

111TH CONGRESS
2D SESSION

S. 3806

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2010

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

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Supporting Employee
5 Competency and Updating Readiness Enhancements for
6 Facilities Act of 2010” or the “SECURE Facilities Act
7 of 2010”.

8 **SEC. 2. DEFINITIONS.**

9 In this Act:

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

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

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

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

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

12 and

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

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

17 (3) FEDERAL FACILITY.—The term “Federal
18 facility”—

19 (A) means any building and grounds and
20 all property located in or on that building and
21 grounds, that are owned, occupied or secured by
22 the Federal Government, including any agency,
23 instrumentality or wholly owned or mixed-own-
24 ership corporation of the Federal Government;
25 and

1 (B) does not include any building, grounds,
2 or property used for military activities.

3 (4) FEDERAL PROTECTIVE SERVICE OFFICER.—

4 The term “Federal protective service officer”—

5 (A) has the meaning given under sections
6 8331 and 8401 of title 5, United States Code;
7 and

8 (B) includes any other employee of the
9 Federal Protective Service designated as a Fed-
10 eral protective service officer by the Secretary.

11 (5) QUALIFIED CONSULTANT.—The term
12 “qualified consultant” means an non-Federal entity
13 with experience in homeland security, infrastructure
14 protection and physical security, Government work-
15 force issues, and Federal human capital policies.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of Homeland Security.

18 **SEC. 3. FEDERAL PROTECTIVE SERVICE.**

19 (a) IN GENERAL.—Title II of the Homeland Security
20 Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding
21 at the end the following:

22 **“Subtitle E—Federal Protective**
23 **Service**

24 **“SEC. 241. DEFINITIONS.**

25 “In this subtitle:

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

3 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term ‘appropriate congressional com-
5 mittees’ means—

6 “(A) the Committee on Homeland Security
7 and Governmental Affairs of the Senate;

8 “(B) the Committee on Appropriations of
9 the Senate;

10 “(C) the Committee on Homeland Security
11 of the House of Representatives;

12 “(D) the Committee on Transportation
13 and Infrastructure of the House of Representa-
14 tives; and

15 “(E) the Committee on Appropriations of
16 the House of Representatives.

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

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

21 “(A) means a rating of each Federal facil-
22 ity based on the analysis of several facility fac-
23 tors that provides a basis for that facility’s
24 attractiveness as a target and potential affects
25 or consequences of a criminal or terrorist at-

1 tack, which then serves as a basis for the imple-
2 mentation of certain levels of security protec-
3 tion; and

4 “(B) is determined by the Federal Protec-
5 tive Service, or agency authorized to provide all
6 protective services for a facility under the provi-
7 sions of section 263 and guided by Interagency
8 Security Committee standards.

9 “(5) FEDERAL FACILITY.—The term ‘Federal
10 facility’—

11 “(A) means any building and grounds and
12 all property located in or on that building and
13 grounds, that are owned, occupied or secured by
14 the Federal Government, including any agency,
15 instrumentality or wholly owned or mixed-own-
16 ership corporation of the Federal Government;
17 and

18 “(B) does not include any building,
19 grounds, or property used for military activities.

20 “(6) FEDERAL FACILITY PROTECTED BY THE
21 FEDERAL PROTECTIVE SERVICE.—The term ‘Federal
22 facility protected by the Federal Protective Serv-
23 ice’—

24 “(A) means those facilities owned or leased
25 by the General Services Administration, and

1 other facilities at the discretion of the Sec-
2 retary; and

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

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

10 “(A) has the meaning given under sections
11 8331 and 8401 of title 5, United States Code;
12 and

13 “(B) includes any other employee of the
14 Federal Protective Service designated as a Fed-
15 eral protective service officer by the Secretary.

16 “(8) INFRASTRUCTURE SECURITY CANINE
17 TEAM.—The term ‘infrastructure security canine
18 team’ means a canine and a Federal protective serv-
19 ice officer that are trained to detect explosives or
20 other threats as defined by the Secretary.

21 “(9) IN-SERVICE FIELD STAFF.—The term ‘in-
22 service field staff’ means Federal Protective Service
23 law enforcement officers who, while working, are di-
24 rectly engaged on a daily basis protecting and en-
25 forcing law at Federal facilities, including police offi-

1 cers, inspectors, area commanders and special
2 agents, and such other equivalent positions as des-
3 ignated by the Secretary.

4 “(10) SECURITY ORGANIZATION.—The term
5 ‘security organization’ means an agency or an inter-
6 nal agency component responsible for security at a
7 specific Federal facility.

8 **“SEC. 242. ESTABLISHMENT.**

9 “(a) ESTABLISHMENT.—There is established the
10 Federal Protective Service within the Department of
11 Homeland Security.

12 “(b) MISSION.—The mission of the Federal Protec-
13 tive Service is to render Federal facilities protected by the
14 Federal Protective Service safe and secure for Federal em-
15 ployees, officials, and visitors in a professional manner.

16 “(c) DIRECTOR.—The head of the Federal Protective
17 Service shall be the Director of the Federal Protective
18 Service. The Director shall report to the Under Secretary
19 for the National Protection and Programs Directorate.

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

21 “(1) IN GENERAL.—Subject to the supervision
22 and direction of the Secretary, the Director shall be
23 responsible for the management and administration
24 of the Federal Protective Service and the employees
25 and programs of the Federal Protective Service.

1 “(2) PROTECTION.—The Director shall secure
2 Federal facilities which are protected by the Federal
3 Protective Service, and safeguard all occupants, in-
4 cluding Federal employees, officers, and visitors.

5 “(3) ENFORCEMENT POLICY.—The Director
6 shall establish and direct the policies of the Federal
7 Protective Service, and advise the Under Secretary
8 for the National Protection and Programs Direc-
9 torate on policy matters relating to the Federal Pro-
10 tective Service.

11 “(4) TRAINING.—The Director shall—

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

14 “(i) employees of the Federal Protec-
15 tive Service; and

16 “(ii) armed contract security guards;
17 and

18 “(B) provide training, in coordination with
19 the Interagency Security Committee, to mem-
20 bers of a Facility Security Committee.

21 “(5) INVESTIGATIONS.—The Director shall in-
22 vestigate and refer for prosecution the violation of
23 any Federal law relating to the security of Federal
24 facilities protected by the Federal Protective Service.

1 “(6) INSPECTIONS.—The Director shall inspect
2 Federal facilities protected by the Federal Protective
3 Service for the purpose of determining compliance
4 with Federal security standards.

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

8 “(8) INFORMATION SHARING.—The Director
9 shall provide crime prevention and threat awareness
10 training to tenants of Federal facilities.

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

15 **“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIRE-**
16 **MENTS.**

17 “(a) IN GENERAL.—The Director shall ensure that
18 the Federal Protective Service maintains not fewer than—

19 “(1) 1,350 full-time equivalent employees, in-
20 cluding not fewer than 950 in-service field staff in
21 fiscal year 2011;

22 “(2) 1,500 full-time equivalent employees, in-
23 cluding not fewer than 1,025 in-service field staff in
24 fiscal year 2012;

1 “(3) 1,600 full-time equivalent employees, in-
2 cluding not fewer than 1,075 in-service field staff in
3 fiscal year 2013; and

4 “(4) 1,700 full-time equivalent employees, in-
5 cluding not fewer than 1,125 in-service field staff in
6 fiscal year 2014.

7 “(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE
8 LEVEL.—

9 “(1) IN GENERAL.—The Director shall ensure
10 that the Federal Protective Service shall maintain at
11 any time not fewer than 1,200 full-time equivalent
12 employees, including not fewer than 900 in-service
13 field staff.

14 “(2) REPORT.—In any fiscal year after fiscal
15 year 2014 in which the number of full-time equiva-
16 lent employees of the Federal Protective Service is
17 fewer than the number of full-time equivalent em-
18 ployees of the Federal Protective Service in the pre-
19 vious fiscal year, the Director shall submit a report
20 to the appropriate congressional committees that
21 provides—

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

1 “(B) a revised model of the number of full-
2 time equivalent employees projected for future
3 fiscal years.

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

5 “(a) ARMED GUARD TRAINING REQUIREMENTS.—

6 “(1) ESTABLISHMENT.—Not later than 90 days
7 after the date of enactment of the Supporting Em-
8 ployee Competency and Updating Readiness En-
9 hancements for Facilities Act of 2010, the Director
10 shall establish minimum training requirements for
11 all armed guards procured by the Federal Protective
12 Service.

13 “(2) REQUIREMENTS.—Training requirements
14 under this subsection shall include—

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

19 “(B) Federal Protective Service monitoring
20 or provision of the initial training of armed
21 guards procured by the Federal Protective
22 Service of—

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

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

3 “(iii) at least 20 percent of the hours
4 of required instruction in fiscal year 2013;
5 and

6 “(iv) at least 25 percent of the hours
7 of required instruction in fiscal year 2014
8 and each fiscal year thereafter.

9 “(b) TRAINING AND SECURITY ASSESSMENT PRO-
10 GRAM.—

11 “(1) ESTABLISHMENT.—Not later than 180
12 days after the date of enactment of the Supporting
13 Employee Competency and Updating Readiness En-
14 hancements for Facilities Act of 2010, the Director
15 shall establish a program to periodically assess—

16 “(A) the training of guards procured by
17 the Federal Protective Service for the protec-
18 tion of Federal facilities; and

19 “(B) the security of Federal facilities.

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

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

24 “(B) a remedial training program for
25 guards;

1 “(C) procedures for taking personnel ac-
2 tions, including processes for removing individ-
3 uals who fail to conform to the training or per-
4 formance requirements of the contract; and

5 “(D) an overt and covert testing program
6 for the purposes of assessing guard perform-
7 ance and other facility security counter-
8 measures.

9 “(3) REPORTS.—The Director shall annually
10 submit a report to the appropriate congressional
11 committees, in a classified manner, if necessary, on
12 the results of the assessment of the overt and covert
13 testing program of the Federal Protective Service.

14 “(c) REVISION OF GUARD MANUAL AND POST OR-
15 DERS.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of the Supporting Em-
18 ployee Competency and Updating Readiness En-
19 hancements for Facilities Act of 2010, the Director
20 shall—

21 “(A) update the Security Guard Informa-
22 tion Manual and post orders for each guard
23 post overseen by the Federal Protective Service;
24 or

1 “(B) certify to the Secretary that the Se-
2 curity Guard Information Manual and post or-
3 ders described under subparagraph (A) have
4 been updated during the 1-year period pre-
5 ceding the date of enactment of the Supporting
6 Employee Competency and Updating Readiness
7 Enhancements for Facilities Act of 2010.

8 “(2) REVIEW AND UPDATE.—Beginning with
9 the first calendar year following the date of enact-
10 ment of the Supporting Employee Competency and
11 Updating Readiness Enhancements for Facilities Act
12 of 2010, and every 2 years thereafter, the Director
13 shall review and update the Security Guard Informa-
14 tion Manual and post orders for each guard post
15 overseen by the Federal Protective Service.

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

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

21 “(a) IN GENERAL.—

22 “(1) INCREASED CAPACITY.—Not later than
23 180 days after the date of enactment of the Sup-
24 porting Employee Competency and Updating Readiness

1 ness Enhancements for Facilities Act of 2010, the
2 Director shall—

3 “(A) begin to increase the number of infra-
4 structure security canine teams certified by the
5 Federal Protective Service for the purposes of
6 infrastructure-related security by up to 10 ca-
7 nine teams in each of fiscal years 2011 through
8 2014; and

9 “(B) encourage State and local govern-
10 ments and private owners of high-risk facilities
11 to strengthen security through the use of highly
12 trained infrastructure security canine teams.

13 “(2) INFRASTRUCTURE SECURITY CANINE
14 TEAMS.—To the extent practicable, the Director
15 shall increase the number of infrastructure security
16 canine teams by—

17 “(A) partnering with the Customs and
18 Border Protection Canine Enforcement Pro-
19 gram and the Canine Training Center Front
20 Royal, the Transportation Security Administra-
21 tion’s National Explosives Detection Canine
22 Team Training Center, or other offices or agen-
23 cies within the Department with established ca-
24 nine training programs;

1 “(B) partnering with agencies, State or
2 local government agencies, nonprofit organiza-
3 tions, universities, or the private sector to in-
4 crease the training capacity for canine detection
5 teams; or

6 “(C) procuring explosives detection canines
7 trained by nonprofit organizations, universities,
8 or the private sector, if the canines are trained
9 in a manner consistent with the standards and
10 requirements developed under subsection (b) or
11 other criteria developed by the Secretary.

12 “(b) STANDARDS FOR INFRASTRUCTURE SECURITY
13 CANINE TEAMS.—

14 “(1) IN GENERAL.—The Director shall establish
15 criteria, including canine training curricula, perform-
16 ance standards, and other requirements, necessary
17 to ensure that infrastructure security canine teams
18 trained by nonprofit organizations, universities, and
19 private sector entities are adequately trained and
20 maintained.

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

23 “(A) coordinate with key stakeholders, in-
24 cluding international, Federal, State, and local
25 government officials, and private sector and

1 academic entities to develop best practice guide-
2 lines;

3 “(B) require that canine teams trained by
4 nonprofit organizations, universities, or private
5 sector entities that are used or made available
6 by the Secretary be trained consistent with the
7 criteria; and

8 “(C) review the status of the private sector
9 programs on at least an annual basis to ensure
10 compliance with the criteria.

11 “(c) DEPLOYMENT.—The Director—

12 “(1) shall use the additional canine teams in-
13 creased under subsection (a) to enhance security at
14 Federal facilities;

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

18 “(3) may make available canine teams from
19 other agencies within the Department—

20 “(A) for high-risk areas;

21 “(B) to address specific threats; or

22 “(C) on an as-needed basis; and

23 “(4) shall encourage, but not require, any Fed-
24 eral facility under the purview of Federal Protective
25 Service to deploy Federal Protective Service-certified

1 infrastructure security canine teams developed under
2 this section.

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

7 **“SEC. 246. ADVANCED IMAGING TECHNOLOGY.**

8 “(a) IN GENERAL.—The Secretary, acting through
9 the Director of the Federal Protective Service, shall des-
10 ignate 3 Federal facilities protected by the Federal Protec-
11 tive Service for the deployment of advanced imaging tech-
12 nology.

13 “(b) PRIVACY PROTECTION.—

14 “(1) PROCEDURES.—The Secretary shall estab-
15 lish procedures that protect the privacy of individ-
16 uals who are screened with advanced imaging tech-
17 nology.

18 “(2) PROHIBITION ON STORED IMAGES.—An
19 agency may not store images of individuals screened
20 by advanced imaging technology.

21 “(3) REGULATIONS.—Before the deployment of
22 any advanced imaging technology which generates
23 images of individuals that are viewed by a human
24 operator, the Secretary shall prescribe regulations to

1 protect the privacy of individuals who are screened
2 using that advanced imaging technology.

3 “(c) COORDINATION.—The Secretary shall coordinate
4 with the Administrator of the General Services Adminis-
5 tration and the head of the relevant agencies in the deploy-
6 ment under subsection (a).

7 “(d) REPORT.—Not later than 1 year after the imple-
8 mentation of this section, the Secretary shall submit a re-
9 port to the appropriate congressional committees that in-
10 cludes—

11 “(1) an analysis of the readiness or use of auto-
12 matic detection technology for building security;

13 “(2) an evaluation of the lessons learned from
14 the advanced imaging technology implemented under
15 this section;

16 “(3) an analysis of the effect of such implemen-
17 tation on entry into Federal facilities;

18 “(4) an analysis for requirements, including
19 costs, to install and maintain advanced imaging
20 technology; and

21 “(5) an analysis of the privacy protections used
22 under the program.

1 **“SEC. 247. CHECKPOINT DETECTION TECHNOLOGY STAND-**
2 **ARDS.**

3 “The Under Secretary for the National Protection
4 and Programs Directorate, in coordination with the Under
5 Secretary for Science and Technology, and in consultation
6 with the Interagency Security Committee, shall develop
7 performance-based standards for checkpoint detection
8 technologies for explosives and other threats at Federal
9 facilities.

10 **“SEC. 248. COMPLIANCE OF FEDERAL FACILITIES WITH**
11 **FEDERAL SECURITY STANDARDS.**

12 “(a) IN GENERAL.—The Director may assess secu-
13 rity charges to an agency that is the owner or the tenant
14 of a Federal facility protected by the Federal Protective
15 Service in addition to any security charge assessed under
16 section 249 for the costs of necessary security counter-
17 measures if—

18 “(1) the Director, in coordination with the
19 Interagency Security Committee, determines a Fed-
20 eral facility to be in noncompliance with Federal se-
21 curity standards established by the Interagency Se-
22 curity Committee; and

23 “(2) the Interagency Security Committee or the
24 Director of the Federal Protective Service—

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

1 “(i) the noncompliance;

2 “(ii) the actions necessary to be in
3 compliance; and

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

6 “(B) the agency is not in compliance by
7 that date.

8 “(b) REPORT ON NONCOMPLIANT FACILITIES.—The
9 Director shall submit a report to the appropriate congres-
10 sional committees, in a classified manner if necessary, of
11 any facility determined to be in noncompliance with the
12 Federal security standards established by the Interagency
13 Security Committee.

14 **“SEC. 249. FEES FOR PROTECTIVE SERVICES.**

15 “(a) IN GENERAL.—The Director of the Federal Pro-
16 tective Service may assess and collect fees and security
17 charges from agencies for the costs of providing protective
18 services.

19 “(b) DEPOSIT OF FEES.—Any fees or security
20 charges paid under this section shall be deposited in the
21 appropriations account under the heading ‘FEDERAL PRO-
22 TECTION SERVICES’ under the heading ‘NATIONAL PRO-
23 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-
24 ment of Homeland Security.

- 1 “(i) Department of Homeland Secu-
2 rity.
3 “(ii) Department of State.
4 “(iii) Department of the Treasury.
5 “(iv) Department of Defense.
6 “(v) Department of Justice.
7 “(vi) Department of the Interior.
8 “(vii) Department of Agriculture.
9 “(viii) Department of Commerce.
10 “(ix) Department of Labor.
11 “(x) Department of Health and
12 Human Services.
13 “(xi) Department of Housing and
14 Urban Development.
15 “(xii) Department of Transportation.
16 “(xiii) Department of Energy.
17 “(xiv) Department of Education.
18 “(xv) Department of Veterans Affairs.
19 “(xvi) Environmental Protection
20 Agency.
21 “(xvii) Central Intelligence Agency.
22 “(xviii) Office of Management and
23 Budget.
24 “(xix) General Services Administra-
25 tion.

1 “(B) OTHER OFFICERS.—The following
2 Federal officers or the designees of those offi-
3 cers:

4 “(i) The Director of the United States
5 Marshals Service.

6 “(ii) The Director of the Federal Pro-
7 tective Service.

8 “(iii) The Assistant to the President
9 for National Security Affairs.

10 “(C) JUDICIAL BRANCH REPRESENTA-
11 TIVES.—A representative from the judicial
12 branch appointed by the Chief Justice of the
13 United States.

14 “(2) ASSOCIATE MEMBERS.—The Committee
15 shall include the following associate members who
16 shall be nonvoting members:

17 “(3) AGENCY REPRESENTATIVES.—Representa-
18 tives from the following agencies, appointed by the
19 agency heads:

20 “(A) Federal Aviation Administration.

21 “(B) Federal Bureau of Investigation.

22 “(C) Federal Deposit Insurance Corpora-
23 tion.

24 “(D) Federal Emergency Management
25 Agency.

- 1 “(E) Federal Reserve Board.
- 2 “(F) Government Accountability Office.
- 3 “(G) Internal Revenue Service.
- 4 “(H) National Aeronautics and Space Ad-
5 ministration.
- 6 “(I) National Capital Planning Commis-
7 sion.
- 8 “(J) National Institute of Standards &
9 Technology.
- 10 “(K) Nuclear Regulatory Commission.
- 11 “(L) Office of Personnel Management.
- 12 “(M) Securities and Exchange Commis-
13 sion.
- 14 “(N) Smithsonian Institution.
- 15 “(O) Social Security Administration.
- 16 “(P) United States Coast Guard.
- 17 “(Q) United States Postal Service.
- 18 “(R) United States Army Corps of Engi-
19 neers.
- 20 “(S) Court Services and Offender Super-
21 vision Agency.
- 22 “(T) Any other Federal officers as the
23 President shall appoint.

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

4 “(e) CONSULTATION.—The Committee may consult
5 with other parties, including the Administrative Office of
6 the United States Courts, to perform its responsibilities,
7 and, at the discretion of the Committee, such other parties
8 may participate in the working groups.

9 “(f) MEETINGS.—The Committee shall at minimum
10 meet quarterly.

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

12 “(1) not later than 180 days after the date of
13 enactment of the Supporting Employee Competency
14 and Updating Readiness Enhancements for Facili-
15 ties Act of 2010, prescribe regulations—

16 “(A) for determining facility security lev-
17 els, unless the Committee determines that simi-
18 lar regulations are issued by the Secretary be-
19 fore the end of that 90-day period; and

20 “(B) to establish risk-based performance
21 standards for the security of Federal facilities,
22 unless the Committee determines that similar
23 regulations are issued by the Secretary before
24 the end of that 90-day period;

1 “(2) establish protocols for the testing of the
2 compliance of Federal facilities with Federal security
3 standards, including a mechanism for the initial and
4 recurrent testing of Federal facilities;

5 “(3) prescribe regulations to determine min-
6 imum levels of training and certification of contract
7 guards;

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

10 “(5) establish minimum requirements and a
11 process for providing basic security training for
12 members of Facility Security Committees; and

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

16 “(A) encouraging agencies with security
17 responsibilities to share security-related intel-
18 ligence in a timely and cooperative manner;

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

22 “(C) developing long-term construction
23 standards for those locations with threat levels
24 or missions that require blast resistant struc-
25 tures or other specialized security requirements;

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

4 “(E) assisting the Secretary in developing
5 and maintaining a centralized security database
6 of all Federal facilities; and

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

9 “(h) APPEALS BOARD.—

10 “(1) ESTABLISHMENT.—The Committee shall
11 establish an appeals board to consider appeals from
12 any Facility Security Committee of—

13 “(A) a facility security level determination;

14 “(B) Federal Protective Service or des-
15 ignated security organization recommendations
16 for countermeasures for a facility; or

17 “(C) a determination of noncompliance
18 with Federal facility security standards.

19 “(2) MEMBERSHIP.—

20 “(A) IN GENERAL.—The appeals board
21 shall consist of 7 voting members of the Com-
22 mittee, of whom—

23 “(i) 1 shall be designated by the Sec-
24 retary;

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

3 “(iii) 2 shall be selected by the voting
4 members of the Committee to serve as al-
5 ternates in the case of recusal by a mem-
6 ber of the appeals board.

7 “(B) RECUSAL.—An appeals board mem-
8 ber shall recuse himself or herself from any ap-
9 peal from an agency which that member rep-
10 resents.

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

14 “(i) AGENCY SUPPORT AND COOPERATION.—

15 “(1) ADMINISTRATIVE SUPPORT.—To the ex-
16 tent permitted by law and subject to the availability
17 of appropriations, the Secretary shall provide the
18 Committee such administrative services, funds, fa-
19 cilities, staff and other support services as may be
20 necessary for the performance of the functions of the
21 Committee.

22 “(2) COOPERATION AND COMPLIANCE.—

23 “(A) IN GENERAL.—Each agency shall co-
24 operate and comply with the policies and rec-
25 ommendations of the Committee.

1 “(B) an authorization shall be for a 1-year
2 period; and

3 “(C) an authorization may be renewed on
4 an annual basis; and

5 “(2) require an agency to—

6 “(A) demonstrate security expertise; and

7 “(B) provide sufficient information
8 through a security plan that the agency shall be
9 in compliance with the Federal security stand-
10 ards of the Committee.

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

12 “(a) IN GENERAL.—

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

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

25 “(b) CHAIRPERSON.—

1 “(1) IN GENERAL.—Each Facility Security
2 Committee shall be headed by a chairperson, elected
3 by a majority of the members of the Facility Security
4 Committee.

5 “(2) RESPONSIBILITIES.—The chairperson shall
6 be responsible for—

7 “(A) maintaining accurate contact information for agency tenants and providing that
8 information, including any updates, to the Federal Protective Service or designated security
9 organization, including any updates, to the Federal Protective Service or designated security
10 organization;
11 organization;

12 “(B) setting the agenda for Facility Security
13 Committee meetings;

14 “(C) referring Facility Security Committee
15 member questions to Federal Protective Service
16 or designated security organization for response;
17 response;

18 “(D) accompanying Federal Protective
19 Service or designated security organization representatives during on-site building security
20 assessments;
21 assessments;

22 “(E) maintaining an official record of each
23 meeting;

1 “(F) acknowledging receipt of the building
2 security assessment from Federal Protective
3 Service or designated security organization; and

4 “(G) any other duties as determined by the
5 Interagency Security Committee.

6 “(c) TRAINING FOR MEMBERS.—

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

13 “(2) TRAINING.—Training under this sub-
14 section shall—

15 “(A) be provided by the Federal Protective
16 Service or designated security organization, in
17 coordination with the Interagency Security
18 Committee;

19 “(B) be commensurate with the security
20 level of the facility; and

21 “(C) include training relating to—

22 “(i) familiarity with published stand-
23 ards of the Interagency Security Com-
24 mittee;

1 “(ii) physical security criteria for Fed-
2 eral facilities;

3 “(iii) use of physical security perform-
4 ance measures;

5 “(iv) facility security levels determina-
6 tions; and

7 “(v) best practices for safe mail han-
8 dling.

9 “(3) WAIVERS.—The training requirement
10 under this subsection may be waived by the Director
11 or the Chairperson of the Interagency Security Com-
12 mittee if the Director or the Chairperson determines
13 that an employee has related experience in physical
14 security, law enforcement, or infrastructure security
15 disciplines.

16 “(4) INCUMBENT MEMBERS.—

17 “(A) IN GENERAL.—This subsection shall
18 apply to any Facility Security Committee estab-
19 lished before, on, or after the date of enactment
20 of the Supporting Employee Competency and
21 Updating Readiness Enhancements for Facili-
22 ties Act of 2010, except that any member of a
23 Facility Security Committee serving on that
24 date shall during the 1-year period following
25 that date—

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

3 “(ii) obtain a waiver under paragraph
4 (3).

5 “(B) COMPLIANCE.—Any member of a Fa-
6 cility Security Committee described under sub-
7 paragraph (A) who does not comply with that
8 subparagraph may not serve on that Facility
9 Security Committee.

10 “(d) MEETINGS AND QUORUM.—

11 “(1) MEETINGS.—Each Facility Security Com-
12 mittee shall meet on a quarterly basis.

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

16 “(e) APPEAL.—

17 “(1) IN GENERAL.—If a Facility Security Com-
18 mittee disagrees with a recommendation of the Fed-
19 eral Protective Service for necessary counter-
20 measures or physical security improvements, the
21 Chairperson of a Facility Security Committee may
22 file an appeal of the recommendation with the Inter-
23 agency Security Committee appeals board.

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

4 “(3) MATTERS SUBJECT TO APPEAL.—A rec-
5 ommendation of the Federal Protective Service may
6 be appealed under this subsection, including rec-
7 ommendations relating to—

8 “(A) prohibited items lists determined for
9 Federal buildings by the Federal Protective
10 Service and how those lists apply to employees
11 and visitors;

12 “(B) countermeasure improvements;

13 “(C) building security assessment findings;

14 and

15 “(D) building security levels.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of contents for the Homeland Security Act of
18 2002 is amended by inserting after the matter relating
19 to title II the following:

 “Subtitle E—Federal Protective Service

 “Sec. 241. Definitions.

 “Sec. 242. Establishment.

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

 “Sec. 244. Oversight of contract guard services.

 “Sec. 245. Infrastructure security canine teams.

 “Sec. 246. Advanced imaging technology.

 “Sec. 247. Checkpoint detection technology standards.

 “Sec. 248. Compliance of Federal facilities with Federal security standards.

 “Sec. 249. Fees for protective services.

 “Subtitle F—Interagency Security Committee

 “Sec. 261. Definitions.

“Sec. 262. Interagency Security Committee.

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

“Sec. 264. Facility security committees.”.

1 **SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-**
 2 **DUTY CARRYING OF FIREARMS.**

3 Section 1315(b)(2) of title 40, United States Code,
 4 is amended—

5 (1) in subsection (b)(2), by striking “While en-
 6 gaged in the performance of official duties, an” and
 7 inserting “An”; and

8 (2) by striking subsection (c) and inserting the
 9 following:

10 “(c) REGULATIONS.—

11 “(1) IN GENERAL.—

12 “(A) PROTECTION AND ADMINISTRA-
 13 TION.—The Secretary may prescribe regula-
 14 tions necessary for the protection and adminis-
 15 tration of property owned or occupied by the
 16 Federal Government and persons on the prop-
 17 erty. The regulations may include reasonable
 18 penalties, within the limits prescribed in sub-
 19 paragraph (B), for violations of the regulations.
 20 The regulations shall be posted and remain
 21 posted in a conspicuous place on the property.

22 “(B) PENALTY.—A person violating a reg-
 23 ulation prescribed under this paragraph shall be

1 fined under title 18, United States Code, im-
 2 prisoned for not more than 30 days, or both.

3 “(2) OFF-DUTY FIREARMS.—The Secretary
 4 may prescribe regulations relating to the carrying of
 5 firearms while off-duty, including a list of firearms
 6 which may be carried while off-duty.”.

7 **SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FED-**
 8 **ERAL EMPLOYEES RETIREMENT SYSTEM.**

9 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

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

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

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

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

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

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

1 “(B) who are authorized to carry firearms
 2 and empowered to make arrests in the perform-
 3 ance of duties related to the protection of build-
 4 ings, grounds and property that are owned, oc-
 5 cupied, or secured by the Federal Government
 6 (including any agency, instrumentality or wholly
 7 owned or mixed-ownership corporation thereof)
 8 and the persons on the property, including any
 9 such employee who is transferred directly to a
 10 supervisory or administrative position in the
 11 Department of Homeland Security after per-
 12 forming such duties in 1 or more positions (as
 13 described under subparagraph (A)) for at least
 14 3 years.”.

15 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
 16 ITS.—Section 8334 of title 5, United States Code, is
 17 amended—

18 (A) in subsection (a)(1)(A), by inserting
 19 “Federal protective service officer,” before “or
 20 customs and border protection officer,”; and

21 (B) in the table contained in subsection
 22 (c), by adding at the end the following:

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

23 (3) MANDATORY SEPARATION.—The first sen-
 24 tence of section 8335(b)(1) of title 5, United States

1 Code, is amended by inserting “Federal protective
2 service officer,” before “or customs and border pro-
3 tection officer,”.

4 (4) IMMEDIATE RETIREMENT.—Section 8336 of
5 title 5, United States Code, is amended—

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

9 (B) in subsections (m) and (n), by insert-
10 ing “as a Federal protective service officer,” be-
11 fore “or as a customs and border protection of-
12 ficer,”.

13 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

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

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

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

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

21 “(37) ‘Federal protective service officer’ means
22 an employee in the Federal Protective Service of the
23 Department of Homeland Security—

24 “(A) who holds a position within the GS-
25 0083, GS-0080, GS-1801, or GS-1811 job se-

1 ries (determined applying the criteria in effect
2 as of September 1, 2007) or any successor posi-
3 tion; and

4 “(B) who are authorized to carry firearms
5 and empowered to make arrests in the perform-
6 ance of duties related to the protection of build-
7 ings, grounds and property that are owned, oc-
8 cupied, or secured by the Federal Government
9 (including any agency, instrumentality or wholly
10 owned or mixed-ownership corporation thereof)
11 and the persons on the property, including any
12 such employee who is transferred directly to a
13 supervisory or administrative position in the
14 Department of Homeland Security after per-
15 forming such duties in 1 or more positions (as
16 described under subparagraph (A)) for at least
17 3 years.”.

18 (2) IMMEDIATE RETIREMENT.—Paragraphs (1)
19 and (2) of section 8412(d) of title 5, United States
20 Code, are amended by inserting “Federal protective
21 service officer,” before “or customs and border pro-
22 tection officer.”.

23 (3) COMPUTATION OF BASIC ANNUITY.—Section
24 8415(h)(2) of title 5, United States Code, is amend-

1 ed by inserting “Federal protective service officer,”
2 before “or customs and border protection officer,”.

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

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

7 (5) GOVERNMENT CONTRIBUTIONS.—Para-
8 graphs (1)(B)(i) and (3) of section 8423(a) of title
9 5, United States Code, are amended by inserting
10 “Federal protective service officer,” before “customs
11 and border protection officer,” each place that term
12 appears.

13 (6) MANDATORY SEPARATION.—Section
14 8425(b)(1) of title 5, United States Code, is amend-
15 ed—

16 (A) by inserting “Federal protective service
17 officer,” before “or customs and border protec-
18 tion officer,” the first place that term appears;
19 and

20 (B) inserting “Federal protective service
21 officer,” before “or customs and border protec-
22 tion officer,” the second place that term ap-
23 pears.

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

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

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

12 (e) EFFECTIVE DATE; TRANSITION RULES; FUND-
13 ING.—

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

19 (2) TRANSITION RULES.—

20 (A) NONAPPLICABILITY OF MANDATORY
21 SEPARATION PROVISIONS TO CERTAIN INDIVID-
22 UALS.—The amendments made by subsections
23 (a)(3) and (b)(6), respectively, shall not apply
24 to an individual first appointed as a Federal

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

3 (B) TREATMENT OF PRIOR FEDERAL PRO-
4 TECTIVE SERVICE OFFICER SERVICE.—

5 (i) GENERAL RULE.—Except as pro-
6 vided in clause (ii), nothing in this section
7 shall be considered to apply with respect to
8 any service performed as a Federal protec-
9 tive service officer before the effective date
10 under paragraph (1).

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

22 (C) MINIMUM ANNUITY AMOUNT.—The an-
23 nuity of an individual serving as a Federal pro-
24 tective service officer on the effective date
25 under paragraph (1) pursuant to an appoint-

1 ment made before that date shall, to the extent
2 that its computation is based on service ren-
3 dered as a Federal protective service officer on
4 or after that date, be at least equal to the
5 amount that would be payable to the extent
6 that such service is subject to the Civil Service
7 Retirement System or Federal Employees Re-
8 tirement System, as appropriate, by applying
9 section 8339(d) of title 5, United States Code,
10 with respect to such service.

11 (D) RULE OF CONSTRUCTION.—Nothing in
12 the amendment made by subsection (c) shall be
13 considered to apply with respect to any appoint-
14 ment made before the effective date under para-
15 graph (1).

16 (3) FEES AND AUTHORIZATIONS OF APPROPRIA-
17 TIONS.—

18 (A) FEES.—The Federal Protective Service
19 shall adjust fees as necessary to ensure collec-
20 tions are sufficient to carry out amendments
21 made in this section.

22 (B) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There are authorized to be appro-
24 priated such sums as are necessary to carry out
25 this section.

1 (4) ELECTION.—

2 (A) INCUMBENT DEFINED.—For purposes
3 of this paragraph, the term “incumbent” means
4 an individual who is serving as a Federal pro-
5 tective service officer on the date of the enact-
6 ment of this Act.

7 (B) NOTICE REQUIREMENT.—Not later
8 than 30 days after the date of enactment of
9 this Act, the Director of the Office of Personnel
10 Management shall take measures reasonably de-
11 signed to ensure that incumbents are notified
12 as to their election rights under this paragraph,
13 and the effect of making or not making a time-
14 ly election.

15 (C) ELECTION AVAILABLE TO INCUM-
16 BENTS.—

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

19 (I) to be treated in accordance
20 with the amendments made by sub-
21 section (a) or (b), as applicable; or

22 (II) to be treated as if sub-
23 sections (a) and (b) had never been
24 enacted.

1 (ii) FAILURE TO MAKE A TIMELY
2 ELECTION.—Failure to make a timely elec-
3 tion under clause (i) shall be treated in the
4 same way as an election made under clause
5 (i)(I) on the last day allowable under
6 clause (iii).

7 (iii) DEADLINE.—An election under
8 this subparagraph shall not be effective
9 unless it is made at least 14 days before
10 the effective date under paragraph (1).

11 (5) DEFINITION.—For the purposes of this sub-
12 section, the term “Federal protective service officer”
13 has the meaning given such term by section
14 8331(32) or 8401(37) of title 5, United States Code
15 (as amended by this section).

16 (6) EXCLUSION.—Nothing in this section or
17 any amendment made by this section shall be consid-
18 ered to afford any election or to otherwise apply with
19 respect to any individual who, as of the day before
20 the date of the enactment of this Act—

21 (A) holds a positions within the Federal
22 Protective Service; and

23 (B) is considered a law enforcement offi-
24 cers for purposes of subchapter III of chapter

1 83 or chapter 84 of title 5, United States Code,
2 by virtue of such position.

3 **SEC. 6. REPORT ON FEDERAL PROTECTION SERVICE PER-**
4 **SONNEL NEEDS.**

5 (a) IN GENERAL.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary shall submit
7 a report to the appropriate congressional committees on
8 the personnel needs of the Federal Protection Service that
9 includes recommendations on the numbers of Federal pro-
10 tective service officers and the workforce composition of
11 the Federal Protection Service needed to carry out the
12 mission of the Federal Protective Service during the 10-
13 fiscal year period beginning after the date of enactment
14 of this Act.

15 (b) PREPARATION.—The Secretary shall enter into a
16 contract with a qualified consultant to prepare the report
17 submitted under this section.

18 **SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTEC-**
19 **TIVE SERVICE CONTRACT GUARD WORK-**
20 **FORCE.**

21 Not later than 45 days after the date of enactment
22 of this Act, the Director shall submit a report to the ap-
23 propriate congressional committees on—

24 (1) retention rates within the Federal Protec-
25 tive Service contract guard workforce; and

1 (2) how the retention rate affects operations of
2 the Federal Protective Service and the security of
3 Federal facilities.

4 **SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING**
5 **THE FEDERAL PROTECTIVE SERVICE CON-**
6 **TRACT GUARD WORKFORCE.**

7 (a) **CONTRACT WITH CONSULTANT.**—The Director
8 shall enter into a contract with a qualified consultant to
9 prepare the report submitted under this section.

10 (b) **SUBMISSIONS.**—Not later than 1 year after the
11 date of enactment of this Act, the qualified consultant
12 shall concurrently submit the report to the Secretary and
13 the appropriate congressional committees.

14 (c) **CONTENTS.**—The report under this section shall
15 include an evaluation of—

16 (1) converting in its entirety, or in part, the
17 Federal Protective Service contract workforce into
18 full-time Federal employees, including an option to
19 post a full-time equivalent Federal protective service
20 officer at each Federal facility that on the date of
21 enactment of this Act has a contract guard stationed
22 at that facility;

23 (2) the immediate and projected costs of the
24 conversion;

1 (3) the immediate and projected costs of main-
2 taining guards under contract status and of main-
3 taining full-time Federal employee guards;

4 (4) the potential increase in security if con-
5 verted, including an analysis of using either a Fed-
6 eral security guard, police officer, or Federal protec-
7 tive service officer instead of a contract guard;

8 (5) the hourly and annual costs of contract
9 guards and the Federal counterparts of those
10 guards; and

11 (6) a comparison of similar conversions of large
12 groups of contracted workers and potential benefits
13 and challenges.

14 **SEC. 9. SAVINGS CLAUSE.**

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

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

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

22 (3) any authority of the Federal Protective
23 Service not specifically enumerated by this Act that

1 is in effect on the day before the date of enactment
2 of this Act.

○