S. HRG. 106–967

FEDERAL PROTECTIVE SERVICE REFORM ACT OF 2000

HEARING

BEFORE THE

SUBCOMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

OF THE

COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

SEPTEMBER 28, 2000

ON

H.R. 809

A BILL TO AMEND THE ACT OF JUNE 1, 1948, TO PROVIDE FOR THE REFORM OF THE FEDERAL PROTECTIVE SERVICE

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FEDERAL PROTECTIVE SERVICE REFORM ACT OF 2000

THURSDAY, SEPTEMBER 28, 2000,

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:37 a.m. in room 406, Senate Dirksen Building, Hon. George Voinovich (chairman of the committee) presiding.

Present: Senators Voinovich, Baucus, and Moynihan.

OPENING STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM THE STATE OF OHIO

Senator VOINOVICH. Good morning. The hearing will come to order.

First of all, I would like to thank our witnesses for appearing before the subcommittee today to testify on H.R. 809, the Federal Protective Service Reform Act of 2000. I would especially like to thank Congressman Traficant for taking the time to come here this morning and discuss his legislation. In Panel II, I would like to welcome Bob Peck, Commissioner of the Public Buildings Service at the General Services Administration, and Mr. Joel Gallay, Deputy Inspector General of the GSA. And in Panel III, I would like to welcome the Honorable Jane Roth of the U.S. Court of Appeals, located in Wilmington, Delaware, and Mr. Steven Bellew, Vice Chairman of the Fraternal Order of Police, Federal Protective Service Labor Committee.

The FPS has been a part of the Buildings Service of the GSA since 1949. The Public Buildings Service provides work environments for over one million Federal employees nationwide, and serves as a builder, developer, lessor, and manager of federally owned and leased properties, properties currently totally more than 280 million square feet of office, storage, and special space. The Public Buildings Service provides a full range of real estate services, property management, construction and repair, security services, property disposal, and overall portfolio management.

The bombing of the Murrah Federal Building in Oklahoma City, OK, in 1995 was a tragic wake-up call as to the need to enhance security at Federal office buildings in the United States. Shortly after the incident in Oklahoma City, the President directed the Department of Justice to assess the vulnerability of Federal office buildings particularly to acts of terrorism and other forms of violence. A number of other Federal entities participated in the proc-

ess which resulted in a number of recommendations to upgrade security at Federal facilities nationwide.

These recommendations were described in the Department of Justice's final report issued on June 28, 1995, entitled: Vulnerabilities Assessment of Federal Facilities. Included in the report was a recommendation that consideration should be given to elevating the FPS to a different level within the GSA.

The bill we are discussing this morning, H.R. 809, would essentially codify that recommendation by creating a separate service within GSA for the Federal Protective Service. The separate FPS would have its own commissioner who would have direct command and control and authority over the FPS regional directors in each of the 11 geographic regions of the GSA. Currently, the Assistant Commissioner of the Federal Protective Service does not have line authority over the FPS Regional Directors. Rather, the FPS Regional Directors report to the Assistant Regional Administrators for the Public Buildings Service. The Assistant Regional Administrators in turn report to the Regional Administrators who are responsible to the GSA Administrator directly.

I believe H.R. 809 addresses a serious problem with the current organizational structure in GSA; mainly, the line of command. Although the current Assistant Commissioner of FPS has nearly three decades of law enforcement experience, he only can issue guidance and has no authority over the FPS people in the 11 regions throughout the country. Also, the FPS regional directors often do not have law enforcement experience and they report to the FPS Assistant Regional Administrator or a PBS Regional Administrator who in all likelihood does not have law enforcement experience either.

The bill requires that the newly created Commissioner of the Federal Protective Service and the FPS Regional Directors meet minimum requirements for law enforcement experience. While creating the Federal Protective Service as a free-standing service within GSA, as would occur under H.R. 809, is one way to address the line of command problem, I do not believe that this is necessary or prudent.

First, I think it is important to clarify that FPS currently performs two functions: security and law enforcement. However, the security function of FPS cannot be easily separated from the real estate function of the Public Buildings Service. For example, the security function which includes such activities as placement of security equipment and technology, building design and operation, should be fully integrated with the building management activities of the PBS.

Second, I believe the line of command can be best addressed without breaking the link between PBS and FPS. I believe this objective can be achieved by improving the organizational structure of PBS to provide a clear linkage of authority between the Assistant Commissioner of FPS with the Regional Directors. However, I do agree that the Assistant Commissioner and Regional Directors should meet certain minimum requirements in terms of law enforcement experience.

I am pleased to see that FPS has undertaken several initiatives to improve the effectiveness of FPS. For instance, I understand

that PBS has created a new Law Enforcement and Security Officer position which is designed to be uniquely suited to meet the security and law enforcement needs for protecting Federal buildings.

I would like to hear whatever thoughts our witnesses may have on this initiative. I also look forward to hearing from our witnesses this morning on how we can provide a top-notch security for our Federal buildings and whether H.R. 809 accomplishes the goal. In addition, I hope our witnesses will be concise as to the provisions of this bill Congress could conceivably enact in the short time remaining before we adjourn. We are at the end right now. What part of this could we get agreement on and get done.

Again, I thank you for coming today and I look forward to your testimony and responses to any of the questions that may follow.

I am pleased to have here with us today Senator Baucus and Senator Moynihan. I will call on Senator Baucus first.

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. Thank you, Mr. Chairman. First, I welcome all the witnesses, appreciate your contributions here. Second, I thank you, Mr. Chairman, for holding this hearing.

The Federal Protective Service clearly is of utmost importance. After all, they are the ones that secure all our Federal buildings. And after the Oklahoma incident, we are paying even more attention to the FPS to make sure that it is performing its duties as well as it possibly can.

As I understand it though, there are some who feel that there is a bit of a disconnect between the Assistant Commissioner of the Federal Protective Service in Washington and the officers in each of the 11 regions. This bill attempts to change that by establishing a chain of command, as I understand it. I also believe that connecting the Assistant Commissioner directly to his Regional Directors is positive. And as you have said, Mr. Chairman, establishing a minimum set of criteria of experience for FPS Directors also makes sense. And there are other provisions of the bill which I think are also good.

But I am not sold, frankly, on the need to make the Federal Protective Service a separate entity in the Public Buildings Service. Unless I am shown the contrary, my sense is that is going to create more confusion and not less. Nevertheless, I am not the expert on this. That is why we have witnesses; they are. And I look forward to their testimony.

Senator VOINOVICH. Thank you, Senator.

Senator MOYNIHAN.

Senator BAUCUS. Before I finish, Mr. Chairman, I would like to just honor our wonderful Senator from New York who more than other Senator in many, many decades has left his imprint on public buildings in a very solid, wonderful way. I am fond of saying, I think it is true, no public servant in the United States of America has left a more positive legacy in magnificent public buildings in our country's history since Thomas Jefferson. And if you look at both ends of Pennsylvania Avenue, up and down, if you look up in New England, other parts of our country, it is clear. We are very

honored, Senator, and very thankful for all that you have done for our country.

Senator MOYNIHAN. You are very generous, sir.

Mr. Chairman, I do not think I should add to that.

[Laughter.]

OPENING STATEMENT OF HON. DANIEL PATRICK MOYNIHAN, U.S. SENATOR FROM THE STATE OF NEW YORK

Senator MOYNIHAN. But if you look at the upper part of Pennsylvania, you find guardhouses and barriers and policemen and all the things that you do not associate with an open society. We have to balance that. And we had an example the other day which we should keep in mind. I think Bob Peck used to be a member of our committee staff, Major Peck he is in the Army Reserves. But a few days ago in London a mortar shell was fired into the upper stories of the building that houses the—it is probably where "M" used to work in the James Bond movies.

[Laughter.]

Senator MOYNIHAN. And they have recovered the apparatus. It was Russian made, which suggests that it was probably an Irish group. It weighs eight pounds, can be fired in 10 seconds, and you disappear. So keep that in mind as we try to build walls that mortars can come over. There is no such thing as absolute security. But thank you for your generosity and your statements.

Senator VOINOVICH. Thank you for being here, Senator Moynihan. I remember even the White House, the days that you were able to walk to the White House and walk around the White House, the barricades are now up and it looks like we are under siege. With the way that the environment is today, it does make I think a sad commentary on our society.

Senator MOYNIHAN. Could I make one point, sir. The first fence around the White House was put up by Theodore Roosevelt who was tired to seeing the civil servants from State, War and Navy walk across his lawn to have lunch at the Ebbitt's Grill.

[Laughter.]

Senator MOYNIHAN. And it was just high enough that you really could not step over it. That was the only purpose. See how far we have come.

Senator BAUCUS. I wonder, Senator, if there is some way to reopen Pennsylvania Avenue in front of the White House, maybe on a limited basis.

Senator MOYNIHAN. The Washington Post had a fine editorial this morning saying that.

Senator BAUCUS. Oh, really?

Senator MOYNIHAN. Our former colleague, Bob Dole is coming up with a Federal-City Council effort, and I have joined with our Representative from Washington. And we have a plan, you bet.

Senator VOINOVICH. Again, we want to thank you, Representative Traficant, for coming here this morning, and we look forward to your testimony.

STATEMENT OF HON. JAMES A. TRAFICANT, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. TRAFICANT. I appreciate it. I would like to start out by saying this Senate hearing is out of control with some of your small talk, but I have enjoyed it.

[Laughter.]

Senator VOINOVICH. You ought to come over more often.

Mr. TRAFICANT. Yes, it is a little more loose over here.

I want to compliment you, Mr. Chairman, for the great job that you have done and the continuing effort that you have placed on our State and the Nation. And having worked in the past in the field of public buildings, having a long relationship with Senator Baucus, Senator Baucus is tough, to say the least, but he was always vigilant as to what really was best for America, and we respected that, and Mr. Mineta, Mr. Oberstar, and I have supported you, Senator, as well as Senator Moynihan.

As far as Senator Moynihan, I can remember way back where his ideas for America and the many people that followed those ideas led to better cities, led to people having opportunities. I just missed the tribute on the House floor to you, Senator, and I wanted you to know that I think you have done a tremendous job. I think that everything that has been said about you has been good and you have always done it with humility and with grace. Now, having said that, I want you to change your position with this issue on Bob Peck.

[Laughter.]

Mr. TRAFICANT. Let me get on to my statement. I have a statement that I would ask unanimous consent to be included in the record.

I was chairman of this subcommittee and I was astounded to find out that in Oklahoma City there were three Federal buildings being guarded by one contract guard. The Alfred P. Murrah Building was a light blinking on and off for some terrorist to make a statement. And after the review of that, including the Justice Department's, task force reviews, independent individual studies, they came to the same conclusion that our subcommittee came to and ultimately the House of Representatives—that real estate people really cannot be responsible for law enforcement functions.

This bill would have been on a fast track and would have been law had we made that deal and not left FPS responsible to PBS, the real estate arm. And the argument has always been that if you do that, you will take away the coordination. It has not done that with the Capitol Police and the Architect of the Capitol.

This bill will raise the number of FPS agents. As you know and have read and you have stated in your opening statement, it will increase and mandate training and standards of those contract guards, many of whom are former policemen, Senator, we are not saying they are not capable, but it would ensure uniformity.

Our bill deals with looking at parity of other law enforcement personnel with significant functions in a Federal system and the whole pension network.

But the major issue continues to revolve around, Who is responsible? And as a former sheriff, let me say that in all the years I have been in Washington, I do not think we have had anybody bet-

ter, more straightforward than Mr. Peck. I think he has done a tremendous job. I do not know what his status will be in the future with the Presidential election, but there are many people who realize his tremendous contribution. But Mr. Peck is a real estate man.

The statement I am making to the Senate here today is that the Nation is watching. These great monuments of America's freedom, our buildings have become the prime targets. See, I believe there is a way of having a structure of law enforcement systematic designated approach with a coordinated effort, as you have between the Capitol Police and the Architect of the Capitol, to coordinate security concerns and needs. But once real estate decisions become paramount in the financing structure of limited Federal dollars, there is where you have the dichotomy that could endanger public lives. That is our job here is to protect lives. The courthouses are protected by the Marshals Service. They have a fine relationship with the courts. The Capitol Police have done a fine job, they have a fine relationship with the Architect of the Capitol. And there is no reason why in streamlining a law enforcement structure we cannot have that same type of relationship.

Let me say, the law enforcement community in America supports this bill. Every study that has been undertaken by the Justice Department, including that recommendation for separation with coordinated efforts, supports this. And all of the other commission studies support that move.

The point I am making, I am not going to belabor the time and I will be present here for questions, is basically this. This bill would be law were it not for that provision. And the reason why you are having this hearing is there are those in America who believe it is that important that the future security of Federal buildings rests on the management apparatus of a law enforcement perspective more than a real estate perspective. There is no reason in the world why we cannot coordinate the two, as we have done in other law enforcement/security issues in our Nation's Capitol.

So I thank you for having me here. I believe this bill should be passed. And if the Senate in its wisdom finds that there has to be some machinations and changes, we would be willing to talk. But to let this sit, let there be one more Alfred P. Murrah and they will lay it at our doorstep—What have you done? I think we should make that change. Thank you.

Senator VOINOVICH. Thank you, Congressman Traficant.

Are there any questions for Congressman Traficant?

[No response.]

Mr. TRAFICANT. None? Are you already on a fast track to side with Peck? I urge you to take into consideration my complete written text. Look at the supporting documentation from the studies that have been done, and also at the parallel examinations of other entities who have relationships while being free-standing.

Senator VOINOVICH. I think that we understand the purpose of this legislation. It was just brought to my attention again today where in Cleveland they were discussing the construction of a child care center. A couple of years ago it was recommended that the center be placed above a loading dock and the word went out that this was not the place for it to be located. Then a couple of years later, it is my understanding that they are now contemplating put-

ting it back where they said it should not go because of security reasons. And the big issue was that placing it in some other location would incur a cost of some $1.8 million. And so you get the tension between the security of the children and the building versus the cost of putting it someplace else. It seems to me that when a decision like that has to be made you need to look at the security issue first, and if you cannot resolve that and you do not have the money to do the other thing, then you do not do the other thing and you do not have a child care center unless you are willing to spend the money.

I think, as I have observed too often around here, we are a little bit penny-wise and pound-foolish. We have some tremendous unmet needs today. I think a child care center is an unmet need. I think that we should have child care facilities in our Federal facilities. I promoted that while I was Governor of Ohio. That costs money. You want to make sure that they are put in secure places but we do not seem to have money to do that. But we do have money to go out and spend it on all kinds of new programs that are coming along that are, frankly, more popular in the polls than it is to deal with these unmet needs. As a policy thing, colleagues, I think that it is about time we did a study of the unmet needs of the Federal Government because they are tremendous and we need to address those before we go off getting into some new areas of responsibility.

But I understand the problem, Congressman.

Mr. TRAFICANT. Can I respond briefly to the Cleveland issue?

Senator VOINOVICH. Sure.

Mr. TRAFICANT. Were it not for individuals involved with you and your staff, Congressman LaTourette, a dollar issue could have placed the child care center near the loading dock, the most vulnerable section of the building. And certainly a very powerful statement could have been made by some terrorist. But dollar issues, in a crunch time of Washington budget mashing, sometimes safety may not necessarily be the focus, dollars become the focus. Cleveland is an excellent example. And the law enforcement community made the recommendation to not go forward with that child care center for those obvious security reasons.

We cannot have the dichotomy and confusion of decisionmaking on these types of issues. These are issues certainly where qualified individuals, like Mr. Peck, can sit down with the law enforcement personnel and plan and promulgate strategies and actions that protect lives. This is our bottom line here. We build great facilities. We must protect them now. I think that is the major difference here.

I do not want this committee to believe under any circumstances that we do not have a fine General Services Administration or a fine Public Buildings Service. Nor do I want you to think that we do not have one of the finest directors of the Public Buildings Service. We are very satisfied with him.

Senator VOINOVICH. Thank you, Congressman.

Senator VOINOVICH. Our second panel is Robert A. Peck, Commissioner of Public Buildings Service and General Services Administration, and Mr. Joel S. Gallay, Deputy Inspector General, General Services Administration.

Mr. Peck, welcome.

STATEMENT OF ROBERT A. PECK, COMMISSIONER, PUBLIC BUILDINGS SERVICE AND GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY CLARENCE EDWARDS, ASSISTANT COMMISSIONER FOR THE FEDERAL PROTECTIVE SERVICE

Mr. PECK. Thank you, Mr. Chairman, and members of the subcommittee. And I would like to thank Mr. Traficant for his kind remarks about me and the GSA. I have a statement I would like to submit for the record. I would just like to note that with me today is Clarence Edwards, our Assistant Commissioner for the Federal Protective Service, and I would like to submit his resume for the record also, if I might. I will summarize my statement.

We could not take security more seriously in the Public Buildings Service. The Murrah Building was our building. I have to tell you, I was not satisfied with the management of our security function or the Federal Protective Service when I took this job. I cannot claim to be a police expert. I grew up in a military police family, however, and I have had some security training in the Army. I care about this. It is not an easy task running a building that is supposed to be open to the public and yet secure. And so, I have summarized in my statement what we have done.

On the issue of money, I will just mention that we have tripled our spending on security since the Oklahoma City incident to more than $250 million per year. We have almost doubled the number of uniformed officers, and we have doubled the number of contract guards. The fact is that the deployment in Oklahoma City was a deployment recommended by the Federal Protective Service at the time. And I would note that it is the real estate managers of the Public Buildings Service and I who came together several years ago to say we need to restructure, reorganize, and intensify the training for security that we have in our Federal Protective Service, because that is one of the core functions that the tenants and the public tell us they want us to perform.

So, No. 1, it is not the case that having at some point real estate managers in the chain of command is a detriment to security. Just as with the military, it is important that civilians and those accountable to the public be able to determine the mission, though not necessarily the organization and tactics in the military or the law enforcement community.

And so what we have in GSA, I just want to be clear, the organization we have today of the Federal Protective Service is parallel to that of the Public Buildings Service. In each of our regions, the security personnel—notice I keep saying "security" and not law enforcement—our security and law enforcement personnel report to a regional director of the Federal Protective Service. That regional director does report to a regional Buildings person. It is the same chain of command that we have on the real estate side. Perhaps that itself should change.

But taking the Federal Protective Service out of the Public Buildings Service would in fact go in absolutely the wrong direction, because what we need to do is integrate the design and management of our buildings with our imperative for security. By the same token, our security personnel need to be working hand-in-hand with architects, designers, engineers, and building managers.

Unfortunately, it is just a fact of human life, human nature, and large organizations that if you put people in separate structures they just have a hard time working together. It is astounding to me, I would note to you, that the Public Buildings Service is actually not established in statute. The Administrator of General Services has the authority to set up and abolish services within GSA. It is amazing how hard it is for us to get cooperation between the Public Buildings Service and the Federal Supply Service, two agencies in the same organization but with headquarters in different buildings, different commissioners, different lines of reporting responsibility. And I just worry that if we created a separate FPS we would have the same basic problem.

As I said, a lot of the impetus for change in FPS has come out of the Public Buildings Service and our looking to see what we could do for security. We thought several years ago when we started what we call the new FPS that our officers and their commanders had not been given a clear mission charge, which is the first thing you have to do in a military or paramilitary organization. We said the mission is principally security. And we have intensified training for that. We are cross-training everyone so that they are both law enforcement and security personnel. That is what is important in this issue and I hope you will not lose site of it. And I was encouraged to hear your statement and that of Senator Baucus.

Because I want to hold to my time, may I just mention that there are a number of provisions of this bill that with some modifications we think could be helpful. At least one provision as is we think is very important. It is really important that we clarify the authority of our offices regarding arrest and investigative powers in and around our buildings. I am happy to see that the legislation would expand our jurisdiction, if we get the consent of local police departments, to areas adjacent to Federal property. That is essential to our officers and agents carrying out their jobs, and I hope you will do it.

A number of other provisions I think, if amended, could be quite helpful to us. I would note one thing. In expanding the authority of our officers, the bill unfortunately creates the anomaly that our criminal investigators, our special agents would have lesser investigative and arrest powers than the officers. We think with a simple fix, and we could recommend some language to you, we could fix that mistake.

We think establishing a specific number of police officers is a mistake. I do not know if 730 is too high or too low, quite honestly. We are doing a staffing study and I believe eventually we will have between law enforcement, security officers, and FPOs many more than 730 officers. But I do not know where that number comes from. In almost no instance of public policy does it make sense to set a number.

Finally on pay and benefits, which I think is very important. We have been trying very hard, including in discussions with the Office of Personnel Management, to increase the pay and benefits that our officers have. I think that the way this bill is written would try to do that. It is a 1-year tying of our pay scale and benefits to the U.S. Capitol Police. A lot of our positions do not seem commensu-

rate with those and we think we may actually be able to get our officers better pay and benefits by not tying to that. But we would like to have some help in legislation in getting the pay and benefits increased.

So, again, I would like to work with your staff, if you move this bill, to try to improve some of those provisions. And I am happy to answer any questions that you have.

Senator VOINOVICH. Thank you.

Mr. GALLAY.

STATEMENT OF JOEL S. GALLAY, DEPUTY INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY EUGENE WASZILY, ASSISTANT INSPECTOR GENERAL FOR AUDITING; JIM HENDERSON, ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

Mr. GALLAY. Good morning, Mr. Chairman. I am Joel Gallay, Deputy Inspector General at GSA. I would like to introduce two people with me today: Eugene Waszily, Assistant Inspector General for Auditing; and Jim Henderson, Assistant Inspector General for Investigations. I have my full statement which I would like to submit for the record and would just summarize that this morning.

I appreciate the opportunity to come before the subcommittee to discuss the views of the Office of Inspector General on H.R. 809. Our office has done a significant amount of work in recent years relating to building security in general, and Federal Protective Service operations in particular. Much of this work was spurred by initiatives to upgrade Federal building security after the bombing of the Alfred Murrah Building in Oklahoma City.

The centerpiece of the bill under your consideration today is the proposal to remove FPS from PBS and establish it as a separate operating service of GSA. This new service would be headed by a commissioner who would be appointed by and report directly to the GSA Administrator.

We agree that improvements are needed in the existing FPS structure. We strongly believe that there needs to be a direct chain of command and line of authority between the FPS headquarters in Washington and FPS field personnel. We also support the explicit requirements in the bill for the FPS head and the assistant commissioners and regional directors to have direct law enforcement experience. We believe these provisions are particularly critical insofar as FPS performs a law enforcement function.

Law enforcement agencies which operate within larger parent organizations, like the Office of Inspector General, are traditionally staffed by professional law enforcement personnel with a direct chain of command from the headquarters level to the field level. This structure assures more effective oversight of the use of law enforcement authorities and consistent application of polices and procedures, particularly important with respect to matters such as jurisdiction and the use of deadly force.

We think that most outsiders would be surprised to learn, as you pointed out, Mr. Chairman, that while the Assistant Commissioner here in Washington is the nominal "head" of the FPS, he can only issue policy guidance. He does not have command and control over the FPS Directors in the 11 GSA regions. These Directors, most of

whom currently do not have prior law enforcement experience, report to Assistant Regional Administrators for PBS in the regions and not to FPS headquarters.

Two of our audits serve to illustrate some of the problems inherent in this organizational structure. In our examination several years ago of the criminal investigator program within FPS, we found that criminal investigator activities in the field were generally operating in inconsistent ways, with no program accountability. We reported on problems like unbalanced staffing. For example, one region had a ratio of 1 criminal investigator for 42 buildings, while another had 1 criminal investigator for 641 buildings. We also reported on inconsistent investigative approaches and found that in some regions these inconsistencies raised real concerns about whether the safety of Federal employees was being compromised.

Similar problems were noted in another audit we issued in March of this year where we examined FPS' management of the contract guard program. FPS central office has been trying to create a national program with standards for areas like guard training, weapons, guard eligibility, and suitability to be applied to all GSA guard contracts. Our review of this program concluded that an absence of controls and oversight had led to operational breakdowns at the regional levels. For example, we found hundreds of guards were on post without valid suitability determinations; armed guards were on post without any firearms training or they were overdue for firearms qualifications; and guard services in one region were being acquired through a short-cut method without being subject to critical program requirements.

In addition to these formal audits, we have encountered a number of situations over the last few years involving regional FPS employees acting in violation of established national policy. These situations included several instances of FPS officers carrying firearms while off duty; a number of instances of FPS officers carrying firearms without having been properly qualified; and an FPS supervisor in one region authorizing the issuance of shotguns, which FPS officers are neither qualified with nor authorized to carry.

The clear message in these audits and other reviews is that FPS would greatly benefit from an organizational overhaul to improve its ability to implement consistent policies and procedures. By requiring law enforcement experience at both the central office level and at the supervisory level in the regions and by providing that the FPS head would appoint the regional directors in the field, H.R. 809 takes several steps toward this organizational overhaul.

We do not believe, however, that FPS necessarily needs to be removed from PBS in order to effectuate the changes in chain of command for purposes of strengthening FPS' law enforcement functions. In our view, these changes can be made within PBS. This would achieve the much-needed improvements in command and control over law enforcement functions while meeting the coordination and other concerns PBS has with the proposal to remove FPS entirely.

Under H.R. 809, the new FPS Commissioner would be designated as the "security official of the United States" for the protection of GSA-controlled buildings. We believe that this broad designation is

generally unworkable and would add confusion to what are in fact legitimate and important security functions that are exercised by PBS. Security is a multi-faceted area and involves aspects of building location, design, planning, and operations. Building location, design, and planning would clearly seem to be generally within the province of PBS. On an individual building operations level, building security and safety is the responsibility of FPS and the Building Security Committee for that building, with PBS support.

The bill's proposed removal of FPS from PBS and its designation of the FPS head as the "security official for the United States" leave unanswered several critical questions, especially: What security functions would remain in PBS and what functions would be transferred to FPS? Clearly, building design should remain the responsibility of PBS, while police activities and supervising guard forces should be the responsibility of FPS. In between, however, lies a gray area where the decisions on division of responsibility and transfer of functions are not very easy.

We believe that, even under the current organization, better coordination of the building security function is needed. We have concerns that making FPS a stand alone service in GSA may not be an immediate cure for, and may even exacerbate, some of the problems we have seen in recent years. For example, we issued a series of alert reports highlighting serious problems in the agency's building security enhancement program undertaken in the aftermath of Oklahoma City. Ultimately, the problems there stemmed from a failure of coordination within the FPS organization and between FPS and PBS. Whatever organization may result from this legislation or from GSA's own efforts, a strong linkage between FPS and PBS needs to be developed and maintained in the area of building security.

I would like to turn just briefly to the bill's provisions on law enforcement authority. H.R. 809 would give FPS special police, renamed "police officers," general law enforcement authority, including the authority to carry firearms, seek and execute arrest and search warrants, and make warrantless arrests under specified circumstances. We support this provision. We believe it is a much-needed clarification of the uniformed officers' authorities.

The bill also would make minor changes to the law enforcement authorities exercised by the nonuniformed officers of FPS. But, as Commissioner Peck pointed out, the way the bill is drafted there is an anomaly that would be produced. We know of no reason that would call for a differential between the authorities given to the uniformed officers and nonuniformed officers. We, too, would advocate changing the bill to give the new special agents the same law enforcement authorities as the new police officers.

Mr. Chairman, that concludes my summary of the testimony. I would be pleased to answer any questions.

Senator VOINOVICH. Thank you.

I would like to start off with the Cleveland situation. Apparently there was some disconnect there in terms of decisionmaking. If the regional people were responsible to the Federal Protective Service and Commissioner, a decision would have been made that is not where that child care facility should be built. Obviously, somebody else came along and said, no, I think we can build it there, it is

not such a big problem, and we are going to put it there because maybe it is going to save us $1.8 million and we need to have the facility. Wouldn't this legislation help clarify that kind of a situation in that the thing would have probably been bounced up to somebody in Washington and they would have discussed it and decided that this is what the decision is and that is the end of it.

Mr. PECK. Mr. Chairman, I only became aware of this situation yesterday, so I do not have enough facts to know what has actually gone on there. But having dealt with the issue of where we locate and how we protect child care centers all over the country, because we operate 113 of them, I can just tell you that having separate services would make the situation worse, because ultimately the factors that go into a decision about where you put a child care center include: what space do you have available in a building that you do not have a tenant in or you can move a tenant out of; what indeed is the most secure or the most threatened space in the building; how much will it cost to fix it up; if structure or other appurtenances in the building have to be changed, those are going to be done by PBS. This just makes the point again that the security people and the real estate people need to be joined at the hip, not torn asunder, to make these decisions in an intelligent way.

I am going to find out what has happened in Cleveland. But I can tell you, having worked through these before, I have not seen a situation that I have delved into where I have seen us make a decision based on the cost at the expense of security. It just has not happened in my experience. But I will find out.

Senator VOINOVICH. I would be very interested because if what was reported in the paper is true, there is a disconnect there. Two years ago a memo said, no, do not do it. Somebody came along and said, well—and there was a quote from an individual there—said, well, no matter where you could put these things, you have got a problem, so we are going to go ahead and do it anyhow. So the issue is the decision was made apparently by the person that was in the PBS and not in the FPS.

Mr. PECK. But the FPS people are in PBS. I do not know there is that disconnect. Without knowing the situation, it is easy to say, boy, they should not be over or near a loading dock. On the other hand, if the alternate locations are worse—I mean, we have had child care centers right out in the front of a building next to the sidewalk. We do not want to have the child care centers there either. So, again, without knowing, it is hard to know what the decisionmaking is about. I have discovered that with some security issues that get brought to my attention there is so much emotion involved that rationality has sort of gone out the window.

May I mention two other things?

Senator VOINOVICH. Yes. But I would like to just ask, and it is probably a touchy question, but is there some interpersonal difference between the persons who run the FPS and the PBS in Washington and is this maybe the reason why we have this legislation? Is there some adversarial relationship or interpersonal problem there that has exacerbated a situation that has brought this to the surface now?

Mr. PECK. Well, you can ask Mr. Edwards. There is not between him and me. I think if there has—I will be honest about it—I think

if there has been a problem between PBS and FPS, it has been that in the past FPS was regarded within PBS as sort of a separate entity and not enough brought into the decisionmaking on where we locate buildings, how we design them, and how we operate them. By the same token, and unfortunately, when I came to GSA I asked officers in FPS what they felt their responsibility was with respect to supervising the contract guards, for example, of whom we have thousands, and I had many officers tell me I don't have anything to do with them. Which is a huge mistake because our security forces need to believe that everything that happens on security is something that matters to them. We cannot afford to have some officers thinking that the contract guard is some other group, that that is not a part of my job, or that the technological equipment is somebody else's job. They all need to be very integrated. So this is one of those issues where people keep asking me why are you on such a tear about this, and it is because I believe so firmly that the course we are on is the right one.

Clarence Edwards and I agree on what the principal mission is and how we ought to approach it. In some regions, there may be some disconnects between some of the assistant regional administrators and the regional directors. I will tell you this—and I want to refute this lack of qualifications notion—we have a really good set of regional directors. To my knowledge, I am trying to go down the list, I would like to submit for the record a list of our regional FPS directors and their qualifications because I know just in my mind at least seven or eight of the 11 have law enforcement qualifications. The regional director in this region came out of the Metropolitan Police Department at one point and the Park Police, if I remember correctly. So I do not know where this thinking comes from.

I do not think there is that disconnect. Some of our Assistant Regional Administrators for Public Buildings have been among the most forceful advocates for higher pay, increased benefits, and better training for the FPS. I do not want to say that there is never any personality conflicts, that is always true in some large organization.

Senator VOINOVICH. Congressman Traficant made a major point of what is the difference between GSA and the relationship between the Capitol Architect and the Federal protection here in Congress. Would either one of you like to comment on that?

Mr. PECK. Having worked up here, I would rather. The organizational structure of the Congress as a whole, with two houses that are co-equal, is so different from most other organizations in the world it is hard to make the analogy. I will say we feel that we are more like the Park Service and the Park Police. The Park Service has control and jurisdiction of a huge amount of Federal property, there is a U.S. Park Police, a separate organization within the Park Service, that has law enforcement and security jurisdiction on the Park Service properties. I note that they are not a separate agency within Interior, separate from the Park Service, but a part of the Park Service, because the Park Rangers and the Park Police need to work hand-in-glove.

That is an organization that I think works really well. I will just tell you, because Clarence Edwards come out of a long and success-

ful career in the Park Police, that is basically the model we have been thinking about as we go ahead on this. And it is true that there is a complicating factor in GSA.

It is true that Clarence cannot issue a direct order down the line in the regions, just like I cannot issue a direct order down the line in the regions to tell somebody to fix up that building. And I realize that in a police culture, in a security culture, that may be more of a problem than it is in what is more of a commercial real estate structure. And I think, to be honest, if you ask Clarence, he would honestly say that is a source of frustration to him. And I think that particular aspect of our organization is a source of frustration to him, but not the fact that he is not a separate service.

Mr. GALLAY. If I may just add.

Senator VOINOVICH. Mr. Gallay.

Mr. GALLAY. I think that really does put the focus on the key issue here. And the example of the Park Police is a good one. Within the Park Police there is direct chain of command, a direct line of authority and command and control with respect to the law enforcement function. The organization does work well as part of a larger parent organization, the National Park Service. That is why we think some change is necessary and would be helpful to alter, with respect to the law enforcement functions, the kind of balkanized approach that has existed with respect to the Federal Protective Service in performing law enforcement functions.

But the issues, the concerns that Commissioner Peck has raised with respect to the need to coordinate the law enforcement issues with the security functions are real, and that kind of coordination is essential. We think the changes that are necessary could be made within the PBS structure, permitting that linkage to occur.

Senator VOINOVICH. Does that require statutory changes?

Mr. GALLAY. No.

Senator VOINOVICH. It would not?

Mr. GALLAY. No, sir.

Mr. PECK. We could, again because PBS was established by administrative order inside GSA, we could change the reporting relationship inside. I have considered that and I have not done it in the past, quite honestly, because I have thought that the logic of my position, which is that we all need to be joined at the hip, has meant to me that the reporting structure of FPS should be parallel to the reporting of PBS. It is an argument I have made. I have not discussed this before with the IG. I have to say I very much respect their work in this area and I am certainly willing to reconsider that.

Senator VOINOVICH. Mr. Gallay, do you think the FPS is mostly security or law enforcement?

Mr. GALLAY. Well, that is a great question. The FPS traditionally has performed mostly a law enforcement function. And one of the things that this bill brings into focus, and one of the things that has been going on with an effort within PBS has been to try and get a handle on what is this beast: Should it be doing just law enforcement, or is it really pursuing more of a security orientation. There clearly needs to be a marriage of both.

But with respect to the law enforcement functions, it needs to operate as a law enforcement organization. I think when we talked

about the Capitol Police, the structure, as I understand it, is that there is again a police organization but that then reports to a board which includes the Architect of the Capitol and the Sergeants at Arms of the Senate and House. They deal in a kind of over-seeing sense with issues of security that include both aspects. That is the model we think would work best.

Senator VOINOVICH. Be coordinated.

Mr. GALLAY. Yes. I think the frustrations Commissioner Peck said Mr. Edwards experiences he probably experiences as well in terms of dealing with the regions on some issues. And that is part of the concerns we have seen when we dealt with the building security enhancement program. The Commissioner issued a very clear direction to everybody concerned that the data to be entered into the data base intended to record what improvements have been made, that an improvement was only to be recorded as having been made once it was operational. Well, our audit found that there were wholesale problems in that, and the information one was presented with as to what the status of those changes were was wrong in many cases. I am sure he would often like to be able to have a more direct authority.

In law enforcement organizations, that is really important, for the reasons that we have addressed.

Senator VOINOVICH. The other thing from your testimony that is a little disturbing to me is the discrepancy in terms of the privately hired people and the qualifications of those individuals. It is all over the lot. How do you guarantee that those standards are met? That is very disturbing.

Mr. GALLAY. The standards are there and the objectives that the Commissioner has established for the FPS are excellent. But you do not get there unless you provide the resources for contract oversight and ensure that national standards are enforced. And if you have individual regions which are going in different directions, that can cause problems.

Senator VOINOVICH. I would be really interested to see what you observed around the country, and it would be interesting to get your input on, if you did that, why is it in certain areas these people are right up to snuff and they are doing what they are supposed to be doing, then you go into another area and they are not at all. Is it a product of the fact that the person managing the building was not conscientious enough in terms of negotiating the contract as to qualifications of the individuals?

Mr. GALLAY. If I may just for a moment. PBS had a real challenge following Oklahoma City. They had a lot on their plate. The contract guard program went from something under 3,000 at that time to over 6,000 presently. That is a huge change in a program to have to manage.

The breakdowns that we have seen are largely attributable to a need for making sure that when you have gone to a contracted out program you need to continue to ensure—it is trust but verify—you need to ensure that what you have paid for is what you are getting. That is the area where there have been problems; there is inadequate attention to the controls in the program and to overseeing the contracts that have been put in place. There are good standards but the standards have not been uniformly enforced.

Senator VOINOVICH. Do you think that if the Administrator in Washington had the power over these people directly that those standards would be more adhered to than they have been in the past?

Mr. GALLAY. That is a safe bet, but there are no guarantees.

Mr. PECK. Mr. Chairman, two things. One is I do not want to waffle on the question you asked about security versus law enforcement. Job No. 1 is security, physical security of the people who work in and who visit our buildings. And that is what we have said. That is a fundamental change in the FPS mission from what it was before. It is not to say that there are not important law enforcement functions, and our folks, I want to tell you, are as good as you get at things like crowd control. We had terrific experience in Seattle where overall one could fault the law enforcement response. Our people were stellar and I think were recognized for that. So we are really good at that. But it is security.

Senator VOINOVICH. When you are referring to your people——

Mr. PECK. I mean the Federal Protective Service people who we brought in from other areas but who were mostly people headquartered in our Region 10 in Seattle. They had sealed off our area we thought in an appropriate way and were very well prepared for what happened in Seattle, to the point that when things got out of hand the mayor and others were using our buildings as the place where they had their press conferences because those were safe havens. I am just saying it was a great job.

Senator VOINOVICH. OK. In terms of security, you are talking about the people that came in and looked at it, but you are not referencing the contract personnel that were there doing it?

Mr. PECK. No, sir. That was our uniformed officers as well as our regional director who organized the response there. I am talking about our uniformed officers, who we do move around the country and need to have the authority to do that. They are very well trained. We think they have needed more training on some security issues. Individual building security issues, we have had a long history with crowd control and demonstrations because our buildings are often the focal point for those. Our people are very good at that.

Senator VOINOVICH. So it is your security/uniformed people that you are talking about. For example, how many of those people do you have in the Cleveland region?

Mr. PECK. I forget what the number is in Cleveland. If I remember correctly, it is somewhere between four and five actual uniformed Federal Protective Service officers in Cleveland. I will get you the number.

Like every other part of PBS, most of the job of human security in the buildings—and remember, security starts with intelligence, finding out where the threats are and stopping them before they get even close to you. That is the most important thing. Second is hardening your targets, which you can do by technological means as well as human means. And third, actually using our tenants as eyes and ears and having everybody be alert. I am saying that that basic security of the facilities we think is job No. 1. We are fortunate in that we do not have that many major crimes in our building. We do have the need occasionally to go in when lines of people

waiting for Social Security or INS get out of control. But our basic challenge is security. And we are getting better at that all the time.

Second, on the contract guard issue, this is where we get a confusion. We now have 6,000 contract guards. As I said, I was concerned when I came in that some parts of FPS did not think they were responsible for even overseeing the contract guards or making sure they were doing their job. We found instances, as has the IG, in which we did not make sure that the contract guard sitting at a desk knew clearly and concisely what it was they were supposed to do, and, by the way, what they are not supposed to do.

We identified 3 years ago when we came out with a plan for a strengthened FPS that improving the contract guard program was very important. This April we came out with a new contract, standard contract for contract guards which increases training requirements for the contract guards. It will cost us more money and we have budgeted for that in fiscal year 2001 and fiscal year 2002.

We are also, and this is the final thing, and this is really important and important for everyone to know, we are now on things like firearms training, Federal Protective Service personnel, Federal employees will supervise the firearms certification. So when it is tested we will not have contractors, we are going to rely a whole lot less on contractors self-certifying that they have done the training we require and much more on having our own people check it. We are increasing the number of hours the contract guards will have to be trained, and the final exams will be proctored by Federal Protective Service personnel.

So all of those things are big improvements in the contract guard program. We have also changed our contract so that if we do not think we are getting good service out of the contractors, we can terminate them fast. And that is a club you unfortunately need to have over contractors' heads.

Senator VOINOVICH. Thank you very much for your testimony. Appreciate it.

Mr. PECK. Thank you.

Mr. GALLAY. Thank you, Mr. Chairman.

Senator VOINOVICH. I would suggest that the two of you get together and talk about some of the concerns, and I would be interested in what your reaction to that is.

Mr. PECK. Thank you.

Senator VOINOVICH. Our next panel is Honorable Jane Roth, the U.S. Court of Appeals, Wilmington, Delaware; and Steven Bellew, Vice Chairman of the Fraternal Order of Police, Federal Protective Service Labor Committee, Dallas, Texas. We welcome you this morning.

We will begin the testimony with Judge Roth. Judge, we are glad to have you here again.

Judge ROTH. Thank you, Mr. Chairman.

STATEMENT OF HON. JANE ROTH, U.S. COURT OF APPEALS, WILMINGTON, DELAWARE

Judge ROTH. Mr. Chairman, I appreciate having the opportunity to appear before you today to discuss H.R. 809, the Federal Protective Service Reform Act of 2000.

In March of 2000 the Judicial Conference of the United States resolved that H.R. 809 be amended to make clear that, should this bill be enacted into law, it would not diminish or interfere with the statutory authority of the United States Marshals Service to provide security for the Federal judiciary. The Marshals Service authority to provide security for the judges, judicial employees, witnesses, and jurors derives from 28 United States Code Section 566. The Judicial Conference recommends the following amendment be added to H.R. 809 as a new Section 11. It would state:

"None of the provisions of this Act shall be construed to interfere with, supersede, or otherwise affect the authority of the United States Marshals Service to provide security for the Federal judiciary pursuant to 28 United States Code, Section 566."

Prior to 1982, the General Services Administration and the Marshals Service shared responsibility for security inside Federal courthouses. Under this shared responsibility, security was inadequate. In 1982 Chief Justice Warren Burger and Attorney General William French Smith, in cooperation with the GSA, agreed that the Marshals Service should assume primary responsibility and authority to provide security and protective services in Federal buildings housing court operations.

In order to assist with implementation of this agreement, the Marshals Service received delegated authority from the GSA Administrator to contract for guards in court-occupied space. In 1983, as part of a joint judicial and executive branch initiative, the Marshals Service established the Judicial Facility Security Program. As a result of this agreement and its subsequent implementation, the Marshals Service assumed responsibility for all security inside courthouses and GSA retained responsibility for security outside courthouses.

The judiciary believes the Judicial Facility Security Program has proven to be efficient and effective and that it should be continued.

We are concerned that Section 6 of H.R. 809 could be read to infringe upon the role of the Marshals Service to provide security in court-occupied space because it gives authority to the newly created position of Federal Protective Service Commissioner to serve as the Government's law enforcement officer in buildings under the control of the GSA Administrator. In addition, Section 9 of the bill could be read to change the responsibility for contract guard employment standards. Currently, the Marshals Service uses standards of suitability which it has developed for employment of contract guards. The judiciary wants to ensure that enactment of this proposed legislation would not lead to a change in this arrangement.

We believe the amendment proposed by the Judicial Conference would only clarify the intent of H.R. 809. The report of the House Committee on Transportation and Infrastructure which accompanied the bill to the House floor states: "This legislation enhances the FPS, and has no impact on the facilities secured by the Secret Service, Federal Bureau of Investigation, and United States Marshals Service." However, the report language is not binding. The judiciary believes that language in the proposed bill itself is necessary.

We also believe that the Marshals Service and GSA do not support any interference with the authority of the Marshals Service as found in 28 United States Code Section 566, and affirmatively support continuance of the Judiciary Facility Security Program.

I also spoke to Representative Traficant this morning. He does not oppose the language that we are proposing. He wants the bill to move forward quickly, but he does not feel that the language that we propose in any way impinges upon the legislation that he is supporting.

I would be happy to answer any questions you may have and, once again, thank you for the opportunity to appear before the subcommittee.

Senator VOINOVICH. Thank you very much.

Mr. BELLEW.

STATEMENT OF STEVEN BELLEW, VICE CHAIRMAN, FRATERNAL ORDER OF POLICE, FEDERAL PROTECTIVE SERVICE LABOR COMMITTEE, DALLAS, TEXAS

Mr. BELLEW. Good morning, Mr. Chairman, and thank you for giving me the opportunity to appear before you today. My name is Steven Bellew, and I am a Federal Protective Service Police Officer from Dallas, Texas, and Vice Chairman of the Fraternal Order of Police-FPS Labor Committee. I am here today at the request of Gilbert Gallegos, National President of the Grand Lodge Fraternal Order of Police, the nation's largest organization of law enforcement professionals, to testify about the importance of enacting into law H.R. 809, the Federal Protective Service Reform Act.

In the wake of the Oklahoma City bombing and the deaths of 168 innocent people in 1995, many in the Congress and the Federal Protective Service sought ways to ensure that such a senseless loss of life would never happen again. In the 5-years since the bombing of the Murrah Building, much has been done to enhance Federal building security and public safety. However, the General Services Administration and the Public Buildings Service have proven themselves unwilling or unable to implement those reforms which are most necessary to address several current problems within the Federal Protective Service.

First, and foremost, is the internal dismantling and weakening of the FPS. Over the last several years, the Public Buildings Service has moved FPS away from its traditional focus on patrol and response activities, placing a greater reliance on State and local law enforcement to act as first responders to critical incidents in major U.S. cities.

A related problem is the lack of law enforcement experience in front-line management. The Regional Administrators of the Public Buildings Service and at least five of the Regional FPS Directors do not have law enforcement backgrounds. The Assistant Commissioner of FPS exercises no direct control and has been relegated largely to an advisory and policymaking role, despite having over 20 years of command level law enforcement experience. Thus, the effectiveness of the FPS as a law enforcement agency is severely crippled by the fact that the Commissioner does not have direct command and control authority over his officers across the Nation.

This view was also expressed in the 1995 "Vulnerability Assessment of Federal Facilities."

Finally, the heavy reliance of GSA on the use of contract security guards to provide the bulk of protective services in America's Federal buildings presents serious security concerns. As a whole, private security guards do not receive the same level or quality of training as do FPS police officers. While the use of contract guards by GSA has been steadily increasing over the years, along with the increase in the PBS inventory, the number of full-time police officers has declined.

How does this legislation address the problems which have been outlined above? The primary goal of H.R. 809 is simple: To reestablish the Federal Protective Service as an elite Federal law enforcement agency with a well-trained, professionally led, and highly motivated cadre of officers. H.R. 809 will enhance the safety of America's Federal buildings in a number of important ways.

First, the legislation provides for the separation of the FPS from the Public Buildings Service and elevates the agency within GSA. By placing the FPS outside of the Public Buildings Service, the legislation will ensure that law enforcement is given the same level of consideration as property management, and not as a secondary concern of PBS.

The Fraternal Order of Police continues to believe that separation and elevation of the FPS is the only sure way of improving the effectiveness and capabilities of the agency. Not only would this move establish direct command and control authority over FPS officers with the Assistant Commissioner, it would also ensure that individuals throughout the chain of command have the experience and knowledge necessary to effectively command a law enforcement force.

As I have already mentioned, over the years we have witnessed the quiet dismantling of the FPS, most noticeably in the staff reductions which continue to occur throughout the agency. H.R. 809 will reverse this trend by requiring GSA to maintain a minimum of 730 full-time Federal Protective Officers. Unfortunately, this provision is greatly needed due to GSA's disregard of the provisions of Public Law 100–440. In looking into the issue of GSA's noncompliance, the Office of Inspector General concluded in 1995 that:". . . whenever funding and FTE positions became available, these additional resources were directed into an alternative protection program, even after Public Law 100–440 was enacted." And "Not only were the FPO ranks not increased, but GSA also permitted the number of officers to decline significantly."

H.R. 809 has several other provisions vital to the future of the Service. It will clarify and enhance the authority of FPS officers, and it will require that the Commissioner of FPS establish minimum standards and training requirements for contract security guards.

In the end, Mr. Chairman, this is not a "pay raise" bill and I do not know of any direct benefits which will accrue to FPS officers by its passage. Those of us who do put our lives on the line every day to ensure the safety and protection of Federal employees and facilities believe that H.R. 809 is an important step toward improving the capabilities of the Federal Protective Service to meet the

security challenges of the 21st Century. Passage of this legislation is a top priority of the Fraternal Order of Police, and we hope to work with members of this subcommittee to ensure its enactment before the end of the 106th Congress.

Thank you again, Mr. Chairman, for allowing me the opportunity to address you this morning. I will be happy to answer any questions you may have.

Senator VOINOVICH. Thank you very much.

Judge the Federal Marshals Service, how does that work out with the Federal Protection Service? You have your marshals and you have got to change so that the marshals have authority then for you say the internal security and the FPS has the external. Does that work out pretty good?

Judge ROTH. That works out very well, and we would like to have it continue that way. As I mentioned, there was concern in 1982 that there was insufficient security in courthouses. With the arrangements we have worked out now, we feel it works very well. We are concerned at the present time that there is a disconnect with GSA doing security outside courthouses and the marshals doing security inside courthouses. We would like to coordinate and consolidate that security more. But we feel it is very important that the Marshals Service continue to play their present role inside courthouses. Since statutorily that role is given to GSA and the Marshals Service does it under agreements, we feel that, unless the statutory language is added to the bill to clarify that the FPS jurisdiction will in no way impinge upon or affect the Marshals Service, there could be problems.

Senator VOINOVICH. The Federal Marshals Service, do they have contract employees that they hire?

Judge ROTH. They do. The court security officers program, which is within the budget of the judiciary, is managed by the Marshals Service. The court security offices provide, for instance, the entrance guards at courthouses. They patrol within courthouses. Their qualifications and training and the determination of who is needed where is done under the direction of the Marshals Service.

Senator VOINOVICH. So the Marshals Service is like, you heard the testimony of Mr. Peck about the FPS, they have got a few uniformed people that, say like in Cleveland, there are not very many of them, but they are in charge of looking at the security of the building and working with the judges and so forth, and then they determine what kind of contract services they need to run the checks and——

Judge ROTH. Yes. This is done on a national basis. The standards that are required for courthouses are established by the Marshals Service, in coordination with our Committee on Security and Facilities.

Senator VOINOVICH. Mr. Bellew, so I have a complete understanding, the people that you represent are the investigators and the uniformed people, for example, to go back to Cleveland, Mr. Peck said five or six people.

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. When you are talking about increasing the numbers of people, you are talking about increasing the numbers of those kinds of individuals. Is that correct?

Mr. BELLEW. Yes, sir. This number is primarily a base number. It was put in the legislation basically so that they could not drop below that number. That is for all of them, yes, sir.

Senator VOINOVICH. And the purpose of it is not to eliminate contract people from being hired at these Federal facilities, but rather, you do not think there is enough people in the Federal Protective Service in those areas to do the job that they are supposed to do. Is that correct?

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. All right. Is there any interest within the FPS work force in the law enforcement and security officer position, the new LESO position?

Mr. BELLEW. The LESO position was primarily supposed to be for putting these officers into remote locations out of the core cities so that we would be able to provide law enforcement to places that were not within the core cities, such as Cincinnati, Cleveland, New York, and the larger metropolitan cities where we do have large forces of police officers. That was the original purpose of the LESO. That way they could have a physical security person in that location as well as a law enforcement.

The way that the position was brought about was that it was supposed to encompass 51 percent law enforcement and 49 percent physical security duties. Even though they received a lot of training in both areas, that is not really what we are seeing nationwide. Out of all 11 regions, there are only a few of them where the people are actually in uniform. One of the primary purposes of that was to augment the uniformed force and allow the uniformed personnel to hold a job where they could be fairly compensated. In some of the regions they did not even look within the uniformed positions to begin with. What they did was they went to college campuses and just recruited people straight out of college that did not have any law enforcement experience for these positions.

Senator VOINOVICH. So, initially, the concept was that people would be moved up within the Federal Protective Services into another level, because I guess they move up to another category where they are eligible to receive better compensation.

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. But that has not been the way it has worked out. I would really be interested if you could give me some information on that so I would have it, on how is that really working, and what are your concerns about it, and how can it be improved.

But getting back to this number of new people, you just do not think there are enough folks out there right now, and we are not talking about contract people. I would be interested, for example, I think they have five in the Cleveland area, how many of the new 700 would go to Cleveland, for example?

Mr. BELLEW. Well, that would——

Senator VOINOVICH. You do not have to answer that. Basically, what you are saying is, from your perspective and the perspective of your members, there just are not enough of us out here to get the job done. Is that basically it?

Mr. BELLEW. No, sir. I can give you a prime example in New York City today, as a matter of fact. Back in 1995 FPS hired 35 what they call "term" police officers. These officers were supposed

to augment the permanent police officers in the World Trade Center bombing trials, the terrorist trials. Well, their term of duty expires on Saturday, in 2 days. What is going to happen at that point is approximately 50 percent of the police force there in New York City is going to lose their jobs.

New York has two primary high profile terrorist trials coming up, the two trials of the terrorists that bombed the embassies in Africa. We have been fighting that cutback for weeks now, saying why are you getting rid of 50 percent of your Federal police force when you have two huge trials coming up. In a 1999 letter from the Attorney General's Office, Janet Reno sent a letter to David Barram, the Administrator of General Services Administration, requesting that these officers remain at their post and continue funding for fiscal year 2000. And even though Congress has funded the program, they are diverting the funds to different locations for different purposes other than to maintain these 35 officers in New York.

Senator VOINOVICH. These 35 officers were hired into the Federal Protective Service and now they are letting them go because they feel that they are not needed, is that it?

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. And you are saying that, from everything that you know, they should stay there. And that is an example of where they responded correctly by adding people, and you would argue that there are other places in the country where you need more people.

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. And that is where you get the 700 number?

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. Are there any other comments that anyone would like to make?

[No response.]

Senator VOINOVICH. Obviously, you think the legislation is needed. Maybe the last question would be, Major Peck's and the Deputy Inspector General's testimony indicates they think this thing could be worked out administratively, what is your reaction to that?

Mr. BELLEW. My reaction to that is I do not believe it can be worked out administratively for the simple fact that law enforcement is an inherent government function. Law enforcement is something that when you are dealing with police officers you need to have police officers in charge. I will give you a prime example. PBS consistently "fences" our funds so that the training that we are supposed to receive or that we have applied for never happens. Prior to the Oklahoma City bombing trial, I instructed a civil disturbance class for police officers that were involved with the trial and I was told that was the first training they had received in over 7 years. Our funds continuously get diverted to other locations. That is why we need police officers in charge of other police officers, so that we can receive the funds that we are supposed to receive, conduct the training that we are supposed to conduct, and secure the buildings.

One item I would like to bring up is that a lot of people seem to be concerned with the divesting of security from public buildings. Part of the legislation as written mandates that the new Commis-

sioner of the Federal Protective Service will coordinate all his activities with the Commissioner of the Public Buildings Service. It would be nothing more than a new policy to mandate that the physical security specialists do exactly what they are doing now. Nothing is really going to change other than the fact that, instead of issuing guidelines and suggestions, we would receive hard core policy that would enable us to become the elite law enforcement force that we should be.

Senator VOINOVICH. In other words, under the current system, you do not think the FPS gets the kind of priority that it ought to be getting, and that when decisions are being made in terms of what do you do with the dollars, so often they flow to the administrative side of this thing rather than they do to the FPS? You are kind of a stepchild there, and you believe if you were separate there would be more advocacy on the part of the Federal Protective Service.

Mr. BELLEW. Yes, sir.

Senator VOINOVICH. In terms of advocacy, budget spending, and also in terms of control in the local area. Do you think if this set up had been in place that the report that came back about the unevenness in the hired people per the contracted people would be there? Do you think that would have improved if this set up that you suggest was in place 5 years ago? Do you think that would be a whole lot better today than it is if you had had the separate police?

Mr. BELLEW. Mr. Chairman, the police officers that we have out there in the field today are well-trained. They go through an extensive course at the Federal Law Enforcement Training Center in Glynco, Georgia. Afterwards, they have periodic training, in-service training, they go through a period of field training officer orientations to ensure that they know their jobs before they are put in the field, they undergo rigorous background investigations by the Office of Personnel Management, and the security officers do not. As the IG stated earlier, there is a big problem with the number of security officers. Approximately 10 years ago, we had about 5,000 well-trained Federal police officers out on the street to protect the buildings. Now, we have approximately 500.

Senator VOINOVICH. Well, the fact is what has happened is that they have hired more contact employees than they had before, correct?

Mr. BELLEW. Yes, sir. And these contract employees do not undergo the rigorous background investigations we do, they receive hardly any training, their management is lax, as evidenced by the IG's report which states that a lot of them were not certified, they were not certified properly with their weapons. Those are just some of the problems that we have with the security force that we have.

Senator VOINOVICH. So you think those contract employees should be FPS employees? Again, I want to go back to the issue of contract employees. Do you think those people ought to be Federal Protection people rather than contract employees?

Mr. BELLEW. That would depend on whether they would meet the criteria. They are going to have to go through the background investigation, which I am sure that some of them would probably not pass, and they would have to complete the training, which

would further weed out people who were not able to be police officers, and what you would wind up with is you may start with 5,000 people and wind up with 600–700 good police officers that you could field.

Senator VOINOVICH. Well, the question I have got is do you think that the people that the Federal Protection Service hires, these contract people that do some of the work, need the same kind of background and everything else that you have for your people?

Mr. BELLEW. Yes, sir, they should. You would not want a felon working as a security officer at your Federal buildings, if I understand the question correctly. If they met the same type of background investigation we do, then we would be able to catch the fact that they were a felon or that they had several arrests or whatever and they would not be hired, they would not work on the contract.

Senator VOINOVICH. OK. I thank you very much for your testimony.

Judge ROTH. Thank you, Mr. Chairman. I appreciate the opportunity to speak to you.

Mr. BELLEW. Thank you.

Senator VOINOVICH. The record will be open until October 3d for anyone to submit information.

The hearing is adjourned.

[Whereupon, at 11:03 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

TRIBUTE TO SENATOR DANIEL PATRICK MOYNIHAN

This is a poignant moment for me as I acknowledge the extraordinary contributions to American life made by my esteemed friend and colleague, Senator Moynihan, and in doing so, bid him goodbye from the Senate.

Throughout four decades in public life, Pat Moynihan has built a richly deserved legacy as one of our most prescient and gifted leaders. He is both Renaissance man and someone who understands New York City's "mean streets;"—a product of New York's Hell's Kitchen neighborhood but also of Tufts, Harvard and the London School of Economics. He has served his country as a statesman and a scholar, an author and an ambassador, a counselor in four consecutive Presidential administrations, both Democratic and Republican, and for 22 years, as Senator from the Empire state. Ultimately, he is a man dedicated to people, rather than party or politics.

I consider myself fortunate—and it has been an honor I will continue to cherish—to have been given the opportunity to work beside Pat and learn from him during the 12 years our tenures in the Senate, and on the Environmental and Public Works Committee (EPW), overlapped. And while Pat has accomplished so much spanning the realms of foreign and domestic policy—I would like to take this time to honor his record on this committee, where he has served with distinction since he was first elected in 1977.

More than anyone I know, Senator Moynihan influences the present with a profound understanding of the past and a prophetic view of the future. Through innovative thinking and firm leadership, he has demonstrated an unwavering commitment to preserving the beauty and purity of our environment so that the solace our ancestors found in nature may also be discovered by our descendants. This, and a skill for working across party lines, has allowed him to exert an influence that has dramatically improved the quality of American lives.

In what may be his crowning environmental and public works achievement, he was chief author of the landmark Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). The genius of this law is that, for the first time, it integrated transportation and environmental policy, with a eye toward maintaining both the infrastructure and nature, to improving both our working and our leisure lives.

The legislation redirected Federal surface transportation policy to include not only highway construction but maintenance, and also a broad array of new transportation approaches: programs to beautify our roadways, to acquire scenic and historic sites, and to establish pedestrian and bicycle facilities by utilizing abandoned railway corridors. The flexibility of the bill permitted closer coordination between transportation and clean-air programs in a deliberate effort to avoid past conflicts between the two goals.

ISTEA also gave states greater flexibility to solve their particular transportation needs, recognizing that different parts of the country have opposing priorities. In some states new capacity may be at the top of the list, while in others greater highway maintenance takes precedence. ISTEA permitted each state to use its discretion to better manage its transportation demands while making the most of its Federal funds. The reforms initiated by the Senator Moynihan in ISTEA were so successful they were continued and enhanced in the Transportation Equity Act for the 21st Century, TEA–21, which was enacted in the last Congress.

There are many examples of Senator Moynihan's visionary leadership, but I will mention just three more. From his first days on the Committee on Environment and Public Works, Senator Moynihan has shown an extraordinary gift to perceive problems before they catch the public eye. He and his New York colleague, the late Senator Jacob Javits, were the first Senators to respond to the Love Canal crisis, calling for a swift state and national response to help the families cope with a hazard that existed, literally, in their backyards. His empathy for the victims of Love Canal and his commitment to protecting others from similar tragedies led to his close involvement in the development of the Superfund program.

Senator Moynihan must also be recognized as the originator of acid rain legislation. As early as 1979, he foresaw the potential consequences of acid rain on our forests and streams and rigorously fought to address the problem. While the legislation underwent changes in conference, Senator Moynihan's bill eventually emerged as an important 10-year research program that ultimately became one of the Federal Government's largest scientific studies outside of NASA. His work on acid rain became the foundation for strong Clean Air Act legislation on this issue. Through the years he has continued to play a prominent role in protecting air quality in New York and throughout the nation.

Finally, Senator Moynihan has long held a deep appreciation for the beauty, grandeur and historical meaning of public buildings and their role in our daily lives. He led the effort to transform Pennsylvania Avenue from a neglected slum into a boulevard that rivals any of the great capitals of Europe. He played an instrumental role in the renovation of the exquisite building that is Union Station in Washington D.C., and the incomparable Penn Station in Manhattan, and remains an active member of the Smithsonian Institution's Board of Reagents. The return to quality architecture in government buildings is in significant part testimony to his understanding that public buildings must better represent the aims and aspirations of our nation. It is safe to say, no other Senator in the last half century has had a more enduring impact on preserving our heritage through public buildings.

Senator Moynihan and his life's work, on the Environment and Public Works Committee and in all aspects of his illustrious career, have touched my life and the lives of all Americans in profound ways. I know his departure will be deeply felt, particularly by me for whom he has been more than a mentor: a guiding light, a great teacher, and an inspiration. I wish him all the best.

STATEMENT OF HON. JAMES A. TRAFICANT, JR., U.S. REPRESENTATIVE FROM THE STATE OF OHIO

I want to thank the Chairman Voinovich and Ranking Senator Max Baucus, for holding this hearing on H.R. 809, the "Federal Protective Service Reform Act." As the author of this legislation, which has received bipartisan support. I hope that the committee will approve the bill and move it to the Senate floor as soon as possible.

I have been working for the past 6 years to improve Federal building security. This bill will make a big difference. It will put us in a position where we can harness the professionalism of the Federal Protective Service and thus reduce the likelihood of another Oklahoma City.

Good security starts and ends with good people. One of the keys to dramatically improving building security is having a well-trained professional police force led by experienced law enforcement and security professionals—not real estate managers. Congress also needs to clearly establish, by statute, FPS's mission and jurisdiction.

H.R. 809 will achieve all of these goals.

Why is this legislation needed? Because security is best provided by police officers—not real estate managers! Low manpower levels, a flawed management structure, and the increasing use of unqualified contract guards are seriously compromising the ability of FPS to do its job.

For example, FPS is part of GSA's real estate management arm, the Public Building Service. As such, the head of FPS does not have command and control authority over FPS

regional directors. Regional FPS directors are required to report directly to Public Building Service regional administrators—individuals with no law enforcement experience!

In addition, the majority of FPS regional directors have no law enforcement or intelligence experience.

One example I would like to cite is the proposal to construct a new child care center in the Celebrezze Building in Cleveland, Ohio. PBS blatantly ignored the recommendations of the Joint Security Task Force and proposed placing the center adjacent to the building's loading dock FPS objected to this proposal, but the matter is still pending.

It is clear that an independent FPS could that its security recommendations are taken seriously and have equal footing with other agencies.

H.R. 809 embodies the FPS-related recommendations made in a 1995 Justice Department study conducted in the wake of the April 19, 1995 bombing of the Murrah building in Oklahoma City. The study's recommendations, which included upgrading the position of FPS within GSA, were endorsed by the FBI, Marshals Service, Department of Defense, Secret Service, State Department and Administrative Office of the U.S. Courts.

I would also point out that a 1996 review conducted for GSA by Arthur Andersen strongly recommended that FPS be made a stand-alone service within GSA. Unfortunately, through four separate hearings conducted over the past 2 years by the House Transportation and Infrastructure Committee, PBS never once mentioned this key study.

I want to note for the record that House committee staff had lengthy discussions with key PBS officials about this legislation. We offered to negotiate all provisions in the bill if PBS would agree to give full "command and control" authority to the head of FPS. The answer was a resounding "no."

H.R. 809 has been strongly endorsed by every major law enforcement organization in the country, including the National Fraternal Order of Police, the Federal Law Enforcement Officers Association and the International Brotherhood of Police Officers.

I want to also note for the record that the House worked closely with the Department of Justice and the Secret Service to resolve some minor concerns they had over the wording of the original bill. All of their concerns were addressed in a manager's amendment approved by the Transportation and Infrastructure Committee.

The only issue that has been contentious, as far as the Public Building Service is concerned, is whether or not FPS should be a stand-alone service within GSA.

On this issue I side with the law enforcement community.

The fact is, the entire law enforcement community believes that making FPS a stand-alone service within GSA is essential to upgrading and improving Federal building security.

Mr. Chairman, this bill is much needed and long overdue. The sad reality is that since Oklahoma City, the terrorist threat to Federal buildings—foreign and domestic—has increased dramatically. Right now, we are still unprepared to deal with this threat.

H.R. 809 will give us a fighting chance to effectively combat terrorism. I urge its expeditious approval.

STATEMENT OF HON. ROBERT A. PECK, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Good morning Mr. Chairman and members of the subcommittee. I am Bob Peck, Commissioner of the Public Buildings Service. With me today is Clarence Edwards, Assistant Commissioner for the Federal Protective Service. Thank you for the opportunity to update you on our progress in improving security in GSA-owned and leased buildings and to express our concerns regarding H.R. 809.

It goes almost without saying that we have no more important responsibility than providing for the security of the tenants and visitors in our buildings. As I've said before, we need to provide that security while maintaining friendly, inviting, public buildings. No easy task.

Since the heinous bombing of the Murrah Federal Building in Oklahoma City in 1995, we have tripled our annual spending on security to over $250 million per year, increased the number of Federal Protective Officers to 582 (this includes both our traditional Federal police officers (FPO) and our new law enforcement security of ricers (LESOs), as of July 31), and doubled the number of contract guards to over 6,000.

We are also improving our security in qualitative ways that go beyond numbers. Many in our Federal Protective Service (FPS) are embracing the changes; some are not and would like to see FPS divorced from PBS and made an independent arm of GSA. We oppose that change. First, here's what our changes in FPS are all about. We started by defining the FPS mission and objective; they had not been clear before. The objective is for FPS to become the best facilities security organization in the world. The principal mission is building security, by which we mean protecting the affected facility, its tenants, visitors and their property from harm. As Assistant Commissioner Edwards, a veteran police officer and our top FPS official, says: FPS is not a police organization; it is a facility security organization with law enforcement authority.

We are changing training, job definitions and tactics to carry out this mission. We have created the new LESO position, which will become the core position in FPS. LESOs get both full law enforcement and physical security training. LESOs have full arrest authority and carry weapons. They wear police uniforms or plain clothes depending on the needs of the day. Their job is to be responsible for security in a given geographical area: to oversee physical security precautions and to deal with emergencies. LESOs are being deployed so as to extend our protective services to locations not previously covered.

We already have about 79 on board, 62 of them former FPS officers or Physical Security Specialists (PSS); another 76 LESO positions are in the recruitment process. Not coincidentally, the new position starts and tops out at GS levels above where the general FPS officer position currently starts and tops out.

We have added a special 2-week FPS orientation course to the 8-week basic police training our recruits get at the Federal Law Enforcement Training Center in Glynco, Georgia. We have also created a 4-week Physical Security Academy that is quickly becoming known governmentwide.

We have adopted the "community policing" tactics that have taken police officers out of their cars and back on the streets in cities and Federal facilities around the country (open on foot, sometimes on bicycles, which we are using, too). The idea is to be out and about to deter incidents, not to wait for a 911 call after incidents have occurred. We call it "customer oriented policing" and it means our officers, whether LESOs or FPOs, will spend more time in and around the buildings we lease and operate. We expect this to yield two additional benefits: 1) our customers, who pay security surcharges that partially fund FPS (which is also supported by regular rent payments), will actually see more of our highly qualified in-house security experts, and 2) we'll be able to convert our tenants into more effective eyes and ears, alerting us to possible problems, whether malfunctioning equipment or workplace situations that pose a threat.

We have deployed a terrific new software package for use by our Physical Security Specialists and LESOs in identifying the threats against each of our locations and evaluating how to respond to those threats. It may have been the quickest and most successful single rollout of a software application I've seen in PBS.

All the experts say that intelligence is the most important weapon against those who plan violent acts. Our Criminal Investigators (CI's) have all received intelligence analysis training and are involved with highly effective liaison efforts with the Federal intelligence-gathering agencies, like the FBI. We have upgraded our secure communications equipment, too. Additionally, the CI's are being trained in the new Regional Threat Assessment Methodology.

Finally, we have upgraded requirements in our contract guard contracts and put FPS officers in charge of monitoring training quality. Security guards are now required to have 100 hours of training, higher academic standard, and consistent firearms training.

In all of this training and job redefinition, we are acknowledging that our security personnel are like their other PBS colleagues: there will never be enough of us to do all of the hands-on work that needs to get done; rather, PBS employees do the work that is inherently governmental and manage contractors and use technology to multiply our capacity.

Now, why do we oppose making FPS a separate arm of GSA? Principally because it would divorce security from other Federal building functions when the opposite needs to be the case: security needs to be tightly integrated into decisions about the location, design and operation of Federal buildings. Divorcing FPS would create an

organizational barrier between protection experts and the PBS asset managers, planners, project managers and building managers who set PBS budgets and policies for our inventory as a whole and who oversee the day-to-day operations in our buildings.

The security we provide is financed out of rent revenues collected by the Public Buildings Service from our building tenants. Those tenants understandably look directly to PBS for responses to their security questions and needs. A separate GSA security service would be confusing to them and would lead to confusion about who is responsible for what in GSA's security efforts. It is also contrary to other agency efforts to present our customers with a seamless GSA, which is capable of offering more integrated housing solutions.

The relationship between FPS and PBS is like that of the U.S. Park Police and the National Park Service. The Park Police are a component of the National Park Service and not a separate bureau of the Department of the Interior. The Park Police patrol and protect properties that fall under the auspices of the Park Service, just as FPS patrols and protects properties under the auspices of the Public Buildings Service. The Department of the Interior has found, just as GSA has, that the protection function needs to be fully integrated with the other aspects of property preservation, operation and management.

In closing, I thank the subcommittee for this opportunity to discuss security at GSA-controlled facilities. We are pleased that both the GAO and the IG recognize the significant progress we've made in improving the security of Federal buildings. we look forward to working with the subcommittee on this issue.

This concludes my prepared statement. We would be pleased to answer any questions you may have.

GENERAL SERVICES ADMINISTRATION, PUBLIC BUILDINGS SERVICE,
October 10, 2000.

The Honorable GEORGE V. VOINOVICH, *Chairman,*
Subcommittee on Transportation and Infrastructure,
Committee on Environment and Public Works,
U.S. Senate,
Washington, DC 20510

Dear Mr. Chairman: During the hearing before your Subcommittee on Transportation and Infrastructure on September 28, 2000, you raised concerns about the security of the new child care center planned for the A. J. Celebrezze Federal Building, Cleveland, OH. Specifically, you stated it was unclear to you whether GSA might, due to financial constraints, proceed with placing the new child care center in a location deemed unsafe. I would like to set the record straight on the status of this project and our position on placement of the new center.

The safety and security of the children in our Federal buildings is a responsibility we take very seriously. Although the existing child care center in the Celebrezze building does not meet all current GSA child care center guidelines, a new center is presently in the design phase. The approved design, including the site selection, will be consistent with current security criteria. No final decision on exact location for the center has been made at this point. A site security survey has been completed, and we are using appropriate security risk factors in evaluating design options. If the approved design option includes prospectus level construction, we certainly will seek appropriate congressional authority for the project before proceeding further.

I hope this addresses any concerns you may have with this project. It might be helpful for your Cleveland staff to have a tour of the Celebrezze building and potential child care sites to get a better understanding of the design options. Mr. James Whitlock, our Assistant Regional Administrator, Public Buildings Service, Great Lakes Region, can arrange a tour. He can be reached at (312) 353–5572.

If you need additional information, please have a member of your staff contact Mr. Paul Chistolini, Deputy Commissioner, Public Buildings Service, at (202) 501–1100.

Sincerely,

ROBERT A. PECK, *Commissioner.*

STATEMENT OF JOEL S. GALLAY, DEPUTY INSPECTOR GENERAL, OFFICE OF INSPECTOR GENERAL, U.S. GENERAL SERVICES ADMINISTRATION

Mr. Chairman and members of the subcommittee: We appreciate the opportunity to come before this subcommittee to discuss the views of this Office on H.R. 809, the Federal Protective Service Reform Act. This bill would generally restructure the

Federal Protective Service within the General Services Administration (GSA), grant expanded law enforcement authority to Federal Protective Service officers and investigators and make changes regarding pay structure, contract guard training and number of police officers.

Our Office has done a significant amount of work in recent years relating to Federal building security in general and to Federal Protective Service operations in particular. Much of this work was spurred by Federal initiatives to upgrade Federal building security after the bombing of the Alfred Murrah Federal Building in Oklahoma City. We have reviewed GSA's installation of security equipment, the adequacy of data base documentation of security upgrades, and the proper usage of security enhancement funds. In the past few years, we have also reviewed the functions and operations of both the Federal Protective Service criminal investigator and contract guard programs.

The Federal Protective Service (FPS) is responsible for protecting Federal employees and property in Federal buildings owned or leased by GSA. To meet this responsibility, FPS performs both law enforcement and physical security functions. The FPS work force includes uniformed police officers and nonuniformed officers, including criminal investigators and physical security specialists. FPS currently supervises over 6,000 contract guards. The FPS function of guarding and securing Federal buildings has been a part of GSA's Public Buildings Service (PBS) since 1949.

FPS Reorganization

The centerpiece of the bill under your consideration today is the proposal to remove FPS from PBS and establish it as a separate operating service of GSA. This new service would be headed by a Commissioner who would be appointed by and report directly to the GSA Administrator. The Commissioner of FPS would be required to have at least 5 years of law enforcement experience in a command or supervisory position. That Commissioner, in turn, would appoint the Regional Directors and Assistant Commissioners for FPS. These Directors or Assistant Commissioners would be required to have 5 years direct law enforcement experience, including at least 2 years in a supervisory position.

We agree that improvements are needed in the existing FPS structure. We strongly believe there needs to be a direct chain of command and line of authority between the FPS headquarters in Washington, D.C. and FPS field personnel. We also support the requirements in the bill for the FPS head,

Assistant Commissioners and Regional Directors to have law enforcement experience. We believe these provisions are particularly critical insofar as FPS performs a law enforcement function. Law enforcement agencies, including those (like Offices Inspectors General) which operate within larger non-law enforcement agencies, are traditionally staffed by professional law enforcement personnel with a direct chain of command from the headquarters level to the field level. This structure assures more effective oversight of the use of law enforcement authorities, the development and implementation of training requirements, and consistent application of policies and procedures—particularly important with respect to matters such as jurisdiction and use of deadly force.

We think that most outsiders would be surprised to learn that, while the FPS Assistant Commissioner here in Washington is the nominal "head" of the FPS, he can only issue policy guidance; he does not have command and control over the FPS Directors in the 11 GSA regions. These directors, only 2 of whom currently have law enforcement experience, report to Assistant Regional Administrators for PBS in the regions and not to FPS headquarters.

Two of our audits serve to illustrate some of the problems inherent in this organizational structure. In our examination several years ago of the criminal investigator program within FPS, we found that criminal investigator activities in the field were generally operating autonomously, with no program accountability or measurable performance standards. We reported that the criminal investigators resided in a fragmented organization, with unbalanced staffing resources, disparate lines of authority and inconsistent approaches to implementing investigative guidelines from region to region. We also found the criminal investigator program lacked a useful management information system as well as a centralized system for identifying and developing specialized training needs. In addition, we noted the following problems:

- Investigator staffing varied widely between regions—from one criminal investigator per 641 buildings in one region to one criminal investigator per 42 buildings in another.
- Investigators in some regions reported to experienced lead investigators or Special Agents in Charge; others reported to various non-investigatory personnel.
- Inconsistent interpretations of law enforcement authorities and application of policies raised concerns of whether the safety of Federal employees was being com-

promised. Although we performed this review 3 years ago, our information is that the conditions reported in this audit are similar now and, in some cases, have deteriorated.

Similar problems were noted in another audit we issued in March of this year, in which we examined FPS management of the contract guard program. As you are aware, GSA contracts with private security firms for both armed and unarmed guards at Federal facilities. As noted, there are currently over 6,000 contract security guards nationwide. FPS central office has been trying to create a national program with standards to be applied to all GSA guard contracts. FPS central office determined that five program areas should be standardized in all regional guard contracts. These included guard training, weapons and ammunition, guard eligibility, a basic written examination, and suitability and certification requirements. Our review of this program concluded that an absence of programmatic controls and oversight has led to operational breakdowns and questionable practices at the regional levels. Specifically we noted:

- Hundreds of guards were on post without valid suitability determinations. Guards lacked necessary to perform their duties.
- Armed guards were on post without any firearms training or they were overdue for firearms qualifications. Contract enforcement and oversight was not consistent. There was no consistent policy on post orders.
- Guard services were being procured by purchase orders and were not then subjected to critical program requirements.

In addition to formal audits, we have addressed a number of situations over the last few years in which regional FPS employees have acted in violation of or contrary to established national policy. Those situations have included the following:

- Several instances of FPS officers carrying firearms off-duty; one instance of an FPS officer firing a warning shot while off-duty;
- A number of instances of FPS officers carrying firearms without having been properly qualified;
- FPS in one region issuing badges and credentials to non-law enforcement personnel and issuing badges and credentials bearing unauthorized titles and endorsement signatures; and
- A FPS supervisor in a region authorizing the issuance of shotguns, which FPS officers are neither qualified nor authorized to carry.

The clear message in these audits and other reviews is that FPS would greatly benefit from an organizational overhaul to improve its ability to effect implementation of consistent policies and procedures and to better handle disciplinary issues. By requiring law enforcement experience at both the central office at the supervisory level in the regions and by providing that the FPS head would appoint the Regional Directors in the field, H.R. 809 takes several steps toward this organizational overhaul. In one regard, though, we believe that this part of the bill could be strengthened. Currently, the bill provides only that the FPS head "appoint" Assistant Commissioners and Regional Directors. In order to ensure direct lines of authority between central office and the GSA regions, we suggest that the bill also provide that the Regional Directors (and Assistant Commissioners) Report to" the FPS head and not the various senior regional officials..

We do not believe, however, that FPS necessarily needs to be removed from PBS in order to effectuate the changes in chain of command for purposes of strengthening FPS's law enforcement functions. In our view, these changes can be made within PBS. This would achieve the much-needed improvements in command and control over law enforcement functions, while meeting the coordination and other concerns PBS has with the proposal to remove FPS entirely.

Under H.R. 809, the new FPS Commissioner would serve as the "law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator." We believe that this broad designation of the new Commissioner as the "security official of the United States" for the protection of Federal buildings is generally unworkable and adds confusion to what are in fact legitimate and important security functions that are exercised by PBS. Security is a multi-faceted area, and involves aspects of building location, design, planning, and operations. Building location, design and planning would clearly seem generally the province of PBS. On an individual building operations level, building security and safety is the responsibility of FPS and the Building Security Committee (BSC) for that building, with support of the building manager and other building personnel.

This bill's proposed removal of FPS from PBS and its designation of the FPS head as the "security official for the United States" leave unanswered several critical questions: What security functions would remain in PBS and what security func-

tions would be transferred to FPS? Clearly building security design functions should remain the responsibility of PBS, while police activities and supervising guard forces should be the responsibility of FPS. In between, however, lies a gray area where the decisions on division of responsibility and transfer of functions are not very easy. Who would decide on the location of guard posts and whether they are armed posts? Who would decide on locations of security equipment? Currently, the BSC for each Federal building, which is made up of tenant representatives and a FPS security specialist, and is supported by the building manager, make many of these decisions. How would removing FPS from PBS change this process? Would it help or hinder the process?

We believe that, even under the current organization, better coordination of the building security function is needed. We have concerns FPS a stand-alone service in GSA may not be an immediate cure for, and may even exacerbate, some of the problems we have seen in recent years, such as in GSA's efforts to upgrade security equipment at Federal facilities. There, we issued a series of alert reports in which we reported on repeated instances of missing, uninstalled and non-operational security equipment and many inaccuracies in the data bases on the status of this equipment. Based on conditions we discussed in these reports, PBS reported a material weakness for purposes of the Federal Managers Financial Integrity Act. Ultimately, the problems there were a failure of coordination, between and among central office and the region, FPS security personnel and customer agency officials, and FPS and the building managers. Whatever organization may result from this legislation or GSA's own efforts, a strong linkage between FPS and PBS needs to be developed and maintained in the area of building security.

Law Enforcement Authority

H.R. 809 would give FPS special police—renamed "police officers"—general law enforcement authority, including the authority to carry firearms, seek and execute arrest and search warrants, and make warrantless arrests under specified circumstances. We support this provision. It is a much-needed clarification of the uniformed officer's law enforcement authorities, which, under current law, have to be somewhat assumed or implied. We also agree with the changes made in the bill from earlier versions to limit these authorities to use while on duty and subject to regulations approved by the Attorney General.

The bill would make a minor change to the law enforcement authorities exercised by the nonuniformed offficers of FPS—renamed by the bill "criminal investigators"—but appears to leave those authorities mostly the same as they exist currently. This leads, however, to an unfortunate, and likely unintended anomaly—the criminal investigators would exercise different, and mostly lesser, law enforcement authorities than the new police officers. For example, nonuniformed officers (or special agents) could arrest without a warrant only for felonies; the new police officers could arrest for misdemeanors and felonies. In addition, nonuniformed officers do not have express authority to seek and execute search warrants; the new police officers would. We know of no operational imperatives that would favor such a result. We would advocate changing the bill to give the new special agents the same law enforcement authorities as the new police officers. We would also suggest making those authorities subject to regulatory supervision of the Attorney General.

Contract Guard Program

Finally, we would like to briefly mention the provision of the FPS bill which would require the new Commissioner of FPS to prescribe minimum standards of suitability for employment to be applied in the contracting of security personnel. In the last few years, FPS has taken significant steps toward creating a national program for the contract guards. The program devised by FPS included the development of minimum training standards for all guards and the creation and implementation of national certification guidelines and other procedures to be followed in all guard contracts. However, our March 2000 audit of the contract guard program, which we discussed earlier, shows, however, that many of these efforts have fallen short. As we already noted, we identified literally hundreds of instances where guards were on post at GSA-controlled facilities without the initial suitability check and, in some instances, despite unfavorable adjudication determinations. In addition, over 100 guards were overdue for required re-certifications and numerous background checks were in pending status for more than 1 year.

The critical problem here, though, is not necessarily one of a lack of standards—FPS has already devised minimum standards for training and suitability. Rather, our review indicates it is a lack of consistent implementation in the regions, coupled with inadequate resources to provide effective oversight of the guard contracts. The problem to be addressed, therefore, whether through this legislation or by the agen-

cy itself, is ensuring that policy and procedures issued by FPS headquarters are effectively enforced in the regions.

In the end, regardless of how the issues regarding FPS may be resolved, for something as important as security of Federal employees and property, any restructuring must take into account the need for clearer lines of responsibility and accountability.

Mr. Chairman, this concludes my formal statement. I would be pleased to answer any questions the subcommittee members might have.

STATEMENT OF JUDGE JANE R. ROTH, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT

Mr. Chairman and members of the subcommittee: My name is Jane Roth. I serve as a judge on the United States Court of Appeals for the Third Circuit and as Chairman of the Judicial Conference's Committee on Security and Facilities. Thank you for the opportunity to appear before you today to discuss H.R. 809, the "Federal Protective Service Reform Act of 2000."

In March 2000 the Judicial Conference of the United States resolved that H.R; 809 be amended to make clear that, should this bill be enacted into law, it would not diminish or interfere with the statutory authority of the United States Marshals Service (USMS) to provide security for the Federal judiciary. The USMS authority to provide security for the judges, judicial employees, witnesses, and jurors derives from 28 U.S.C. §566. The Judicial Conference recommends that the following amendment be added to H.R. 809 as a new Section 11:

None of the provisions of this Act shall be construed to interfere with, supersede, or otherwise affect the authority of the United States Marshals Service to provide security for the Federal judiciary pursuant to 28 U.S.C. §566.

Prior to 1982 the General Services Administration (GSA) and the USMS shared responsibility for security inside Federal courthouses. Under this shared responsibility, security in courthouses was inadequate. In 1982 Chief Justice Warren Burger and Attorney General William French Smith, in cooperation with GSA, agreed that the USMS should assume primary responsibility and authority to provide security and protective services in Federal buildings housing court operations. In order to assist with implementation of this agreement, the USMS received delegated authority from the GSA Administrator to contract for guards in court-occupied space. In 1983, as part of a joint judicial and executive branch initiative, the USMS established the Judicial Facility Security Program. As a result of this agreement and its subsequent implementation, the USMS assumed responsibility for all security inside courthouses and GSA retained responsibility for security outside courthouses.

The judiciary believes the Judicial Facility Security Program has proven to be efficient and effective and that it should be continued.

We are concerned that Section 6 of H.R. 809 could be read to infringe upon the role of the USMS to provide security in court-occupied space because it gives authority to the newly created position of Federal Protective Service Commissioner to serve as the government's law enforcement of fleer in buildings under control of the GSA Administrator. In addition, Section 9 of the bill could be read to change the responsibility for contract guard employment standards. Currently, the USMS uses standards of suitability which it has developed for employment of contract guards. The judiciary wants to ensure that enactment of this proposed legislation will not lead to a change in this arrangement.

We believe the amendment proposed by the Judicial Conference would only clarify the intent of H.R. 809. The report of the House Committee on Transportation and Infrastructure (H. Rept. 106–676) which accompanied the bill to the House floor states:

This legislation enhances the FPS, and has no impact on the facilities secured by the Secret Service, Federal Bureau of Investigation and United States Marshals Service. Because report language is non-binding, the judiciary believes that language in the proposed bill itself is necessary.

We also believe that the USMS and GSA do not support any interference with the authority of the USMS as found in 28 U.S.C. §566, and affirmatively support continuance of the Judicial Facility Security Program.

I would be happy to answer any questions that you may have and, once again, thank you for the opportunity to appear before the subcommittee.

RESPONSES BY JUDGE ROTH TO ADDITIONAL QUESTIONS FROM SENATOR VOINOVICH

Question 1. Notwithstanding the U.S. Marshals Service issue you discuss in your testimony, do you have any other concerns about H.R. 809?

Response. In our experience, the current management structure in which FPS reports to the PBS has worked well. Because the design and construction of buildings and security are so interrelated, this organizational structure has allowed us to address building security issues in a global rather than piecemeal way. We are concerned that H.R. 809, because it changes the organizational structure, may make it more difficult to coordinate security issues.

Question 2. How is the current relationship between the U.S. Marshals Service and the FPS working?

Response. We believe that, as a general rule, security responsibility and authority should not be bifurcated. The USMS has expressed agreement with this position. The USMS currently has most of the responsibility for interior security in buildings in which the judiciary is the main tenant, and FPS has responsibility for exterior security. The judiciary has requested that the USMS extend its responsibility to the exterior of these buildings, using judiciary-funded court security officers managed by the USMS. We are of the opinion that such an extension will enhance security by lessening the problems associated with coordination, authority, and accountability between the two agencies. We would prefer to put responsibility for such an interior/exterior security coordination in the hands of the USMS because of the statutory designation of the USMS as the provider of security to the courts. To date, neither we nor the USMS have been able to resolve with GSA or FPS this problem of bifurcated security.

Question 3. Are there additional issues concerning the U.S. Marshals Service outside the jurisdiction of this committee that you would like to address?

Response. We are very concerned about the diminishing number of deputy marshals authorized for the Marshals Service. We have been advised that the marshals are currently 600 positions below what they were previously authorized (about 300 positions are deputy marshals). The loss of deputy positions compels the USMS to hire off-duty police officers to handle prisoners and provide courtroom security. In addition, the USMS has too many competing duties, such as fugitive apprehensions, which further distract their deputies from their security responsibilities. We are very concerned that the marshals have a sufficient number of deputies to provide the judiciary with a quality security program.

In addition, we would like to see more stability in USMS leadership. We have seen some shifting of priorities in the USMS which may be attributable to the frequent changes in their leadership. We do not think this has served judicial security well. We think consideration should be given to selecting as director of the USMS individuals with high-level security and Federal law enforcement experience to serve a fixed-term political appointment, similar to the statutory process used to appoint the Director of the FBI. We strongly feel that judicial security requires a USMS that is professional, stable, fully staffed, well managed, and focused on its primary statutory mission to protect the judiciary.

STATEMENT OF STEVEN BELLEW, VICE CHAIRMAN, FRATERNAL ORDER OF POLICE FEDERAL PROTECTIVE SERVICE LABOR COMMITTEE

Good Morning Mr. Chairman, Ranking Member Baucus, and members of the subcommittee; and thank you for giving me the opportunity to appear before you today.

My name is Steven Bellew, and I am a Federal Protective Service Police Officer from Dallas, Texas, and Vice Chairman of the Fraternal Order of Police-FPS Labor Committee. I am here today at the request of Gilbert G. Gallegos, National President of the Grand Lodge Fraternal Order of Police—the nation's largest organization of law enforcement professionals—to testify about the importance of enacting into law H.R. 809, the "Federal Protective Service Reform Act."

As you know, there is a pressing need to enhance Federal building security. This is an issue of the utmost importance to members of this committee, FPS of ricers, Federal employees, and the millions of Americans who visit Federal buildings every day. In the wake of the Oklahoma City bombing and the deaths of 168 innocent people in 1995, many in the Congress and the Federal Protective Service sought ways to ensure that such a senseless loss of life would never happen again. This cowardly attack served as a startling reminder that the United States is not immune to acts of terrorism, and underscored the need for increased protection at America's Federal buildings provided by a highly skilled and qualified organization of law enforcement

professionals. We believe this need is answered by the "Federal Protective Service Reform Act."

In the 5-years since the bombing of the Alfred P. Murrah Federal Building, much has been done to enhance Federal building security and public safety. However, the General Services Administration and the Public Building Service have proven themselves unwilling or unable to implement those reforms which are most necessary to address several current problems within the Federal Protective Service. First and foremost, is the internal dismantling and weakening of the FPS, and the duties they are asked to perform on a daily basis. Over the last several years, The Public Building Service has moved FPS away from its traditional focus on patrol and response activities to placing a greater reliance on State and local law enforcement to act as first responders to critical incidents in major U.S. cities. One example of this, Mr. Chairman, is the current situation in New York City. In 1994, GSA hired approximately 35 "term" police officers to supplement the existing force and provide enhanced security during the World Trade Center bombing Dials. These are fully sworn and trained law enforcement officers who have completed the 10 week police training course at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. They are currently responsible for providing law enforcement services at the Federal Civic Center; consisting of 26 Federal Plaza, 290 Broadway, 40 Foley Square, the U.S. Court of International Trade, 1 St. Andrews Plaza, the U.S. District Court, 500 Pearl Street, the Bureau of Prisons facility at the Manhattan Correctional Center, and Federal facilities in Newark, New Jersey.

Last year, the General Services Administration planned to reduce the level of FPS officers in that region at the end of Fiscal Year 1999, effective October 1. This prompted a letter from Attorney General Janet Reno to Mr. David Barram requesting that GSA continue to provide the same level of protective services in the region in Fiscal Year 2000, at the previously authorized level. It is now 1 year later, and GSA is again attempting to cut the Federal Protective Service force in the region by roughly 50 percent While it is true that the World Trade Center bombing trials have concluded, there is a potentially greater threat posed by the commencement of the African Embassy bombing trials of individuals associated with the terrorist network of Osama bin Laden. This shortsighted move has again raised questions, including those from U.S. Representative Carolyn Maloney, whose constituents face the greatest danger from weakened security at Federal facilities in New York City.

The second pressing problem is the lack of law enforcement experience in front line management. Under the current structure, Federal Protective Service officers in the various regions are overseen by the regional administrators of the Public Building Service. In addition, at least five of the Regional FPS Directors, who report to Assistant Regional Administrators in the 11 regions, do not have law enforcement backgrounds. The Assistant Commissioner of FPS, Mr. Clarence Edwards, exercises no direct control and has been relegated largely to an advisory and policymaking role, despite having over 20 years of command level law enforcement experience. Thus the effectiveness of the FPS as a law enforcement agency is severely crippled by the fact that the Commissioner does not have direct command and control authority over his officers across the nation, nor over such vital issues as funding and personnel.

This view has also been expressed by other Federal law enforcement agencies. In the Vulnerability Assessment of Federal Facilities, conducted primarily by the Department of Justice and the U.S. Marshals Service after the Oklahoma City bombing in 1995, several recommendations were made to upgrade the capabilities of FPS. Specifically, the Report noted that "the placement of FPS within the organizational structure of GSA [under the Public Building Service] may have limited the ability of FPS to obtain the resources to assure appropriate security in large, multi-tenant facilities, even when the security needs have been well-defined." The Report went on to recommend that FPS, and not the Public Buildings Service, should be responsible for providing security services for GSA-controlled facilities, improving the standards for contract guards, and be responsible for the implementation and maintenance of a centralized physical security data base of all Federal of flee buildings. Finally, the heavy reliance of the General Services Administration on the use of contract security guards to provide the bulk of protective services in America's Federal buildings presents serious security concerns. As a whole, private contract security guards do not receive the same level or quality of training as do FPS police of ricers, who are required to attend the 10-week police training course at FLETC in Glynco, Georgia, followed by various in-service training programs. While the use of contract guards by GSA has been steadily increasing over the years, the number of full-time police officers has declined. This decline was appropriately noted in the House Transportation and Infrastructure Committee report on H.R. 809 (H. Rpt. 106–676, pg. 5):

"Since 1971, the work force of both PBS and FPS has steadily shrunk. In 1971, total employment of Federal Protective Officers (FPO's) exceeded 4,500. By 1995, the FPO force had been reduced to less than 500. At the same time, [the] contract guard work force had grown from 700, to over 2,500. The total protective force stood at 3,000, while the PBS inventory had grown by 70 million square feet of space, from 230 million square feet of space in the 1970's to over 300 million in 1995. The extent of protective personnel coverage had shrunk dramatically." The committee also noted that by 1995, guard functions in Oklahoma City had been so reduced, that a single contract guard, who also provided protection for two other Federal buildings, was responsible for patrolling the Murrah Building.

How does this legislation address the problems which have been outlined above? The primary goal of H.R. 809 is simple: to reestablish the Federal Protective Service as an elite Federal law enforcement agency with a well-trained, professionally led, and highly motivated cadre of officers. This legislation correctly addresses the current problems within FPS; namely the status of the agency within the General Services Administration, the need for additional fully sworn and qualified police officers, unclear lines of authority and jurisdiction, and non-competitive salary and benefits for its of ricers.

H.R. 809 will enhance the safety of America's Federal buildings in a number of important ways. First, the legislation provides for the separation of FPS from the Public Building Service—the Federal Government's real estate management agency—and elevates the agency within GSA. By placing the Federal Protective Service outside of the Public Buildings Service, the legislation will ensure that law enforcement is given the same level of consideration as property management, and not as a secondary concern of PBS. There are several benefits to this approach, many of which were outlined in a 1996 GSA-requested Arthur Andersen study, entitled Federal Operations Review Model (FORM. Federal Protective Service. Conducted by a review team which included several GSA employees, the study concluded that of the recommendations for FPS contained in the 1995 Vulnerability Assessment, "elevation is most advantageous to the government as it will provide for costs savings as well as enable FPS to be self-financing." Having recommended that FPS be elevated to a Service Line organization reporting directly to the Administrator of GSA, the study further concluded that this would recognize the priority of security in the Federal environment, ensure a direct funding mechanism for Federal security, provide savings on overhead costs, and streamline the management and reporting structure.

The Fraternal Order of Police continues to believe that separation and elevation of the Federal Protective Service is the only sure way of improving the effectiveness and capabilities of the agency. Not only would this move establish direct command and with a definitive explanation for the agency's refusal to implement this provision, the OIG concluded that:

- GSA management did not support the requirement for a larger uniformed protective unit, evidenced by the fact that whenever funding and FTE positions became available, these additional resources were directed into an alternative protection program even after P.L. 100–440 was enacted;
- While agency management did not seek to increase its uniformed police force, GSA made no effort to inform or attempt to work with Congress to get the law changed until 1995;
- Despite the fact that Senate Report 100–387 (June 17, 1988) directed GSA to fund the hiring of additional Federal Protective Of ricers (FPO) using funds appropriated for real property operations, GSA used available funds to hire Physical Security Specialists and increase contract guard services;
- In Fiscal Year 1990, the evidence indicated that the agency's internal budget directives did not provide for an increase in regional FPO positions. Not only were the FPO ranks not increased, but GSA also permitted the number of officers to decline significantly; and
- "The fact that responsible agency managers knew of the law and neither took action to comply with it nor reported non-compliance during past years' Federal Managers' Financial Integrity Act (FMFIA) processes was in itself a breach of the FMFIA and a reportable condition. Moreover, the fact that such a large circle of management was aware of the non-compliance issue and did little to address it calls into question the general state of the management environment which permitted this to happen."

In addition to establishing FPS as a premiere Federal law enforcement agency and ensuring an increased number of officers to complete the agency's important mission, H.R. 809 has several other provisions vital to the future of the Service. It will clarify and enhance the authority of FPS of ricers, to include the carrying of firearms, petitioning Federal courts for arrest warrants, and executing those war-

rants; and it will require that the Commissioner of FPS establish minimum standards and training requirements in contracting for security guards.

In the end Mr. Chairman, this is not a pay raise bill and I do not know of any direct benefits which will accrue to FPS officers by its passage. H.R. 809 is an officer safety issue, supported by law enforcement professionals who take a great deal of pride in the work they do and the agency they work for. We want a strong Federal Protective Service. While we would agree that how you incorporate facility protection and public safety into the design of Federal buildings is a joint real estate—law enforcement function; the actual delivery of the law enforcement service is an inherently governmental function which requires direct oversight from law enforcement professionals. Those of us who put our lives on the line every day to ensure the safety and protection of Federal employees and facilities believe that H.R. 809 is an important step toward improving the capabilities of the Federal Protective Service to meet the security challenges of the 21st Century. Passage of this legislation is a top priority of the Fraternal Order of Police, and we hope to work with members of this subcommittee to ensure its enactment before the end of the 106th Congress.

Thank you again, Mr. Chairman, for allowing me the opportunity to address you this morning. I would be happy to answer any questions which you may have.

FRATERNAL ORDER OF POLICE, FEDERAL PROTECTIVE SERVICE,
New York, NY, October 11, 2000.

GILBERT G. GALLEGOS,
National President,
Fraternal Order of Police,
309 Massachusetts Avenue NE,
Washington, DC 20002.

DEAR PRESIDENT GALLEGOS: In response to a request from Senator Voinovich for more information on the Federal Protective Service Law Enforcement Security Officer (LESO) program, I have compiled the following information for your review.

The LESO position was create by the Public Building Service to allow FPS officers the opportunity to be elevated to a position with higher pay. Even though this was the stance of PBS, many Regions failed to recruit FPS officers for the LESO positions and went directly to college campuses and recruited people with no police experience.

PBS established the LESO position with the intent to incorporate law enforcement and physical security. The result has been most LESO positions are announced as Physical Security Specialist (LESO). LESO personnel, despite guidelines from the Assistant Commissioner of FPS to wear their uniforms while on duty, still report to work and perform their duties in civilian attire.

PBS mandated that LESO's perform 51 percent law enforcement duties and 49 percent physical security duties. The reality is that LESO's rarely perform law enforcement duties and spend most of their time conducting physical security surveys. Also, the LESO position was supposed to augment the FPS uniform force of police officers. The fact is that as LESO's are hired and sent to their duty stations, the FTE's are not replaced, causing a reduction in uniformed personnel in major metropolitan areas.

One disturbing factor with the LESO program is that the LESO's, who are supposed to be primarily law enforcement officers, do not report to a law enforcement chain of command. Instead they report to a supervisory physical security manager, thus further weakening any ties between security and law enforcement. Another related, but sad fact is that in many PBS Regions, the Regional FPS Directors are attempting to have uniformed officers report to physical security specialists instead of uniformed police supervisors.

LESO's were supposed to be deployed to areas that have a large concentration of Federal employees and buildings, but out of the major (core) metropolitan cities. The fact is that a majority of the LESO's are being stationed in major metropolitan cities.

Finally, one of the questions that was asked at the Senate Subcommittee hearing, was why more officers were not interested in the LESO position. The answer to that question is that most of the police officers believe that, since PBS has lied to them on a continuous and recurring basis, they have lost the moral support of the officer

rank and file. This is one of the many reasons why we believe it is necessary to separate FPS from PBS.

Sincerely,

STEVEN S. BELLEW, *Vice-Chairman,*
Fraternal Order of Police,
Federal Protective Service,
DC–1 Labor Committee.

STATEMENT OF KENNETH T. LYONS, PRESIDENT, INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

Mr. Chairman, members of the subcommittee, my name is Kenneth T. Lyons, president of the International Brotherhood of Police Officers. The International Brotherhood of Police Officers (IBPO) is the largest police union in the AFL–CIO. On behalf of the entire membership of the IBPO, I wish to thank you for allowing me to submit for the record a statement regarding H.R. 809, the Federal Protective Service Reform Act. My first point will be to reaffirm our commitment to provide quality police and security service to the Federal community and the general public. I only wish that I could be standing before you in front of the Murrah Federal Building Memorial instead of this committee room, so that my words would have more impact and drive home to all that we must work together to ensure that the tragedy of Oklahoma and the ones since, are not repeated.

The IBPO is proud of its members who work for the Federal Protective Service (FPS). In addition to providing protection to hundreds of thousands of Federal employees, these dedicated law enforcement officials are literally on the front line when it comes to safeguarding the more than 8,000 GSA-operated buildings. As you know Federal Protective Service officers were the first to respond to the World Trade Center bombing in New York City and were also active in the investigations of the Oklahoma City bombing along with the Olympic Centennial Park explosion. Mr. Chairman, terrorist threats toward the Federal Government are real, and increasing. Our vocation has become increasingly more violent and dangerous. We can only expect more attempts of terrorism in Federal buildings that service the general public.

The IBPO wishes to thank Congressman Traficant for introducing H.R. 809. This legislation will finally recognize the Federal Protective Officer (FPO) as a legitimate law enforcement professional. As president of the IBPO, I can say without exception that an officer who is highly motivated, properly trained and adequately compensated, must be the first line of defense against crime and terrorism. It is the police officer who has to approach the irate visitor or the upset and often violent client, and it is the police officer whose life will ultimately be on the line. Every day FPS police officers go that extra mile in the pursuit of their duties and quite frankly they do it because of personal motivation and dedication not for compensation which is woefully inadequate when compared to other law enforcement agencies.

Congressman Traficant's legislation will address the many issues facing security at our Federal buildings. H.R. 809 will increase the number of full-time FPS officers from 673 to 730. While this number is below what Congress mandated in 1998, which was repealed a few years later, the increase will demonstrate to the public that threats to Federal property and personnel are real. Regarding contracting out of FPS officers, it should not surprise anyone on this subcommittee that our organization has long opposed wasteful, costly and inappropriate contracting out of inherently governmental functions. We once again reiterate that the explosion in contracting out of services has cost the American taxpayer millions of dollars, diminished government's expertise in key areas, and reduces its ability to address the problems of the future. Ill-trained, non-citizen contract guards with guns should not be in a position of protecting government buildings.

GSA has pushed this concept too far, a reasonable amount of civilian contract guards may be necessary, but to outnumber FPS police officers by almost 20 to 1 is irrational as well as dangerous. If the government continues the practice of contracting out of police officers then these individuals should go through the same procedures and standards that FPS officers go through. All of us know that security guards are subject to the laws and regulations of the States in which they are employed. Many States don't even require training for guards equipped with weapons. Some State background checks are suspect at best. To upgrade these private security guards, we support the provision of H.R. 809 that prescribes standards for the contracting of security personnel for buildings and areas that are owned or occupied by the U.S. Government.

These standards shall ensure that contract employees receive adequate training along with being subject to the same background check requirements as Federal Protective Service officers. These individuals are responsible for the safety and well-being of thousands of Americans who work and do business in GSA-operated buildings across the country. We owe it to our fellow citizens that professionals protect their workplace.

What concerns the IBPO is that the GSA never wanted a police force and will go to great lengths to desolve the FPS. They are happy with the "counterfeit cops" namely, civilian contract guards, who hoodwink the general public, and government employees.

The IBPO believes that the GSA hasn't the desire, nor the will to maintain a viable police force. While we strongly support the provision of H.R. 809 that would allow Federal Protective Service to be a free-standing service within the General Service Administration, we urge Congress to contemplate transferring our officers to another agency that has the know-how and savvy to administer police.

The IBPo also supports increasing pay for the Federal Protective Service officer. The Office of Personnel Management (OPM) has determined that FPS officers are police officers but they are not considered "law enforcement." With law enforcement status comes better pay and retirement entitlements. Yet our officers are being denied the same benefits that other uniformed Federal law enforcement officers have. We face the same inherent dangers that other Federal law enforcement do but are not recognized for our work and commitment to the safety of our fellow citizens.

Mr. Chairman, thank you again for this opportunity to submit a written statement on H.R. 809. The IBPO looks forward to working with this subcommittee on the many issues facing FPS police officers. This concludes my written statement.

STATEMENT OF ALFRED MALDONADO, REPRESENTATIVE OF THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

Thank you for allowing me the opportunity to submit this statement on behalf of the National Federation of Federal Employees (NFFE) in support of H.R. 809, the Federal Protective Service Reform Act. This bill, once signed into law, would drastically improve the Federal Protective Service (FPS) by removing it as a division within the Public Building Service (PBS) and making it a separate service of the General Services Administration (GSA). In doing so, this legislation will ensure that FPS is managed by law enforcement professionals and not PBS administrators, who are untrained and inexperienced in the fields of Law Enforcement and Physical Security. This legislation would also expand the manpower and law enforcement authority of the FPS by allowing FPS Police Officers the ability to investigate crimes against GSA facilities and the people who frequent those facilities. Additionally, H.R. 809 would improve the quality of contract security guards who serve as the eyes and ears of the FPS by mandating training requirements of these guards across the Nation.

As you are well aware, and in these proceedings are often reminded, 168 men; women, and children lost their lives on April 19, 1995 in the Murrah Building in Oklahoma City. Indeed because of mismanagement; FPS left this building a very soft target for domestic terrorists Timothy McVeigh and Terry Nichols by significantly reducing it's FPO force and by assigning only one contract security guard to patrol the three buildings in that area. We cannot allow such a tragedy to occur again. H.R. 809 is a heroic piece of legislation, aimed at stopping domestic terrorism from touching our Federal facilities and the men, women, and children who frequent them.

NFFE's position on this bill can best be illustrated by first pointing out the problems in the current way PBS and FPS operates. I will use the San Diego area, which happens to be my area of responsibility; as an example. Please allow me to begin by telling you a little about what I do for a living.

The San Diego FPS Office serves all of San Diego, Imperial and Yuma Counties, and parts of Riverside County. There are three Federal Protective Officers (FPS Police Officers) who patrol from San Diego, California to Yuma, Arizona; and up to Palm Springs, California; over 17,000 square miles. Unfortunately, due to the lack of manpower we are just unable to serve the Arizona area, except in rare situations. Of the facilities we patrol, six of them are U.S. Border Stations. One of those, the San Ysidro Border Station, which separates Tijuana, Mexico from San Diego, California, is considered the busiest land port of entry in the world. It is estimated that 43,000 automobiles and 73,000 pedestrians pass through the port on an average day. Though the FPS maintains a contract guard force on the site, it does little to curb the number of criminal incidents in and around this large GSA facility. The

San Diego Police Department has adopted a general "hands-off" policy at this facility, due to the jurisdiction and physical control issues, insisting that the U.S. Government police it's own property. Thus, FPS is primarily responsible for policing this facility.

On any given Friday and Saturday night, 9,000 to 10,000 pedestrians across the border into Tijuana to drink and engage in the Tijuana night-life. Most, if not all of them are not legally able to drink in the United States. Usually about 6,000 to 8,000 of them return under the influence of alcohol or drugs, or extremely intoxicated. Many of the people are in violation of Federal and State public intoxication statutes: Assaults, robberies and sex offenses in and around this GSA facility are very common. Shootings and stabbings are not uncommon. Often, U.S. Government employees such as INS and U.S. Customs personnel-are assaulted or have threats made against their lives. Generally, I work the weekend nights alone or with another officer. I spend the remainder of my week catching up an the vast stacks of paperwork from my weekend nights.

As you can imagine, of an international border crossing of this size, in such close proximity to major cities, there are a large number of fugitives crossing to and from Mexico on a regular basis. Due to the hard work and extra effort of both FPS Police Officers and Immigration and Naturalization Service (INS) inspectors at the San Ysidro port of entry we have apprehended over 500 felony fugitives. These fugitives have been wanted by Federal and State law enforcement agencies from across the country for crimes such as murder, arson, child molesting, robbery and drug trafficking. We have arrested members and associates of the Mexican and Russian Mafias, and international drug cartels. Until 3 years ago FPS presence was vacant from the San Diego area for approximately 13 years due to budget cutbacks and poor staffing decisions within PBS. Sadly enough, before the re-establishment of FPS Police Officers in the San Diego area, many of these dangerous fugitives were just set free from INS or Customs custody because they were either not identified as fugitives or San Diego Police officers were not available to respond. Although this fugitive apprehension effort takes up a large portion of our time and resources, we consider it one of our primary responsibilities. In turn, we have the satisfaction of knowing that many dangerous felons have been taken off the streets and the citizens of the United States are much safer because of our efforts. It is also important to remember that we are doing this with only three FPS Police Officers. If we had more officers and resources, this program could be expanded and undoubtedly net many more criminals.

Overall, we are responsible for roughly 160 separate facilities. We do our best to locate new GSA buildings or document vacant GSA buildings as we patrol this large area. However, it's not uncommon for us to receive a call for service for a facility that we have never been to, and didn't know existed. This problem of identifying our properties exists because PBS does not communicate adequately with FPS. Keep in mind that the Government Agencies in these buildings pay for FPS service by the square foot regardless of whether they are receiving it or not. So why are GSA facilities receiving little to no FPS service? There are two simple answers to that question: (1) Because there is very little communication between PBS and FPS, and (2) there is no accountability for PBS and FPS management officials to do so in the first place. In other words, even if PBS were asked to work with FPS, there are no centralized mechanisms in place to ensure this will happen. So where is my proof that this is happening? I work that proof daily in the San Diego area with two other brave souls, who literally put their lives on the line in what is considered the toughest assignment in FPS. In the San Diego office we make mare arrests and have more violent crimes and thefts occurring than any other region within FPS. Unfortunately, because PBS and FPS does not communicate properly or because both lack any sense of accountability, there are still only three FPS Police Officers working in the San Diego region. PBS and FPS have been aware of this problem for several years now, despite the fact persons on GSA property in the San Diego area have been violently attacked and robbed, despite the fact that marry Government employees and persons who visit GSA facilities in San Diego have been viciously assaulted, despite the fact that an FPS Police Officer was almost killed in the line of duty.

These are not just manpower issues These are examples of inadequate or incompetent management decisions within FPS or the inability of the PBS to efficiently manage FPS. Currently, there are no requirements for FPS supervisors or administrators to have any security or law enforcement experience in order to be appointed. In some regions, FPS administrators have been appointed without training or experience in security or law enforcement. Thus, FPS has been weakened. because of such poor appointment practices.

H.R. 809 would change this. and require that all FPS Administrators be qualified to oversee such an important mission as the safety and security of GSA buildings

and the people they house. It would require that the administrators have a minimum of 5 years of experience in a law enforcement command position. This would ensure that FPS operates, as it should, as a professional Federal law enforcement and security agency. H.R. 809 would require that the FPS maintain a minimum of 730 FPS Police Officers nationwide. Though this number is still far too few to adequately patrol and protect the vast number of GSA buildings in the United States, it is significantly more than the 500 FPS Police Officers left in the FPS in 1995.

Since the tragic bombing in 1995, the FPS has done much to upgrade physical security procedures, but little to upgrade its law enforcement capacity. In fact, FPS law enforcement abilities are currently inadequate. Recently, the role of the FPS Criminal Investigator changed from that of criminal investigation to one primarily of criminal intelligence gathering. Though this indeed is an important function, PBS and FPS administrators have done nothing to fill the gap in criminal investigations left by this change.

Currently only FPS Criminal Investigations are authorized to follow investigations off GSA-controlled property. FPS Police Officers are only authorized to enforce laws and investigate crimes on GSA facilities. This means that when an investigation leads an FPS Police Officer off GSA property, the investigation ends there. Because of the new role of the criminal investigator, they often do not have time to carry these investigations further. Additionally, PBS has stressed for FPS to rely heavily on local law enforcement agencies to police these facilities. Neither PBS nor FPS are willing compensate these local law enforcement agencies to do this. Oftentimes, local law enforcement is already taxed with a heavy burden outside of GSA facilities. These often overworked local agencies have expressed reluctance to provide service to Federal facilities which are supposed to be policed by the FPS.

For example, earlier year, an employee of the Veterans Administration had her purse stolen at a GSA-controlled VA Outpatient Clinic in San Diego. An FPS Police officer responded to her call promptly, and conducted his investigation but was unable to catch the culprit. The necessary reports were processed and the officer did as much as he could legally do. Several months later, the theft victim contacted the FPS again with a frantic plea for help. It turned out that she had not canceled the checks stolen with her purse, and they were being forged and used in various businesses in the San Diego area for thousands of dollars, She contacted the San Diego and El Cajon Police Departments, but found they were not concerned about the incident as it stemmed from a theft which occurred in a Federal facility, and which was investigated by the FPS. Unfortunately, the FPS Police were not authorized, nor empowered to continue the investigation, as the subsequent crimes occurred off of GSA property, although the string of forged cheeks would have bean a tremendous help to identify the purse thief. What began as a petty $150 theft evolved into a $3,000 felony, and it went partially investigated and unsolved. Essentially, this U.S. Government employee, a victim of a crime, was left unassisted as she pleaded with her bank to forgo the debts incurred by the thief.

H.R. 809 would increase the authority of FPS Police Officers, allowing them to continue such investigations leading off GSA property, to investigate these crimes fully, and pursue these criminal predators until they are caught.

The recent introduction of the law Enforcement Security Officer position by the Public Building Service into the Federal Protective Service has been billed by Mr. Peck and Mr. Edwards as the new "core" position in FPS. The "LESO" is supposed to be a "jack of all trades" in physical security and law enforcement. The target pay grade of the FPS Police Officer is GS–07. The target pay grade of the LESO is GS–11, as is the target pay grade of the Physical Security Specialist. Law Enforcement Security Officers carry guns and have arrest authority, as do properly trained Physical Security Specialists. At the target level the Law Enforcement Security Officers' duties will lean more toward physical security in plain cloths than uniformed law enforcement. The LESO series is a GS–080, which is the same as the Physical Security Specialist. Do we see a trend here? It seems as if PBS has essentially tempted FPS Police Officers with little more than money to desert the law enforcement field to become Physical Security Specialists. Ideally, PBS would like the entire FPS to be comprised entirely of these Law Enforcement Security Officers, all of whom could be contracted out, as the functions of a GS–080 physical security specialist are not inherently governmental. The NFFE strongly opposes this program, and this practice. This program is a ploy to get the PBS real estate managers out of the practice of managing law enforcement, because they know they are not qualified to do so.

Recently, FPS has adopted a "new" philosophy they term "customer oriented policing." The ideal goal of this philosophy is that it gets FPS Police Officers more in touch with the tenants in the buildings, to deter crime rather than to be strictly reactive. There are 582 FPS Police Officers and Law Enforcement Security Specialists nationwide. If we average that by State, that would be less than 11 per State,

but that wouldn't be accurate at all, because almost half of those officers are stationed in Washington DC. This might leave an average closer to 6, or maybe 5 per State. Some fairly large States such as Nevada, New Mexico and Arizona have no FPS Police Officers or Law Enforcement Security Officers stationed anywhere in the State, but tenant Agencies in GSA buildings in these States pay for FPS service by the square foot. How how does it seem realistic that FPS Police Officers can deter crime by proactively patrolling GSA facilities? It is not possible. This-program is little more than a farce, or even a lie by the PBS to create the illusion of proactive law enforcement concerns.

H.R. 809 is a good piece of legislation. It is a heroic piece of legislation. It will serve only to strengthen the Federal Protective Service whose primary responsibility is the safety and protection of Federal facilities and the people who work in and visit them.

IIB

106TH CONGRESS
2D SESSION

H. R. 809

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2000

Received; read twice and referred to the Committee on Environment and Public Works

AN ACT

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Protective Service Reform Act of 2000''.

SEC. 2. DESIGNATION OF POLICE OFFICERS.

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

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

''SECTION 1. POLICE OFFICERS.'';

(2) in sections 1 and 3 by striking ''special policemen'' each place it appears and inserting ''police officers'';

(3) in section 1(a) by striking ''uniformed guards'' and inserting ''certain employees''; and

(4) in section 1(b) by striking ''Special policemen'' and inserting the following:

''(1) IN GENERAL.—Police officers''.

SEC. 3. POWERS.

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

''(2) ADDITIONAL POWERS.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

''(A) to carry firearms in any State, the District of Columbia, the Commonwealth of

Puerto Rico, or any territory or possession of the United States;

"(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

"(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

"(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

"(3) APPROVAL OF REGULATIONS BY ATTORNEY GENERAL.—The additional powers granted to police officers under paragraph (2) shall become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

"(4) AUTHORITY OUTSIDE FEDERAL PROPERTY.—The Administrator may enter into agreements with State and local governments to obtain

authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator."; and

(2) by moving the left margin of paragraph (1), as designated by section 2(4) of this Act, so as to appropriately align with paragraphs (2), (3), and (4), as added by paragraph (1) of this subsection.

SEC. 4. PENALTIES.

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

"(a) IN GENERAL.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.".

SEC. 5. SPECIAL AGENTS.

Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking "nonuniformed special policemen" each place it appears and inserting "special agents";

(2) by striking "special policeman" and inserting "special agent"; and

(3) by adding at the end the following: "Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).".

SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

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

"SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

"(a) IN GENERAL.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Services Administration.

"(b) APPOINTMENT OF COMMISSIONER.—

"(1) IN GENERAL.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

"(2) QUALIFICATIONS.—The Commissioner shall be appointed from among individuals who have at least 5 years of professional law enforcement experience in a command or supervisory position.

"(c) DUTIES OF THE COMMISSIONER.—The Commissioner shall—

"(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

"(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas that are secured by the United States Secret Service);

"(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

"(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the

1 United States Secret Service under sections 1752 and
2 3056 of title 18, United States Code.
3 "(d) APPOINTMENT OF REGIONAL DIRECTORS AND
4 ASSISTANT COMMISSIONERS.—
5 "(1) IN GENERAL.—The Commissioner may ap-
6 point regional directors and assistant commissioners
7 of the Federal Protective Service.
8 "(2) QUALIFICATIONS.—The Commissioner
9 shall select individuals for appointments under para-
10 graph (1) from among individuals who have at least
11 5 years of direct law enforcement experience, includ-
12 ing at least 2 years in a supervisory position.".
13 (b) PAY LEVEL OF COMMISSIONER.—Section 5316 of
14 title 5, United States Code, is amended by inserting after
15 the paragraph relating to the Commissioner of the Public
16 Buildings Service the following:
17 "Commissioner, Federal Protective Service,
18 General Services Administration.".
19 **SEC. 7. PAY AND BENEFITS.**
20 (a) IN GENERAL.—The Act of June 1, 1948 (40
21 U.S.C. 318–318d), is further amended by adding at the
22 end the following:
23 **"SEC. 7. PAY AND BENEFITS.**
24 "Notwithstanding any other provision of law or any
25 other rule or regulation, the pay and benefits for any em-

1 ployee of the Federal Protective Service who maintains ac-
2 tive law enforcement status under section 1 shall be deter-
3 mined in accordance with a pay and benefits package es-
4 tablished and maintained by the Administrator of General
5 Services that is equivalent to the pay scale and benefits
6 package applicable to members of the United States Cap-
7 itol Police. Such pay scale and benefits package shall be
8 established by regulation, shall apply with respect to the
9 pay period beginning January 1, 2001, and ending De-
10 cember 31, 2001 (and such other pay periods as may be
11 authorized by law), and shall not result in a decrease in
12 the pay or benefits of any individual for such pay period.''.
13 (b) CONFORMING AMENDMENT.—Section 1(a) of
14 such Act (40 U.S.C. 318(a)), is amended by striking
15 ''without additional compensation''.
16 **SEC. 8. NUMBER OF POLICE OFFICERS.**
17 (a) IN GENERAL.—The Act of June 1, 1948 (40
18 U.S.C. 318–318d), is further amended by adding at the
19 end the following:
20 **''SEC. 8. NUMBER OF POLICE OFFICERS.**
21 ''After the 1-year period beginning on the date of the
22 enactment of this section, there shall be at least 730 full-
23 time equivalent police officers in the Federal Protective
24 Service. This number shall not be reduced unless specifi-
25 cally authorized by law.''.

SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

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

"SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

"The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitability for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

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

"SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.".

Passed the House of Representatives June 27, 2000.

Attest: JEFF TRANDAHL,

Clerk.

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