Mr. CANTERBURY. Without an agency to have the MOU with, there wouldn't be any need. We would be charged with making that

response. There wouldn't be a need for an MOU in a county that FPS is gone. We would respond, but it would be on a priority basis with all the other calls in that jurisdiction. So most local politicians, regardless, are going to charge the local police department with making that response.

But in my particular area, we are a tourist area, we don't have an FPS unit. But I am very close to Charleston, which does. And I know, for instance, where I worked, our canines for explosives came from 100 miles, when I was still employed.

Ms. NORTON. Came from what, I'm sorry?

Mr. CANTERBURY. Came from 100 miles away. We did not have canine. We had a 250 man police department.

Ms. NORTON. That's it, around the Myrtle Beach area?

Mr. CANTERBURY. There is now one explosive canine in the county, and that is a city jurisdiction.

Ms. NORTON. But there are no Federal facilities?

Mr. CANTERBURY. Not there that is protected. But around the Country, I have traveled all over the United States as President of the Fraternal Order of Police, and I have dealt with them in all these jurisdictions. But when they cut the, especially the explosive teams, a lot of those cities are not going to be cities that have their own canine explosive units. So even if you do sign an MOU, you are not going to get an MOU that will leave that standard there.

We talk about tactics and standards, Timothy McVeigh used a truck on the building in Oklahoma City. Al Qaeda learned from that and used airplanes in New York. They will adjust their tactics, and they have shown that in Iraq and they have shown that in the United States. Terrorism is terrorism, whether it is domestic or foreign. Those tactics will adjust. Professional police officers are better qualified to deal with that than contract security guards.

Ms. NORTON. So in your professional judgment, will these MOUs be observed, such that they would respond quickly and adequately to protect Federal employees and visitors from your experience with local police officers, right?

Mr. CANTERBURY. Not to a satisfactory standard. They will be adhered to, because they are still going to respond to a call for service. That is what we as police officers do, regardless. But that we prioritize calls. What we would think would be a priority as a local police officer may be totally different when you are inside a Federal facility and you don't know what is in that facility, you don't know what they are guarding in that facility. No, the response would not be the same. They would get a response, but it would not be the same.

Ms. NORTON. I have lived in a number of jurisdictions. A constant complaint of residents is, they didn't come as quick as I wanted them to come. I understand that pressure. I understand the pressure on local law enforcement. I am not sure I want to put any more pressure on local law enforcement on an unfunded mandate. That takes colossal gall——

Mr. WRIGHT. We agree.

Ms. NORTON.—to save money in the Federal sector, at the expense of local law enforcement. And I don't know what we can do about it. They are operating within an OMB budget. We do have a new Congress, and we are certainly going to look to see what we

can do about it. We are not opposed to efficiencies. I believe that everybody is going to have to find greater efficiencies.

You heard me say that I am not even opposed to the notion of an inspector, these inspectors will, I think for the most part, be peace officers. It is an interesting idea. I know one thing, the job description about people, employee awareness and the rest, and that kind of duty, is not intended to prevent day to day terrorist and criminal activity. It is a long range and good approach to making sure that you are shored up.

The average visitor, the average citizen wants to know is there somebody out there who has made sure that the bad guys can't get in.

Mr. Wright, did you have a final comment on that?

Mr. WRIGHT. Yes, ma'am. On the inspector versus FPS police officer position, I would like to clarify. All inspectors are peace officers. And we do our share of patrol. The real difference here is in my duties as an inspector, I am sitting in an office preparing substantial reports. I am out in the field measuring properties, conducting security assessments. All that time takes away from me being out there patrolling the streets. Whereas police officers are out there 100 percent of their time, patrolling and surveilling.

Inspectors, we do our share of patrol and response, but it is really the police officers that carry the load in that aspect.

Ms. NORTON. Again, understand I am speaking from the point of view of somebody who has heard a lot of testimony, done a lot of work on risk consequences, when it comes to homeland security. If anything, I have seen from day one responses when we were all truly amateurs, I could only call over-response, before the whole notion of how you do a risk-based analysis and do your personnel accordingly. I think Americans are something else if they expect somehow to be treated as if we have individual protection. So I step back from this, having gone through the ritual with DHS of a risk-based analysis. I understand that if you live in somewhere, forgive me, the hinterland and not in D.C., you deserve some protection. But we require them to do a risk-based analysis so they can protect the big targets, like New York and D.C., without leaving people totally uncovered. We wasted billions of dollars, as has been shown in testimony after testimony, of people who just used the money that we threw out there for whatever they could find to use it on.

So I understand how difficult it is where you have more than 400 districts who want their share of the money. When it comes, however, to protection of this kind, if ever a risk-based analysis was going to be required, it certain is with respect to how do you prevent, let me just use that word again, prevent an event in a Federal building. I know you all will come if something bad happens. The point of spending any money is to keep something bad from happening. We have a tough job, because we can't say, hey, we who believe that there ought to be pledged to a pay-go, we are not going to enlarge the deficit. We have been very critical of the other side in enlarging the deficit willy-nilly.

So we recognize that even as we say this can't possibly be, we are going to have to look for ways to in fat enhance the funding, enhance the resources and make sure that the FPS does not dwin-

dle into an essentially bureaucratic body and no one that uses the very expensive training we pour into them and not into others.

I want to once again thank the officers who came and offered us first-hand experience. I particularly want to thank you, Mr. Wright, and you ,Mr. Canterbury, because you have bene most patient of all in sitting through our endless questions.

Mr. WRIGHT. You are welcome.

Ms. NORTON. I have unanimous consent on testimony to be entered into the record from Congressman Barney Frank.

The record will remain open for five days for entry into the record of any other relevant materials.

I thank you all for coming and the hearing is now closed.

[Whereupon, at 1:40 p.m., the committee was adjourned.]

Committee on Transportation and Infrastructure

Hearing on "Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings"
Wednesday, April 18, 2007

Statement – Congressman Jason Altmire (PA-04)

Thank you, Chairman Oberstar, for holding this hearing today on the Department of Homeland Security's plan to reduce the number of Federal Protective Service (FPS) officers and their presence at Federal buildings nationwide. Pennsylvania is located within Region 3, which also includes Delaware, Maryland, Virginia, and West Virginia. Under the plan put forth by DHS, the current FPS force would be reduced from 93 to 77 officers – a difference of 16 positions. Across the country, the plan cuts a total of 249 positions.

I am concerned about the impact of the DHS downsizing plan. The FPS provides law enforcement and security services at more than 8,900 federally owned and leased facilities in the U.S., totaling 330 million square feet, and housing more than 1.1 million federal personnel. Considering the President's proposed cuts to homeland security that were included in his FY08 budget, I am concerned about the direction the Administration is moving.

The President proposed reducing funding for first responders by 42 percent, state homeland security preparedness grants by 64 percent, and grants to fire fighters by 55 percent. In addition, state and local law enforcement grants through the Department of Justice – the COPS program – nearly eliminated, which consequently deprives our local communities of the critical support they need to operate in a post-9/11 world.

I am confident that under Chairman Oberstar's leadership, as well as the rest of my colleagues in the House, we will work to ensure first responders, fire fighters, police officers, and FPS personnel have the resources necessary to protect the homeland.

Thank you again, Chairman Oberstar, for your attention to this issue. I yield back the balance of my time.

# # #

Statement by Congressman Jerry F. Costello
Committee on Transportation and Infrastructure
Hearing on Proposals to Downsize the Federal Protective Service and Effects on the Protection of Federal Buildings
April 18, 2007

Thank you, Mr. Chairman for calling today's hearing on the Federal Protective Service (FPS). I would like to welcome today's witnesses.

In 2002, the FPS was transferred from the General Services Administration (GSA) to the Department of Homeland Security (DHS). Since that transfer, there has been reductions in personnel and funding and elimination or reductions in key mission activities. For example, DHS reported to the House and Senate Appropriations Committees last year that FPS faced a shortfall of $42 million which GSA used to cover, but DHS does not. Plus numerous activities are being eliminated or reduced, including no proactive patrols to deter attacks, no FPS presence in approximately 50 current cities, and security risk assessments conducted on a six year basis instead of four.

The FPS is housed within DHS' Immigration and Customs Enforcement (ICE) bureau and has a staff of about 1,500 federal employees while also managing about 15,000 contract security guards. Agencies reimburse FPS for its services through fees. I wonder whether placing FPS into a fee-for-service account within ICE's appropriated account has contributed to financial confusion and potential mismanagement.

Further, I question whether it was appropriate to place FPS within ICE which is largely responsible for enforcing immigration laws. I also question whether the FPS is equipped to fulfill its mission, including managing its large contingent of contract guards. The FPS has seen a reduction in its workforce by 250, causing me to believe that decisions are driven solely by the budget and not by risk and need. I look forward to hearing from Deputy Secretary Jackson as well as the four uniformed officers on these issues.

I see a growing pattern – what happened to FEMA is what is happening to FPS. An agency that was thriving before being engulfed into DHS is now left with limited staff, no clear mission or the resources necessary to accomplish that mission.

I look forward to today's hearing as we discuss the FPS and again, I welcome our witnesses.

Testimony of Chuck Canterbury

President

National Fraternal Order of Police

April 18, 2007

"Downsizing the Federal Protective Service and its effect on the Protection of Federal Buildings"

309 Massachusetts Avenue NE
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202-547-8189

Good morning Mr. Chairman, Representative Mica, and distinguished members of the subcommittee. My name is Chuck Canterbury, and I am the National President of the Fraternal Order of Police. The FOP is the largest law enforcement labor organization in the country with 325,000 members nationwide, including members of the Federal Protective Service (FPS).

The FPS is a very distinct and highly professional law enforcement agency comprised of approximately 1,220 full-time investigators, police officers, special agents and support personnel who protect more than 8,800 Federal facilities throughout the country and the more than one million tenants and visitors to these buildings. Originally formed in 1971 as part of the Public Buildings Service of the General Services Administration (GSA), the FPS moved to the Department of Homeland Security (DHS) in March of 2003 and is now a part of the Immigration and Customs Enforcement (ICE) Bureau. In addition to protecting Federal facilities throughout the United States, the FPS is also charged with:

- Specialized emergency response capabilities, including Canine, Hazardous Materials (HAZMAT), and Weapons of Mass Destruction (WMD) Response Teams;
- Intelligence-sharing and investigative collaboration with law enforcement agencies at local, State, and Federal levels;
- Participating in Federal Anti-Terrorism Task Forces;
- Continuous monitoring of facility alarms and emergencies through four state-of-the-art "MegaCenter" remote dispatch control centers; and
- Protection support for public demonstrations, special events, including Presidential inaugurations and sporting events, such as the Olympic Games and the Kentucky Derby.

In 2005, the FPS responded to 53,527 offenses or incidents that resulted in 6,712 arrests or citations issued, detected 882,468 prohibited items; and provided law enforcement support at nearly 3,835 public demonstrations of varying size.

The FPS has done a wonderful job protecting the homeland and their service has proven to be invaluable. Since the attacks of September 11th, the threats to our nation's facilities have multiplied, not just from foreign terrorist organizations such as Al-Qaida, but from domestic groups such as the Animal Liberation Front (ALF), organized criminal groups, and other individuals and organizations that would terrorize our nation. Hurricanes Katrina and Rita highlighted the fragile security of these facilities and the necessity to provide further protection. In June of 2005, the DHS did a survey on the threats to the facilities FPS protects. According to the survey, the FPS is actually *understaffed*. In order to fully respond to the multitude of threats that it faced, the survey recommended an increase in the total force to 1,817 inspectors and officers, 600 more than the current level. Furthermore, the survey also recommended that the number of supervisors be increased to a level of one for every five employees, far more than the current ratio of one supervisor for every *fifteen* employees.

Because of the critical role played by FPS in maintaining the security of our Federal facilities, the FOP is deeply disturbed about media reports which cite agency officials as advocating a considerable reduction in the size of the force. The President's proposed FY 08 budget would call for a maximum of 950 Full Time Employees (FTE) at FPS, a reduction of 270 positions, mostly law enforcement and special agents. This is due to a projected $80 million "shortfall" in the agency. Despite the reduction in FTE's, and the $80 million "shortfall," the operating budget would increase by $87 million. This does not seem like a prudent course of action for the agency and it will weaken security greatly at the 8,800 Federal facilities that are protected by the FPS.

If the plans to reduce FPS' size are carried out, ICE reports that security will be degraded and provided the following information:

- There will be no proactive patrol to deter attack planning and detect/ deter suspicious and criminal activity. Reporting of suspicious activity will depend on Federal Employees and activity previously deterred by patrol may occur. Any pre-attack actions at a facility would only be detected by occupants or roving guards. Only reactive response will be provided;
- There will be no response to calls for police service to protect Federal employees and visitors, and investigate crimes at Federal facilities in areas where FPS will no longer have a presence. These facilities and employees will receive only the same response from local authorities as any other commercial property. Local police, particularly in large cities, respond based on a priority basis. This may mean criminal activity previously investigated may only be reported, with no investigation;
- There will be no FPS presence in approximately 50 current cities.
- Security risk assessments at 7,215 security level 1&2 facilities will be conducted every six years instead of every four years. Changes in threats and risks may not be noticed or mitigated;
- There will be no routine checks for compliance, countermeasure effectiveness or threat changes at 4,700 security level 2 facilities;
- FPS Explosive Detection Dog Teams will be stationed only in the 18 largest cities. 10 cities will no longer have the capability. Teams will be reduced from 60 to 29;
- Participation in FBI Joint Terrorism Task Forces will be reduced to 12 Special Agents from 24.
- Special Agents available to investigate serious crimes will be reduced to 14 from 58;
- There will be no night or weekend police response or service anywhere;
- The largest reductions will occur in New York and Washington DC due to proactive activity elimination; and
- States with largest percentage reductions also include Connecticut, Maine, NH and Wyoming.

If the cuts go ahead as planned, many FPS officers will be transferred to other positions in ICE. However, if their skills do not match the positions needed to be filled, a

Reduction in Force (RIF) will be instituted. This means the loss of many highly trained and qualified officers. For many older officers who are limited by their age, this would mean early retirement, despite all of the years they have dedicated to the FPS. This is the wrong thing to do.

Reducing the number of GS 0083's (the GS rating for police officers) would also lead to a shift in protective services away from these highly qualified men and women to contract security guards. Make no mistake, shifting responsibilities away from highly trained and highly qualified law enforcement officers to contract security guards is an egregious mistake, and will only serve to weaken security throughout this nation. Federal law enforcement officers are rigorously trained at one of the four Federal Law Enforcement Training Center's (FLETC) in the U.S. They go through an extensive screening process and they are highly skilled.

Contract security guards, on the other hand, are not trained at FLETC, nor are they held up to the same rigorous standards as Federal Law Enforcement Officers. Examples abound of the ineptitude of these contract security guards who have been ceded more and more responsibility of the past few years. There have been reports of fights breaking out between security guards at the Bureau of Engraving and Printing (BEP) because they could not agree on who got to go to sleep while on duty! In other instances security guards have been caught with narcotics or have even facilitated robberies at the installations they are charged to protect. Contract security is not, nor can it ever be, a replacement for fully sworn law enforcement officers. Transferring responsibility to security guards in these agencies has been the wrong thing to do, and the FPS would be wise not to follow this course of action.

What is happening to the FPS is not unique to Federal law enforcement. Over the past few years we have seen a gradual shift of responsibilities, manpower, and funding away from the highly trained and highly professional Federal law enforcement officers to unqualified and poorly trained contract security guards. This "cost-cutting" move has not only jeopardized the security of the installations where this has occurred, but has shaken the morale of the Federally sworn law enforcement officers who have seen their job responsibilities irrevocably reduced.

I can tell you from what I have heard from our officers within the DHS, especially the FPS, that many of them are disenchanted with the manner in which the Department has functioned. Their missions are oftentimes opaque and many of them are unsure of their job functions. These officers do not receive 6 (c) benefits, which are offered to most Federal law enforcement officers and enable them to retire at fifty (50) with twenty (20) years of service or at any age with twenty-five (25) years of service. They are also in a personnel system which abrogates many of the collective bargaining rights they were accustomed to before the Department's creation. Now with these impending cuts in the FPS, their morale has been further reduced.

The proposed cuts to the FPS should be rejected, not only to ensure the security of the facilities which they protect, but also to strengthen the morale of the officers who are in the FPS, as well as that of the entire Department. Rather than reducing the number of officers in the FPS, there should be an increase, as was proposed by the Department less than two years ago. The officers also need to know that their jobs are safe and that their missions will not be compromised due to a supposed "shortfall" at the FPS if we are to maintain morale and ensure security.

Thank for allowing me to testify on this important issue. I would now be happy to answer any questions you might have.

STATEMENT

OF

MICHAEL P. JACKSON

DEPUTY SECRETARY

U.S. DEPARTMENT OF HOMELAND SECURITY

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

U.S. HOUSE OF REPRESENTATIVES

APRIL 18, 2007

WASHINGTON, D.C.

INTRODUCTION

Chairman Oberstar, Ranking Member Mica and distinguished Members of the House Transportation and Infrastructure Committee, I appreciate the opportunity to share with you today information about the important work of the Federal Protective Service (FPS). Our efforts are focused on strengthening FPS' capability to execute its core mission within the Department of Homeland Security (DHS). The result will be a more effective FPS, ensuring that our nation's critical Federal facilities remain safe and more secure. Our efforts will improve service while addressing unstable business practices.

THE ICE MISSION

The U.S. Immigration and Customs Enforcement (ICE) – the component within DHS that houses FPS under the leadership of Assistant Secretary Myers has been very aggressive in bolstering and fine tuning the FPS program. Her leadership over the past year has been instrumental in ensuring the continuation of protective services despite numerous challenges.

The ICE mission is to protect the American people by combating terrorists and criminals who seek to cross our borders and threaten us here at home. ICE's FPS program is a critical part of that mission. As such, FPS is charged with maintaining security at our Federal facilities for the public that conducts business in those buildings and the Federal employees who work there. FPS is responsible for securing Federal facilities to provide a safe environment by using a layered security approach, conducting security assessments,

offering emergency planning services, and providing law enforcement services. These activities are performed at more than 8,900 Federal facilities nationwide.

FPS BACKGROUND

The FPS program delivers integrated law enforcement and security services to Federal agencies housed in General Services Administration (GSA) and DHS owned and leased facilities throughout the United States and its territories. These services cover a wide range of activities. On an annual basis, FPS conducts nearly 2,500 building security assessments and responds to approximately 1,500 demonstrations. In Fiscal Year (FY) 2006, FPS conducted more than 1,000 criminal investigations for crimes against government facilities and employees and arrested more than 4,000 criminals and fugitives for committing crimes on Federal property. Additionally, contract security guards seized more than 800,000 weapons and prohibited items prior to their entry into Federal facilities. FPS provides services to nearly 1,500 facilities categorized as Security Level III or IV (highest risk facilities).

ACTIONS ALREADY TAKEN TO IMPROVE MANAGEMENT

Since FPS' creation in 1971, various studies and reports have been conducted reviewing the program and its role in the protection of Federal employees, the buildings that house them, and the public that conducts business in these buildings. These studies were conducted throughout the history of the FPS while it was a component of GSA, and have continued since its transition to DHS. Many of these studies have highlighted serious

management and operational challenges facing the program, including systematic funding issues. Unfortunately, when FPS was transferred from GSA to DHS, the administrative support structure and funding required to overcome these legacy problems was not provided.

I commend ICE, and in particular Assistant Secretary Myers, for taking a strong, proactive role in getting to the root causes of the issues and working with the FPS program to fix them and enhance the program's effectiveness. In FY 2005, ICE established a Tiger Team to assist FPS in addressing its financial management challenges and to recommend process improvements. This was the result of numerous DHS and Congressional inquiries related to late payments to FPS contract guard vendors. Although the Team focused on process issues surrounding financial management that had plagued FPS since its transition to DHS, it also identified other management and mission concerns for further evaluation. The work of the Tiger Team has resulted in significant progress being made in the areas of financial and acquisition management over the past year. These changes have improved financial management by boosting compliance with the Prompt Payment Act.

Improving Acquisition Efficiency. On the acquisition front, several initiatives also have been completed to improve procurement and contract functions within FPS. First, the function was realigned from a regionally based structure into three consolidated offices in Philadelphia, Denver and Fort Worth. Through consolidation, FPS has been

able to standardize processes and procedures, improve utilization of contracting staff, and achieve economies of scale. The chain of command for the acquisition function was also realigned. The consolidated contracting groups now report directly to the ICE Head of Contracting who provides both technical and administrative oversight of the FPS acquisition function.

For the long term, a study was recently completed to baseline the state of the acquisition function at FPS to develop a path forward for instituting improvements. The study identified several critical success factors that have been translated into measurable, actionable tasks for FY 2007. Progress is measured and recorded using a project dashboard. Some of the specific tasks that were identified as a result of this study include increasing contracting staff within an acceptable cost to spend ratio, standardizing contract instruments and templates, developing guidebooks for program personnel describing processes and requirements for planning and preparing requisitions, and improving the quality and availability of training for program personnel overseeing contractor performance. These tasks will result in a more efficient and effective acquisition function for the FPS program.

Establishing Sound Financial Management. On the financial management front, FPS has struggled to cover all of its costs within its fee-based structure. In FY 2006, $29.4 million was reprogrammed to offset a projected existing FPS deficit. In FY 2007, FPS is projected to be financially solvent due to a number of cost cutting and cost avoidance

measures that began in FY 2006. These included a streamlining of the Megacenter function to reduce unnecessary administrative support costs; reducing the FPS vehicle fleet where appropriate; restricting discretionary travel, overtime and training; restricting hiring and promotions to only the most critical; and deferring non-mandatory space moves, among others.

These cost containment efforts also have enabled FPS to leverage funds for some critical operational needs. For example, in FY 2007, FPS conducted a law enforcement basic training class, along with a Physical Security Academy (PSA) class. Plans call for two additional PSA classes for the remainder of FY 2007. Some key staffing needs are also being addressed due to careful financial management. Critical operations positions have been announced this year, providing for advancement opportunities in both the management and inspector ranks. Moreover, each FPS region has been given a defined budget providing for travel, training, overtime, as well as for critical equipment and supplies.

Clearly, implementation of acquisition and financial management business process improvements have put FPS on firmer ground. However, we also understand that addressing management and mission concerns is key to ensuring the successful implementation of FPS' mission to protect Federal facilities. As such, Assistant Secretary Myers formed a second Tiger Team in May 2006 to review the FPS operations and structure overall. The goal was to define clearly the mission of the FPS; focus its resources toward that mission to ensure a stable working environment; and, finally, fully

to align FPS with ICE and DHS. The results of this second review were the foundation for the FPS Comprehensive Action Plan (Action Plan) that is now underway.

FPS COMPREHENSIVE ACTION PLAN

ICE has been engaged in a top-to-bottom review of its operations to address legacy issues, while continuing to provide the highest level of security and protection services to its clients. The move of FPS to DHS from GSA presented a unique opportunity for the FPS program to increase financial accountability and hone a clearly defined homeland security function. We must act now to revamp the program and improve its overall security posture within homeland security.

As mentioned previously, there is a well-documented case for refinement of this program: from GSA Office of Inspector General (OIG) reports to DHS OIG reports and General Accounting Office findings; from customer complaints to Congress; to the identification of serious contracting deficiencies and suggestions that the program has lost its physical security focus. FPS must be refined to set the gold standard for facility risk assessments and security interventions in Federal facilities across the country.

In addition, FPS must be in a position to lead within the National Infrastructure Protection Plan (NIPP) given that it is the sector specific agency for government facilities. The NIPP provides a comprehensive framework for the protection of government facilities, transportation facilities, key infrastructure assets and other

facilities from potential terrorist attacks, natural disasters and other emergencies. A particularly important aspect of our plans for FPS is to increase the number and further strengthen the skills and support for FPS inspectors. FPS inspectors have the law enforcement training and authority of FPS police, with considerable additional responsibilities. Consistent with the NIPP, FPS is refocusing on its core physical security mission to include:

- Enforcing Interagency Security Committee (ISC) security standards;
- Conducting timely building security assessments;
- Establishing and maintaining a strong contract guard program; and,
- Testing and constantly re-evaluating security standards based on risk.

By leveraging the integration of FPS' security and response and recovery capabilities within the NIPP framework, a layered approach to the security of Federal facilities will be achieved.

Together, the NIPP framework and results from the second ICE Tiger Team review provide the underpinnings for the FPS Action Plan. The key components of the Action Plan include:

- Restructuring and streamlining the program to enhance operational effectiveness;

- Developing and implementing a clear strategy related to the role of the FPS as the lead for government facilities within the NIPP;
- Leveraging resources in the areas of intelligence, criminal investigation, and response and recovery;
- Strengthening and standardizing the contract guard function;
- Re-invigorating and refocusing the efforts of the Interagency Security Committee, a body formed by Presidential Executive Order and chaired by DHS, to oversee the development of security standards and compliance with those standards; and,
- Enhancing communication with FPS customers and providing clear expectations of services.

The coming year and the following will be filled with significant change for the FPS program and its dedicated workforce. These changes will result in a more focused program that produces greater security at Federal facilities and for the people who work and visit these facilities. It will also result in better service for the FPS customers and a more pronounced partnership with the FPS program. Our commitment to the protection of Federal facilities will remain front and center during the refinement process. The mission must be focused and risk-based. This is a responsibility that we share with all client agencies. We must improve FPS' operational effectiveness and ensure that the primary mission is met, but the costs of that mission must be fully recovered from our client agencies.

The Action Plan effort will result in a refocused workforce composed mainly of inspectors with dual capabilities for providing law enforcement and physical security services that are geared toward high-risk threats. In addition, these resources will be realigned to high-risk locations. This effort will also complete the overhaul of contract management within FPS. The results will be improved contract compliance, contracting cost reductions for client agencies, and appropriate and strong contract management, addressing the concerns raised by DHS' Office of the Inspector General. A critical element in the Action Plan is a more active dialog with FPS customers. The FPS program will create a partnership with customer agencies to delegate contract management and other authorities where it improves the security posture of the facility and will ensure compliance with FPS security standards.

FPS has established a program management office to track and monitor the Action Plan. The program management office will ensure Action Plan milestones are met and keep the focus on continued FPS refinement.

The President's FY 2008 Budget includes the resources to support a refined FPS program. Specifically, it includes an increase in the current basic security rate of $0.39 to $0.57 per square foot to recover the estimated costs for providing basic security services. The Budget provides an additional $97 million in estimated fees above the FY 2007 level, including $37 million for increases in the demand for contract guard services (e.g., new space in Federal agencies) and $60 million associated with cost increases for current

services. The Budget supports 950 full-time equivalent personnel excluding activity associated with reimbursable Security Work Authorizations and fully maintains existing levels of contract guards. As a fully reimbursable organization, it is important that FPS' revenue tracks with the service being provided.

PERSONNEL

Currently, FPS has about 1,200 people on-board including inspectors, special agents, police officers, and support personnel. In addition, the FPS program manages approximately 15,000 contract security guards that serve as its front line in securing Federal facilities throughout the nation. The Action Plan effort will result in a more streamlined, effective and well-trained workforce that will possess the highest security certifications and form a unique cadre of security inspectors with full law enforcement capabilities. Security at Federal facilities will not diminish. Those services, offered through a contract guard force, will be strengthened with the emphasis on an inspector workforce and a strong contract guard program.

Personnel adjustments will be aimed at improving FPS mission execution, enhancing career opportunities for employees, and improving customer service. ICE is employing various strategies to align the workforce including Voluntary Early Retirement Authority. ICE and FPS will work towards providing its employees with voluntary opportunities to move into new positions and will provide other incentive programs including developmental opportunities. These developmental opportunities will provide employees

with the ability to train for new roles within FPS, ICE and DHS, and also create career mobility within DHS. .

The ICE and FPS leadership is committed to involving the program's employees in the refinement process. This includes involving FPS employees in determining areas for improvement and providing regular communication to employees, as well as FPS customers. To date, employees have had the opportunity to participate in various studies with over 700 having done so.

There is no question that this will be a period of change for the FPS workforce. We realize that the employees are the greatest resource in this vital program. The Action Plan effort will result in a more stable work environment that is focused on its core mission. Employees will be provided growth opportunities through the inspector ranks, as well as unique opportunities that are developing as the NIPP is implemented. The current FPS workforce is deeply committed to the mission and we are confident that they will meet all challenges to create the premier physical security program in the Federal government.

DHS has recently appointed a permanent Director of the FPS program to lead this significant change. Mr. Gary Schenkel has significant experience in a wide range of areas including organizational transformation efforts, security planning for public facilities, logistical planning, and business administration. Mr. Schenkel most recently

was the Assistant Federal Security Director in the Transportation Security Administration at Chicago Midway Airport. He oversaw the strategic planning and business management of TSA operations at the airport and worked closely with government partners and private sector service providers to ensure the highest levels of security at the airport without sacrificing efficiency and service. Before joining TSA, Mr. Schenkel was the Assistant Deputy Superintendent of the Chicago Police Department where he was responsible for employee relations and labor matters and established strong working relationships with the Chicago police union. Mr. Schenkel has the knowledge, the commitment, and the extensive security and leadership experience that are vital to guiding this effort to success.

ORGANIZATIONAL PLACEMENT

There has been and continues to be public discussion about the placement of the FPS program, whether it should be within DHS or in GSA, and if within the Department, whether in ICE or another DHS component. The Department has reviewed this issue and concluded that the appropriate placement of the FPS program is within ICE.

ICE has demonstrated significant progress in improving its management and is becoming an administrative support leader within the Department as evidenced by last year's financial audit. There is a natural nexus between the FPS and the broader ICE law enforcement mission. Moreover, there is within ICE strong management, financial, and

procurement assets that are being leveraged to stabilize financial weaknesses, strengthen the organization's operational capabilities, and sharpen its mission focus.

Outside DHS, we occasionally receive questions about whether the FPS program should be returned to GSA given that some view the FPS mission as a "building" function. The protection of Federal facilities, the Federal government's infrastructure, is clearly a homeland security function. In creating DHS, the Congress and the Administration agreed that FPS was appropriately housed within DHS. I concur with that judgment.

CONCLUSION

Strengthening the FPS program as described in this testimony will not only respond to numerous IG studies, other reviews and customer complaints – it will also result in a more effective security service program for our Federal workforce and the people who conduct business with the Federal government. The men and women of the FPS are dedicated and, as does the DHS leadership team, believe in the core FPS mission. We are aggressively moving forward to succeed in that mission.

It will take several years to accomplish our efforts. ICE and FPS now have the right plan and management structure to strengthen this vital capability.

I would be pleased to answer your questions and look forward to our continued dialog on this critical homeland security function.

Briefing on the Federal Protective Service

~~Transition to FY 08 Budget~~

Prepared for FPS Regional Directors

December 20, 2006

U.S. Immigration
and Customs
Enforcement

Agenda

1. Vision for FPS in 2008
2. 2008 Mission Guidance and Assumptions
3. 2008 Business Lines and Activities
4. Risk-based model
5. FY08 Organizational Structure
6. Consolidated and Eliminated Activities
7. Transformation Requirements

Vision for FPS

~~*Vision for FPS in FY 2008*~~

- FPS will execute the DHS mission to protect the buildings, grounds and property of the Federal Government as required by 40 USC 1315.
- As the sector-specific agency for the Government Facilities Sector in the National Infrastructure Protection Plan (NIPP) establish and set standards for the sector. Plan to monitor compliance.
- Focus only on GSA Facilities to the extent of available security fees paid by tenant agencies.
- Operate within the FY08 resources programmed in the President's budget.
- Use planning guidance with a risk-based model to leverage and target limited resources.
- The service delivery platform will generally be the inspector position, which provides the full range of services.
- Reimbursable services (e.g., support to FEMA in responding to natural disasters) will be maintained on set work authorizations or agreements.

2008 Mission Guidance and Assumptions

Mission Guidance for FPS in FY 2008

- Protect federal facilities by concentrating on those with security level 3 & 4, which are the highest risk facilities.
- Maintain a Law Enforcement response capability in metropolitan areas with a significant concentration of level 3 & 4 facilities, total facilities and federal employees to react to incidents and calls for service.
- Leverage guard and employee reporting of suspicious and criminal activities as the primary proactive warning measure.
- Provide quality service in the critical areas of BSA and BSC with priority of effort to level 3 & 4 facilities.
- Target our management of guards to improve quality and performance through rigorous monitoring and testing to ensure they meet all requirements and are following all procedures.
- The service delivery platform will generally be the inspector position, which provides the full range of services. reimbursable services (e.g., support to FEMA in responding to natural disasters) will be maintained on set work authorizations or agreements.

FY 08 FPS Activities

~~FPS' Projected Lines of Business and Activities~~

Basic Security (standard fee from all tenant agencies)

- Respond to reports of crime and calls for service to protect Federal employees, visitors and facilities in metropolitan clusters with high risk facilities and concentrations of Federal employees.
- Monitor alarms, receive calls for emergency service and reports of suspicious activity, and dispatch appropriate response.
- Investigate crime to determine security vulnerabilities and identify suspects.
- Scheduled and pre-construction/ pre-lease assessment of threats/ risk to facilities and identification of countermeasures to reduce risk.
- Implementation planning for specific countermeasures to reduce risk.
- Validate risks, verify compliance and risk reduction measure (e.g. guard posts) effectiveness.
- Assist facilities and agencies with BSC, OEP, COOP, other emergency plans and security training.

Building Security (reimbursable services charged to agencies)

- Procure, administer and monitor security guard services.
- Procure and maintain security systems (e.g. CCTV, Access Control, X-Ray etc.)
- Coordinate/ monitor procurement and installation of permanent countermeasures with GSA (e.g. barriers, window protection etc.)

Specialized services and support to other agencies (mixed reimbursable/ standard fee)

- Determine suitability of contractors working in Federal owned and leased space
- Law enforcement, investigations and security guard services to agencies such as FEMA on a short-term basis (using reimbursable overtime to continue basic services with all incremental costs charged to assisted agency)

FY 08 Organizational Structure

	R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10	R 11	HQ	Total
Region Summary and Totals	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE	FTE
FPS National Headquarters												145	
Region Management/ Customer Coordination	3	3	3	4	4	3	4	3	4	3	4		36
Financial, HR & Logistic Support	2	5	6	8	8	3	7	4	8	4	11		65
Assessments	5	7	12	19	12	6	15	8	14	7	17	10	132
Countermeasures & Compliance	9	20	27	35	27	13	27	13	25	11	48		271
Response & Specialized Functions	9	17	23	23	29	15	25	14	39	18	33		229
Field Command/ Supervision	3	4	6	9	8	3	8	4	9	4	11		70
Total Allocated by model	31	56	77	98	88	43	86	46	99	47	124	155	950
Current On Hand	62	99	93	116	103	58	100	67	102	64	200	132	1196
Reduction from On Hand	-31	-43	-16	-18	-15	-15	-14	-21	-3	-17	-76	+23	-249

U.S. Immigration and Customs Enforcement

Organizational Structure :
Staffing

Structure/Staffing

- FPS will use 11 customer aligned regions (Same boundaries as FEMA, SSA, EPA, VA, GSA etc) and approximately 85 field locations. Approximately 50 field locations consolidated.
- It will have 950 authorized positions -249 Net from current strength.
- **Management and Support** (Highlights)
  - Acquisition (contracting) remains consolidated in CCG +33
  - GFS SSA and ISC +10
  - Regional Guard Program Mgt (Will have 26)
  - National HQ & Region Management -30
  - Area Commander (Will have 69)
  - Financial, HR, Logistic Support -43
- **Field Operations** (Highlights)
  - Special Agent -42
  - K9 Inspector -31 (Will have 29)
  - Inspector +98 (Will have 433)
  - Police Officer -259 (Will have 18 for proactive patrol)

U.S. Immigration
and Customs
Enforcement

Risk Assumed by Transformation:
Consolidated & eliminated activities

Consolidated and eliminated activities: Reduced 503 Authorized / 245 On-hand personnel

- No proactive patrol to deter attack planning; and detect/ deter suspicious and criminal activity. Reporting of suspicious activity will depend on Federal Employees and activity previously deterred by patrol may occur. Any pre-attack actions at a facility would only be detected by occupants or roving guards. Only reactive response will be provided.
- No response to calls for police service to protect Federal employees and visitors, and investigate crimes at Federal facilities in areas where FPS will no longer have a presence. These facilities and employees will receive only the same response from local authorities as any other commercial property. Local police, particularly in large cities, respond based on a priority basis. This may mean criminal activity previously investigated may only be reported, with no investigation.
- No FPS presence in approximately 50 current cities.
- Security risk assessments at 7,215 security level 1&2 facilities will be conducted every six years instead of every four years. Changes in threats and risks may not be noticed or mitigated.
- No routine checks for compliance, countermeasure effectiveness or threat changes at 4,700 security level 2 facilities.
- FPS Explosive Detection Dog Teams will be stationed only in the 18 largest cities. 10 cities will no longer have the capability. Teams will be reduced from 60 to 29.
- Participation in FBI Joint Terrorism Task Forces reduced to 12 Special Agents from 24.
- Special Agents available to investigate serious crimes reduced to 14 from 58.
- No night or weekend police response or service anywhere.
- Largest reductions in New York and Washington DC due to proactive activity elimination.
- States with largest percentage reductions also include Connecticut, Maine, NH and Wyoming.

U.S. Immigration
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