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EXAMINING THE FEDERAL PROTECTIVE SERVICE: ARE FEDERAL FACILITIES SECURE?

(113–71)

HEARING

BEFORE THE

SUBCOMMITTEE ON
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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CONTENTS

Page

Summary of Subject Matter iv

TESTIMONY

PANEL 1

Mark L. Goldstein, director, Physical Infrastructure Team, U.S. Government Accountability Office 3
Leonard E. Patterson, director, Federal Protective Service, National Protection and Programs Directorate, U.S. Department of Homeland Security 3

PANEL 2

David L. Wright, president, AFGE Local 918 23
Stephen Amitay, Esq., executive director and general counsel, National Association of Security Companies 23

PREPARED STATEMENTS SUBMITTED BY WITNESSES

Mark L. Goldstein 33
Leonard E. Patterson 51
David L. Wright 57
Stephen Amitay, Esq. 69

SUBMISSIONS FOR THE RECORD

David L. Wright, president, AFGE Local 918, correction to written testimony . 81

Committee on Transportation and Infrastructure
U.S. House of Representatives

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Washington, DC 20515

May 16, 2014

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SUMMARY OF SUBJECT MATTER

TO:	Members, Subcommittee on Economic Development, Public Buildings and Emergency Management
FROM:	Staff, Subcommittee on Economic Development, Public Buildings and Emergency Management
RE:	Subcommittee Hearing on "Examining the Federal Protective Service: Are Federal Facilities Secure?"

PURPOSE

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Wednesday, May 21, 2014, at 10:00 a.m., in 2167 Rayburn House Office Building to receive testimony related to the Federal Protective Service and improving the security of federal facilities. At this hearing, the Subcommittee will hear from the Federal Protective Service (FPS), the Government Accountability Office (GAO) and representatives of FPS law enforcement officers and contract guard companies.

BACKGROUND

Threats to Federal Facilities and Buildings

Federal buildings and facilities have long been targets for terrorism and individuals wanting to do harm. The threats are real and attacks have occurred. The threats include a wide range of potential actions by terrorists and others wanting to do harm and include explosives (including car, truck, or backpack bombs), active shooters, and aviation attacks.

Unfortunately, these threats are not theoretical. In 1995, Timothy McVeigh and his co-conspirators used a Ryder truck filled with homemade explosives to bomb the Alfred P. Murrah Federal Building in downtown Oklahoma City, killing 168 people, including 19 children. In 2010, Andrew Stack targeted a building in Austin, Texas, housing 200 Internal Revenue Service employees by crashing a small plane into the building. Active shooter incidents have also occurred, including shootings at the Navy Yard in Washington, D.C., Fort Hood in Texas, the U.S. Capitol building, and the United States Holocaust Museum.

While a number of the past incidents have not been at facilities for which FPS is responsible for securing, they are clear indicators that federal facilities and buildings are proven targets and demonstrate the need to ensure there is appropriate security at federal buildings and facilities to protect employees and visitors.

Federal Protective Service and Building Security

Background and Role of FPS

Congress originally established the responsibility and authority to protect federal buildings using uniformed guards in the Federal Works Agency in 1948. Those responsibilities and authorities were subsequently transferred to the General Services Administration (GSA). And, in 1971, the GSA Administrator formally established what we know as the Federal Protective Service (FPS) today. Following the 9/11 terrorist attacks, Congress transferred the FPS from GSA to the then newly created Department of Homeland Security (DHS) and it was initially housed as part of Immigration and Customs Enforcement. FPS was subsequently moved to the National Protection and Programs Directorate.

FPS is charged with providing protection and security for over 9,600 GSA leased and owned facilities. The FPS operates on fees paid by the customer agencies (GSA and tenant agencies) utilizing FPS services. The estimated budget for FPS for fiscal year (FY) 2014 is $1.3 billion. FPS has approximately 1,300 employees, including approximately 1,000 Law Enforcement Officers (LEOs) or "inspectors" and 15,000 contract guards also known as Protective Security Officers (PSOs). After the Oklahoma City bombings in 1995, FPS's authorized staffing level was 1,450. FPS maintained about the same level of staffing when it was transferred to DHS; however, its staffing dropped to 1,100 in 2007. After concerns about the decrease and its effect on security, Congress, through the appropriations process, began mandating a minimum staffing level. The FY 2014 Consolidated Appropriations Act requires 1,371 full-time-equivalent staff, including 1,007 law enforcement officers.

FPS not only provides a uniformed presence at federal buildings but is also responsible for maintaining and managing the contracts with companies employing the contract guards for federal facilities, conducting risk assessments of buildings and providing recommendations to GSA and tenant agencies on any security improvements needed for particular buildings.

Other Key Partners

There are other federal entities with responsibility over security in federal facilities protected by the FPS. For example, the Interagency Security Committee (ISC) sets government-wide standards and best practices for securing non-military facilities and buildings, whether owned or leased, including those for which FPS is responsible. The ISC was established by Executive Order following the Oklahoma City bombing in 1995 and includes 21 primary members mostly composed of the large federal departments. There are also 32 associate member agencies, including FPS.

Federal agencies that pay for (through fees) security provided by FPS also have a key role. Each building or facility has a Facility or Building Security Committee (FSCs). These committees are composed of designated staff of the federal agencies housed in the particular facility or building. In some cases where there is one federal agency tenant in a building, this may only be one designated person. The members of FSCs may or may not themselves have any security experience or background. In addition, the FSCs help facilitate the review and consideration by the tenant agencies of any security recommendations and assessments completed by FPS. Ultimately, it is the tenant agency that has the final decision in the amount and type of security at a given building or facility, not FPS.

Other federal, state and local law enforcement agencies also have a critical role in the security of federal buildings and facilities. Of the 1,300 FPS employees, approximately 1,000 are law enforcement officers. FPS law enforcement officers are not only charged with performing traditional police responsibilities, but are also responsible for overseeing and managing the private PSOs, the PSO contracts, conducting facility risk assessments, and meeting with FSCs. The growing array of responsibilities makes focusing on policing and responding to incidents more difficult. While most contract guards are armed, their authority to carry, respond, and take action in certain circumstances generally flows from the laws of the particular state or locality in which they may be based. As such, to ensure there is an effective response to any security incidents in buildings, FPS's agreements and partnerships with other law enforcement agencies are critical. For example, it may be local law enforcement near a particular federal building that may be called to respond to an incident.

Challenges and Problems

The GAO over the years has conducted a number of investigations and issued a series of reports that identified key challenges and problems with respect to the FPS. Key problems identified have been:

- **Fake bomb components, knives, and guns were secreted past security in a number of cases.** Penetration testing conducted by the GAO and FPS revealed serious deficiencies in building security.

- **Insufficient contract guard oversight and training, including a lack of active shooter training.** FPS's paper-based system for auditing the required certifications and training records of contract guards has resulted in a lack of quality control over whether guards are qualified and trained to protect federal buildings. FPS's guidance for guards in dealing with threats is insufficient and basic training from simple screening procedures to responding to active shooters is lacking or nonexistent.

- **Agreements and partnerships with local law enforcement to respond to incidents on federal property are lacking or nonexistent.** State and local law enforcement agencies, which may be called to respond to a federal building, often are not aware whether they can even respond to and enter a federal building.

- **Risk assessments used to evaluate the threats to and types of security measures needed for a particular building or facility are insufficient or ignored.** FPS's risk assessments do not meet ISC standards and tenant agencies are not held accountable for failing to implement recommended security measures.

- **Confidence in FPS by customer agencies has declined.** On May 1, 2014, DHS began the process of removing FPS as the lead on overseeing security at its Nebraska Avenue Complex headquarters.

- **FPS Law Enforcement Officers are spread too thin and FPS's non-core responsibilities have increased.** LEOs are not only charged with overseeing the contract guards, managing the guard contractors, conducting risk assessments, but also are charged with traditional police responsibilities. FPS conducts law enforcement activities in addition to activities not related to its core mission, including assignments on National Special Security Events.

Proposed Solutions

Over the years, there have been a number of legislative and other proposals made by key stakeholders to reform the FPS and improve building security. The solutions have ranged from significant changes to reforming oversight and strengthening authorities. They include a wide range of solutions, including the following:

- Federalize the 15,000 contract guards;

- Clarify and expand contract guards' authority to detain and respond to incidents;

- Increase the number of FPS law enforcement and revise FPS law enforcement retirement benefits;

- Clarify and expand FPS law enforcement officers' authorities on federal properties;

- Shift core mission of FPS from law enforcement to oversight of guards and building security and leverage partnerships with state and local law enforcement to respond to incidents (including deputizing local law enforcement where appropriate);

- Revise FPS's fee structure to address resources concerns;

- Require FPS to move from a paper-based system to an automated system to oversee guards and track performance, certifications, and training;

- Update and modernize training for guards, including shifting training to private sector;

- Set standards on customer agencies' compliance with security recommendations.

Conclusion

The purpose of the hearing is to not only identify the current challenges faced by the FPS and federal agencies in securing federal facilities and buildings, but also to examine possible solutions and the potential implications, costs, and impacts each of them may have on security at federal facilities.

WITNESS LIST

Mr. Mark L. Goldstein
Director, Physical Infrastructure
U.S. Government Accountability Office

Mr. L. Eric Patterson
Director
Federal Protective Service
U.S. Department of Homeland Security

Mr. David L. Wright
President
AFGE Local 918

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National Association of Security Companies

EXAMINING THE FEDERAL PROTECTIVE SERVICE: ARE FEDERAL FACILITIES SECURE?

WEDNESDAY, MAY 21, 2014

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:06 a.m., in Room 2167, Rayburn House Office Building, Hon. Lou Barletta (Chairman of the subcommittee) presiding.

Mr. BARLETTA. The committee will come to order.

Today we are examining the Federal Protective Service and the security of our Federal buildings and facilities. FPS, with 1,300 personnel, including law enforcement officers and nearly 14,000 contract guards, is charged with protecting over 9,000 Federal buildings and facilities across the Nation owned or leased by the General Services Administration. While FPS is not responsible for all Federal facilities, its role is central to protecting Federal workers and visitors to Federal buildings nationwide.

Since the 9/11 terrorist attacks, our country has taken steps to prevent and be better prepared for terrorism and other threats, and unfortunately public buildings are proven targets. Whether because of their symbolism or because of the number of Federal employees and visitors that use these facilities, the threat to Federal buildings has a long history. In 1995, Timothy McVeigh and his co-conspirators used a truck filled with homemade explosives to bomb the Alfred P. Murrah Federal Building in downtown Oklahoma City, killing 168 people, including 19 children. In 2010, Andrew Stack targeted a building in Austin, Texas, housing 200 IRS employees by crashing a small plane into the building. Active shooter incidents have been an ongoing threat as well, including shootings at the Navy Yard here in Washington, DC, Fort Hood in Texas, the U.S. Capitol Building, and the United States Holocaust Museum.

Because of these clear threats and the steps taken since the Oklahoma City bombing, we should, nearly 20 years later, have significantly improved the security of public buildings. Unfortunately problems persist. Over the past 5 years, the Government Accountability Office, or GAO, and others continue to identify very real deficiencies. Penetration testing done by the GAO and FPS has revealed fake bomb components, knives, and guns have been secreted past security. The oversight of contract guards and their training needs improvement; and, while the guards are armed, they lack training and clear direction on active shooter situations.

Partnerships with local law enforcement agencies are patchy, raising questions as to whether State and local law enforcement agencies are clear on their authority to respond to incidents on Federal property. The facility risk assessments conducted on Federal buildings to help identify their risks and needed security measures are behind schedule and sometimes ignored by customer agencies.

And on top of all this, confidence in FPS may be eroding. Just this month DHS has taken steps to remove FPS from overseeing security at its Nebraska Avenue Complex. But we should also put all of this into context. The reality is, building security is difficult. If it were not, these problems would have easily been resolved years ago. We have seen that even with the best security, there is still a risk a terrorist could be successful. And there have been improvements, including FPS's revamping of its risk assessments, improved partnerships with local law enforcement, particularly here in the Nation's capital, and a strengthened working relationship with GSA.

Today, I hope this can be a productive hearing. We need to understand the challenges and problems, but we also want to hear solutions. Ultimately, whether it is the members of the public or Federal workers, those who come to Federal buildings must have confidence we are doing all we can to protect them. I look forward to hearing from our witnesses today, and I thank you all for being here.

I now call on the ranking member of the subcommittee, Mr. Carson, for a brief opening statement.

Mr. CARSON. Thank you, Chairman Barletta.

I want to thank Chairman Barletta for holding today's hearing. I also want to welcome today's witnesses to the subcommittee hearing on the Federal Protective Service.

As a former law enforcement officer with over a decade of experience, I have a strong interest in examining FPS and ensuring that it is functioning at the highest possible level. That said, I find the issues facing FPS deeply troubling. FPS is responsible, as we all know, for protecting Federal employees and visitors in approximately 9,600 Federal facilities across this Nation. Yet the Department of Homeland Security inspector general and the GAO have issued at least six reports since 2009 detailing serious challenges that FPS has been having in meeting this expectation.

The shortcomings detailed in these reports are troubling. They effectively highlight that FPS relies on a private contract guard force of over 15,000 guards to provide security to Federal facilities under the control of the GSA. The GAO has consistently noted that FPS lacks effective management controls and systems to ensure its contract guards have met their training and certification requirements, which are necessary to ensure a baseline of security in these buildings. In addition, it is unclear whether many of these contract guards have been trained on how to respond to active shooter incidents or use x-ray and magnetometer equipment. These contract guards are often the first line of defense for our Federal buildings and the people inside, and we must have assurances that they are prepared to offer the highest level of protection.

More broadly, GAO has reported that FPS has limited ability to manage risk across Federal facilities and implement security coun-

termeasures. FPS lacks a comprehensive strategic approach to providing security to the buildings in GSA's inventory. These problems are worsened by an inability to ensure it has a sufficient amount of law enforcement officers and inspectors necessary to conduct regular security assessments. It is also uncertain whether the current fee structure is sufficient to fund this strong law enforcement presence.

Now, we have to be very mindful that Federal facilities, where Federal employees work, particularly the Pentagon, the Navy Yard, and Oklahoma City Federal buildings, have been the sites of major attacks. Federal facilities are symbols of our Government that terrorists want to take down. But terrorism is not the only threat. We must stay vigilant to protect Federal employees and our constituents who visit these buildings on a daily basis. Congress cannot afford to wait for an attack button to push on FPS reform.

We are holding this hearing today to help us learn from our stakeholders and our leaders how to better protect millions of Federal workers and visitors to these facilities. I thank the witnesses, and I thank the chairman. I yield back.

Mr. BARLETTA. Thank you, Ranking Member Carson.

We will have two panels today. On our first panel we have Mr. Mark L. Goldstein, director, Physical Infrastructure Team, U.S. Government Accountability Office; and Mr. L. Eric Patterson, drector, Federal Protective Service, Department of Homeland Security.

I ask unanimous consent that our witnesses' full statements be included in the record. Without objection, so ordered. Since your written testimony has been made a part of the record, the subcommittee would request that you limit your oral testimony to 5 minutes.

Mr. Goldstein, you may proceed.

TESTIMONY OF MARK L. GOLDSTEIN, DIRECTOR, PHYSICAL INFRASTRUCTURE TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE; AND LEONARD E. PATTERSON, DIRECTOR, FEDERAL PROTECTIVE SERVICE, NATIONAL PROTECTION AND PROGRAMS DIRECTORATE, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. GOLDSTEIN. Thank you, Mr. Chairman and members of the subcommittee. Thank you for the opportunity to be here today and discuss the Federal Protective Service. Recent incidents at Federal facilities demonstrate their continued vulnerability to attacks and other acts of violence. As part of DHS, FPS is responsible for protecting Federal employees and visitors in approximately 9,600 Federal facilities. To help accomplish its mission, FPS conducts facility security assessments and has approximately 13,500 contract security guards deployed to Federal facilities. FPS charges fees for its security services to Federal tenants' agencies.

My testimony discusses challenges FPS faces in, number one, ensuring contract security guards deployed to Federal facilities are properly trained and certified; and, number two, conducting risk assessments at Federal facilities. It is based on GAO reports issued from 2009 to 2014.

As part of our work, we found that the Federal Protective Service continues to face challenges ensuring that contract guards have been properly trained and certified before being deployed to Federal facilities around the country. In September 2013, for example, GAO reported that providing training for active shooter scenarios and screening access to Federal facilities poses a challenge to FPS. According to officials at five guard companies, their contract guards had not received training in how to respond during incidents involving an active shooter. Without ensuring that all guards receive training in how to respond to active shooter incidents, FPS has limited assurance that its guards are prepared for this threat.

Similarly, an official from one of FPS's contract guard companies stated that 133 guards, about 38 percent of its 350 guards on 3 different contracts, had never received screener training. As a result, guards deployed to Federal facilities may be using x-ray and magnetometer equipment that they are not qualified to use, raising questions about their ability to fulfill a primary responsibility of screening access at control points at Federal facilities. GAO was unable to determine the extent to which FPS's guards have received active shooter response and screener training, in part because FPS lacks a comprehensive and reliable system for guard oversight.

GAO also found that FPS continues to lack effective management controls to ensure its guards have met its training and certification requirements. For instance, although FPS agreed with GAO's 2012 recommendations that it develop a comprehensive and reliable system for managing information on guards' training, certifications, and qualifications, it still does not have such a system. Additionally, 23 percent of the 276 contract guard files GAO reviewed did not have required training and certification documentation. For example, some files were missing items such as documentation of screener training, CPR certifications, and firearms qualifications.

Additionally, we also found that assessing risk at Federal facilities remains a challenge for FPS. GAO found in 2012 that Federal agencies pay FPS millions of dollars to assess risks at their facilities, but FPS is not assessing risks in a manner consistent with Federal standards. In March 2014, GAO found that this is still a challenge for FPS and several other agencies. The Interagency Security Committee's Risk Management Process for Federal Facilities standard requires Federal agencies to develop risk assessment methodologies that, among other things, assess the threat, vulnerability, and consequence to undesirable events.

Risk assessments help decisionmakers identify and evaluate security risks and implement protective measures. Instead of conducting risk assessments, FPS uses an interim vulnerability assessment tool referred to as the Modified Infrastructure Survey Tool, or MIST, to assess Federal facilities until it develops a longer term solution. However, MIST does not assess consequence, the level, duration, and nature of potential loss resulting from an undesirable event. Three of the four risk assessment experts GAO spoke to agreed that a tool that does not estimate consequence does not allow agencies to fully assess risks. The FPS has limited knowledge of the risks facing about 9,600 Federal facilities around the country as a result. FPS officials stated that consequence information in

MIST was not part of the original design of the system, but they are exploring ways to incorporate it.

Finally, I would note that since fiscal year 2010, GAO has made 31 recommendations to improve FPS's contract guard and risk assessment processes, of which 6 have been implemented, 10 are in process, and 15 have not been implemented.

Mr. Chairman, this concludes my oral statement. I would be happy to respond to questions that you or members of the subcommittee have. Thank you very much.

Mr. BARLETTA. Thank you for your testimony, Mr. Goldstein.

Mr. Patterson, you may proceed.

Mr. PATTERSON. Thank you, Chairman Barletta, Ranking Member Carson, and distinguished members of the committee. My name is Eric Patterson, and I am the director of the Federal Protective Service within the National Protection and Programs Directorate of the Department of Homeland Security. I am honored to testify before the committee today regarding the mission and operations of the Federal Protective Service.

FPS is charged with protecting and delivering integrated law enforcement and security services to more than 9,000 facilities owned or leased by the General Services Administration and safeguarding more than 1.4 million daily occupants and visitors. In performing this mission, FPS directly employs more than 1,000 sworn Federal law enforcement officers to provide uniformed police response at FPS-protected facilities, participate in joint tactical exercises with various Federal, State, local, and tribal law enforcement personnel, and conduct facility security assessment of FPS-protected facilities nationwide.

Utilizing the Modified Infrastructure Survey Tool, or MIST, our inspectors document the existing protective posture at a facility, compare how a facility is or is not meeting the baseline of protection for its facility security level, and provide recommendations to tenant facility security committees regarding appropriate countermeasures to mitigate the risk. FPS designed its FSA process to meet the requirements of the Interagency Security Committee's—ISC—Risk Management Process for Federal Facilities, and FPS is in the process of submitting the FSA process, including the MIST tool, to the ISC for validation.

Utilizing this tool, FPS is on track to have completed assessments at all FSL Level III through V facilities in the FPS portfolio by the end of calendar year 2014. I am also pleased to report that the second generation tool, MIST 2.0, is currently in systems acceptance testings. This system will feature, among other improvements, an enhanced user interface and improved visibility and protection measures across the FPS portfolio. At this time we expect deployment of this system to begin in the fall of 2014.

FPS inspectors also oversee guard posts staffed by approximately 13,000 FPS-contracted Protective Security Officers. PSOs are responsible for controlling access to Federal facilities, detecting and reporting criminal acts, and responding to emergency situations. PSOs also ensure prohibited items, such as firearms, explosives, knives, and drugs, do not enter Federal facilities.

All PSOs must undergo background investigation checks to determine their fitness to begin work on behalf of the Government

and are rigorously trained. However, it is important to note that PSOs are not sworn law enforcement officers. Rather, PSOs are employees of private security companies, and FPS does not have the authority to deputize PSOs in a law enforcement capability. An individual PSO's authority to perform protective services is based on State-specific laws where the PSO is employed.

FPS partners with private sector guard companies to ensure that the guards have met the certification, training, and qualification requirements specified in the contracts. Additionally, FPS is working closely with the National Association of Security Companies—NASCO—to develop a national lesson plan that will establish a basic and national training program for all PSOs to ensure standards are consistent across the Nation. These efforts will further standardize training PSOs receive and will provide for great capability to validate training and facilitate rapid adjustments to training to account for changes in threat and technological advancements.

To ensure high performance of our contract PSO workforce, FPS law enforcement personnel conduct PSO post inspections and integrated covert test activities to monitor vendor compliance and countermeasure effectiveness. Additionally, vendor personnel files are audited periodically to validate that PSO certifications and training records reflect compliance and contract requirements.

To supplement this current audit process, FPS has partnered with the DHS Science and Technology Directorate to develop a prototype Post Tracking System. This system will be capable of authenticating an individual PSO's identity and tracking PSO time on position and training and certification records in real time. We expect the first iteration of this system to begin tests within 12 months.

We continuously strive to further enhance, integrate, and transform our organization to meet the challenges of an evolving threat landscape and are committed to closing out outstanding Government Accountability Office recommendations pertaining to FPS operations. To facilitate the closure of open GAO recommendations, FPS has implemented a program management approach. Utilizing this process, FPS has closed two open GAO recommendations this year and expects to submit documentation for closure of eight additional GAO recommendations by the end of June 2014. In total, FPS hopes to close 10 to 15 of the 31 open GAO recommendations before the end of this fiscal year.

In closing, I would like to acknowledge and thank the distinguished members of this committee for the opportunity to testify today. The Federal Protective Service remains committed to its mission of providing safety, security, and a sense of well-being to thousands of visitors and Federal employees who work and conduct business in our facilities daily. I would be pleased to answer any questions you may have. Thank you.

Mr. BARLETTA. Thank you for your testimony, Mr. Patterson.

I will now begin the first round of questions, limited to 5 minutes for each Member. If there are additional questions following the first round, we will have additional rounds of questions as needed.

The Federal Protection Service is directly responsible for protecting Federal buildings and the 1.4 million workers and visitors

to those facilities. The Public Buildings Act, crafted by this committee, gave FPS law enforcement authority for that very purpose, to protect buildings and the people in them. Yet after moving from GSA to DHS in 2003, there has been GAO report after report detailing serious security deficiencies at Federal facilities. Given the importance of this mission, one would expect the Department of Homeland Security to make Federal building security a top priority.

Yet these problems continue. Just recently we received a copy of a May 1 memo from the DHS Chief Security Officer to the DHS Under Secretary for Management that removed the Federal Protection Service from its lead role of providing security at the Homeland Security headquarters complex on Nebraska Avenue.

My first question, Mr. Patterson, is why was the Federal Protection Service removed as the lead security provider at the DHS headquarters, and does this mean that DHS has lost confidence in FPS?

Mr. PATTERSON. To answer your question, sir, to my knowledge, this was not an issue of performance. I do not believe that the Department has lost confidence in the Federal Protective Service. I believe this was an issue of efficiency and unity of command that is supporting the Secretary's vision, and, in effect, FPS will continue to provide security, which will include law enforcement and canine support. We will continue to do assessments, and we will have a robust presence at the facility as we always have. Currently this is about contract management and not about losing confidence in our ability to provide security and law enforcement support.

FPS supports 2,100 DHS facilities across the Nation, to include ICE headquarters, FEMA headquarters, CBP headquarters, Secret Service headquarters, TSA, and the U.S. Coast Guard headquarters. And we do a very good job there, we have a robust presence there, and I am sure we will continue to provide the same level of support to the NAC. We are proactive partners with the Office of Security in ensuring a safe and secure environment at the NAC.

Mr. BARLETTA. What were the problems at the Department of Homeland Security headquarters that caused the Chief Security Officer to take this action, and are there similar problems at the other 9,600 Federal buildings FPS provides security for? And finally, could you explain why FPS security is inadequate for DHS but good enough for the other agencies?

Mr. PATTERSON. Yes, sir. I don't think this is an indictment of FPS security. I think, again, this is a matter of efficiency in managing a contract. We are going to continue to provide security at the NAC. That is not the issue. The Office of Security, I believe is looking to fulfill the Secretary's vision to streamline and better conduct business at the NAC.

Mr. BARLETTA. Today, who is in charge of security at DHS headquarters? And if there were an active shooter incident right now, who would be the incident commander on scene, and will the first responders know who is in charge? What would be the role of FPS in that situation?

Mr. PATTERSON. Yes, sir. In that situation the Office of Security and the Federal Protective Service share a partnership. So it could

be either the Office of Security or it could be the Federal Protective Service. It depends on who is first on scene. That is who is going to assume incident command of the situation, and then it will evolve from there. At that point, we will look to bring in the Metropolitan Police Department and other support to help us in resolving that situation.

Mr. BARLETTA. Mr. Goldstein, what percentage of security guards have active shooter training? What percentage have security screener training? And if security guards do not have proper training, how would you expect them to be able to keep weapons and bombs out of a Federal building or respond to an active shooter?

Mr. GOLDSTEIN. Mr. Chairman, our study was not generalizable, so I can't say for sure how many actually do have that kind of screening today. However, what we found in talking to several different guard companies around the country was that there are still pockets of guards that do not. Several years ago, we found that there were 1,500 guards in several regions that did not have screener training. For the companies we looked at now, there were still several hundred that do not, and we would expect that there would be others, although, as I say, it is not generalizable.

However, because of this problem persisting and the lack of training that is required being actually provided, we do have concerns that remain and that have remained for a number of years now, as you know, about the ability and possibility of bombs and other kinds of weapons getting into Federal facilities because there is no assurance that the person standing guard and responsible for putting things through a magnetometer and an x-ray machine has the adequate training to prevent something from coming through that shouldn't come through.

Mr. BARLETTA. Thank you.

The Chair now recognizes Ranking Member Carson for questions.

Mr. CARSON. Thank you. Thank you, Chairman.

Director Patterson, how often does the FPS fine and penalize contract guard companies for posting guards that do not have the proper certification or incomplete training?

Mr. PATTERSON. I don't have that statistic readily available for you, sir, but I can provide that to you.

Mr. CARSON. Yes, sir.

Mr. PATTERSON. That would be resident with our contracting office.

Mr. CARSON. Yes, sir.

Director Patterson, based on the status quo, sir, how would you expect contract guards to react to a Navy Yard type shooting at a GSA-controlled facility?

Mr. PATTERSON. Yes, sir. We are working aggressively with the National Association of Security Companies, NASCO, and looking at, given the current laws, how we can work with the security guard company to respond. We have just produced some guidance to provide each one of the security guards 2 hours of active shooter training. But what that really does is makes them aware of what an active shooter event is. And that individual will have the discretion, given the circumstances, to actively pursue, depending upon, again, what the circumstances are. Because each one of these companies is still under the oversight of their State law.

So we are kind of caught between a rock and a hard place right now. We would like to be able to train them to a standard to where we can give them active shooter training and move them to a position to where there is no question. But right now, because we don't have that authority, it creates a little bit of a dilemma.

Mr. CARSON. Thank you, Director.

Mr. Goldstein, in your testimony, sir, you discussed the fact that FPS is using MIST, a vulnerability assessment tool that does not take into account the consequences of an undesirable attack or an event. What is the impact of assessing the consequences of a terrorist attack or serious crime activities at a Federal facility?

Mr. GOLDSTEIN. The ISC standard requires that agencies look at threat, vulnerability, consequence, and a list of a number of undesirable events. And then for each of those undesirable events they are required to determine whether there is a threat, vulnerability, and consequence component for each event.

In our work we have found that assessing consequence is important because it helps to determine how best to protect a facility, because we are talking obviously about limited resources and we are talking about trying to protect, in this case, some 9,600 facilities. But because of the way in which the Federal Government and FPS actually look at each building, it is kind of a cookie-cutter approach.

And there is no, and I have said this a number of times here and elsewhere before this committee, there is no way that FPS is able to examine threat, vulnerability, and consequence across its portfolio to allocate resources across facilities. It looks at each facility in a stovepipe kind of way and therefore it becomes quite difficult to better provide resources, which are as we all know quite limited, to FPS.

Mr. CARSON. Mr. Goldstein, what is the value in FPS individual facility security assessments currently, and are these assessments thorough enough to properly assess the threat to Federal employees and visitors to Federal buildings? And how could current assessments even be improved for that matter?

Mr. GOLDSTEIN. It is our understanding that since MIST has been in place, which is about 18 months or so, that FPS has once again begun to do assessments, that they have done around 1,200, based on the information we have. But they had a backlog when they started MIST of about 5,000, so that is still a pretty considerable number that hadn't been done just from the past. And at Level III and Level IV buildings they are expected to be done roughly every 3 years.

So there is quite a lot of backlog that remains, as well as pent-up demand for new ones. And when we have gone in and looked as well, about 9 or 10 percent of them, hundreds of them, thousands of them really, didn't even have a date associated with them of when the last assessment was conducted. So it is hard to know just how long it has been since many major Federal buildings have actually had a risk assessment to start with.

We also know that in the last couple years that a number of other Federal agencies have done their own assessments, even while they are paying FPS to do a separate assessment. So there is a lot of duplication. And the IRS and the EPA and many other

agencies have done their own assessments for a whole variety of reasons, including that some didn't like the standard to which it was being done, some didn't like what was being shared with them. And so there has been a variety of reasons for that as well. So there has been a lot of duplication also.

We do believe that FPS has to do a better job, and hopefully MIST 2, which Director Patterson has talked about, will help them achieve that in being able to allow them to do better assessments in the future.

Mr. CARSON. Thank you, Mr. Chairman.

Mr. BARLETTA. The Chair now recognizes Mr. Crawford for 5 minutes of questioning.

Mr. CRAWFORD. Thank you, Mr. Chairman.

Mr. Patterson, I think the chairman addressed this earlier, this memo from Greg Marshall, Chief Security Officer, regarding the Nebraska Avenue Complex. And if I understand it correctly, what you said was that it was essentially a command-and-control issue, it wasn't necessarily anything related otherwise. Is that accurate?

Mr. PATTERSON. Yes, sir, to my knowledge. Yes, sir.

Mr. CRAWFORD. I am curious, on a facility with that level of security, can you describe—I am concerned about the proliferation of IEDs and Federal buildings being a target—can you describe what is the protocol, the response protocol in the event of an IED detection or a large-scale IED attack?

Mr. PATTERSON. Well, folks who are visitors have to go through screening. If, at that point, there is a detection of an explosive device, that area is cleared. We will then call the Metropolitan Police Department, who will bring in their explosive detection team to assess whether or not it is truly an explosive device or not. If they assess that it is an explosive device, then emergency evacuation plans for that facility will be put into place.

Mr. CRAWFORD. OK. I am concerned about, and I have had some talks with other metro bomb squads and some of the Federal agencies that are also equipped or staffed with bomb techs, in the event of a large scale, do you have anything beyond just relying on metro bomb squad, or are there some other Federal agencies that might respond as a backup?

Mr. PATTERSON. Yes, sir. Because we are in Washington, DC, the FBI is going to respond. The Metropolitan Police Department is going to respond. We are probably going to have a Park Service response. So there is going to be a significant response. The challenge is, if we are talking about an explosive device, we probably want to at least limit the scope of the response until we determine the magnitude of the threat.

Mr. CRAWFORD. Does FPS have any capacity, any kind of technical capacity to deal with an IED? And that is to say, are there bomb techs within the ranks of FPS?

Mr. PATTERSON. No, sir, we don't have bomb techs, but we do have explosive ordnance dogs that we use. That is our first line of defense. If we suspect that there is an issue we will bring in the canine to give us an alert. And if they alert, then clearly we begin to evacuate that area, and then we call in the Metropolitan Police Department and others who have the capability to further explore what the issue is.

Mr. CRAWFORD. OK. And then outside of DC, I would assume that there is a similar protocol in place with the local municipalities that have the capacity to respond to an IED threat?

Mr. PATTERSON. Absolutely, sir, yes. If an FPS dog isn't available, we have relationships with local law enforcement where we can leverage their assets as well. If we get a positive hit, then we call on our partners. If it is the city of Chicago, we call in city of Chicago. If it is a smaller city, then whatever arrangements have been made for response, then that is who we will call on.

Mr. CRAWFORD. Do you have any relationships with DOD assets? And by that, what I am getting at here is that, for example, the United States Army has the primary responsibility of providing support to law enforcement at every level within the continental United States. Do you have those arrangements in place with the DOD assets?

Mr. PATTERSON. We have a relationship with them to where we can call them in if we need them.

Mr. CRAWFORD. OK. Appreciate that.

One other thing. You said you had detection dogs?

Mr. PATTERSON. Yes, sir.

Mr. CRAWFORD. So that means you have handlers that have been trained?

Mr. PATTERSON. Yes, sir. We have got about 74, 75 canines with their handlers across the United States. We have one up at the Nebraska Avenue Complex for about 18 hours during the day.

Mr. CRAWFORD. OK.

Mr. Goldstein, what percentage of Federal buildings has up-to-date and complete security risk assessments?

Mr. GOLDSTEIN. It is not possible to say, sir, at this point in time. As I mentioned, there is a considerable backlog at this point of past due assessments. Plus, the work we have done in the past show that because there are a number of them that have no date in the system at all, it is not possible to determine when the last one was done. FPS is working to reduce that backlog and to hopefully move forward with new ones so that they can become up to date, but they are not at that place today.

Mr. CRAWFORD. Wow, that is kind of disturbing. So why the backlog?

Mr. GOLDSTEIN. The backlog occurred over a period of time for a couple of reasons. One, that the old system that was being used, called RAMP, its functionality was not sufficient, and they pulled the plug on the program. And so then a backlog began to grow.

Additionally, I think over time, as the Federal Protective Service changed the nature of its workforce from a police officer force to an integrated force of inspectors that had a lot of different duties, that this particular responsibility of doing the assessment which fell on them and which many of them were not trained for took up an increasing amount of time, but they had other duties as well, including managing contract guards and the contract guard contracts and other things. And so they fell behind, quite frankly.

Mr. CRAWFORD. Is this not that part of an annual review? I mean, it seems to me that ought to be something done annually to make sure that that assessment is up to date all the time.

Mr. GOLDSTEIN. It should be done on a Level III and Level IV building every 3 years, but as I mentioned, it is simply not occurring at this point in time.

Mr. CRAWFORD. All right. My time has expired. I yield back. Thank you, Chairman.

Mr. BARLETTA. Thank you.

The Chair now recognizes Ms. Norton for 5 minutes of questioning.

Ms. NORTON. Thank you very much, Mr. Chairman. I very much appreciate this hearing. There have been chronic problems at FPS. And I would like to look at the difference between FPS officers and a contract guard so that we understand who is really guarding these buildings.

On page 2 of your testimony, you describe the law enforcement authority of FPS officers, specific police powers, including enforcing Federal laws and regulations, carrying firearms, et cetera. Then, of course, on page 5 of your testimony you distinguish these officers from the contract guards who—and this is very important, I think, to just lay right here on the record, it is in your testimony—the PSOs rely on private person laws, such as citizen arrest laws. So that means that they can do no more than I can do in a Federal building. I mean, isn't that technically correct?

Mr. PATTERSON. Yes, ma'am. They are governed by the State law as to the extent of their authority.

Ms. NORTON. Were the Nebraska Avenue contract guards replaced by Federal Protective Service officers?

Mr. PATTERSON. No, ma'am, they were not.

Ms. NORTON. What is at Nebraska Avenue now?

Mr. PATTERSON. Contract Protective Security Officers.

Ms. NORTON. So what was the difference? What was the change?

Mr. PATTERSON. I am sorry?

Ms. NORTON. What was the change at Nebraska Avenue?

Mr. PATTERSON. The change was in the oversight of the contract. FPS had oversight of the contract. We had COR responsibilities—Contracting Officer Representative responsibilities. That is the day-to-day oversight of the contract.

Ms. NORTON. So FPS is supervising or in oversight over these guards at the Department of Homeland Security on Nebraska Avenue?

Mr. PATTERSON. We were. That particular responsibility has been now moved to the Office of Security.

Ms. NORTON. And that is unique then, only at the Department of Homeland Security does that arrangement exist?

Mr. PATTERSON. No, ma'am. Only at the Nebraska Avenue Complex. We still retain that responsibility at hundreds of DHS facilities around the country.

Ms. NORTON. I want to ask you to tell us why. I think we would we have to ask the Department, but I think it is pretty apparent why. They obviously felt they had to be made more secure, and they went to professional security authorities.

Now, when FPS guards who guard all the rest of the buildings and the Federal employees and the visitors, if someone comes into one of those facilities and has a gun, with or without a gun, and

decides not to go through the magnetometer, can a contract guard pursue that person?

Mr. PATTERSON. Yes, ma'am, and they can be detained. At that point they will call the FPS MegaCenter, which will then dispatch either an FPS inspector or the local authorities.

Ms. NORTON. I ask that because there have been instances reported where contract guards stood by, not when someone had a gun, but when there was a disturbance, saying they could not leave their post.

Mr. PATTERSON. Every day, ma'am, we have contract guards who are engaged in responding to disturbances, especially at Social Security offices.

Ms. NORTON. The contract guard is not pinned on the post, he can go anywhere in the facility where there may be a disturbance, he can pursue someone with a gun even though he does not have a gun?

Mr. PATTERSON. I am not sure that I understand what your question is, ma'am.

Ms. NORTON. Someone comes through.

Mr. PATTERSON. Right.

Ms. NORTON. And remember what you are there for is for surprises, not for the average person coming through. All right, someone comes through with a gun.

Mr. PATTERSON. Yes, ma'am.

Ms. NORTON. I am trying to find out whether the contract guard, who has no gun, can pursue that person.

Mr. PATTERSON. Well, our contract guards——

Ms. NORTON. Or what he must do.

Mr. PATTERSON. Yes, ma'am. Our contract guards are armed. And if they see the individual——

Ms. NORTON. All of them are armed?

Mr. PATTERSON. They are armed, yes, ma'am.

Ms. NORTON. Is there a central curriculum for how they are trained?

Mr. PATTERSON. Yes, ma'am.

Ms. NORTON. Who provides that curriculum?

Mr. PATTERSON. We do. We lay out the requirements for the training, and we are currently in the development of a national program for training that we are working with NASCO to deploy.

Ms. NORTON. My time is up, so I yield back for the moment.

Mr. BARLETTA. Thank you.

We will now begin our second round of questions. And I will open with a question to Mr. Patterson.

Clearly FPS does not have enough Federal law enforcement officers to respond to all Federal buildings in a timely manner. You have to rely on contract guards as your first line of defense, yet you noted in your testimony that the authority of contract guards to use deadly force comes from State and local laws and that in most cases they do not have the authority to pursue subjects. In order to address the threat posed by active shooters, would it be helpful for FPS to have the authority to delegate some Federal law enforcement authorities to contract guards? And do other agencies have this ability? And how does it work in those cases?

Mr. PATTERSON. Yes, sir. If we look across the spectrum of authorities, if you look at TSA, that is a Federalized force. If you look at the U.S. Marshals Service, they have the authority to deputize, which gives them extensive power to direct their workforce in just about any direction that they want. Then you have the Department of Energy, who has a guard force protecting the nuclear plants and other facilities where they have some limited law enforcement authorities that allow them to arrest and do the things that they need to be done on an immediate basis.

What we would seek would be to streamline our PSO authority structure. What that means is that you give us an opportunity to increase the authority of the PSO when we need. For instance, during our response to Hurricane Sandy, we were being requested to provide extensive support to the citizens in New York, and to our facilities in New York. Our vendor quickly ran out of PSO resources to provide to that event. We then began to query our other vendors to see if they could help with that response. What we found was that we had to go through the State of New York approval process, which took quite a bit of time. If we had had the authority to just empower PSOs at the Federal level, we could have responded more quickly.

So it would also help improve the PSO training, because now we could directly provide focused training on the areas that we would want them to respond in. And it would also help with FPS mission readiness. So, yes, sir, anything of that nature would be of help.

Mr. BARLETTA. In some areas where FPS does not have many law enforcement personnel, FPS relies on State and local law enforcement to be the first responders to a Federal facility in the event of an emergency. Do these State and local law enforcement personnel have all of the authorities and tools that they need to respond to an incident at a Federal facility? And do you have agreements in place with the relevant State and local authorities to ensure that they respond accordingly?

Mr. PATTERSON. From time to time, sir, we do have a problem. If we are responding to an impromptu demonstration, especially in some of our smaller cities and towns, if there is an impromptu demonstration or national security event, we may ask the local law enforcement folks to assist us.

In some instances their response is, "We can't respond. We would love to respond to you, but we don't want to be held liable for anything. This is a Federal event, and we don't have that authority." So if we were able to provide that authority and say, listen, you are now functioning or acting on behalf of the Federal Government, that would clearly give them some relief and enhance their willingness to help us.

Mr. BARLETTA. There have been some concerns about FPS's staffing levels for some time. In fact, language carried in the appropriations bills have required a minimum staffing level. You only have 1,300 employees, but we understand that up to 40 of those employees may have been reassigned to functions outside of FPS. Is that correct? And how many FPS employees have been assigned outside of FPS, and why?

Mr. PATTERSON. Yes, sir. Well, when we left ICE and we came to NPPD, we lacked the infrastructure for things like human re-

sources and logistics and those things. So clearly we had to come up with some staffing levels for that, and that is what we have contributed to. That is the benefit that we derive when we contribute these assets to NPPD. They help us in creating our infrastructure.

Mr. BARLETTA. Mr. Goldstein, given the number of outstanding work items at FPS, can FPS afford to assign its employees to other parts of the Department?

Mr. GOLDSTEIN. That is probably not a question I can directly answer because we haven't looked at where they are assigned and what the rationale for those assignments are. But it is clear that FPS still struggles with trying to get the basic job done that we have talked about here this morning in terms of risk assessments, in terms of contract guard oversight, and things that you have brought up, sir. So I do think that is something they need to look at routinely.

Mr. BARLETTA. The Chair now recognizes Ranking Member Carson.

Mr. CARSON. Thank you very much, Chairman. Thank you.

Mr. Goldstein, are you aware of any of the shelf technology that would effectively allow the FPS to digitize their oversight of contract guard certifications and trainings, and do you believe that this technology would allow FPS to improve their oversight of contract guards immediately?

Mr. GOLDSTEIN. We haven't looked specifically at it, but in the course of our work we have been told by many people that there is off-the-shelf products that could readily do this job and that FPS does not have to reinvent the wheel.

Mr. CARSON. Director Patterson, you know, sir, Federal law requires that FPS have just over 1,000 law enforcement officers. How many law enforcement officers does FPS actually need to meet its mission, and has FPS prepared a report that indicates that based on an activity-based cost model for human capital, that FPS needs significantly more law enforcement officers, and what might that number be just generally?

Mr. PATTERSON. Yes, sir, we have looked at that. And given the circumstances of today, when we did the assessment, it is about 1,300 law enforcement that would give us the proper leveling for the commitment that we have today. But as that commitment grows, absolutely that figure will change.

Mr. CARSON. Thank you. Thank you, Mr. Chairman. I yield back.

Mr. BARLETTA. The Chair now recognizes Ms. Norton.

Ms. NORTON. Thank you, Mr. Chairman.

I want to pursue that 1,300 figure. How many FPS officers are there, and how many contract guards are there?

Mr. PATTERSON. Yes, ma'am. Today we have 1,000 sworn law enforcement FPS officers, and the contract guard force fluctuates depending upon the requirements. But today there are about 13,000.

Ms. NORTON. Have budget cuts or the sequester had any effect upon contract guards or FPS officers? Have there been a reduction in personnel, for example, in the last 2 years?

Mr. PATTERSON. No, ma'am, actually there has not been a reduction of the FPS staff, but the sequestration did have an impact on the contract guard force in that when buildings closed, there was no requirement for contract guards.

Ms. NORTON. But most buildings didn't close.

Mr. PATTERSON. There were many buildings that did close, ma'am.

Ms. NORTON. For those who didn't close, were—let me ask you this—were FPS officers put on furloughs?

Mr. PATTERSON. No, ma'am. No FPS personnel were put on furlough.

Ms. NORTON. And contract guards were affected when buildings closed, but otherwise they were on duty?

Mr. PATTERSON. Yes, ma'am.

Ms. NORTON. I would like to ask you, Mr. Goldstein, about the supervision at committees, because you spoke about a cookie-cutter approach, no cross-agency or cross-cutting agency approach to security, but agency-by-agency security. Now, these agencies each have committees. Now, these committees, of course, consist of personnel who are no more than the people who work in the building, and none of them have any security background, training, or knowledge. Is that not the case?

Mr. GOLDSTEIN. Yes, ma'am, that is correct.

Ms. NORTON. But they have some significant responsibility for security in buildings. Would you describe the role of these laypeople in security?

Mr. GOLDSTEIN. Yes, ma'am. We have done some work. It is a couple years old now, but it takes a look at the facility security committees, and it explains that the individuals who make up those committees, as you rightly said, tend to be the tenants of the building. And the tenant that has the largest footprint in the building typically chairs that committee.

I have gone to, and my staff has gone to a number of facility security committee meetings over the years, and they do tend to be made up of laypeople. They tend to be, for instance, perhaps the administrative assistant or office manager for a specific agency, people like that. It tends to be, frankly, a delegated job that many people don't really want.

Ms. NORTON. So what is it that they have to do with security?

Mr. GOLDSTEIN. They are responsible for taking the information provided them by the Federal Protective Service and making decisions about what kinds of countermeasures they are going to put in place, and then going back to their home agencies to get the necessary funds for doing this. This is, as you know, a process that could take a number of years.

Ms. NORTON. And, of course, through what expertise can they recommend changes in security and get the funds for that?

Mr. GOLDSTEIN. They rely on the expertise generally that is provided by the FPS, as well as they may call on their own security people from their agencies or departments to assist them. But the problem, as we have described it, is you have the security of Federal buildings essentially being decided by a lot of laypeople over a very long period of time when countermeasures may need to be put in place fairly rapidly.

Ms. NORTON. Mr. Chairman, I believe these security committees or agency committees are central points of vulnerability. Obviously when you are talking to someone who says he represents the head of the agency, and he says, for example, I will take the Department

of Transportation—I know this only by chance. The Department of Transportation is close to this very Capitol. If you go to the Department of Transportation you have to get someone in the Department of Transportation to come down, even if you have a badge from the United States Congress. If you are a member of the public, you can't get into that public building at all. Of course, if you are a member of the public, you can come into the Capitol. You can use our cafeteria. The Department of Transportation has a beautiful new building with a new cafeteria, and we haven't figured out a way for the public that paid for that building to be able to come in if they have a kid to use the lavatory, can't get into that building. And that has everything to do with these agency committees.

Mr. Goldstein, do you believe these committees are appropriate as the decisionmakers on how much security is needed for a specific building so that you can have vast differences between the Capitol and the Department of Transportation, for example?

Mr. GOLDSTEIN. The Interagency Security Committee recently put out some standards, which is going to help to hopefully better professionalize these committees. But we have long had concerns that this kind of—I call it a three-legged stool, GSA has some responsibility, FPS has some responsibility, and the individual facility security committees have some responsibility—that that may not be appropriate today as a way to direct and oversee security of Federal property.

Ms. NORTON. This is, I think, an important issue for this agency to secure. Nobody is in charge if there are three possible people in charge. And I submit that these agency committees of laypeople are who are really in charge of security in buildings, not the FPS and not the contract guards.

Thank you very much.

Mr. BARLETTA. Thank you.

The Chair now recognizes the former chair of the Committee on Transportation and Infrastructure, Mr. Mica.

Mr. MICA. Thank you, Mr. Barletta. And thank you for holding this important hearing and following up and looking at the Federal Protective Services and making certain that our Federal facilities are secure, important responsibility.

A couple of questions. First of all, Mr. Patterson, threats still remain, and probably one of the most devastating attacks—well, most devastating attacks I can recall is the McVeigh bombing in Oklahoma. Now that was a domestic terrorist act, but international terrorist act we see the use of bombs, the Boston bombing. We are probably overdue for another hit because you can get a lot of explosives and create explosive devices fairly easily, as we have seen.

How often are you briefed on intelligence, and who briefs you? So can you tell the committee who you are getting your intelligence information from, and then how often are you meeting with those folks?

Mr. PATTERSON. Yes, sir, I can. Within the Federal Protective Service, we are really beginning to build a very structured intelligence-gathering apparatus.

Mr. MICA. No, but, again, there are agencies that do that.

Mr. PATTERSON. No, I am just saying how we collect it, sir. What I am saying is that we have personnel assigned to the Joint Terrorism Task Force with the FBI.

Mr. MICA. So you are getting most of your intelligence from the Joint Task Force of the FBI?

Mr. PATTERSON. Oh, no, sir.

Mr. MICA. No.

Mr. PATTERSON. That is what I was going to say. We are getting it from a variety of resources.

Mr. MICA. OK. Tell me who——

Mr. PATTERSON. Right.

Mr. MICA. Who——

Mr. PATTERSON. I will start at the lower level at the fusion centers, from the States fusion centers.

Mr. MICA. From States?

Mr. PATTERSON. Yes, sir.

Mr. MICA. OK.

Mr. PATTERSON. We get them from State fusion centers.

Mr. MICA. How often do you meet with them?

Mr. PATTERSON. Well, our folks meet with them every day.

Mr. MICA. OK. Federal?

Mr. PATTERSON. Federal, from the FBI and from the Defense Department. From all of the Federal intelligence and analysis centers at the Department of Homeland Security.

Mr. MICA. How often do they meet?

Mr. PATTERSON. We talk to them every day.

Mr. MICA. Every day.

Mr. PATTERSON. Every day. Yes, sir.

Mr. MICA. And how is that information—the bulk of your people are contract people, 15,000.

How is that information delegated? Now, you don't get to every one of the 15,000, but someone in the chain has to be made aware that a certain threat, a risk, is occurring and make people aware of what we are looking for—who, what?

Mr. PATTERSON. Yes, sir. Once we receive a threat, that information is then packaged in a way that we can communicate that.

Because, depending upon what the threat is, it may be classified. And if it is classified, then we will have to figure out how we can get it down to our lowest level.

Mr. MICA. Well, you have 1,000 LEOs, I guess.

Mr. PATTERSON. Yes. Yes, sir.

Mr. MICA. And are they at each location? Is it—I mean, is there someone at each location?

Mr. PATTERSON. No, sir.

Mr. MICA. No?

So—but there is someone who can get the information and——

Mr. PATTERSON. Yes, sir. We can distribute that to personnel electronically——

Mr. MICA. Sure.

Mr. PATTERSON [continuing]. As the——

Mr. MICA. How often are some kind of warnings put out? Daily? Weekly? Monthly? Periodically?

Mr. PATTERSON. It depends.

Mr. MICA. Sporadically? OK.

Mr. PATTERSON. Yes, sir. It depends.

Mr. MICA. All right. It would be good if you could give us a little chain of the command, who you meet with and when, just for the record. I would like to see it as part of the record, if you could——

Mr. PATTERSON. Sure.

Mr. MICA [continuing]. And how you meet with them.

Because I think that most of what has happened, there is—we still have—we still are not able to connect the dots. We didn't connect the dots with the Boston.

Mr. PATTERSON. Right.

Mr. MICA. We haven't connected the dots at all. And it is usually local law enforcement and others who are——

Mr. PATTERSON. Absolutely——

Mr. MICA [continuing]. Are at the final scene. But, again, what I am—the deficit in intelligent information is what is going to do us in.

Mr. PATTERSON. If I might——

Mr. MICA. That is what I want to know for the history of the committee. Then I see you have a mass of dogs.

How many dogs for explosive detection?

Mr. PATTERSON. I think it is about 74 today.

Mr. MICA. Oh. I thought you had thousands.

Mr. PATTERSON. No, sir.

Mr. MICA. Is that contract, too, dogs or just——

Mr. PATTERSON. No. That is just——

Mr. MICA. Oh, you don't?

Mr. PATTERSON. No.

Mr. MICA. Then, I don't see a lot of explosive detection devices at some of these checkpoints in the Federal buildings. I see the metal detectors, which are useless when it comes—the biggest threat right now is explosives. OK?

Mr. PATTERSON. Right. Yes, sir.

Mr. MICA. But I don't see a lot of them.

Do you have a lot of them out there?

Mr. PATTERSON. No. Not explosive detection devices. No, sir.

Mr. MICA. See, I think you are missing the boat there. And I think that is where our threat is.

Then, finally—I guess we let others over a little bit.

But you have 1,000 LEOs. Do they participate in live fire testing——

Mr. PATTERSON. Yes, sir.

Mr. MICA [continuing]. Training?

Mr. PATTERSON. Yes, sir.

Mr. MICA. OK. Do you use simulation?

Mr. PATTERSON. We don't use simulation.

Mr. MICA. OK. I want a report back. I want to know why you are not using simulation. It is more cost-effective. You can—you can train them to the highest levels possible.

We use it for our military. None of your guys are in combat. I haven't seen a lot of firing of weapons on the scene. Our military are on the scene in combat, and a good portion of their training now comes from simulation.

Mr. PATTERSON. Just——

Mr. MICA. You are behind the times. I want a report back to the committee and to me on your proposal to use simulation for training those LEOs. And stop using all the expensive, costly live fire ammunition.

Mr. PATTERSON. May I ask you to clarify, sir?

Mr. MICA. Go ahead.

Mr. PATTERSON. Are we talking about the simunitions? I just want to make sure.

Mr. MICA. Well, using simulations——

Mr. PATTERSON. OK.

Mr. MICA [continuing] Training, weapons training, situation training——

Mr. PATTERSON. We——

Mr. MICA [continuing]. The whole thing.

Mr. PATTERSON. We do have—we do have weapons training where we do simulating training, but we don't use simunitions.

What I am talking about is where the officer will have devices that are strapped to him and, when another officer fires a weapon, it will tell whether there was a hit or not.

Mr. MICA. OK. Well, I want to——

Mr. PATTERSON. We don't use that, but we do simulated training.

Mr. MICA. I want to see exactly what you have.

Mr. PATTERSON. OK.

Mr. MICA. Give us a full report and then I want to see what your new proposal is. And we can introduce you to people in simulation training——

Mr. PATTERSON. OK, sir.

Mr. MICA [continuing]. Which is used for our military and manpower readiness. Very, very cost-effective and it will save you a lot of those expensive bullets.

Yield back the balance of my time.

Mr. BARLETTA. Thank you.

The Chair now recognizes Mr. Mullin.

Mr. MULLIN. Thank you, Mr. Chairman.

Mr. Patterson, we have obviously had a lot of discussion here on human resource and the management by the FPS.

But you guys are also responsible for managing relating equipment, such as security cameras. Is that correct?

Mr. PATTERSON. Yes, sir.

Mr. MULLIN. Well, the way I understand it is there are indications that some cameras may not be working and there is also no mechanism to track and maintain these cameras. Is that correct, too?

Mr. PATTERSON. No, sir. We do track and maintain cameras. We are developing a more robust system to do that more effectively.

Every time that we go out and conduct a facility security assessment, we are tracking that. When our inspectors go out and visit their facilities, they are also looking at and inspecting cameras in the field.

Mr. MULLIN. What type of expense has FPS acquired or incurred by these cameras, the installation, the purchasing and install of them?

Mr. PATTERSON. Those are all paid for by the FSE, the building, the folks who occupy the facility.

Mr. MULLIN. So what percentage of the cameras do you guys go out and check? And I say this because I have several companies.

On my phone right now, I have an app where I can hit and I can check in all my companies because of the security cameras that we have around there. It is a very—it is an unbelievable asset when utilized correctly——

Mr. PATTERSON. Yes, sir.

Mr. MULLIN [continuing]. When utilized——

Mr. PATTERSON. Right.

Mr. MULLIN [continuing]. Correctly, but it is also a huge personal expense that our companies had to take on.

Mr. PATTERSON. Right.

Mr. MULLIN. But the cameras are worthless if they are not being tracked, if they are not being watched. And a percentage of those isn't 10 percent. It is not 5 percent. But it is—it is 100 percent of them. They are all installed for a purpose.

So what percentage does FPS actually look at?

Mr. PATTERSON. Now, when you say FPS——

Mr. MULLIN. When you are tracking on, when you are looking at them, when you are maintaining then, when you are making sure they are even working——

Mr. PATTERSON. Yes, sir.

Mr. MULLIN [continuing]. What percentage of that? Are you saying just when you go visit the——

Mr. PATTERSON. No.

Mr. MULLIN [continuing]. Facility?

Mr. PATTERSON. No, sir. We are about the business of ensuring that all of the cameras work. And when they don't work, then we move forward to work with the facility security committee to either fix the cameras or replace the cameras.

Mr. MULLIN. I guess what I am trying to get to is: Are you actively seeking these?

Mr. PATTERSON. Yes.

Mr. MULLIN. OK.

Mr. PATTERSON. We want to ensure that the cameras are working. You are exactly right. A camera is ineffective or our security becomes less effective if the cameras aren't operating.

Mr. MULLIN. Mr. Goldstein, what about with GAO and the cameras that you guys have?

Mr. GOLDSTEIN. We have taken a look at some of the cameras over time that FPS has. We have done work in which we have shown that a number of facilities have not adequate cameras and FPS wasn't unable to determine when crimes had been committed, who committed those crimes, perhaps, when things were taken out of the building.

We also know of a number of instances where other tenants, particularly the courts, have become quite frustrated with the Federal Protective Service because they did not feel that maintenance of the cameras was sufficient, and they took over those responsibilities and paid for them themselves.

I continue to hear anecdotally we have not done a comprehensive report; so, it is not generalized. But we do hear anecdotes all the time about frustrations with keeping these cameras working and modernized.

Mr. MULLIN. Mr. Goldstein, you are saying the same thing that this committee has heard, too.

And, Mr. Patterson, that was what I was trying to get at, the frustration behind it.

We have technology that is out there, and it is not being utilized. And the tenants, these buildings, the ones that are depending on these cameras—that is supposed to have a layer of security. Instead, it is becoming a layer of frustration.

And there is a better way to do things, and I would be curious if you guys could or if you would take a look at it.

Mr. PATTERSON. Yes, sir.

Mr. MULLIN. See if there is a better practice, just the way that we are doing it, just spot-checking it, just going through it.

Obviously, you just heard from Mr. Goldstein the committee has heard the same things, that there is a layer of frustration that is taking place.

Mr. PATTERSON. Yes, sir. And I recognize there is a layer of frustration. I spend quite a bit of time on the road talking to the clerks of the courts, to IRS, Social Security——

Mr. MULLIN. Mr. Patterson, the difference between talking and doing is two different things. There is a lot of people up there that give lip service. What we are asking for is service.

Mr. PATTERSON. Yes, sir. And I am not giving lip service. I am giving service. I am ensuring that, when folks are dissatisfied or not happy with our service, that we are rendering service that we are supposed to. So, sir, respectfully, I am not giving lip service.

Mr. MULLIN. Well, I would hope that maybe next time we visit we can see a plan that is laid out——

Mr. PATTERSON. Yes, sir.

Mr. MULLIN [continuing]. Because I would like to think that we could improve on this.

Mr. PATTERSON. Yes, sir.

Mr. MULLIN. Thank you, sir.

Mr. Chairman, I appreciate you giving me the extra time.

Mr. BARLETTA. Thank you.

We will have one final round of questions.

Mr. Patterson, law enforcement authority for the FPS lies in the Public Buildings Act. It is our understanding that this authority has been re-delegated to other entities, such as the Chief Security Office, FEMA, ICE, the Federal Law Enforcement Training Center.

Why is this law enforcement authority being delegated across DHS? And isn't this FPS's responsibility? Didn't this delegation of authority create the unity of command problem at the headquarters that DHS cited as the reason from removing FPS as the security lead at the headquarters?

Mr. PATTERSON. Sir, I don't have an answer for you. I don't know why the different elements have been granted that authority. I don't have an answer.

Mr. BARLETTA. Well, this will conclude our first panel.

I would like to thank both for your testimony today and for your time and cooperation. Thank you.

We will now call our second panel. On our second panel, we have Mr. David L. Wright, president, AFGE Local 918, and Mr. Stephen

Amitay, executive director and general counsel, National Association of Security Companies.

I ask unanimous consent that our witnesses' full statements be included in the record. Without objection, so ordered.

Since your written testimony has been made a part of the record, the subcommittee would request that you limit your oral testimony to 5 minutes.

Mr. Wright, you may proceed.

TESTIMONY OF DAVID L. WRIGHT, PRESIDENT, AFGE LOCAL 918; AND STEPHEN AMITAY, ESQ., EXECUTIVE DIRECTOR AND GENERAL COUNSEL, NATIONAL ASSOCIATION OF SECURITY COMPANIES

Mr. WRIGHT. Thank you, Chairman.

Chairman Barletta, Ranking Member Carson, members of the committee, my name is David Wright. I am president of AFGE Local 918, which represents FPS employees nationwide. I am also an inspector with the Federal Protective Service since 1986.

Federal employees and facilities are very vulnerable to attack from both criminal and terrorist threats. Are they as secure as they should be? They are not. Is that security as effective as this congressional office building? Definitely not.

Solutions include accountability for FPS leadership, pushing staff to the field, effective on-site security and effective tools for risk assessment and recruiting.

Regarding the culture of accountability, in 2010, 2013, GAO reported problems with guard screener training and certification requirements. There is no excuse for these failures.

Three years later they should have been fixed and the responsible managers should have been held accountable. However, often lost in the broad brush of GAO reports, these are not organizationwide failures.

In several of 11 FPS regions, almost everything seems to go well. Guards receive FPS training. Untrained guards are not used for screening. Firearms qualification is monitored. And guards are trained on active shooter scenarios. In these regions, tenants trust FPS to deliver. For these, FPS field employees simply refuse to fail.

FPS appeared to treat these failures as a structural issue to be resolved by—to be solved by reorganization. This resulted in an unclear direction funneled through an extra layer of management who either ignored or missed problems.

DHS, aided by your oversight, should remove the extra layer and fire or demote managers who fail to accomplish critical tasks or uphold the FPS code of conduct. Building security is not a T-ball game to build self-esteem. It is serious business with serious consequences.

Regarding the shift of staff to where service is delivered, the Federal law enforcement officers who deliver incident response, arrest offenders and deliver assessments and guard monitoring are short-staffed and struggle to get it all done.

Allocation of 68 percent of total staff to field law enforcement is not indicative of a lean, agile and high-performing organization.

An organization with less than 1,400 employees that has 8 senior executives, 39 GS–15s and 138 GS–14s, with over half of these assigned to headquarters, is top heavy.

The remedy is Congress should establish a ceiling for SES, limit GS–15s to 125 percent of the number assigned to the regions at headquarters, and mandate reduction of headquarters to 12.5 percent of total FTE, also, allow FPS to use building-specific charges, to add FTE when officers are dedicated to the facilities paying the charges, and restore the minimum field law enforcement staff to its 2007 equivalent of 1,150.

Regarding effective on-site security services, unlike the Senate and House office buildings where the on-site force is comprised of Federal police officers, GSA facilities rely on contract guards for this function. FPS guard contracts do not use economies of scale to reduce hourly cost.

The size of the FPS procurement staff has doubled, but now it takes 400 days to implement a new contract. Our remedy? Take action to direct the use of Federal police officers for large, multitenant facilities that are open to the public and provide direction to efficiently consolidate guard contracts within the same State or contiguous areas, also, mandate a reasonable procurement staffing model and mandate cost-effective procurement options, such as a potential use of GSA.

Regarding effective tools for recruiting and risk assessment, FPS currently uses an interim risk tool called MIST. The GAO recently found it was not compliant with the governmentwide standards and that there are available tools that do. Remedy is to mandate that FPS—mandate FPS expeditiously acquire and field a compliant risk tool.

Regarding retention and recruiting, when applicants for Federal law enforcement look at FPS, one of the questions is: Are we covered by law enforcement retirement? When told we are not covered by law enforcement retirement, the best and the brightest start looking elsewhere.

At the national law enforcement memorial, where the names of U.S. law enforcement officers who have died in the line of duty are inscribed, we recognize the supreme sacrifice of those heros.

Among the names inscribed at the memorial are six officers of the Federal Protective Service who died in the line of duty.

Should any other FPS officer die in the line of duty, their name will be added to that list. If we live and die as law enforcement officers, Congress should recognize that service by allowing us to retire as one.

Thank you for the opportunity to testify at this important hearing. Dedicated officers in FPS and the employees in Federal facilities await your expeditious action on these serious matters.

Mr. BARLETTA. Thank you for your testimony, Mr. Wright.

Mr. Amitay, you may proceed.

Mr. AMITAY. Thank you, Chairman Barletta.

Chairman Barletta, Ranking Member Carson, my name is Stephen Amitay, and I am the executive director and general counsel for NASCO, the National Association of Security Companies.

NASCO is the Nation's largest contract security trade association whose member companies employ more than 300,000 security offi-

cers across the Nation, servicing commercial and governmental clients.

Since its founding in 1972, NASCO has worked with legislators and officials at every level of Government to put in place higher standards and requirements for security companies and private security officers.

NASCO member companies provide security officers to numerous Federal agencies, including the majority of the protective service officers, or PSOs, under FPS.

Not counting the military services, there are approximately 35,000 contract security officers across the Federal Government, and the use of contract security is an effective and cost-efficient countermeasure for safeguarding Federal facilities, employees and visitors.

Over the past several years, the GAO has identified challenges that FPS faces in its missions to keep Federal facilities secure, including issues related to the PSO program. And NASCO has been working with FPS, Congress, GAO and GSA to address these issues.

While the pace of progress on some issues may not be as fast as GAO would like, progress is being made. And since the appointment of Director Patterson in 2010, the degree of dialogue and breadth of cooperation between FPS and its security contractors has been unparalleled.

There is no doubt that Director Patterson and others at FPS are committed to improving the PSO program and FPS and NASCO are currently working together on a variety of initiatives that will improve the PSO program.

To address deficiencies in FPS's capability to provide the crucial x-ray and magnetometer training to PSOs, FPS has just launched a pilot program conceived with NASCO that is training and certifying security contractor instructors to provide the training. Also, the x-ray and magnetometer training has recently been revamped and expanded by FPS.

In the area of active shooter training, NASCO has met several times with FPS to discuss FPS's development of new active shooter training for PSOs, an effort which is definitely on the fast track at FPS, and FPS is wisely looking at how other agencies provide active shooter training to contract security officers that they utilize.

NASCO is also working with FPS on revising and standardizing PSO training lesson plans, and FPS envisions, as recommended by the ISC and GAO, having all PSO training instructors certified.

In other PSO program areas, FPS just came out with a much needed revision of the PSO manual. Called the SMART Book, it governs and instructs PSOs on how to act, and not following the SMART Book is considered a contract violation.

Of note, there is a new chapter in the SMART Book on active shooter response, there is better language on the issue of PSO authority, and, most importantly, by design, the format of the SMART Book will allow for making revisions as needed.

FPS is also undertaking a comprehensive review of PSO post orders and seeking ways to improve its management of PSO training and certification data.

For this latter effort, NASCO strongly recommends that FPS explore commercially available technologies, and work closely with its security contractors on this effort who are the ones who have to provide and upload the data.

One PSO subject area that continues to present challenges is a PSO's authority to act and liability for acting in preventing or responding to an extreme situation, such as an active shooter.

On this issue, Congress should consider providing DHS with statutory authority to authorize PSOs to make arrests on Federal property. Such arrest authority is already provided to contract security officers at other Federal agencies.

And there are also other elements of the Federal facility risk assessment and security process not related to PSOs that need to be addressed. Take, for example, as has already been discussed today, the decision to implement specific security countermeasures for a facility.

In GSA-owned or GSA-leased buildings, FPS is responsible for conducting the facility's security assessment and recommending countermeasures, but the decision to implement those recommendations is solely up to the facility's security committee, which is made up of representatives from the facility's tenant agencies.

However, as GAO has found, quote, tenant agency representatives to the FSC generally do not have any security knowledge or experience, but are expected to make security decisions for their respective agencies. And with tightened budgets putting pressure on tenant agencies to accept more risk, it calls into question whether FSCs are actually making informed risk-based decisions.

Countermeasures deemed necessary for security should not be rejected because of either a lack of understanding or an unwillingness to fund them. Last Congress, NASCO supported legislation that required training for FSC members and allowed DHS to challenge its decision not to implement countermeasures.

In closing, NASCO looks forward to continuing to work with FPS, Congress, GAO and GSA to find ways to support FPS's mission to render Federal properties safe and secure for Federal employees, officials and visitors in a professional and cost-effective manner.

Thank you.

Mr. BARLETTA. Thank you for your testimony, Mr. Amitay.

I will now begin the first round of questions, limited to 5 minutes for each Member. If there are any additional questions following the first round, we will have additional rounds as needed.

Mr. Wright, you highlight in your testimony challenges with the staffing and the number of law enforcement officers. You point out 67 law enforcement officers are assigned to headquarters.

Do you know if they are assigned to FPS headquarters or other parts of DHS?

Mr. WRIGHT. Those 67 are assigned to FPS headquarters and—the point being that those individuals do not respond to law enforcement calls for service on a daily basis. In my mind, they don't meet the definition of field law enforcement staff.

Mr. BARLETTA. Mr. Wright, you mentioned the delegation of law enforcement authority of buildings to entities outside of FPS and the duplication of security services at other agencies.

Can you explain. And how does this duplication impact the security of Federal facilities and the chain of command?

Mr. WRIGHT. Well, of course, most recently was the issue with the NAC, which——

Mr. BARLETTA. Can you pull the mic a little closer to you or some—yeah.

Mr. WRIGHT. Yes.

Mr. BARLETTA. Thank you.

Mr. WRIGHT. Most recently, of course, the issue with the NAC in which Office of Security staff took control of NAC security.

Recently, in past years, Immigration and Customs Enforcement has stood up their own security unit. They use H.R. 1315 as their authority, and they assess their ICE buildings across the U.S.

It is duplicative in nature. FPS conducts those surveys and so does ICE. And that is probably the most recent example besides NAC.

Mr. BARLETTA. Mr. Amitay, you highlight in your testimony differences between how FPS oversees and manages its contract guards as compared to other agencies. For example, you highlight DOE and the U.S. Marshals Service.

What do those agencies do differently in terms of the authorities and training they provide to their guards?

Mr. AMITAY. The major difference is that those agencies, with their contract security officers, the contract security officers are authorized to make arrests on the Federal properties where they are employed.

In DOE's case, this comes from statutory authority granted to DOE through an act of Congress. This is something that we would like to also be considered by Congress for the PSOs at FPS.

However, there would be also additional training that would be required if that additional authority is granted.

Mr. BARLETTA. Mr. Wright, have you looked at how private contractors have been used to provide security at DOE, the U.S. Marshals Service and, even at DOD, to identify how FPS can better utilize and train its guards to improve security at Federal buildings?

Mr. WRIGHT. Of the three agencies that you cite—DOD, DOE and U.S. Marshals Service—I have most—I have worked most closely with the U.S. Marshals Service; so, I can cite experience there.

The contract security officers in these Federal courthouses are all hired as former law enforcement. They have all been through some sort of law enforcement academy.

And I am unsure—they are deputized by the U.S. Marshals Service, who have that authority. They are an effective force in the U.S. courthouses. And I think it is that ability to deputize by the marshals that is most important.

Mr. BARLETTA. Mr. Amitay, you mentioned that most of the other Federal agencies, they use contract security officers—contract with security companies to provide training.

Can you provide us with some examples of what other agencies are doing in that regard and how they could be applicable to FPS.

Mr. AMITAY. Sure. For instance, at DOE, they require that the contract security companies that they contract with to provide all the training for the contract security officers there.

This training is very comprehensive. It involves weapons training. It involves use of intermediate force, basic training, et cetera.

And all of that training, as is the case at many of the agencies, is provided to contract security officers by company instructors who are certified. The companies are responsible for 100 percent of the training.

A big issue at FPS is that, for some reason, FPS has held back from its contractors the authority to provide the x-ray magnetometer training and, because of FPS personnel and training resource issues, as Mr. Goldstein pointed out, sometimes that x-ray magnetometer training is not provided to the PSOs.

Mr. BARLETTA. Thank you.

The Chair now recognizes Ranking Member Carson for his questions.

Mr. CARSON. Thank you, Mr. Chairman.

Mr. Wright, what is the FPS's relationship with the facilities security committee from the union's perspective? And do you believe that the committees generally rely on FPS's expertise when evaluating recommendations for countermeasures?

Mr. WRIGHT. As an inspector, I have worked with facility—differing facility security committees across the Government.

Firstly, it is a matter of how serious the agencies take that facility's security committee. If it is a smaller property with fewer agencies, even less budget, they don't tend to take those facilities' security committee recommendations seriously.

We are—FPS is the experts at the table, for the most part. As you go up in the size of buildings, you have more tenants, more agency heads. These committees tend to—like any other, in some cases, undesirable task, it becomes a collateral duty.

My experience is that, when it becomes a collateral duty or especially when agency funding is not available for security, then it is—the recommendations don't make it through.

No matter what an inspector says, these issues—these countermeasures are not going to be funded. And that is the—the primary problem with facility security committees is no agency is funded for security countermeasures.

Mr. CARSON. Mr. Amitay, how often are members of your association fined or penalized for not having proper documentation for their contract guards? And, also, to your knowledge, sir, has any contract guard company working with FPS been debarred for not fulfilling their contractual duties?

Mr. AMITAY. In terms of the information on the rate or the amount of times that contractors have been fined for not having officers who have their training and certifications, I don't have that information.

But NASCO fully believes that, in those situations, proper action should be taken. When such a situation occurs, I think that contractors have to pay back FPS for the hours worked by such officers. Then there is also monetary fines. It should affect their performance rating for potential future contracts.

We have no problems with FPS being able to enforce the provisions of the contract against contractors, but I think on the training and certification accuracy, it is also an issue of who has the right data.

FPS's data management system is very problematic.

But, definitely, if there are PSOs being put on post who don't have the trainings and certifications in violation of the contract, that company should be held in violation of the contract and punished.

Mr. CARSON. Thank you, sir.

Lastly, Mr. Wright, how does the lack of recognition of FPS officers as law enforcement officers for purposes of retirement after retention, recruitment and morale of officers—has it—clearly, it has an impact, but is it substantial enough that we need to look more deeply into this?

Mr. WRIGHT. It affects in the sense that sometimes you have law enforcement officers past the age of the minimum—or the mandatory retirement of 57 years old.

You tend to have officers that stick around perhaps a lot longer than they should for their own safety and for the public's safety.

Mr. CARSON. Sure.

Thank you, Mr. Chairman. I yield back my time, sir.

Mr. BARLETTA. Mr. Wright, what is the current protocol to respond to an active shooter in a Federal building where an FPS officer may not be on the scene? And can you walk us through the role of the contract guard in that scenario.

Mr. WRIGHT. Contract guards are limited by their—their post orders, which are basically subscribed by their private contract.

The contracts spell out what the guards—what services will be provided. That is translated to what the facility needs and goes into the post orders.

Generally, guards do not leave their post. Guards are responsible for maintaining that post, locking doors, letting—you know, letting the tenants out and letting the good guys in to come—to pursue the active shooter.

But, generally, these guards will not leave the post, and that is per post orders and, basically, per contract, which is also tied to State and locality issues with their authority.

Mr. BARLETTA. So in a scenario where an active shooter by—a guard may be on another floor and begins shooting, the guard doesn't leave his post? There is no authority that that guard would have to do other than to wait for help?

Mr. WRIGHT. Correct. Technically, the guard should not leave that post. In some Federal buildings, you do have a rover, which is not tied to a post, but those are few and far between.

What is going to happen when it happens? We have a lot of good security officers in the field. I think, just like any—like any law enforcement officers, individuals are going to do what they have to do, and then you face the consequences of what comes after.

Mr. BARLETTA. Mr. Amitay, you highlight in your testimony the steps FPS has taken to improve post orders for the guards at Federal facilities.

Are those orders clear on what is expected and what the authorities are of the contract officers?

Mr. AMITAY. They are getting better at providing that guidance. One thing that we have emphasized at FPS is that post orders need to be facility-specific and they need to be tailored to the building.

In FPS's current review of post orders, they are trying to provide better instructions and guidance to the PSOs, and there is better guidance in the new PSO manual.

And I would just like to just respond—or just to comment on that last question.

I would note that, in 2010, there were three active shooter incidents involving Federal facilities. One was at the Holocaust Museum, one was at the Pentagon, and one was at a Federal courthouse.

In all three incidents, an active shooter came in and had a gun and started shooting at the personnel—security personnel on duty. In all three incidents, the active shooter was neutralized.

In two of those incidents, security personnel were contract security officers. In one of the incidents, it was a law enforcement officer.

So the PSOs—they do have the guidance and instructions to engage an active shooter and protect self and third parties.

And that goes to the issue of the State law and the State powers. And under most State licensing laws, an armed security officer definitely has the authority to use his weapon to neutralize an active shooter.

Mr. BARLETTA. Thank you.

The Chair recognizes Ranking Member Carson.

Mr. CARSON. Thank you, Chairman.

My last question: Mr. Amitay, in your testimony, you indicate that members of your association use off-the-shelf technology to effectively manage your contract guards' training and certifications.

Have you shared this technology with FPS? And, if so, when? And have they indicated that they would use this technology? If not, why not?

Mr. AMITAY. That is a great question.

I was actually talking with the PSO program manager the other day about this issue after I read in previous FPS testimony about how FPS is working with the science and technology division to prototype a guard tracking system, when those systems are commercially available.

Now, I think some of the difficulty for FPS in using commercially available systems is in the layers of security that FPS would need to put on its security officer certification and tracking data management system, but the bottom line is that, whatever system they use, it is going to have to interface with the systems that are being used by the contract security companies.

And there are—as Mr. Goldstein said, there are commercially available technologies that FPS might be able to use, but without a doubt, that is a big problem.

And I think it can be solved though because there is no reason why there can't be a database management system where both the security contractors and FPS can access, upload data.

The idea that security contractors are sending in paper forms and then FPS is manually uploading that just seems an anachronism.

Thank you.

Mr. CARSON. Thank you, sir.

Mr. Chairman, I yield back.

Mr. BARLETTA. The Chair now recognizes the gentleman from Pennsylvania, Mr. Perry.

Mr. PERRY. Thank you, Mr. Chairman.

The question will be directed to Mr. Amitay.

Am I pronouncing that correctly?

Mr. AMITAY. Yes.

Mr. PERRY. Thank you.

So it is my understanding that the Federal Protective Service has four alarm-monitoring facilities, or MegaCenters, that monitor Federal Government security alarm accounts, one in Maryland, one in Michigan, Pennsylvania and Colorado. The centers also have the law enforcement function of dispatching Federal Protective Service officers on emergency call.

Has your agency ever done an analysis on what the overall operational cost is to maintain the four facilities, including staffing, and whether it would actually be more cost-effective for the taxpayer to move the alarm-monitoring function to a commercial monitoring center?

Mr. AMITAY. We haven't looked into that. But alarm-monitoring is not an inherently governmental function and, so, I think that is something that someone could look at.

When the PSOs see something or there is a problem, they should always contact the MegaCenter unless there is an FPS law enforcement officer on-line.

But in terms of the management and operation of those MegaCenters, whether it can be privatized, we have not looked at that.

Mr. PERRY. Would that be something that you would seek to do from a cost-saving standpoint? Is there a concern that there would be a breach in security or, you know, a diminution of security by doing such a thing?

Mr. AMITAY. I think, whereas the FPS MegaCenters act more in a management function for FPS over the contract security officer force, I think that FPS would want to retain control of that management function, but that is just something that we have never looked at.

Mr. PERRY. OK.

Thank you, Mr. Chairman. I yield back.

Mr. BARLETTA. Thank you.

And thank you for your testimony. Your comments have been helpful to today's discussion.

If there are no further questions, I would ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them in writing and unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's hearing. Without objection, so ordered.

I would like to thank our witnesses again for their testimony today.

You know, I am very concerned about what we have learned today. The FPS is directly responsible for protecting 1.4 million workers and visitors at Federal facilities.

We know by experience that Federal facilities are targets. GAO has documented numerous security shortfalls over the years, and their recommendations remain largely incomplete.

Yet, rather than focus on the Department's efforts on addressing these problems and enhancing FPS, we learned the Department has removed FPS from its lead security role at DHS's headquarters.

We learned DHS has reassigned FPS's resources and staff for other purposes outside of protecting buildings, stretching already thin resources even thinner.

And we learned DHS has taken law enforcement authorities for protecting Federal buildings and delegated some of them to the Department's security officer, to FEMA, to Immigration and Customs Enforcement and the Federal Law Enforcement Training Center.

Unfortunately, this looks a little like what we saw happen to FEMA. When FEMA was moved to DHS, DHS dispersed its authorities and responsibilities throughout the Department, creating real confusion as to who was in charge for responding to a disaster. And we saw the results of that in the poor response to Hurricane Katrina.

I hope that this is not what is happening here. But when I look at this May 1 memo, it says there is no clear unity of command at NAC. This is very disconcerting.

Frankly, I wonder if we had the correct witnesses here from DHS because it seems decisions are being made about FPS from somewhere else in the Department and it is not clear by whom. I expect we will have a number of followup questions as we assess what we have heard today.

If no other Members have anything to add, this subcommittee stands adjourned.

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]

United States Government Accountability Office

Testimony

Before the Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, House of Representatives

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FEDERAL PROTECTIVE SERVICE

Protecting Federal Facilities Remains A Challenge

Statement of Mark Goldstein, Director
Physical Infrastructure Team

GAO Highlights

Highlights of GAO-14-623T, testimony before the Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, House of Representatives

Why GAO Did This Study

Recent incidents at federal facilities demonstrate their continued vulnerability to attacks or other acts of violence. As part of the Department of Homeland Security (DHS), FPS is responsible for protecting federal employees and visitors in approximately 9,600 federal facilities under the control and custody the General Services Administration (GSA). To help accomplish its mission, FPS conducts facility security assessments and has approximately 13,500 contract security guards deployed to federal facilities. FPS charges fees for its security services to federal tenant agencies.

This testimony discusses challenges FPS faces in (1) ensuring contract security guards deployed to federal facilities are properly trained and certified and (2) conducting risk assessments at federal facilities. It is based on GAO reports issued from 2009 through 2014 on FPS's contract guard and risk assessment programs. To perform this work, GAO reviewed FPS and guard company data and interviewed officials about oversight of guards. GAO compared FPS's and eight federal agencies' risk assessment methodologies to ISC standards that federal agencies must use. GAO selected these agencies based on their missions and types of facilities. GAO also interviewed agency officials and 4 risk management experts about risk assessments.

What GAO Recommends

Since fiscal year 2010, GAO has made 31 recommendations to improve FPS's contract guard and risk assessment processes, of which 6 were implemented, 10 are in process, and 15 have not been implemented.

View GAO-14-623T. For more information, contact Mark Goldstein, (202) 512-2834 or GoldsteinM@gao.gov

May 2014

FEDERAL PROTECTIVE SERVICE

Protecting Federal Facilities Remains A Challenge

What GAO Found

The Federal Protective Service continues to face challenges ensuring that contract guards have been properly trained and certified before being deployed to federal facilities around the country. In September 2013, for example, GAO reported that providing training for active shooter scenarios and screening access to federal facilities poses a challenge for FPS. According to officials at five guard companies, their contract guards have not received training on how to respond during incidents involving an active shooter. Without ensuring that all guards receive training on how to respond to active-shooter incidents at federal facilities, FPS has limited assurance that its guards are prepared for this threat. Similarly, an official from one of FPS's contract guard companies stated that 133 (about 38 percent) of its approximately 350 guards have never received screener training. As a result, guards deployed to federal facilities may be using x-ray and magnetometer equipment that they are not qualified to use raising questions about their ability to fulfill a primary responsibility of screening access control points at federal facilities. GAO was unable to determine the extent to which FPS's guards have received active-shooter response and screener training, in part, because FPS lacks a comprehensive and reliable system for guard oversight. GAO also found that FPS continues to lack effective management controls to ensure its guards have met its training and certification requirements. For instance, although FPS agreed with GAO's 2012 recommendations that it develop a comprehensive and reliable system for managing information on guards' training, certifications, and qualifications, it still does not have such a system. Additionally, 23 percent of the 276 contract guard files GAO reviewed did not have required training and certification documentation. For example, some files were missing items such as documentation of screener training, CPR certifications, and firearms qualifications.

Assessing risk at federal facilities remains a challenge for FPS. GAO found in 2012 that federal agencies pay FPS millions of dollars to assess risk at their facilities, but FPS is not assessing risks in a manner consistent with federal standards. In March 2014, GAO found that this is still a challenge for FPS and several other agencies. The Interagency Security Committee's (ISC) *Risk Management Process for Federal Facilities* standard requires federal agencies to develop risk assessment methodologies that, among other things, assess the threat, vulnerability, and consequence to undesirable events. Risk assessments help decision-makers identify and evaluate security risks and implement protective measures. Instead of conducting risk assessments, FPS uses an interim vulnerability assessment tool, referred to as the Modified Infrastructure Survey Tool (MIST) to assess federal facilities until it develops a longer-term solution. However, MIST does not assess consequence (the level, duration, and nature of potential loss resulting from an undesirable event). Three of the four risk assessment experts GAO spoke with generally agreed that a tool that does not estimate consequences does not allow an agency to fully assess risks. Thus, FPS has limited knowledge of the risks facing about 9,600 federal facilities around the country. FPS officials stated that consequence information in MIST was not part of the original design, but they are exploring ways to incorporate it.

Chairman Barletta, Ranking Member Carson, and Members of the Subcommittee:

We are pleased to be here to discuss the efforts of the Department of Homeland Security's (DHS) Federal Protective Service (FPS) to protect the nearly 9,600 federal facilities that are under the control and custody of the General Services Administration (GSA), including the challenges associated with FPS's use of contract guards and risk assessments. The 2012 shooting at the Anderson Federal Building in Long Beach, California, the results of our 2009 covert testing,[1] and FPS's ongoing penetration testing demonstrate the continued vulnerability of federal facilities. The challenge of protecting federal facilities is one of the major reasons why we have designated federal real property management as a high-risk area.[2]

FPS is authorized to (1) protect the buildings, grounds, and property that are under the control and custody of GSA, as well as the persons on the property; (2) enforce federal laws and regulations aimed at protecting such property and persons on the property; and (3) investigate offenses against these buildings and persons.[3] FPS conducts its mission by providing security services through two types of activities:

- physical security activities—conducting risk assessments and recommending countermeasures aimed at preventing incidents—and
- law enforcement activities—proactively patrolling facilities, responding to incidents, conducting criminal investigations, and exercising arrest authority. To accomplish its mission, FPS currently has almost 1,200 full-time employees and about 13,500 contract guards deployed at

[1] GAO, *Homeland Security: Preliminary Results Show Federal Protective Service's Ability to Protect Federal Facilities Is Hampered by Weaknesses in Its Contract Security Guard Program*, GAO-09-859T (Washington, D.C.: July 8, 2009).

[2] GAO, *High Risk Series: An Update*, GAO-13-283 (Washington, D.C.: February 14, 2013).

[3] Section 1315(a) of title 40, United States Code, provides that: "To the extent provided for by transfers made pursuant to the Homeland Security Act of 2002, the Secretary of Homeland Security…shall protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality, or wholly owned or mixed-ownership corporation thereof) and the persons on the property."

federal facilities across the country. It expects to receive approximately $1.2 billion in fees for fiscal year 2014.[4]

Since 2008, we have reported on the challenges FPS faces with carrying out its mission, including overseeing its contract guards and assessing risk at federal facilities. FPS's contract guard program is the most visible component of the agency's operations, and the agency relies on its guards to be its "eyes and ears" while performing their duties. However, we reported in 2010 and again in 2013 that FPS continues to experience difficulty ensuring that its guards have the required training and certifications. Before guards are assigned to a post (an area of responsibility) at a federal facility, FPS requires that they all undergo employee fitness determinations[5] and complete approximately 120 hours of training provided by the contractor and FPS, including basic training and firearms training. Guards must also possess the necessary certificates, licenses, and permits as required by the contract, such as CPR and first-aid certifications. Among other duties, contract guards are responsible for controlling access to facilities; conducting screening at access points to prevent the introduction of prohibited items, such as weapons and explosives; and responding to emergency situations involving facility safety and security.[6] FPS also faces challenges assessing risks at the 9,600 facilities under the control and custody of GSA. In 2012 and in 2014, we reported that FPS's ability to protect and secure federal facilities has been hampered by the absence of a risk assessment program that is consistent with federal standards. To address issues with overseeing contract guards and conducting risk assessments, we made several recommendations which FPS agreed to implement. These recommendations and their status are discussed later in this statement.

This testimony discusses challenges FPS faces in (1) ensuring contract security guards deployed to federal facilities are properly trained and certified and (2) conducting risk assessments at federal facilities. It is

[4]To fund its operations, FPS charges fees for its security services to federal tenant agencies in GSA-controlled facilities.

[5]A contractor employee's fitness determination is based on the employee's suitability for work for or on behalf of the government based on character and conduct.

[6]In general, contract guards may only detain, not arrest, individuals at their facility. Some contract guards may have arrest authority under conditions set forth by the individual states.

based on our reports and testimonies issued from 2009 through 2014 on FPS's contract guard and risk assessment programs.[7] A complete list of these related products appears at the end of my statement. As part of the work for these products, we reviewed relevant statutes and federal guidance, examined FPS contract guard and risk assessment processes and procedures, reviewed a sample of contract guard files, conducted site visits to FPS's 11 regions where we interviewed FPS officials, and conducted interviews with the 31 guard companies with which FPS has contracted and 4 risk management experts. In addition, we reviewed FPS's and eight other selected federal agencies' risk assessment methodologies and compared it to the *Risk Management Process for Federal Facilities* standard (RMP) that the Interagency Security Committee (ISC) issued.[8] The eight selected agencies include: Department of Energy, Office of Health, Safety, and Security; Department of Interior; Department of Justice, Justice Protective Service; Department of State, Diplomatic Security; Department of Veterans Affairs; Federal Emergency Management Agency; Nuclear Regulatory Commission; and Office of Personnel Management. We selected these agencies to achieve diversity with respect to the number and types of agencies' facilities, as well as the agencies' missions.

We conducted our work in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details about the scope and methodology can be found in each of these related reports.

[7] GAO, *Federal Facility Security: Additional Actions Needed to Help Agencies Comply with Risk Assessment Methodology Standards*, GAO-14-86 (Washington, D.C.: March 2014); GAO, *Federal Protective Service: Challenges with Oversight of Contract Guard Program Still Exist, and Additional Management Controls Are Needed*, GAO-13-694 (Washington, D.C.: September 2013); GAO, *Federal Protective Service: Actions Needed to Assess Risk and Better Manage Contract Guards at Federal Facilities*, GAO-12-739 (Washington, D.C.: August 2012), GAO, *Homeland Security: Federal Protective Service's Contract Guard Program Requires More Oversight and Reassessment of Use of Contract Guards*, GAO-10-341 (Washington, D.C.: April 2010), and GAO-09-859T.

[8] The ISC is a DHS-chaired organization that issues standards for facility protection.

FPS Faces Challenges Ensuring Contract Guards Have Been Properly Trained and Certified before Being Deployed to Federal Facilities

Some FPS Contract Guards Have Not Received Required Training on Responding to Active-Shooter Scenarios

According to FPS officials, the agency has required its guards to receive training on how to respond to an active-shooter scenario since 2010.[9] However, as our 2013 report shows,[10] FPS faces challenges providing active-shooter response training to all of its guards. We were unable to determine the extent to which FPS's guards have received active-shooter response training, in part, because FPS lacks a comprehensive and reliable system for guard oversight (as discussed below). When we asked officials from 16 of the 31 contract guard companies we contacted if their guards had received training on how to respond during active-shooter incidents, responses varied.[11] For example, of the 16 contract guard companies we interviewed about this topic:

- officials from eight guard companies stated that their guards had received active-shooter scenario training during FPS orientation;
- officials from five guard companies stated that FPS had not provided active-shooter scenario training to their guards during the FPS-provided orientation training; and
- officials from three guard companies stated that FPS had not provided active-shooter scenario training to their guards during the FPS-provided orientation training, but that the topic was covered at some other time.

[9] According to DHS, an active shooter is an individual killing or attempting to kill people in a confined and populated area.

[10] GAO-13-694.

[11] The remaining 15 guard companies did not respond to this question.

- Without ensuring that all guards receive training on how to respond to active-shooter incidents, FPS has limited assurance that its guards are prepared for this threat. According to FPS officials, the agency provides guards with information on how they should respond during an active-shooter incident as part of the 8-hour FPS-provided orientation training. FPS officials were not able to specify how much time is devoted to this training, but said that it is a small portion of the 2-hour special situations training.[12] According to FPS's training documents, this training includes instructions on how to notify law enforcement personnel, secure the guard's area of responsibility, and direct building occupants according to emergency plans as well as the appropriate use of force.

Some FPS Contract Guards Have Not Received Required Screener Training

As part of their 120 hours of FPS-required training, guards must receive 8 hours of screener training from FPS on how to use x-ray and magnetometer equipment. However, in our September 2013 report,[13] we found that FPS has not provided required screener training to all guards. Screener training is important because many guards control access points at federal facilities and thus must be able to properly operate x-ray and magnetometer machines and understand their results. In 2009 and 2010, we reported that FPS had not provided screener training to 1,500 contract guards in one FPS region.[14] In response to those reports, FPS stated that it planned to implement a program to train its inspectors to provide screener training to all its contract guards by September 2015.

Information from guard companies we contacted indicate that guards who have never received this screener training continue to be deployed to federal facilities.

[12]This training is provided during a block of training on special situations, which includes information on how guards should respond to situations other than their normal duties, such as reports of missing or abducted children, bomb threats, and active-shooter scenarios. FPS officials stated that guards hired before 2010 should have received this information during guard-company-provided training on the guards' post orders (which outline the guards' duties and responsibilities) as part of basic and refresher training.

[13]GAO-13-694.

[14]GAO, *Homeland Security: Federal Protective Service Has Taken Some Initial Steps to Address Its Challenges, but Vulnerabilities Still Exist,* GAO-09-1047T (Washington, D.C.: September 23, 2009) and GAO-10-341.

- An official at one contract guard company stated that 133 of its approximately 350 guards (about 38 percent) on three separate FPS contracts (awarded in 2009) have never received their initial x-ray and magnetometer training from FPS. The official stated that some of these guards are working at screening posts.
- Officials at another contract guard company in a different FPS region stated that, according to their records, 78 of 295 (about 26 percent) guards deployed under their contract have never received FPS's x-ray and magnetometer training. These officials stated that FPS's regional officials were informed of the problem, but allowed guards to continue to work under this contract, despite not having completed required training. Because FPS is responsible for this training, according to guard company officials, no action was taken against the company.

Consequently, some guards deployed to federal facilities may be using x-ray and magnetometer equipment that they are not qualified to use—thus raising questions about the ability of some guards to execute a primary responsibility to properly screen access control points at federal facilities.

FPS Lacks Effective Management Controls to Ensure Contract Guards Have Met Training and Certification Requirements

In our September 2013 report, we found that FPS continues to lack effective management controls to ensure that guards have met training and certification requirements. For example, although FPS agreed with our 2012 recommendations to develop a comprehensive and reliable system to oversee contract guards, it still has not established such a system. Without a comprehensive guard management system, FPS has no independent means of ensuring that its contract guard companies have met contract requirements, such as providing qualified guards to federal facilities. Instead, FPS requires its guard companies to maintain files containing guard-training and certification information. The companies are then required to provide FPS with this information each month.

In our September 2013 report, we found that 23 percent of the 276 guard files we reviewed (maintained by 11 of the 31 guard companies we interviewed) lacked required training and certification documentation.[15] As shown in table 1, some guard files lacked documentation of basic training,

[15]See GAO-13-694. During our non-generalizeable review of 276 randomly selected guard files, we found that 64 files (23 percent) were missing one or more required documents.

semi-annual firearms qualifications, screener training, the 40-hour refresher training (required every 3 years), and CPR certification.

Table 1: Total Missing Documents Identified in 64 of 276 Guard Files GAO Reviewed in 2013

Requirement	Number of instances of each missing document
Copy of driver's license/State ID	1
Domestic Violence "Lautenberg" Form	1
Medical certification	1
Verified alien/immigration status	3
Current baton certification	3
Basic training	3
Firearms qualifications	3
First-aid certification	5
FPS screener training—8 hours	5
FPS orientation	8
Contractor employee fitness determination	12
CPR certification	12
AED certification	12
Refresher training	15
Pre-employment drug testing	16
Initial weapons training	17
Total	**117**[a]

Source: GAO analysis of contract guard company data.

Note: These results are non-generalizeable and based on a review of 276 randomly selected guard files for 11 of 117 FPS guard contracts.

[a]Some of the files that did not comply with requirements were missing more than one document, for a total of 117 missing documents.

FPS has also identified guard files that did not contain required documentation. FPS's primary tool for ensuring that guard companies comply with contractual requirements for guards' training, certifications, and qualifications is to review guard companies' guard files each month. From March 2012 through March 2013, FPS reviewed more than 23,000 guard files.[16] It found that a majority of the guard files had the required

[16] FPS has approximately 13,500 contract guards, but FPS may review a guard file more than once annually.

documentation but more than 800 (about 3 percent) did not. FPS's file reviews for that period showed files missing, for example, documentation for screener training, initial weapons training, CPR certification, and firearms qualifications.

As our September 2013 report explains, however, FPS's process for conducting monthly file reviews does not include requirements for reviewing and verifying the results, and we identified instances in which FPS's monthly review results did not accurately reflect the contents of guard files. For instance, FPS's review indicated that required documentation was present for some guard files, but for some of those files we were not able to find (for example) documentation of training and certification, such as initial weapons training, DHS orientation, and pre-employment drug screenings.[17] As a result of the lack of management controls, FPS is not able to provide reasonable assurance that guards have met training and certification requirements.

FPS Continues to Face Challenges with Assessing Risk at Federal Facilities

We found in 2012 that FPS did not assess risks at the 9,600 facilities under the control and custody of GSA in a manner consistent with federal standards, although federal agencies paid FPS millions of dollars to assess risk at their facilities. Our March 2014 report examining risk assessments at federal facilities found that this is still a challenge for FPS and several other federal agencies. Federal standards such as the National Infrastructure Protection Plan's (NIPP) risk management framework and ISC's RMP call for a risk assessment to include a threat, vulnerability, and consequence assessment. Risk assessments help decision-makers identify and evaluate security risk and implement protective measures to mitigate risk. Moreover, risk assessments play a critical role in helping agencies tailor protective measures to reflect their facilities' unique circumstances and enable them to allocate security resources effectively.

Instead of conducting risk assessments, FPS uses an interim vulnerability assessment tool, referred to as the Modified Infrastructure Survey Tool (MIST), with which it assesses federal facilities until it develops a longer-term solution. According to FPS, MIST allows it to resume assessing

[17]For more information on this review and our methodology, see GAO-13-694.

federal facilities' vulnerabilities and recommend countermeasures—something FPS has not done consistently for several years.

MIST has some limitations. Most notably, it does not assess consequence (the level, duration, and nature of potential loss resulting from an undesirable event). Three of the four risk assessment experts we spoke with generally agreed that a tool that does not estimate consequences does not allow an agency to fully assess risks. FPS officials stated that it intends to eventually incorporate consequence into its risk assessment methodology and is exploring ways to do so. MIST was also not designed to compare risks across federal facilities. Consequently, FPS does not have the ability to comprehensively manage risk across its portfolio of 9,600 facilities and recommend countermeasures to federal tenant agencies.

As of April 2014, according to an FPS official, FPS had used MIST to complete vulnerability assessments of approximately 1,200 federal facilities in fiscal year 2014 and have presented approximately 985 of them to the facility security committees.[18] The remaining 215 assessments were under review by FPS.

FPS Has Begun Some Initiatives, but Most GAO Recommendations Have Not Been Fully Implemented

FPS has begun several initiatives that, once fully implemented, should enhance its ability to protect the more than 1 million federal employees and members of the public who visit federal facilities each year. Since fiscal year 2010, we have made 31 recommendations to help FPS address its challenges with risk management, oversight of its contract guard workforce, and its fee-based funding structure. DHS and FPS have generally agreed with these recommendations. As of May 2014, as shown in table 2, FPS had implemented 6 recommendations, and was in the process of addressing 10 others, although none of the 10 have been fully implemented. The remaining 15 have not been implemented. According to FPS officials, the agency has faced difficulty in implementing many of our recommendations because of changes in its leadership, organization, funding, and staffing levels.

[18] A facility security committee consists of representatives from each of the tenant agencies in the federal building and is responsible for addressing security issues at their respective building and approving the implementation of security countermeasures recommended by FPS.

Table 2: Status of GAO's fiscal year 2010 through 2013 Recommendations to the Federal Protective Service

Report number	Recommendations	Status
Federal Protective Service: Challenges with Oversight of Contract Guard Program Still Exist, and Additional Management Controls Are Needed, GAO-13-694, September 2013	Take immediate steps to determine which guards have not had screener or active-shooter scenario training and provide it to them and, as part of developing a national lesson plan, decide how and how often these trainings will be provided in the future.	Not Implemented
	Require that contract guard companies' instructors be certified to teach basic and refresher training courses to guards and evaluate whether a standardized instructor certification process should be implemented.	Not Implemented
	Develop and implement procedures for monthly guard-file reviews to ensure consistency in selecting files and verifying the results.	Not Implemented
Federal Protective Service: Actions Needed to Assess Risk and Better Manage Contract Guards at Federal Facilities, GAO-12-739, August 2012	Incorporate NIPP's risk management framework—specifically in calculating risk to include threat, vulnerability, and consequence information—in any permanent risk assessment tool.	Not Implemented
	Coordinate with GSA and other federal tenant agencies to reduce any unnecessary duplication in security assessments of facilities under the custody and control of GSA.	Not Implemented
	Address MIST's limitations (assessing consequence, comparing risk across federal facilities, and measuring performance) to better assess and mitigate risk at federal facilities until a permanent system is developed and implemented.	Not Implemented
	Develop and implement a new comprehensive and reliable system for contract guard oversight.	Not Implemented
	Verify independently that FPS's contract guards are current on all training and certification requirements.	Not Implemented
Federal Protective Service: Actions Needed to Resolve Delays and Inadequate Oversight Issues with FPS's Risk Assessment and Management Program GAO-11-705R, July 2011	Evaluate whether it is cost-beneficial to finish developing RAMP or if other alternatives for completing FSAs and managing security guards would be more appropriate.	Implemented
	Increase the use of project management best practices by managing requirements and conducting user acceptance testing for any future RAMP development efforts.	In process
	Establish a process for verifying the accuracy of federal facility and guard training and certification data before entering them into RAMP.	Not Implemented
	Develop interim solutions for completing FSAs and guard inspections while addressing RAMP's challenges.	Not Implemented
	Complete contract performance evaluations for the current RAMP contractor, and ensure that the evaluations and other required documents are maintained in the contract file in accordance with DHS's acquisition policy and the Federal Acquisition Regulation.	In process
Budget Issues: Better Fee Design Would Improve Federal Protective Service's and Federal Agencies' Planning and Budgeting for Security, GAO-11-492, May 2011	Conduct regular reviews of FPS's security fees and use this information to inform its fee setting.	In process
	Include system-wide capital investments when estimating costs and include them when setting basic security fee rates.	Implemented

Report number	Recommendations	Status
	Make information on the estimated costs of key activities as well as the basis for these cost estimates readily available to affected parties to improve the transparency and credibility—and hence the acceptance by stakeholders—of the process for setting and using the fees.	In process
	Assess and report to Congress on: (1) the current and alternative fee structures, to include the options and trade-offs discussed in this report, and, if appropriate (2) options to fund FPS through a combination of fees and direct appropriations, to include the options and trade-offs discussed in this report;	In process
	Evaluate and report to Congress on options to mitigate challenges agencies face in budgeting for FPS security costs, such as: (1) an alternative account structure for FPS to increase flexibility, while retaining or improving accountability and transparency or (2) an approved process for estimating fee rates.	In process
	Collect and maintain an accurate list of points of contact of customer agency officials responsible for budget and billing activities as well as facility designated points of contact as we previously recommended.	Implemented
Homeland Security: Addressing Weaknesses with Facility Security Committees Would Enhance Protection of Federal Facilities, GAO-10-901, August 2010	Develop and implement procedures that, among other things, outline the facility security committees' organization structure, operations, decision-making authority, and accountability.	Implemented
Homeland Security: Federal Protective Service's Contract Guard Program Requires More Oversight and Reassessment of Use of Contract Guards, GAO-10-341, April 2010	Identify other approaches and options that would be most beneficial and financially feasible for protecting federal facilities.	Not Implemented
	Rigorously and consistently monitor guard contractors' and guards' performance and step up enforcement against contractors that are not complying with the terms of the contract.	In process
	Complete all contract performance evaluations in accordance with FPS and Federal Acquisition Regulation (FAR) requirements.	In process
	Issue a standardized record-keeping format to ensure that contract files have required documentation.	In process
	Develop a mechanism to routinely monitor guards at federal facilities outside metropolitan areas.	Not Implemented
	Provide building-specific and scenario-based training and guidance to its contract guards.	Not Implemented
	Develop and implement a management tool for ensuring that reliable, comprehensive data on the contract guard program are available on a real-time basis.	Not Implemented
	Verify the accuracy of all guard certification and training data before entering them into Risk Assessment Management Program (RAMP), and periodically test the accuracy and reliability of RAMP data to ensure that FPS management has the information needed to effectively oversee its guard program.	Not Implemented
Homeland Security: Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection, GAO-10-142, October 2009	Provide the Secretary with regular updates, on a mutually agreed-to schedule, on the status of the Risk Assessment and Management Program (RAMP) and the National Countermeasures Program, including the implementation status of deliverables, clear timelines for completion of tasks and milestones, and plans for addressing any implementation obstacles.	Implemented

Report number	Recommendations	Status
	In conjunction with the National Countermeasures Program, to develop a methodology and guidance for assessing and comparing the cost-effectiveness of technology alternatives.	Implemented
	Reach consensus with GSA on what information contained in the building security assessment (BSA) is needed for GSA to fulfill its responsibilities related to the protection of federal buildings and occupants, and accordingly, establish internal controls to ensure that shared information is adequately safeguarded; guidance for employees to use in deciding what information to protect with sensitive but unclassified (SBU) designations; provisions for training on making designations, controlling, and sharing such information with GSA and other entities; and a review process to evaluate how well this information sharing process is working, with results reported to the Secretary regularly on a mutually agreed-to schedule.	In process

Source: GAO analysis of FPS data

Note: We received and reviewed information from FPS regarding our recommendations and, based on this information, categorized our recommendations accordingly. "In process" indicates that FPS has actions ongoing but has not completed them. "Not implemented" indicates that FPS has not yet taken any action to address our recommendations.

Contact Information

For further information on this testimony, please contact Mark Goldstein at (202) 512-2834 or by email at GoldsteinM@gao.gov. Individuals making key contributions to this testimony include Tammy Conquest, Assistant Director; Geoff Hamilton; Jennifer DuBord; and SaraAnn Moessbauer.

Related GAO Products

Federal Facility Security: Additional Actions Needed to Help Agencies Comply with Risk Assessment Methodology Standards. GAO-14-86. Washington, D.C.: March 5, 2014.

Homeland Security: Federal Protective Service Continues to Face Challenges with Contract Guards and Risk Assessments at Federal Facilities. GAO-14-235T. Washington, D.C.: December 17, 2013.

Homeland Security: Challenges Associated with Federal Protective Service's Contract Guards and Risk Assessments at Federal Facilities. GAO-14-128T. Washington, D.C.: October 30, 2013.

Federal Protective Service: Challenges with Oversight of Contract Guard Program Still Exist, and Additional Management Controls Are Needed. GAO-13-694. Washington, D.C.: September 17, 2013.

Facility Security: Greater Outreach by DHS on Standards and Management Practices Could Benefit Federal Agencies. GAO-13-222. Washington, D.C.: January 24, 2013.

Federal Protective Service: Actions Needed to Assess Risk and Better Manage Contract Guards at Federal Facilities. GAO-12-739. Washington, D.C.: August 10, 2012.

Federal Protective Service: Actions Needed to Resolve Delays and Inadequate Oversight Issues with FPS's Risk Assessment and Management Program. GAO-11-705R. Washington, D.C.: July 15, 2011.

Federal Protective Service: Progress Made but Improved Schedule and Cost Estimate Needed to Complete Transition. GAO-11-554. Washington, D.C.: July 15, 2011.

Homeland Security: Protecting Federal Facilities Remains a Challenge for the Department of Homeland Security's Federal Protective Service. GAO-11-813T. Washington, D.C.: July 13, 2011.

Federal Facility Security: Staffing Approaches Used by Selected Agencies. GAO-11-601. Washington, D.C.: June 30, 2011.

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Statement for the Record

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Director
Federal Protective Service
National Protection and Programs Directorate
Department of Homeland Security

Before the
United States House of Representatives
Transportation and Infrastructure Committee
Subcommittee on Economic Development, Public buildings and Emergency Management
Washington, DC

May 21, 2014

Thank you Chairman Barletta, Ranking Member Carson, and the distinguished members of the Committee. I am honored to testify before the Committee today regarding the mission and operations of the National Protection and Programs Directorate's Federal Protective Service (FPS).

Mission

FPS is charged with protecting and delivering integrated law enforcement and security services to more than 9,000 facilities owned or leased by the General Services Administration (GSA) and safeguarding their more than 1.4 million daily occupants and visitors.

FPS Authorities

In performing this mission, FPS relies on the law enforcement and security authorities found in Title 40 United States Code § 1315, agreements with state, local and tribal law enforcement agencies for purposes of protecting Federal property, enforcement of Federal regulations pertinent to conduct on Federal property, and our responsibility as the recognized "first responder" for all crimes and suspicious activity occurring at GSA owned or leased property.

FPS Law Enforcement Personnel

FPS directly employs more than 1,000 law enforcement officers, inspectors, and special agents who are trained physical security experts and sworn Federal law enforcement officers. FPS law enforcement personnel perform a variety of critical functions, including conducting comprehensive security assessments to identify vulnerabilities at facilities, developing and implementing protective countermeasures, and providing uniformed police response and investigative follow-up to crimes, threats, and other law enforcement activities in support of our protection mission.

Law enforcement personnel also oversee guard posts staffed by FPS-contracted Protective Service Officers (PSO), conduct covert security tests, and actively patrol to deter criminal and terrorist activities. Further, FPS assigns Special Agents to a number of the Federal Bureau of Investigations (FBI) Joint Terrorism Task Forces to facilitate information sharing and ensure coordination. Finally, our law enforcement personnel conduct Operation Shield and Operation MegaShield activities. These tactical exercises involve deployments of a highly visible array of uniformed law enforcement personnel to validate and augment the effectiveness of FPS countermeasures. These deployments also serve to expand patrol and response operations through increased coverage and prepare FPS law enforcement personnel for rapid and coordinated response with other Federal, state, local, and tribal law enforcement personnel to emergencies or other exigent circumstances.

Training

FPS law enforcement personnel receive extensive training at the Federal Law Enforcement Training Center (FLETC) in Georgia and in the field. FPS inspectors and special agents complete the FLETC Uniformed Police Training Program or the Criminal Investigation Training Program. These training programs cover subject areas including, but not limited to, constitutional and Federal criminal law, arrest techniques, defensive tactics, firearms, and active shooter response. Our inspectors also complete FPS-specific law enforcement training, FPS physical security training, and 12 weeks of training in the field under the supervision of a senior, experienced inspector. Our special agents complete the specialized FPS Criminal Investigations Special Agent Training Program after the FLETC basic program. In total, FPS inspectors complete approximately 36 weeks of law enforcement and specialized facility security training and our criminal investigators complete a minimum of 17 weeks of law enforcement and criminal investigations training.

This extensive and rigorous training ensures that FPS law enforcement personnel are able to effectively conduct Facility Security Assessments (FSA) and respond to tens of thousands of calls for service received annually by the FPS, which may entail responding to criminal activity in progress, protecting life and property, and responding to national security events or supporting other law enforcement responding to a critical situation.

FPS Law Enforcement Authorities

FPS Law Enforcement Personnel derive their law enforcement authority and powers from section 1706 of the Homeland Security Act of 2002, codified in 40 U.S.C. § 1315. Pursuant to this authority, the Under Secretary was delegated the authority to designate law enforcement officers for the purposes of protecting property owned or occupied by the Federal Government and persons on that property. These designated law enforcement personnel have specific police powers, to include enforcing Federal laws and regulations, carrying firearms, and serving warrants and subpoenas issued under the authority of the United States. Further, they may conduct investigations of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property. Finally, these law enforcement personnel may make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of

the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

On February 18, 2005, the U.S. Attorney General approved these police authorities its Guidelines For The Exercise Of Law Enforcement Authorities By Officers And Agents Of the Department Of Homeland Security under 40 U.S.C. § 1315. Additionally, pursuant to 41 C.F.R. § 102-85.35, FPS Law Enforcement Personnel provide general law enforcement services on GSA property, and per 41 C.F.R. § 102-74.15, all occupants of facilities under the control of Federal agencies must promptly report all crimes and suspicious activities to FPS.

Facility Security Assessments

One of the most important responsibilities of FPS inspectors protecting Federal facilities and those who work or visit these facilities is conducting FSAs at FPS-protected facilities nationwide. FSAs are extensive assessments that document security-related risks to a facility and provide a record of countermeasure recommendations. The process analyzes potential threats toward a facility through a variety of research sources and information and analysis. Upon identification of the threats, the process identifies and analyzes vulnerabilities to a particular facility utilizing Protective Measure Indices.

Inspectors conducting assessments utilize the Modified Infrastructure Survey Tool (MIST) to document the existing protective posture at a facility and compare how a facility is, or is not, meeting the baseline level of protection for its Facility Security Level (FSL) as set forth in the Interagency Security Committee's[1] (ISC) Physical Security Criteria for Federal Facilities standards and ISC's Design-Basis Threat report.

MIST also compares the disparities identified against the baseline level of protection specified in the ISC standards, thereby operationalizing those standards and enabling mitigation of the vulnerabilities identified. The FSA report is a historical record and informative report provided to FPS stakeholders to support their decision making in risk mitigation strategies.

FPS is continually reviewing risk assessment methodologies to improve assessments and recommendations and I am pleased to report that the second-generation tool, MIST 2.0, is currently in systems acceptance testing. This system will feature, among other improvements, an enhanced user interface, web-automation capability, and automated visibility of protection measures across the FPS portfolio. At this time, FPS expects system deployment to begin by the end of this Fiscal Year.

Countermeasures

Throughout the FSA process, FPS works with stakeholders to identify and gather all necessary information for characterizing the risks unique to each facility. FPS then works in partnership

[1] The mission of the ISC is to safeguard U.S. civilian facilities from all hazards by developing state-of-the-art security standards in collaboration with public and private homeland security partners. The ISC was created following the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995.

with tenant Facility Security Committees (FSCs) to build a consensus regarding the type of countermeasures appropriate for each individual facility. The decision regarding the optimal combination of physical countermeasures, such as security barriers, X-Ray machines, closed circuit television, and number and type of guard posts staffed by FPS-contracted PSOs is based on a variety of factors including the facility's FSA report, FSL, and the security needs of individual tenants. It is important to note that tenant FSCs, rather than FPS, render the final decision regarding the number and type of guard posts and technical countermeasures to be installed in each individual building.

Protective Security Officers

Duties

Approximately 13,000 FPS-contracted PSOs staff guard posts at FPS-protected Federal facilities. PSOs are responsible for controlling access to Federal facilities, conducting screening at access points to Federal facilities, enforcing property rules and regulations, detecting and reporting criminal acts, and responding to emergency situations involving facility safety and security. PSOs also ensure prohibited items, such as firearms, explosives, knives, and drugs, do not enter Federal facilities.

Training

FPS partners with private sector guard companies to ensure that PSOs are prepared to perform their duties. FPS works with the guard companies to ensure the guards have met the certification, training, and qualification requirements specified in the contracts in areas such as ethics, crime scene protection, actions to take in special situations such as building evacuations, safety, and fire prevention, and public relations. Courses are taught by FPS, by the contract guard company, or by a qualified third party such as the American Red Cross for CPR. PSOs also receive instruction in areas such as X-Ray and magnetometer equipment, firearms training and qualification, baton qualification, and first-aid certification. PSOs are required to attend refresher training and they must recertify in weapons qualifications in accordance with Federal and state regulations.

The FPS training team is working closely with industry and Federal partners in an effort to further standardize the PSO screening station related training. For example, our trainers work with the U.S. Marshals Service and Transportation Security Administration trainers to incorporate best practices into the base X-Ray, Magnetometer, and Hand Held Metal Detector training.

Additionally, FPS is working closely with the National Association of Security Companies to develop a National Lesson Plan for PSOs that will establish a basic and national training program for all PSOs to ensure standards are consistent across the Nation. These efforts will further standardize training PSOs receive and will provide for a great capability to validate training and facilitate rapid adjustments to training to account for changes in threat and technological advancements.

FPS PSO Authorities

All PSOs must undergo background investigation checks to determine their fitness to begin work on behalf of the government and are rigorously trained. However, PSOs are not sworn Law Enforcement Officers.

PSOs are employees of private security companies or 'vendors', which are independent contractors doing business with the Federal Government. The relationship between FPS and private-sector vendors is contractual in nature and FPS does not have the authority to deputize PSOs in a law enforcement capability.

FPS' contracts with private-sector vendors require that the individual vendor obtain all required state and local licensing, permits, and authorities required for PSOs to carry a firearm and to perform protective services under our contracts. Therefore an individual PSO's authorities to perform protective services are based on state-specific laws where the PSO is employed. In most instances, PSOs rely on the 'private person' laws, also known as 'citizen's arrest' laws, of a given state as well as that state's laws relating to self-defense, defense of others, and use of force to defend property.

Oversight

FPS is committed to ensuring high performance of its contracted PSO workforce. FPS law enforcement personnel conduct PSO post inspections and integrated covert test activities to monitor vendor compliance and countermeasure effectiveness. Additionally, vendor files are audited to validate that PSO certifications and training records reflect compliance with contract requirements. In Fiscal Year 2013, FPS conducted 54,830 PSO post inspections and 17,500 PSO personnel file audits.

In addition, and in accordance with procurement regulation and policy, contract deficiencies and performance issues are documented in the annual Contractor Performance Assessment Report. FPS leadership are provided with regular reports to maintain visibility on the status of these important assessments that are also used by agency source selection officials in the procurement process when awarding new PSO contracts.

Finally, FPS is reviewing a variety of automated processes that could provide FPS with electronic PSO-file review capability to supplement the current audit process. Specifically, FPS is pursuing a prototype Post Tracking System that will be capable of authenticating PSOs, tracking PSO time on position, and tracking PSO training and certification in real time.

Government Accountability Office Engagement

FPS has developed and implemented a process to facilitate the closure of open Government Accountability Office (GAO) recommendations. This process involves a critical review of each recommendation to identify root causes and correlating them with program management elements, including establishing governance and ensuring implementation. Utilizing this approach, FPS has closed a number of outstanding recommendations, including those pertaining

to critical mission areas such as human capital planning and contract management. Further, I am pleased to report that, following the recent Independent Verification and Validation of FPS' Activity Based Costing model, FPS will shortly submit documentation for closure of additional GAO recommendations pertaining to FPS fee-design.

Additionally, we have made advances towards addressing recommendations relative to our risk-assessment methodology. Specifically, FPS designed its FSA process to meet the requirements of the ISC's Risk Management Process for Federal Facilities and, to ensure that stakeholders have an understanding of the threats they face, provides a Threat Assessment Report as part of each FSA. Going forward, FPS will continue to work with the ISC to explore consequences and impacts in the context of Federal facilities security assessments and explore the inclusion of consequences into the FSA process.

FPS remains committed to being transparent and proactive in our effort to provide GAO and Congress with regular updates on the steps we have taken to further enhance, integrate, and transform FPS.

FPS and the Interagency Security Committee

I would like to take this opportunity to note that FPS is an active participant in the work of the ISC, helping shape standards, guidance and best practices that enable FPS employees to perform their protection mission with consistency, effectiveness, and efficiency. FPS sits on the ISC Steering Committee, chairs the Training Subcommittee, and has representatives on a number of other ISC committees and working groups, including the Design-Basis Threat group and the Countermeasures subcommittee.

Additionally, FPS participates in both the Active Shooter-Prevention and Response and the Presidential Policy Directive 21 and Compliance working groups that are currently underway. In recent years, FPS has also co-chaired the working groups that produced the Items Prohibited from Federal Facilities: An ISC Standard and Best Practices for Armed Security Officers in Federal Facilities, 2nd Edition documents.

Finally, FPS, in partnership with the GSA, serves as the Sector-Specific Agency for the Government Facilities Sector. In this role FPS is responsible for working with various partners—including other Federal agencies; state, local, tribal, and territorial governments as well as other sectors—to develop and implement the government facilities sector-specific plan.

Commitment to Securing Federal Facilities

In closing, I would like to acknowledge and thank the distinguished members of this committee for the opportunity to testify today. The Federal Protective Service remains committed to its mission of providing safety, security, and a sense of well-being to thousands of visitors and Federal employees who work and conduct business in our facilities daily.

I would be pleased to answer any questions you may have.

May 21, 2014 Written Testimony of AFGE Local 918- Federal Protective Service Union President David L. Wright before the House Subcommittee on Economic Development, Public Buildings and Emergency Management on Examining the Federal Protective Service: Are Federal Facilities Secure?

Chairman Barletta, Ranking Member Carson and Members of the Committee:

While Federal employees and facilities are very vulnerable to attack from both criminal and terrorist threats, thanks to the efforts of the dedicated FPS field staff they are generally secure. Are they as secure as they should be? Unfortunately they are not. Are Federal employees and facilities across the nation provided security that is as effective as this Congressional Office Building? Definitely they are not. Are there smart solutions to start bridging those gaps? Absolutely!!!

These solutions include establishing real results -based accountability for FPS leadership; pushing staff from headquarters to the field where service is actually delivered; providing effective on-site access control, screening for weapons and response; providing for effective recruiting/ retention of Inspectors; working, compliant tools for risk assessment and contract guard monitoring; saving agency mission dollars from diversion to inefficient internal security staff; and establishing effective security governance at facilities.

Establish a Culture of Accountability:

Since 2008 GAO has reported on challenges that FPS faces carrying out its mission, particularly oversight of contract guards and risk assessment. In both 2010 and 2013, GAO reported problems with ensuring that guards received screener training and met certification requirements.

There is no excuse for FPS senior managers who failed to ensure contract guard training was conducted and monitored. These problems could have been fixed. Three years later they should have been fixed, and the responsible managers should have been held accountable.

However, often lost in the broad national brush of these GAO reports is these are not organization -wide failures. In several of the 11 FPS Regions almost everything seems to go well. Laws are enforced, security assessments are completed, all guards receive FPS training, untrained guards are never used at a screening post, guard firearms qualification is fully monitored and guards are trained on active shooter at the facility they protect. This happens because the dedicated front line FPS Inspectors and Police Officers work many weekends to train contract guards and ensure that guard companies provide training required by their contract. They work productively with our partners at GSA and facility tenants to secure facilities often with very limited resources. These employees are dedicated to the mission of keeping federal employees and facilities safe. Simply put - FPS field employees refuse to fail.

When there is broad success in some regions and failure in others, the proper path to nationwide success would be to reward successful managers and hold failing managers accountable through demotion or removal. But with FPS it seems all too often that instead of establishing accountability, failure is treated as a structural issue which can be solved by reorganization to include additional layers of higher graded management coupled with additional staffing at headquarters in Washington DC. In this scenario, if some GS 15 Regional Directors don't organize their resources to train and monitor guards, the hiring of a new layer of SES and even more GS 15's at HQ would solve the problem. What has resulted is a lack of clear direction funneled through an extra layer of management who either ignore problems or are so busy collecting the wrong data they miss it. A better path is to give our Inspectors tools that work and

direction on priorities and they will make sure these issues are fixed. The security of our federal buildings is not a T-ball game to build self-esteem; it is serious business with serious consequences.

The solution is for DHS, aided by Congressional oversight, to establish a culture of accountability in FPS by removing unnecessary management layers and firing or demoting managers who fail to accomplish critical tasks or uphold the FPS Code of Conduct.

Staff the field where service is actually delivered

The FPS mission is performed primarily by our Inspector workforce of Federal Law Enforcement Officers also trained as Physical Security Specialists and assigned a portfolio of buildings. In addition to Inspectors there are Police Officers (being phased out through attrition), Explosive Detection K-9 Handlers and Special Agents who deliver primary services. There are also supervisors, program managers and mission support staff who perform management and support activities.

As law enforcement officers, approximately 680 Inspectors and legacy police officers respond to over 30,000 incidents a year, make over 1,900 arrests and conduct over 13,000 explosive K-9 sweeps in addition to community policing/ physical security duties for their assigned buildings.

On average, each inspector who is not a K-9 handler has about 23 buildings where they perform Facility Security Assessments (FSA); recommend, manage, test and check security countermeasures such as alarms, CCTV, blast mitigation and contract guards as well as security procedures such as entry control for employees and visitors; present FSA recommendations based on the Interagency Security Committee (ISC) Risk Management Process and threat assessments developed by FPS Special Agents for approval by Facility Security Committees

(FSC); participate in FSC meetings to update facility occupants on law enforcement efforts and security measure effectiveness; assist FSC in the development and exercise of emergency plans; recommend and conduct training for tenants on reaction to and prevention of undesirable events such as procedures to respond to an active shooter; draft and update post orders to provide detailed instructions to contract guards; and conduct proactive police patrol to detect and deter threats to a facility as well as identify and mitigate opportunities for criminal or terrorist attack.

Inspectors and Police Officers also perform contract guard monitoring duties that include: inspections of contract guard posts, based on the facility security level, to ensure they follow the contract including specific orders for that post; compliance monitoring of contract guard initial training and refresher training; observing every FPS -required contract guard firearms qualification (twice a year for most guards); teaching eight hours of initial training for each new contract guard; and teaching weapons detection to each guard.

Approximately 80 Special Agents investigate crimes including investigation and follow up with individuals who make threats to federal employees and facilities (except for threats to the Judiciary which are the purview of the USMS); conduct covert testing of contract guards; and provide intelligence including the threat portion of the FSA.

How do Inspectors accomplish all their tasks? They don't because there are simply not enough of them. What doesn't get done? Often it is the proactive tasks of making sure countermeasures work, emergency planning assistance and much of the critical proactive security/law enforcement patrol to deter and detect attackers and criminals.

A comparison with other facility security and law enforcement organizations is illustrative of this staffing shortage. The Capitol Police have 1,800 police officers for 47 blocks of Washington

DC; and the Secret Service Uniformed Division has 1,300 police officers for the White House and foreign embassies in Washington DC. In contrast, FPS staff in the NCR is a fraction of that and only about 1,000 nationwide. Clearly 1,000 in FPS are not enough to provide minimum law enforcement and security for our Federal buildings.

Additionally, analysis by several Inspectors indicates there are a number of contract guard patrol & response positions whose duties could be transitioned to Federal Police Officers at close to the same cost, but our funding structure - whereby guards are paid by building specific charges and FPS Officers are paid through basic security charges - prevents FPS from doing this.

Public Law requires FPS have a minimum of 1,371 total staff (down from 1,475 in FY07), of which 1,003 must be in-service field law enforcement staff.

There are 1,371 FTE (Full Time Employment) positions in FPS with 1,007 of them law enforcement. According to our research, 258 FTE including 67 law enforcement are assigned to the headquarters and 1,113 to the 11 Regions. The entire cadre of Inspectors, Police Officers and Special Agents who perform our direct services and their supervisors including the GS 15 Regional Directors comprise only 68% of the nationwide staff outside of HQ. A lean, agile and high performing organization would have far more than 68% of the staff in the field to accomplish the mission. Also, the 67 law enforcement staff assigned to the headquarters are not field law enforcement staff, thus FPS appears to be 63 Inspectors short of the statutory minimum.

FPS also uses over 550 support contractors. Over 200 work in our consolidated dispatch centers where they receive calls for service, monitor alarms, notify facility officials and dispatch FPS officers and PSO's to respond to incidents. Administrative support in the regions is provided by

less than 200; and over 150 provide administrative and financial support in FPS headquarters. This amounts to almost one contractor for every two employees.

Thus of a nationwide employee and contractor workforce of over 1,920, more than 21% is assigned to the headquarters. Over 20% of total personnel assigned to the HQ "supporting" 11 largely self-sustaining regions is inefficient and it effectively reduces the number of Inspectors and Police Officers in the field – which robs Federal buildings of necessary security.

An analysis of high grade positions is equally frustrating. For an organization with less than 1,400 employees, FPS has eight Senior Executives; 39 GS 15; and 138 GS 14. Over half of these top three grades are assigned to the headquarters. An organization focused on delivery of services in the field does not need eight SES and 28 GS 15 in its headquarters while the only field GS 15 are the 11 Regional Directors.

The solution is that Congress establish a ceiling of four SES; limit GS 15 to 125% of the number assigned to the regions; mandate reduction of headquarters (with no transfer of existing functions to the regions) to 12.5% (172 FTE) of total FTE; direct that incumbents in positions which exceed these limits be placed in the next vacancy within DHS for which they are qualified; and mandate the reduced FTE be allocated to hiring field law enforcement staff in the regions. Congress should also allow FPS to use its building specific charges to add FTE (not counted in the statutory minimum) when officers are dedicated to the facilities in an area who are paying the charges. And Congress should restore the minimum FPS field law enforcement staff to its 2007 equivalent of 1,150.

Effective on-site security services

FPS uses approximately 13,000 contract guards (called Protective Security Officers or PSO) at a FY 13 cost of about $875 million to perform patrol & response; personnel, package, and vehicle screening; alarm and CCTV monitoring; and access & visitor control duties at buildings. Facility Security Committees approve each post and the hours it is staffed. These services for a building are funded based on the space each agency occupies. Specific services inside a tenant's space to deter disruptive behavior in some offices (i.e. IRS and SSA) and are paid by that tenant. FPS procures, manages and monitors these services with some exceptions such as Judicial Space where contract guards (called Court Security Officers or CSO's) are procured and managed by the U.S. Marshals Service; and some buildings where the tenant contracts for their own security.

FPS has over 110 guard contracts. Each contract usually covers a portion of a state, the whole state or several states except in the NCR where the service areas are individual buildings rather than a contiguous area. For example in my home region there is one contract which covers all four states. Conversely in the NCR there are over 40 contracts, so an Inspector with buildings in a ten block area could have three or more different contractors servicing those buildings. I have been told it is impossible to consolidate contracts in the NCR and replicate the reduced cost and FPS workload noticed in my home region due to DHS –imposed bureaucratic rules.

Unlike Senate and House Office buildings where the entire on-site force is comprised of Federal Police Officers, the 1.4 million employees and visitors who use GSA owned or leased facilities must rely on contract guards for this function. These contract guards are beholden to state and local licensing restrictions and sometimes significant limits on authority. They are selected, trained, employed and supervised by private companies whose escalating wage rates during the

contract period are paid by the government. Discipline of guards who violate contract terms is up to the private employers who rarely fire them since retraining guards or hiring and training new guards eats into company profits. Even when malfeasance is detected, such as a case where a guard company employee falsified guard training records, it is treated as rogue behavior by an employee that the company can't control. The services from the company continue on that and other contracts with only one corporate employee debarred.

Federal Police Officers at Senate and House Office buildings are a proven cost-effective measure. How can we not provide the same protection at major GSA controlled buildings with thousands of employees? The Federal Officers at this building have the duty and authority to respond to active shooters. How can we demand less at federal buildings with thousands of occupants?

Another issue with contract guard use is the numerous small contracts where the cost per guard hour may be as much as $10.00 more than a nearby larger contract. FPS should be allowed to achieve economies of scale and reduce the cost of guard service. This reform could provide significant hourly cost savings not just on FPS contracts but also by assuming contracts (except for the USMS) procured and managed by agencies who contract for guards. Finally, the size of the FPS procurement staff has doubled but now takes 400 days to implement a new contract.

The solution is ultimately action by Congress to direct the use of Federal Police Officers as provided at House and Senate Office buildings for large multi-tenant facilities open to the public with a Facility Security Level of 3 or 4. As an interim measure and for smaller facilities where contract guards would continue to be the best option, provide legislative direction and relief to DHS and FPS to efficiently consolidate guard contracts within the same state or contiguous areas

in the NCR. Mandate implementation of a reasonable procurement staffing model; and mandate implementation of more cost effective procurement options, such as potential use of GSA.

Effective recruiting/ retention of Inspectors and working compliant tools

I have been told that FPS has a 7% attrition rate and when applicants for Federal Law Enforcement positions look at FPS one of the first questions asked is if we are covered by the law enforcement retirement provisions. When told we are not, the brightest and best qualified apply elsewhere. We lose too many good officers who transfer to another Federal agency to get that coverage.

FPS law enforcement officers are not considered as such for purposes of retirement. Congress has recognized and remedied the omission of other agencies including CBP and ICE, but has not yet included FPS. Last week here in the nation's capital we celebrated Police Week. At one event at the National Law Enforcement Memorial - where the names of federal state and local Law Enforcement Officers who have died in the line of duty are inscribed along the walkways, the nation recognized the supreme sacrifice of those heroes. Among the names inscribed at the memorial are six Officers of the Federal Protective Service. And should any other FPS Officer die in the line of duty their name will be added to that memorial. If we live and die as law enforcement officers Congress should recognize that service by allowing us to retire as one.

The Facility Security Assessment of a facility based on threat, vulnerability and consequence forms the basis of risk mitigation at that facility. FPS currently uses an interim tool called Modified Infrastructure Security Tool (MIST) which was borrowed from Infrastructure Protection's Infrastructure Security Tool (IST) tool which is used to survey a wide range of industrial and other commercial non-governmental facilities. Inspectors are concerned that

MIST does not align well with the ISC and misses several countermeasures; that it computes a baseline level of protection while the ISC requires a customized level of protection; and well informed FSC's expect the deliverables in the ISC standards which are higher than MIST provides. Overall tenants appear satisfied and understand the recommendations. However, GAO recently found it was not compliant with the government wide standards for risk assessment and there are available tools that meet the requirements. Also, FPS has been working with DHS Science and Technology to automate verification that guards stand post when scheduled and are trained for that post. Progress seems to be very slow.

The solution is for Congress to give FPS the recruitment and retention tool they gave CBP to ensure we can hire and retain top-notch officers to make Federal buildings secure. Mandate FPS expeditiously acquire and field a compliant risk assessment tool and guard post tracking system.

Save agency mission dollars from diversion to inefficient internal security staff

Federal agency Security Directors naturally want complete control of all aspects of security just as agencies want to own and lease their own office space regardless of efficiency. They fail to take advantage of economies of scale and pay more than necessary for guard service. Some security staff such as the DHS Office of Security and ICE Security Management Unit even armed their agency security specialists using 40 USC 1315. They do not have a law enforcement role; their use as such is inefficient; and it uses scarce mission dollars for services more efficiently provided by FPS. The security staff at many agencies often duplicate services provided by FPS. Congress and GSA have determined it is costly and inefficient for agencies to rent their own office space – the same economic case is applicable to security.

The solution is that Congress direct each agency to capture and report its direct and indirect (i.e. procurement) spending and FTE devoted to services normally provided by FPS. Analyze the results and direct non-mission critical expenses be stopped and FPS provide the service.

Effective security governance at facilities

Decisions to implement or not implement FPS security countermeasure recommendations are made by Facility Security Committees (FSC's) at individual facilities. FSC's are comprised of a representative from each tenant federal agency. Many of the FSC members are not security professionals who assume the FSC membership as a collateral duty. Tenant Agency lack of compliance with the ISC Risk Management Process Countermeasures also makes facilities vulnerable. If FPS recommended countermeasures are not accepted, the FSC's should recognize "acceptance of risk", but as noted by the Administrative Office of US Courts in November 2013 "There is **no** ISC requirement that individual FSC members sign a document "accepting risk." Rather, the ISC standard is that if a proposal is voted down, it will be **noted** in the meeting minutes." This includes FSC decisions to install alarm or CCTV systems, determination of which non -law enforcement employees are allowed to bypass screening for weapons and explosives, and other common sense protective measures. Additionally, the tenants in a building must pay FPS or GSA for any security countermeasures, so agency budget and individual FSC member's lack of authority to commit funding often becomes the only or most important factor in these decisions.

The solution is that Congress requires FSC's to articulate the risk assumed by not implementing ISC countermeasures in writing and FPS report these along with projected costs to Congress.

In summary, as AFGE President J. David Cox recently stated while calling on federal agencies to review their operational procedures to ensure the safety and security of all federal employees "Federal employees are on the front lines in delivering services to the American people and oftentimes that puts them in harm's way." These employees and the public they serve deserve the best and most effective protection we can provide.

Testimony of Stephen Amitay, Esq.
Executive Director and General Counsel

National Association of Security Companies (NASCO)

Before the
The House Committee on Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings, and Emergency Management

HEARING:
"Examining the Federal Protective Service: Are Federal Facilities Secure?"

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Introduction

The DHS website states that "the FPS mission is to render federal properties safe and secure for federal employees, officials and visitors in a professional and cost effective manner" and FPS is the primary agency responsible for providing law enforcement and related security services for the approximately 9,600 federal facilities under the control and custody of the General Services Administration (GSA). FPS has about 1,200 full-time employees and about 13,500 contract "Protective Security Officers" (PSO's) -- from approximately thirty contract security companies -- deployed at thousands of GSA controlled federal facilities (generally Federal Security Level III and IV facilities).[1] Other federal buildings and structures are protected by some three dozen other federal executive branch agencies many of whom also utilize security officers from contract security companies. Not including the military services, there are approximately 35,000 contract security officers deployed at federal facilities. [2] While the GAO and Congress have identified problems and challenges that FPS faces in ensuring federal facilities are secure, FPS and its contract security partners are working together to address these issues, and federal agency use of contract security officers is a proven cost effective means to safeguard federal facilities, employees and visitors. [3]

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[1] GAO: FEDERAL PROTECTIVE SERVICE: Challenges with Oversight of Contract Guard Program Still Exist, and Additional Management Controls Are Needed GAO-13-694, Sep 17, 2013 http://www.gao.gov/assets/660/657920.pdf As to which facilities actually have PSO's onsite, a 2011 GAO Report stated that "FPS provides security personnel to about 2,360 (GSA) facilities..." GAO: FEDERAL FACILITY SECURITY: Staffing Approaches Used by Selected Agencies GAO-11-601 June 2011. http://www.gao.gov/assets/330/320625.pdf

[2] The largest amount of contract security officers work for FPS (approx. 13,500), the United States Marshal Service (approx. 5,000), and the Department of Energy (approx. 5,000). Other federal agencies/instrumentalities that use contact security include: IRS, NASA, FAA, USDA, DOT, DOC, HHS, SSA, NARA, DOL, FDIC, US Coast Guard, State, DIA, NRC, Holocaust Museum, and Smithsonian. Private screening companies/personnel are also being utilized successfully at various airports around the United States under the TSA Screening Partnership Program.

[3] Some have suggested that better security at federal facilities could be achieved by "federalizing" the majority of FPS PSO's (who are stationed at Level III and Level IV facilities). However, federalizing PSO's would not only be cost-prohibitive but there is no performance-based evidence supporting this notion. In a 2009 hearing before the Senate HSGAC ("The Federal Protective Service: Time for Reform" April 19, 2009), then FPS Director Gary Shenkel estimated that on an annualized cost basis (thus not including retirement benefits) federalizing FPS security

NASCO is the nation's largest contract security trade association, whose member companies employ more than 300,000 security officers across the nation servicing commercial and governmental clients. NASCO member companies and companies who are members of the NASCO "Government Security Contractors Caucus" provide security officers to numerous federal agencies, including the majority of Protective Security Officers (PSO's) at FPS.

As FPS readily recognizes, "Protective Security Officers (PSO) are the front line of the Federal Protective Service in our mission to protect federal facilities, tenants and visits. PSOs are the most visible security presence and the first public contact with security most individuals have upon entering a building...The PSO Program is critical to FPS in ensuring the safety and security of Federal facilities and offices located through out the United States. (PSOs) are given a number of important responsibilities that include but are not limited to: facility access control; identification of criminal and suspicious activity, detection of prohibited and other hazardous items and situations; emergency response and evacuation assistance."[4]

Therefore it is also critical that FPS and its security contractors address issues and challenges identified with the PSO Program. Since 2007, NASCO has been working with FPS, Congress, the GAO, and GSA on various issues and legislation related to the PSO Program, and FPS and its security contractors need to continue to work together to make improvements to the Program.

There also needs to be improvement in the lines of communication between FPS headquarters, the regional officials, contract officers, contracting officer representatives, GSA, and federal tenants so there is a greater uniformity in the treatment of security contractors and PSO's and greater understanding of what exactly (as specified by the Statement of Work) is required of contract security companies and PSO's. On such issues as firearms qualification standards, facility screening requirements, contractor self-testing, and others contract security companies and PSO's can caught in the cross-fire of conflicting directives. FPS must also continue to work with GSA and federal tenants to gain a better understanding of their facility security needs and expectations.

FPS is well aware of the various PSO Program issues (and is constantly reminded by GAO) and progress is definitely being made to address them. Since the appointment of Director Patterson in 2010, the degree of dialogue and breadth of cooperation between FPS and security contractors has been unparalleled. With Director Patterson's approval and support, NASCO and FPS security contractors have been working closely with both the FPS Assistant Director for Training and the PSO Program Manager on a variety of

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officers would increase costs by about 35% or an extra $400M per year and converting PSO's to federal police officers would cost two to three times as much per officer. More so, in terms of performance, a 2011 GAO Report (GAO: FEDERAL FACILITY SECURITY: Staffing Approaches Used by Selected Agencies GAO-11-601 June 2011. http://www.gao.gov/assets/330/320625.pdf) looked at federal agency use of federal security officers and contract security officers and found no differences in performance (but found that using federal officers was more expensive and provided less personnel flexibility and more difficulty in disciplining non-performing officers). [3] One can also look at the current performance problems of the federalized TSA screener force as well as performance comparisons between federal screeners and private screeners at non-federal airports. "Federalization" is clearly not the prescription for better screening performance.

[4] Federal Protective Service, *Protective Security Officer SMART Book (Security Manual and Resource Tool),* 2014. Chapter 1, "Mission and Organization." Pages 5-7.

topics. While on some issues the progress being made might not be as fast as GAO and security contractors would like; nonetheless, FPS' commitment to improving the PSO Program is unquestionable.

Additionally, in the field there have been improvements, driven from headquarters, which have brought greater standardization in the contract process. There is still much work to be done, but FPS's attention to and management of its contract security force has come a very long way in the past decade. NASCO looks forward to continuing to work closely with Director Patterson and others at FPS to improve various aspects of the PSO Program which in turn will improve federal facility security.

Below are some of the issues and areas related the PSO Program that FPS is currently addressing.

PSO X-ray and Magnetometer Screening Training

In the critically important area of providing x-ray and magnetometer training for PSO's, a deficiency GAO has highlighted on numerous occasions, FPS, working with NASCO, developed and is now implementing a pilot program for training and certifying security contractor instructors to provide x-ray and magnetometer training to PSO's. Until now, unlike at most other federal agencies that use contract security officers where the security companies provide the x-ray/mag training, at FPS all the PSO x-ray and magnetometer training had to be provided by FPS personnel. However, the same FPS Inspectors responsible for providing the training are also responsible for conducting facility security assessments (FSA's), post-inspections, PSO performance and record oversight, patrols, response, and other duties. As a result, as GAO has noted, FPS has struggled to provide the training and some PSO's never receive the required training. Security contractors already provide 90% of all PSO training and have dedicated trainers. Therefore, turning over the x-ray/mag training to the companies, under FPS oversight, will result in more effective and efficient training and close the current training gaps. With FPS increasing the PSO screener training to 16 hours (with an annual 8 hour refresher), the need for its security contractors to be conducting this training is imperative.

Active Shooter Training

GAO has noted that while other agencies are already providing active shooter training to its contract security officers, the current FPS "training" is light to non-existent.[5] However, FPS is moving rapidly to address this issue on several levels.

First, late last year, FPS provided PSO's with "Active Shooter Instructions" that are now part of their post orders.

Second, in the new PSO SMART Book (Security Manual and Resource Tool) --- the PSO bible --- there is a new section on "Active Shooter" that spells out PSO actions in an active shooter situation. While some of the language in the Active Shooter section can probably be further refined and /or clarified (something the PSO program management said it is more than willing to do), it does make it clear that in a "life or

[5] DoE, State, Commerce, Holocaust Museum, NASA, Pentagon Force Protection Agency, IMF and World Bank all provide active shooter training for contract security officers. See Sept. 2013 GAO Report (footnote 1).

death" situation like an Active Shooter, an PSO "will defend self and others as necessary" and has authority to "stop the threat."

Third, and most importantly, FPS is also developing actual active shooter training for PSO's, which could be incorporated into or added to the contractor provided portion of PSO training. FPS says it is reviewing the active shooter training other federal agencies require of contract security officers --- something GAO has recommended and NASCO strongly encourages --- and FPS has already called in NASCO and security contractors on several occasions to discuss the training being developed. FPS should continue to work with security contractors to develop or adopt an appropriate and effective active shooter training course for PSO's. Any active shooter training should be building specific, scenario specific, incorporate actual drills on a regular basis after the initial training, and consider if there are armed federal employees in the facility (i.e. DEA, FBI, DHS, ICE or other armed federal agents).

PSO Authority

While active shooter situations are likely more "black and white" in terms of the extent to which a PSO can use force, in other instances of aberrant behavior, a PSO's authority is not as clear. The SMART Book says that a PSO "shall detain a person only when absolutely necessary, and use the force necessary and reasonable to control the situation. " However it then says, "You should be aware that using an 'unreasonable level of force' to detain a person could result in a civil lawsuit filed against you. An 'unreasonable level of force' is defined as "the level of force that is not appropriate to control a situation." [6] This is quite confusing and could condition a PSO to err on the side of not acting until things get out of control.

For instance, PSO's are sometimes required to pat down individuals and if something is found the individual is asked to remove it. However, in cases where the individual refuses, there is a lack of guidance. Also, FPS officials in the field are giving PSO's detention instructions that differ from what is in the PSO manual. In the past, both PSO's and their security companies have been sued and held in violation of contract for a PSO's good faith action in a potentially dangerous situation.

PSO's are required to carry and if necessary apply handcuffs, they are required to carry and if necessary use intermediate force weapons (e.g., baton, OC pepper spray) to temporarily incapacitate a violent individual and they are required to carry and if necessary discharge their firearm to protect self or third parties. While the new SMART Book does contain better language conveying that FPS will not restrict a PSO from taking action legally provided for under state law (pursuant to a security officer license and/or weapon permit) FPS needs to continue to work to make it clear what its expectations are with respect to how a PSO can and should in various situations.

Another possible strategy for dealing with active shooter and violent/criminal situations is for DHS to authorize PSO's to make arrests. Other federal agencies, such as Department of Energy, under federal statutory authority, authorize their contract security officers to make arrests for certain crimes committed in their presence or if they reasonably believe such a crime was committed. [7] The Homeland Security Act

[6] FPS SMART BOOK

[7] For DoE, arrest authority is provided to contract security officers under 10 CFR 1047 - LIMITED ARREST AUTHORITY AND USE OF FORCE BY PROTECTIVE FORCE OFFICERS. Arrest is defined as any act, including taking, seizing or detaining of a person, that indicates an intention to take a person into custody and that subjects the

provides for similar arrest authority to be given to employees of DHS "to make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony."[8] This section could be amended by Congress to provide such authority to PSO's. If PSO's were given arrest authority (and expected to use it) additional training would be required. Providing PSO's with arrest authority on federal property could lead to faster containment of dangerous situations at federal facilities.

Standardized Training and Certified Trainers

FPS is also working with NASCO and security contractors to review, revise and standardize the PSO training (Lesson Plans) in a new and better format. FPS contractors through NASCO have provided FPS with various contractor PSO training lesson plans from which FPS is determining "best practices" and then "cross walking" them against the new SMART Book and the Interagency Security Committee Armed Security Officer Standard. Standardizing the PSO training will result in greater assurances that all PSO's, regardless of the company that trained them, will be trained to specific standard. As to training revisions, NASCO recommends that any new lesson plan needs to be able to incorporate training for new and developing threats and should contain training that is performance based instead of time or knowledge based.

On a related issue, NASCO fully supports FPS certifying security contractor instructors. The 2013 ISC "Best Practices for Armed Security Officers in Federal Facilities" recommends that certified trainers provide the training for armed security officers (including PSO's). [9] Already numerous state governments "certify" private trainers to provide the required security officer training (firearms, handcuff, baton, "pepper spray") that they require for security officers to obtain state licenses and certifications. Also, other federal agencies such as NASA and DoE require security officer instructors to be certified. This would provide for greater confidence in and consistency of PSO training. GAO also recommends that FPS security contractor instructors "be certified to teach basic and refresher training courses to guards and evaluate whether a standardized instructor certification process should be implemented."[10] FPS concurred and it envisions using a standardized lesson plan being taught by certified instructors.

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person to the control of the person making the arrest. http://www.gpo.gov/fdsys/pkg/CFR-2012-title10-vol4/pdf/CFR-2012-title10-vol4-part1047.pdf The U.S. Marshall Services, deputizes its Court Security Officers giving them full law enforcement authority. http://www.usmarshals.gov/duties/ However, CSO's are required to have a law enforcement background or law enforcement training (but this can be a double edged sword).

[8] 40 U.S.C. § 1315 : US Code - Section 1315: Law enforcement authority of Secretary of Homeland Security for protection of public property http://codes.lp.findlaw.com/uscode/40/I/13/1315#sthash.saToUhla.dpuf

[9] ISC Best Practices for Armed Security Officers 2013 Chapter 6.4 Providing Armed Security Officer Training. "All training, whether required or as a refresher, should be done with a certified trainer and/or training organization for: Defensive Tactics, Empty Hand Control Techniques, Firearms (Initial and Requalification Training), Handcuffing Techniques Intermediate Weapons/Compliance, and Use of Force."

[10] September 2013 GAO Report (See Footnote 1.)

Another training issue that FPS needs to address is refresher training. At FPS a PSO's initial training (132 hours) never expires and the refresher-training requirement is currently 40 hours every three years. Other agencies provide more initial training and provide substantially more refresher training. FPS needs more refresher training (perhaps 24 hours annually) and should consider at least one annual scenario drill run on site during off hours. These active drills, similar to force on force training currently executed at DoE sites nationally, keep the skills already provided to the contract security personnel fresh and allow for better and safer weapons handling skills. FPS should also consider requiring and sequencing refresher training throughout the contract period; rather than only requiring it be conducted once every three years. For instance, security skills and knowledge refresher training could be conducted on-site at federal facilities via an OJT (on-the-job training) methodology throughout the contract period of performance by company trainers. These additional hours of refresher training and active drills will allow PSO's to learn from and immediately be adjusted for any minor corrections in tactics or technique that will then be perfected for use during a time of emergency such as an active shooter situation.

On all issues related to training, FPS should be actively reaching out to other federal agencies, to see how they are training and managing their contract security officers.

New PSO Manual

FPS has very recently released a much needed revision and update of its 2008 "Security Guard Information Manual" (SGIM). The new versions, called the Security Manual and Resource Tool "SMART" Book, is a PSO's "go to reference book" that provides PSO's with information on the policies, practices, and standards required for the PSO's. Not following the SMART Book is considered a contract violation.

While the degree of contractor input into the latest revision process was minimal, and in some areas, further work and/or clarification may be needed, the new SMART book is a version control document that is founded on a quality management process that will allow for incorporating improvements and updates more easily. The PSO Program management office plans to provide briefings and webinars to contractors on the SMART book and has asked NASCO to solicit feedback too on possible areas that require revisions or greater clarification.

Related to the new SMART Book, FPS is also conducting a comprehensive review of all PSO Post Orders and looking to standardize and update them. NASCO commends this effort, as many current post orders are fairly nebulous and vague and tend to reflect a "cut and paste" approach from other post orders. However, new post orders, in addition to being standardized, need to be facility specific and tailored to the specific post.[11]

PSO Drills and Testing

An important part of keeping a security workforce sharp is to conduct regular drills and scenario testing. FPS, through its Operation Shield, conducts penetration tests at federal facilities that test PSO's ability to

[11] For instance, in some facilities there will be a "duress button" that sets off an alarm; however, there is nothing in the post orders about what to do upon setting off the alarm. Post orders should also have information on the closest fire alarm, and other location/post specific information.

detect prohibited items. Often, FPS will provide remedial on the spot training during these exercises. However, a persistent problem related to these tests is that FPS is unwilling or does not in a timely fashion, share the results of the Operation Shield exercises with the security contractors. This makes it difficult to determine which PSO's were posted at the time, the conditions, and other information that can be helpful to the security contractor to take corrective and remedial action.

FPS security contractors also have the ability to perform their own penetration exercises of PSO's that are very productive. In these cases, with prior notice to the Government, a company can test a PSO's ability to identify weapons or contraband being introduced to the facility. While Operation Shield exercises by FPS are excellent testing tools, PSO's need to use their skills or they will degrade. Infrequent FPS testing in the field infrequently is less valuable than allowing the company to test them more frequently. FPS security contractors conduct such drills with their security officers at other federal agencies and such drills are encouraged by those agencies. However, FPS is inconsistent on allowing security contractors to conduct drills with their PSO's and the policies vary by region to region, COR to COR. There does not seem to be any valid arguments against allowing, under set FPS parameters and safety guidelines, security contractors to conduct drills on their PSO's and NASCO strongly encourages FPS to issue guidance in this area.

PSO and Contractor Records Oversight

In the area of security contractor oversight and the verification of PSO training and certifications (an often raised issue by GAO) in many instances the issue is not that a PSO did not receive one of the 24 required PSO training segments and/or certifications, but instead it is an issue of poor recordkeeping, incomplete file inspections and conflicting interpretations of contract requirements. Contractors are well aware that putting a PSO on duty without the required training and certifications can result in serious monetary penalties, fines and other negative consequences. However, if a contractor has deployed a PSO without proper training and certifications in violation of the contract, then, as GAO has recommended, "there should be stepped up uniform enforcement against companies that are not complying with the terms of the contract.

FPS is taking steps to improve its contractor records oversight and recordkeeping capabilities. FPS has revised its Contractor Officer Representative (COR) training and is bringing on board 39 dedicated Contracting Officer Representatives. This new COR cadre will not be spread thin doing other FPS duties as many current FPS Inspectors doing COR duties are now, and they will be able to provide better contractor and compliance oversight and more quickly resolve contract issues.

A central problem in FPS' ability to provide oversight of PSO data is that it does not have a comprehensive PSO data management system. As is well known, a previous attempt by FPS to create one failed. However, as GAO noted, "Although FPS does not have a system to track guard data, 13 of FPS's 31 guard companies maintain training, certification, and qualification data in either proprietary or commercially available software programs with various management capabilities. For example, one system used by multiple companies tracks the training and certification status of each guard and prevents the company from scheduling the guard to work if the guard is not in compliance with requirements." [12]Without a doubt, for reasons of effectiveness, in addition to cost-efficiency, FPS should be looking to set up a data

[12] Sept 2013 GAO Report (see Footnote 1).

management system that will sync with commercially available and other data management/tracking systems. Also, contractors need to be able to upload information directly to the FPS PSO database, as often mistakes are made during the transfer of data from a contractor to FPS who then has to manually load the data.

Coordination with Local Law Enforcement

With less than 1000 FPS law enforcement personnel and thousands of buildings to protect, it is very important that FPS has good coordination with local law enforcement authorities who may be called by PSO to a respond to an incident at a federal facility. FPS should also include the security contractor in this coordination. However, FPS Law Enforcement Personnel do not train with PSO's and do not typically invite local LE to participate in training. Therefore, when a large-scale incident or emergency event such as an active shooting does occur, it is unclear how anyone will react. Responsible parties have not discussed action plans in advance let alone conducted drills involving the security/law enforcement stakeholders who would be responsible for responding. This leads to confusion during an incident, the worst possible time to have a breakdown in communications. The simple solution is to have more and better communication and coordination (including drills and dry-runs) between the contract security companies/PSO's, FPS and local law enforcement.

There also can be better sharing of threat and risk information between FPS and security contractors. FPS does not share Facility Security Assessments (FSA's) with contractors providing security for a facility. Additionally, FPS also does involve security contractors in the identification and prioritization of threats, thereby losing their potentially valuable input and preventing valuable information from being distributed up and down the chain of PSO command.

FPS Mission Refinement

As stated at the outset, "the FPS mission is to render federal properties safe and secure for federal employees, officials and visitors in a professional and cost effective manner". FPS though has limited monetary and personnel resources to accomplish a mission that spans the entire nation and involves thousands of properties. The 13,500 contract PSOs from 31 companies are the "front line" of the FPS mission and the performance and management of this force should be FPS' number one priority. FPS should consider concentrating more on improving the PSO program and its relationship with GSA and federal tenants while de-emphasizing law enforcement and investigative related activities and responsibilities that may be duplicative of the activities and responsibilities of other law enforcement agencies. Program and contract management, working with building security committees, maintaining security systems, and coordinating drills may not be as appealing as providing special event protection, conducting criminal investigations or being on a special ops team, but with a mission to protect thousands of federal buildings, what is the more effective use of FPS personnel resources? Accordingly, NASCO strongly supports FPS' creation of a dedicated COR force (mentioned above), and in any congressional legislation that may seek to set a minimum FPS personnel number or increase FPS personnel numbers, the type of personnel should not be specified (e.g. just increase the number of Inspectors).

Other Challenges that FPS Faces with Federal Facility

Federal Facility Security Assessments

The GAO has found that several agencies, including FPS, do not use a methodology to assess risk at their facilities that aligns with the Interagency Security Committee's (ISC) risk assessment standards, and as a result, "FPS and the other non-compliant agencies GAO reviewed may not have a complete understanding of the risks facing approximately 57,000 federal facilities located around the country (including the 9,600 protected by FPS)." Risk assessments (facility security assessments) are the foundation upon which an effective facility security policy is built and FPS needs to improve its FSA capabilities in terms of compliance with ISC Standards being able to do FSA's in a timely fashion, and more so, doing them well. The current FPS risk assessment tool (MIST) in addition to not being aligned with ISC standards also has other limitations according to GAO. In addition, in a recurring theme at FPS, the FPS personnel responsible for doing FSA's (inspectors) are also responsible for doing a myriad of other duties at FPS, and the quality of the assessment, even if the model is improved, can suffer. As FPS is now doing with the creation of a much needed dedicated COR force, it might consider creating a dedicated FSA force, but such a force would need better training, tools and quality control management. As to better tools, FPS should look to the private sector and other agencies to find an effective risk assessment tool instead of trying to develop one. There are commercial off the shelf risk assessment tools available. More so, FPS could free up Inspectors and increase the amount of FSA's completed by outsourcing FSA's to companies that have experts who specialize in such work and are currently doing FSA's for nuclear facilities, critical infrastructure, and high risk commercial buildings. As GAO has found, other federal agencies are already turning to non-governmental experts to establish their physical security plans.[13]

Federal Facility Security Committees

A critical player in prioritizing and mitigating threats to federal facilities is the "Facility Security Committee (FSC)." As explained in the ISC Risk Management Process Standard, the FSC consists of representatives of all Federal tenants in the facility, the security organization (Federal Protective Service for General Services Administration (GSA) owned and operated facilities), and the owning or leasing department or Agency. The FSC is responsible for determining the Facility Security Level for the facility, addressing the facility-specific security issues addressed in the facility security assessment and approving the implementation of security countermeasures and practices recommended by the security organization.[14] These are very serious facility security responsibilities.

In GSA owned/leased building, FPS is responsible for doing the FSA and then recommending (and explaining) the appropriate countermeasures to the FSC. However, it is clear that "the decision to

[13] GAO Facility Security Report January 2013. One official told GAO that "his agency contracts with a security company that has extensive knowledge and experience in providing security and law enforcement to high profile institutions across the federal government, and that this knowledge is used in managing the agency's security program." Page 8. ..." GAO: FEDERAL FACILITY SECURITY: Staffing Approaches Used by Selected Agencies GAO-11-601 June 2011. http://www.gao.gov/assets/330/320625.pdf

[14] ISC Standard for "The Risk Management Process for Federal Facilities" August 2013.

implement those recommendations and mitigate the risk or to accept risk as part of a risk management strategy is that of the FSC."[15]

In past GAO Reports, and in contractor dealings with FSC's and tenant agencies, there have been serious issues as to whether FSC's are making "informed risk-based decision regarding the mitigation or the acceptance of risk" as required by the ISC Risk Management Process Standard. In a 2010 GAO Report, GAO noted something that FPS and security contractors have experienced first-hand at federal facilities; "tenant agency representatives to the FSC generally do not have any security knowledge or experience but are expected to make security decisions for their respective agencies." [16]

Security contractors working at federal facilities have observed that often at FSC meetings the lead agency will call the shots and ignore FPS recommendations. Tenant representatives do not want to be there, are disinterested and therefore FSC meetings are also not well attended. In addition, for some FSC's there is a greater interest in providing "customer service" than building security. [17]

While GAO also opined that tenant representatives on the FSC may not be getting adequate information from FPS (and some observers believe that FPS needs to do a "better sales job" with the FSC's); nonetheless, the bottom line is that security decisions for federal facilities are often being made by persons with no education or training in risk mitigations and security. Also, with shrinking agency budgets combined with the fact that "many of the FSC tenant agency representatives do not have the authority to commit their respective organizations to fund security countermeasures"[18] it is becoming increasingly more likely that recommended and necessary security countermeasures are being voted down solely because of cost concerns.

Whether it is for a lack of understanding of the risks or a lack of a funding commitment, both of these scenarios are a prescription for increasing risks at federal facilities. There are though solutions to the above described FSC problems.

Last Congress, the Senate Homeland Security and Governmental Affairs Committee passed a bill (endorsed by NASCO), that addressed both the FSC member lack of training/education issue as well as the refusal of an FSC (for whatever reason) to implement recommended countermeasures issue. In S.772, 'Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2012' (SECURE Act) there was a provision that said that if the DHS Secretary in coordination with the ISC, "determines a Federal facility (protected by FPS) to be in noncompliance with Federal security standards established by the Interagency Security Committee or a final determination regarding countermeasures" and the facility loses an appeal and still does not implement the countermeasure, then "The Secretary

[15] ISC RM Process Standard. 6.0 "The Risk Informed Decision Making Process"
[16] GAO: HOMELAND SECURITY "Addressing Weaknesses with Facility Security Committees Would Enhance Protection of Federal Facilities" GAO 10-901 August 2010 http://www.gao.gov/new.items/d10901.pdf
[17] At some federal building PSO's are not allowed to "hand check" employee ID's when necessary.
[18] GAO Report: See Footnote 16.

may assess security charges to an agency that is the owner or the tenant of (the) Federal facility... for the costs of necessary security countermeasures."[19]

Also in the SECURE Act, there is a provision that requires that "before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee" that is "commensurate with the security level of the facility." [20]

The ISC Risk Management Standard has FSC education requirements too. However, with no way to monitor/enforce compliance it is likely the percentage of current FSC members at federal facilities who have taken required training courses is small.

Congress should work with DHS, who chairs the ISC, FPS and all federal agencies to make sure that FSC members are taking the required training. The safety of the employees and visitors in federal facilities also needs to be a funding priority. FPS will need to work harder with it federal clients to identify and implement the most cost-effective countermeasures appropriate for mitigating vulnerability, but in the end, necessary security should never fall victim to budget cuts.

Conclusion

While there continue to be issues with the Protective Security Officer Program, under the direction of Director Patterson, FPS is actively working with its contract security partners to address these issues. Importantly, every element of the Program is subject to potential review and revision if necessary and FPS' oversight and review processes are being reformed to provide for better quality management. All of these efforts will increase the performance and effectiveness of the FPS PSO force.

Some of the needed changes and improvements such as the addition of Active Shooter training or the need to deploy more PSO's at a facility will likely require additional funding. In such instances, if FPS can explain to federal agencies and Congress the rationale for the additional funding, Congress needs to support FPS.

NASCO looks forward to continuing to work with FPS, Congress, GAO, and GSA to improve the PSO Program and increase security at federal facilities.

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[19] S. 772 "Supporting Employee Competency and Updating Readiness Enhancements for 4 Facilities Act of 2012" http://thomas.loc.gov/cgi-bin/query/z?c112:S.772.RS:/ SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

[20] S. 772 SECURE Act of 2012, SEC. 264. FACILITY SECURITY COMMITTEES (c) "Training for before serving as a member of a Facility Security Committee, an employee shall successfully complete a training course that meets a minimum standard of training as established by the Interagency Security Committee" that is "commensurate with the security level of the facility." [20]

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
AFGE LOCAL 918 - FEDERAL PROTECTIVE SERVICE
Representing Employees of the Federal Protective Service Nationwide

June 5, 2014

Honorable Lou Barletta
Chairman
Subcommittee on Economic Development, Public Buildings and Emergency Management
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Barletta,

I have found it necessary to correct the record regarding a portion of my written testimony to the Subcommittee on May 21, 2014 at the Hearing: Examining the Federal Protective Service: Are Federal Facilities Secure?

Specifically on page 10 lower mid page, under the bold text "Save Agency mission dollars from diversion to inefficient internal security staff":

As submitted: Some security staff such as the DHS Office of Security and ICE Security Management Unit even armed their agency security specialists using 40 USC 1315. They do not have a law enforcement role; their use as such is inefficient; and it uses scarce mission dollars for services more efficiently provided by FPS.

Corrected: Some security staff such as the DHS Office of Security and ICE Security Management Unit even armed their agency security specialists. DHS uses 40 USC 1315 while ICE uses their Office of Professional Responsibility authorities. They do not have a law enforcement role; their use as such is inefficient; and it uses scarce mission dollars for services more efficiently provided by FPS.

Once again, I thank you for the opportunity to testify on behalf of the Federal Protective Service workforce and to correct my written testimony.

David L. Wright
President
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