

105TH CONGRESS
2D SESSION

H. R. 4034

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1998

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Protective
5 Service Reform Act of 1998”.

6 **SEC. 2. DESIGNATION OF POLICE OFFICERS.**

7 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
8 amended—

9 (1) by striking “special policemen” each place
10 it appears in the Act and inserting “police officers”;

1 (2) in section 1 by striking the section heading
2 and inserting the following:

3 **“SECTION 1. POLICE OFFICERS.”;**

4 (3) in section 1(b) by striking “Special police-
5 men” and inserting “Police officers”; and

6 (4) in section 5 by striking “special policeman”
7 and inserting “police officer”.

8 **SEC. 3. POWERS.**

9 (a) IN GENERAL.—Section 1(b) of the Act of June
10 1, 1948 (40 U.S.C. 318(b)), is amended—

11 (1) by inserting “, and subject to paragraph (3)
12 in any area within 500 feet from such property,”
13 after “subsection (a)”; and

14 (2) by inserting before the period at the end the
15 following: “and shall be concurrent with State and
16 local law enforcement authorities in the area in
17 which the property is located”.

18 (b) ADDITIONAL POWERS.—Section 1(b) of such Act
19 is further amended—

20 (1) by striking “Police officers” and inserting
21 the following:

22 “(1) IN GENERAL.—Police officers”;

23 (2) by adding at the end the following:

24 “(2) ADDITIONAL POWERS.—A police officer
25 appointed under this section is authorized—

1 “(A) to carry firearms in any State, the
2 District of Columbia, the Commonwealth of
3 Puerto Rico, or any territory or possession of
4 the United States, subject to conditions con-
5 tained in regulations to be prescribed by the
6 Commissioner of the Federal Protective Service;

7 “(B) to petition Federal courts for arrest
8 and search warrants and to execute such war-
9 rants;

10 “(C) to arrest an individual without a war-
11 rant if the individual commits a crime in the of-
12 ficer’s presence or if the officer has probable
13 cause to believe that the individual has commit-
14 ted a crime or is committing a crime;

15 “(D) to conduct investigations, on and off
16 the property in question, of offenses that have
17 been or may be committed against property
18 under the charge and control of the Adminis-
19 trator or against persons on such property; and

20 “(E) to coordinate with other law enforce-
21 ment agencies that have intelligence gathering
22 authority for the protection of persons and
23 property described in subparagraph (D).

24 “(3) AUTHORITY OUTSIDE FEDERAL PROP-
25 ERTY.—A police officer appointed under this section

1 is authorized to exercise any power granted under
2 this section in an area that is within 500 feet of an
3 area owned or occupied by the United States and
4 under the charge and control of the Administrator
5 if—

6 “(A)(i) the officer reasonably believes that
7 the action is necessary to prevent or stop a fel-
8 ony in progress that threatens life, limb, or
9 property;

10 “(ii) the felony is being committed in the
11 presence of the officer; and

12 “(iii) there is insufficient time to contact
13 local law enforcement authorities; or

14 “(B) there is a known, immediate threat
15 directed at property under the charge and con-
16 trol of the Administrator or against persons on
17 such property.”; and

18 (3) by moving the left margin of paragraph (1),
19 as designated by paragraph (1) of this subsection, so
20 as to appropriately align with paragraphs (2) and
21 (3), as designated by paragraph (2) of this sub-
22 section.

1 **SEC. 4. PENALTIES.**

2 Section 4 of the Act of June 1, 1948 (40 U.S.C.
3 318c), is amended by striking “not more \$50” and insert-
4 ing “not more than \$5,000”.

5 **SEC. 5. NONUNIFORMED SPECIAL POLICE OFFICERS.**

6 Section 5 of the Act of June 1, 1948 (40 U.S.C.
7 318d), is amended by adding at the end the following:
8 “Any such special law enforcement officer shall have the
9 same authority outside Federal property as police officers
10 have under section 1(b)(3).”.

11 **SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**
12 **SERVICE.**

13 (a) IN GENERAL.—The Act of June 1, 1948 (40
14 U.S.C. 318–318d), is amended by adding at the end the
15 following:

16 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**
17 **SERVICE.**

18 “(a) IN GENERAL.—The Administrator of General
19 Services shall establish the Federal Protective Service as
20 a separate operating service of the General Services Ad-
21 ministration.

22 “(b) APPOINTMENT OF COMMISSIONER.—

23 “(1) IN GENERAL.—The Federal Protective
24 Service shall be headed by a Commissioner who shall
25 be appointed by and report directly to the Adminis-
26 trator.

1 “(2) QUALIFICATIONS.—The Commissioner
2 shall be appointed from among individuals who have
3 at least 5 years of professional law enforcement ex-
4 perience in a command or supervisory position.

5 “(c) DUTIES OF THE COMMISSIONER.—The Commis-
6 sioner shall—

7 “(1) assist the Administrator in carrying out
8 the duties of the Administrator under this Act;

9 “(2) serve as the principal law enforcement offi-
10 cer and security official of the United States with re-
11 spect to the protection of Federal officers and em-
12 ployees in buildings and areas that are owned or oc-
13 cupied by the United States and under the charge
14 and control of the Administrator; and

15 “(3) render necessary assistance, as determined
16 by the Commissioner, to other Federal, State, and
17 local law enforcement agencies upon request.

18 “(d) APPOINTMENT OF REGIONAL DIRECTORS AND
19 ASSISTANT COMMISSIONERS.—

20 “(1) IN GENERAL.—The Commissioner may ap-
21 point regional directors and assistant commissioners
22 of the Federal Protective Service.

23 “(2) QUALIFICATIONS.—The Commissioner
24 shall select individuals for appointments under para-
25 graph (1) from among individuals who have at least

1 5 years of direct law enforcement experience, includ-
2 ing at least 2 years in a supervisory position.

3 “(e) COORDINATION WITH PUBLIC BUILDINGS
4 SERVICE.—The Commissioner shall carry out the duties
5 of the Commissioner in coordination with the Commis-
6 sioner of the Public Buildings Service.”.

7 (b) PAY LEVEL OF COMMISSIONER.—Section 5316 of
8 title 5, United States Code, is amended by inserting after
9 the paragraph relating to the Commissioner of the Public
10 Buildings Service the following:

11 “Commissioner, Federal Protective Service,
12 General Services Administration.”.

13 **SEC. 7. PAY AND BENEFITS.**

14 (a) IN GENERAL.—The Act of June 1, 1948 (40
15 U.S.C. 318–318d), is further amended by adding at the
16 end the following:

17 **“SEC. 7. PAY AND BENEFITS.**

18 “Notwithstanding any other provision of law or any
19 other rule or regulation, the pay and benefits for police
20 officers and criminal investigators in the Federal Protec-
21 tive Service shall be determined in accordance with a pay
22 and benefits package established and maintained by the
23 Administrator of General Services that is equivalent to the
24 pay scale and benefits package applicable to members of
25 the United States Secret Service Uniformed Division.

1 Such pay scale and benefits package shall be established
2 by regulation, shall apply with respect to pay periods be-
3 ginning after January 1, 1999, and shall not result in a
4 decrease in the pay or benefits of any individual.”.

5 (b) CONFORMING AMENDMENT.—Section 1(a) of
6 such Act (40 U.S.C. 318(a)), is amended by striking
7 “without additional compensation”.

8 **SEC. 8. NUMBER OF POLICE OFFICERS.**

9 (a) IN GENERAL.—The Act of June 1, 1948 (40
10 U.S.C. 318–318d), is further amended by adding at the
11 end the following:

12 **“SEC. 8. NUMBER OF POLICE OFFICERS.**

13 “(a) REDUCTIONS NOT PERMITTED.—After the 1-
14 year period beginning on the date of enactment of this
15 section, there shall be at least 730 full-time equivalent po-
16 lice officers in the Federal Protective Service. This num-
17 ber shall not be reduced unless specifically authorized by
18 law.

19 “(b) CONSOLIDATION OF BUILDING SECURITY
20 FORCES.—

21 “(1) STUDY.—The Comptroller General of the
22 United States shall conduct a study to determine the
23 feasibility of merging all building security forces of
24 the Executive branch within, and under the super-
25 vision of, the Federal Protective Service.

1 “(2) REPORT.—Not later than 12 months after
2 the date of enactment of this section, the Comptrol-
3 ler General shall transmit to Congress a report con-
4 taining the results of the study conducted under
5 paragraph (1).”.

6 **SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

7 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
8 further amended by adding at the end the following:

9 **“SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

10 “The Commissioner of Federal Protective Service
11 shall prescribe standards for the contracting of security
12 personnel for buildings and areas that are owned or occu-
13 pied by the United States and under the charge and con-
14 trol of the Administrator of General Services. Such stand-
15 ards shall ensure that contract personnel receive adequate
16 training and are subject to the same background check
17 requirements as police officers of the Federal Protective
18 Service.”.

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