

**SECURING FEDERAL FACILITIES: CHALLENGES OF
THE FEDERAL PROTECTIVE SERVICE AND THE
NEED FOR REFORM**

HEARING

BEFORE THE

**SUBCOMMITTEE ON CYBERSECURITY,
INFRASTRUCTURE PROTECTION,
AND SECURITY TECHNOLOGIES**

OF THE

**COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES**

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

JULY 13, 2011

Serial No. 112-38

Printed for the use of the Committee on Homeland Security



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

72-258 PDF

WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
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SECURING FEDERAL FACILITIES: CHALLENGES OF THE FEDERAL PROTECTIVE SERVICE AND THE NEED FOR REFORM

Wednesday, July 13, 2011

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE
PROTECTION, AND SECURITY TECHNOLOGIES,
Washington, DC.

The subcommittee met, pursuant to call, at 10:10 a.m., in Room 311, Cannon House Office Building, Hon. Daniel E. Lungren [Chairman of the subcommittee] presiding.

Present: Representatives Lungren, Meehan, Long, Marino, Clarke, Richardson, Richmond, Keating, and Thompson.

Also present: Representative Jackson Lee.

Mr. LUNGREN. This hearing will come to order. I understand that there are several Members who are detained who will be here in a few minutes, but with Mr. Richmond's assistance we will start.

Do you have a unanimous consent request?

Mr. RICHMOND. Yes, Mr. Chairman. I would ask unanimous consent to allow the representative from Texas, Ms. Sheila Jackson Lee, to participate on the panel. She is on the full committee, just not the subcommittee.

Mr. LUNGREN. Without objection, so ordered.

The Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies is holding a hearing today on the subject of "Securing Federal Facilities: Challenges of the Federal Protective Service and the Need for Reform." We have two panels of very distinguished witnesses we are to hear today and I will recognize myself for an opening statement.

The Federal Protective Services is a vital component of our Nation's homeland security. Securing Government buildings is the mission of FPS and is critical to protecting hundreds of thousands of Government employees working in Federal buildings across the Nation. These Federal buildings have been assessed as key facilities, important to the operation of our Government, and therefore deserving of FPS protection.

Recent terrorist attacks have demonstrated that security at these Government buildings is absolutely necessary. In 1995 the Murrah Federal Building in Oklahoma City was destroyed with a truck bomb killing 168 people, including 19 children.

Since then, other attempted attacks have occurred in Government and public facilities, including the fatal shooting of the Holo-

caust Museum security guard in June 2009 in Washington, DC; the man who flew a small plane into the Internal Revenue Service office in Austin, Texas, killing an IRS employee in February 2010; and the recent discovery of an improvised explosive device placed near the McNamara Federal Building in Detroit, Michigan.

The Detroit IED incident was an example of how, in my judgment, not to respond to suspicious packages. The egregious mishandling of this IED package raises serious questions about whether the FPS is fulfilling its mission to secure Federal buildings and demonstrates the continued vulnerability of Federal facilities and the safety of the Federal employees who occupy them.

Our hearing today will examine several perennial problems which have impacted the FPS mission. One problem identified by GAO and illustrated by the IED incident is the need for enhanced training for contract guards.

This training curriculum and FPS certification should be available to the contract guards to ensure that they possess the appropriate skills to meet their contract requirements. Additionally, GAO also highlighted the need for more robust FPS oversight of the 14,000 contract security guard force.

Poor management of the Federal Protective Service is another problem. Current plans call for the FPS to once again reorganize within the NPPD Directorate. If completed, by my count this would be the third reorganization the FPS has been involved in since leaving GSA and joining the Immigration and Customs Enforcement, otherwise known as ICE, in 2003.

I would believe it extremely difficult to develop and implement the policies and procedures necessary to effectively secure Federal buildings when there is little continuity in leadership and structure within FPS, to say nothing of the disruption which takes place when you have a reorganization of any organization, public or private.

Last year the Committee on Homeland Security held hearings on the Federal Protective Service in response to a series of scathing GAO reports and covert tests which identified serious shortcomings in the Federal Protective Service's ability to protect Government facilities. One hearing was directly related to whether a Federalized guard force would improve security at Federal buildings. Director Schenkel noted at this hearing that a Federalized guard staff would increase the cost per guard by 32 percent and the Department had no evidence a Federalized guard staff would improve security.

A final thought regarding recent suggestions to Federalize the FPS contract workforce: Administrator Pistole, of the TSA, tried to argue before our subcommittee some months ago that the TSA Federal workforce was in some ways smarter and more skilled than private contractors who screen at SPP airports. While I have gladly and happily represented many Federal employees, both in my current term in the Congress and when I was in Congress before, I totally reject the administrator's premise and believe that if we educate and train workers equally that the private contractor is every bit as capable as the Federal worker.

That is why I have been a strong advocate for TSA's Screening Partnership Program, which allows airports to opt out of Federal

screening and hire private screeners. They usually make that decision, and some would decide that they continue with Federal screeners; others have decided or would decide that they wish to go with private screeners.

I don't think that we need to influence that in a way that would just add to the massive Federal workforce, particularly when we are under such budget constraints today. I would think we would encourage competition and opportunity so that we would actually have better performance, both in the private sector and the public sector, and in that way it is the private sector providing another efficient alternative. I think that you just get improvement in performance when you have that kind of competition.

I look forward to hearing from our witnesses this morning about what they believe the FPS challenges are and how we can improve the security of our Government facilities.

I now recognize the gentlelady from New York, the Ranking Member of this subcommittee, Ms. Clarke, for her opening statement.

Ms. CLARKE. Thank you very much, Mr. Chairman, and thank you for convening this hearing.

We are here to examine the Federal Protective Service's management of its contract guard service and its status within the National Protection and Programs Directorate. FPS is responsible for safeguarding Federal facilities. FPS employs 13,000 contract security guards who protect 9,000 Federal buildings all over our Nation.

Despite this important role, FPS has long been viewed as a stepchild within the Department. Since FPS moved to the Department from the General Services Administration poor management practices and funding issues have hampered its ability to fulfill its mission.

This committee has held multiple hearings on FPS. GAO has issued several reports documenting the challenges that FPS faces.

Mr. Chairman, we know what the issues are facing FPS and we are here today to find out what concrete solutions are being put in place.

I come from New York City, a well-known target for terrorist attacks. I am a Member of this committee because I want the rest of this country to learn from New York's experience. Experience has taught the people of New York about the need for robust protection of critical facilities.

In January Ranking Member Thompson reintroduced H.R. 176, the Federal Protective Service Improvement and Accountability Act of 2011. I am proud to be a co-sponsor of this bill. This bill calls for improvement in FPS management, stabilization of the FPS workforce, and a study to determine whether the conversion of contract guard staff into Federal employees would enhance the protection of Federal facilities.

Mr. Chairman, we know the problems. The only question remaining is whether we have the will to solve them.

Here on Capitol Hill we are fortunate. All of our buildings are protected by Capitol Police. As Members of Congress we know that the Capitol Police will stand between us and all threats.

Every person who works in or visits a Federal building should share our sense of safety and the confidence we have in those who protect those hallowed halls. I am sad to say that as long as doubts about training and contracting surround FPS, feelings of security and confidence will be misplaced.

Mr. Chairman, I look forward to working with you to reform this agency and yield back the remainder of my time.

Mr. LUNGREN. I thank the gentlelady for her comments.

Now the Chairman would recognize the Ranking Member of the full committee, the gentleman from Mississippi, Mr. Thompson, for any statement that he might have.

Mr. THOMPSON. Thank you very much, Mr. Chairman, for holding today's hearing. I welcome our panel of witnesses, also.

Mr. Chairman, during the last two Congresses the committee held several full committee oversight hearings on the Federal Protective Service. Those hearings examined the effectiveness of that agency's efforts to train, supervise, and monitor its contract guard service, contract management, and its placement within DHS. Promises of reform were made, a new director was hired, and FPS was transferred from ICE to NPPD.

The committee was told that FPS would develop a computer system to track training and certification of contract guards. The committee was told that this system would ensure that every guard had the right credentials and was capable of doing the job. For a minute I believed.

Then in February 2011 I was jarred back into the reality of FPS. A bag containing a bomb was left sitting outside of the McNamara Federal Building in Detroit. A security guard employed under a contract did not understand the possible threat. He brought the bag inside the building.

For 3 weeks that bag was a concealed bomb that sat inside the lost and found of a Federal building in Detroit. Finally, in mid-March, an FPS inspector discovered the bag, scanned it, realized the danger, and acted appropriately.

This incident paints the clearest picture I have seen of the importance of training and the reality of the threat we face. This incident also illustrates the other problems at FPS: Its fundamental ineptitude at managing contracts.

Shocking as it may seem, in the aftermath of this incident FPS did not terminate the contractor. Instead, FPS imposed a small monetary fine and accepted the contractor's offer to conduct additional training.

It is my understanding that this contractor earns \$1.6 million a year from guarding this one building in Detroit. I cannot understand how or why we pay companies that do not perform, but apparently paying for nonperformance is not a problem at FPS.

Recently FPS decided to abandon the development of the promised computer system, called RAMP. That system was supposed to help FPS monitor and verify the status of guard certifications and training.

After spending \$41 million on this contract FPS has concluded that the system doesn't work and cannot be made to work. Where I come from \$41 million is still considered a lot of money.

These practices cannot be allowed to continue. Mr. Chairman, I am pleased that you have decided to examine FPS. I suggest you begin where we left off in previous Congress. I would recommend that you take a look at H.R. 176, a bill that reflects this committee's extensive oversight in this area.

The Nation cannot afford additional delay in securing Federal facilities. Further, we cannot tolerate wasteful spending in pursuit of unproven technologies and schemes. Now is the time for FPS to be held accountable.

Thank you, and I yield back.

Mr. LUNGREN. I thank the gentleman for his statement.

Other Members of the committee are reminded that opening statements may be submitted for the record. We are pleased to have two very distinguished panels of witnesses before us today on this important subject.

L. Eric Patterson was appointed director of the Federal Protective Service, a subcomponent of the National Protection and Programs Directorate, in September 2010. He previously served as the deputy director of the Defense Counterintelligence and HUMINT center at the Defense Intelligence Agency.

Prior to joining DIA, Mr. Patterson served as a principal with Booz Allen Hamilton, where he supported two of the Defense Technical Information Center analysis centers, one focused on information assurance and the other on the survivability and vulnerability of defense systems. Mr. Patterson is a retired United States Air Force Brigadier General with 30 years of service, and we thank you for that service.

Mark L. Goldstein is director of physical infrastructure issues at GAO. Mr. Goldstein is responsible for the agency's work in Federal property and telecommunications. A former award-winning journalist and author, his other public service work has included roles as chief of staff to the D.C. Financial Control Board and chief investigative staff to the Senate Committee on Government Affairs.

Thank you, gentlemen, for appearing here.

Director Patterson, General Patterson, you are recognized. We would tell you that your written statements will be made a part of the record in full and we would ask you to try and confine your comments to 5 minutes, after which time, hearing from both of you, we will have a round of questions by the panel.

STATEMENT OF L. ERIC PATTERSON, DIRECTOR, FEDERAL PROTECTIVE SERVICE

Mr. PATTERSON. Good morning. Thank you, Chairman Lungren, Ranking Member Clarke, and the distinguished Members of the subcommittee. I would also like to thank Ranking Member Thompson for making time to be here today.

My name is Eric Patterson, and I am the director of the Federal Protective Service within the National Protection and Programs Directorate of the Department of Homeland Security. I am honored to appear before you today to discuss the work of the Federal Protective Service.

The Federal Protective Service, or FPS, is responsible for providing risk assessment and mitigation, physical security, and Federal law enforcement activities at more than 9,000 GSA-owned and

leased Federal facilities. These facilities are located in all 50 States and United States territories. In addition, we provide law enforcement and security services to non-GSA Federal properties throughout the country.

Each day FPS is responsible for the safety of more than 1 million people who pass through our security portals. Each year we cover more than 1,000 demonstrations and disturbances, make more than 1,600 arrests, and confiscate more than 700,000 dangerous objects and contraband, including weapons.

FPS is divided into 11 regions Nation-wide and employs more than 900 Federal law enforcement officers supervising approximately 14,000 contract protective security officers. We also use four MegaCenters to coordinate incident response 24 hours a day, 7 days a week.

I have set priorities for our service that are challenging yet realistic. I continue to closely monitor performance and hold service providers accountable to ensure that they are performing in full compliance with our contracts.

In addition, FPS has been the subject of several Government Accountability Office reports in recent years and I want to ensure all of you that addressing GAO recommendations is a top priority. For example, FPS now conducts unannounced inspections to evaluate the effectiveness of contract protective security officers in detecting the presence of unauthorized persons or potentially disruptive or dangerous activities in or around Federal facilities through a program called Operation Shield. Operation Shield also deserves—serves as a visible, proactive, and random deterrent to disrupt the planning of terrorist activities.

FPS is also taking steps to revise its development approach of the Risk Assessment Management Program, also known as RAMP. RAMP will provide FPS personnel with a centralized source of information for Federal facilities they protect.

The development for the second generation of RAMP will address GAO's recommendations, such as providing a contract protective security officer certification validation process. The second generation of RAMP will also help FPS track trends and correct any identified deficiencies.

FPS also is taking action that—when mistakes are made. For example, in response to an incident at the Patrick V. McNamara Federal Building in Detroit, Michigan, FPS dispatched a mobile training team to provide additional training at the facility and conducted an audit of all training records in the region to assess compliance.

FPS also took action against the contract company as a result of the incident, including a contract deduction. In addition, the individual primarily responsible for the mistake was terminated and is barred from working at FPS facilities.

As indicated, FPS remains committed to its mission to prevent, deter, mitigate, and defeat terrorist and criminal acts against anyone working in, or visiting, or passing through our Federal facilities that we protect.

Again, thank you for the opportunity to discuss FPS with you today, and I am pleased to answer any questions you might have.

[The statement of Mr. Patterson follows:]

PREPARED STATEMENT OF L. ERIC PATTERSON

JULY 13, 2011

Thank you Chairman Lungren, Ranking Member Clarke, and the distinguished Members of the subcommittee. My name is Eric Patterson, and I am the director of the Federal Protective Service (FPS) within the National Protection and Programs Directorate (NPPD) of the Department of Homeland Security (DHS).

I am honored to appear before you today to discuss the actions that FPS has undertaken to secure thousands of Federal facilities across our country and protect millions of Federal workers, contractors, and visitors who pass through FPS security portals on a daily basis to conduct business in these facilities.

FPS BACKGROUND

This year, FPS is celebrating its 40th year of service to the Nation under its current name. Although our service functions and law enforcement authorities can be traced much further back in time, FPS has been part of the General Services Administration (GSA), the U.S. Immigration and Customs Enforcement (ICE), and most recently, NPPD.

FPS is responsible for the safety of more than a million people who pass through our security portals each day. More than 700,000 dangerous objects and contraband, including weapons, are confiscated each year at FPS screening posts. Our FPS officers complete hundreds of building security assessments, cover more than 1,000 demonstrations and disturbances, and make more than 1,600 arrests annually.

FPS's security mission extends to the approximately 150 Congressional offices housed in Federal facilities located across the country. FPS is responsible for risk assessment and mitigation, physical security, and Federal law enforcement for more than 9,000 GSA-owned and leased Federal Government facilities in all 50 States and the U.S. territories. In addition, we provide law enforcement and security services to numerous non-GSA Federal properties throughout the country. FPS coordinates incident responses through four MegaCenters. Each MegaCenter monitors multiple types of alarm systems, closed circuit television, and wireless dispatch communications within Federal facilities throughout the Nation. These centers—located in Michigan, Colorado, Pennsylvania, and Maryland—are equipped with state-of-the-art communication systems and are in operation 24 hours a day, 7 days a week.

FPS is divided into 11 regions Nation-wide and employs more than 900 Federal Law Enforcement Officers supervising approximately 14,000 contract Protective Security Officers (PSOs). FPS includes contract management, budget, and other administrative staff billets, providing law enforcement and security mission support.

FPS currently employs a variety of measures to train PSOs in order to ensure our officers on the front lines have the tools they need to do their jobs. For example, in November 2010, FPS updated the orientation training provided by FPS to all newly hired PSOs. This training incorporates locality-specific information, scenario-based activities, and general procedures. During this training, FPS stresses the importance of obtaining building specific information in order to appropriately respond to occupant emergencies (for example, active shooter, Code Adam, Evacuation, Shelter-in-Place).

PRIORITIES

I have set priorities for our Service that are challenging but realistic. I continue to closely monitor performance and hold service providers accountable to ensure that they are performing in full compliance with the requirements and standards set forth in our contracts. Additionally, I work closely with our customer agencies, their leaders, and the committees responsible for the safety at the local, metropolitan, State, and National levels.

The transfer of FPS from ICE to NPPD, which was included in the fiscal year 2010 DHS Appropriations Act, is close to completion. Transitioning FPS to NPPD unified the security of the Government facilities sector into a single component, enabling DHS to provide a comprehensive infrastructure security program under the guidance provided by the Interagency Security Committee (ISC), as well as other oversight and regulatory bodies.

FPS has received several Government Accountability Office (GAO) reports in the recent years with an upcoming report expected to be released later this month. Addressing GAO recommendations is a top priority that we monitor closely. I am happy to make our experts available to you and your staff to provide additional briefings as requested.

COUNTERMEASURES

In addition to its daily law-enforcement, investigative, and protection duties, FPS continues to measure the effectiveness of its countermeasures and related efforts. Through Operation Shield, we conduct unannounced inspections to evaluate the effectiveness of contract PSOs in detecting the presence of unauthorized persons or potentially disruptive or dangerous activities in or around Federal facilities. Operation Shield also serves as a visible, proactive, and random deterrent to disrupt the planning of terrorist activities. Working in conjunction with State, local, and Federal law enforcement organizations, FPS has expanded Operation Shield to include exercises that blanket a Federal facility with a significantly increased law enforcement presence. We have also increased testing of FPS response to suspicious packages and launched the Department's "If You See Something, Say Something" campaign at more than 9,000 Federal facilities. Since deploying this program in December 2010, our MegaCenters have received and coordinated responses to more than 2,400 suspicious activity reports related to the "If You See Something, Say Something" campaign.

Finally, immediately following the incident in FPS Region 5 at the Patrick V. McNamara Federal Building in Detroit, Michigan, FPS dispatched a mobile training team to the Detroit area to provide 8 hours of weapons-detection training, including X-ray and magnetometer training, to all of the 85 PSO and supervisory PSO employees working at the McNamara Federal Building. Subsequent to the refresher training in Detroit, FPS headquarters conducted an audit of all Region 5 PSO training records maintained in vendors' files to assess compliance with the terms of the contract. This team discovered deficiencies in training and certifications records, which are now being addressed. Additionally, FPS took action against the contract company as a result of this incident, including a contract deduction.

RISK ASSESSMENT MANAGEMENT PROGRAM

The development of the Risk Assessment Management Program (RAMP), which was designed to provide FPS personnel with a centralized source of information for Federal facilities they protect, has been under way for nearly 4 years. Yet, after careful consideration and review, FPS has determined that RAMP development—as it was being pursued—was not cost-effective and has not fulfilled its original goals. However FPS has a continuing need for elements of RAMP and its basic functionality.

FPS has carefully assessed alternative programs to RAMP, including the DHS Science and Technology Directorate's recommended Integrated Rapid Visual Screen solution and Bridge and Tunnel Risk Assessment Program and the Infrastructure Survey Tool (IST), which is used by NPPD's Office of Infrastructure Protection (IP). A version of IST was selected as the interim RAMP solution, while FPS completes the development, testing, training, and implementation of RAMP 2nd Generation, also based on IST. The interim solution will enable FPS to continue processing credible Facility Security Assessments, which are a cornerstone of the protective services provided to the Federal community and FPS's other efforts, such as patrol and response, tenant awareness training, and countermeasure testing.

There are many advantages to using the IST, as the next generation of RAMP is developed and implemented. The IST can be used as a security assessment tool when conducting market research of new facility leasing options with GSA as well as special security assessments, such as temporary leased facilities for FEMA disaster response operations. IST will enable field-based inspectors to complete and file their assigned assessments electronically as well as provide supervisors the ability to approve or comment on the assessments electronically. The IST approach will also allow FPS to leverage the development done to date on RAMP and ultimately gain efficiencies by improving RAMP capability based on the NPPD/IP gateway.

The development of RAMP 2nd Generation will address specific recommendations the GAO has provided to FPS. For example, RAMP 2nd Generation will ultimately improve the PSO certification validation process. Effective July 1, 2011, FPS requires security vendors to send PSO certification data directly to their respective contracting officer in their regions for review and validation. FPS regions are responsible for maintaining accurate and up-to-date data for their region and submitting it to FPS headquarters on a monthly basis. With RAMP 2nd Generation, FPS headquarters will be able to analyze this data monthly and provide metrics to track trends and deficiencies as well as address and correct identified issues.

In addition, FPS is revising the post inspection process to focus on contractor performance more closely. This new PSO inspection process will concentrate on assessing the PSOs' knowledge of the post orders, emergency preparedness, and response measures specific to the facility they protect (e.g., Active Shooter, Code Adam, Occu-

pant Emergency Plans, Shelter-in-Place, response to suspicious packages and bomb threats, and so forth). Additionally, FPS administers an Agency Technical Representative program, which serves as a force multiplier allowing tenant agencies to assist FPS in providing important oversight of the PSO Program. With RAMP 2nd Generation, FPS will analyze the data collected from PSO inspections and use results to identify opportunities for remedial improvements in PSO training, procedures, post order revisions, and updates.

FPS is also taking advantage of its transition to NPPD by leveraging mission-enhancing synergies; the plan to have the Critical Infrastructure Protection program engineering team conduct the work to re-engineer RAMP demonstrates FPS's intention to capitalize on these synergies at every opportunity. The partnership between FPS and IP has the potential for significant cost and time savings, as well, because RAMP re-engineering efforts will leverage the existing risk assessment tools already developed and deployed for IP.

Additionally, the data collected via the interim IST will ultimately be available in the shared risk assessment database. NPPD plans for the completed facility assessments to become a part of the National critical infrastructure and key resources (CIKR) database, allowing NPPD the capability to view and share all CIKR assessments.

NPPD leadership joins me in my commitment to actively address the challenges posed in the process of developing RAMP and remain engaged as solutions to these challenges are successfully implemented.

CONCLUSION

FPS remains committed to its mission to prevent, deter, mitigate, and defeat terrorist and criminal acts against anyone working in, visiting, or passing through the Federal facilities we protect. I commend the thousands of FPS employees who ensure the safety and security of our clients and customers every day throughout the country.

Chairman Lungren, Ranking Member Clarke, and Members of the subcommittee, thank you for the opportunity to discuss FPS with you today, and I am pleased to answer any questions you might have.

Mr. LUNGREN. Thank you very much.

Now Mr. Goldstein.

STATEMENT OF MARK L. GOLDSTEIN, DIRECTOR, PHYSICAL INFRASTRUCTURE, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. GOLDSTEIN. Thank you, Mr. Chairman, and Members of the subcommittee. Thank you for the opportunity to testify today on issues related to the Federal Protective Service.

As part of the Department of Homeland Security, FPS is responsible for protecting Federal employees and visitors and the property in approximately 9,000 Federal facilities owned or leased by the General Services Administration. FPS has a budget of approximately \$1 billion and maintains approximately 1,200 full-time employees and about 13,000 contract security guards that help accomplish the agency's facility protection mission.

My testimony today is based on past reports and testimonies and discusses challenges FPS faces in carrying out its mission with regard to risk management, strategic human capital planning, oversight of its contract guard program, and ensuring that its fee-based funding structure is the appropriate mechanism for funding the agency.

Mr. Chairman, our work has found the FPS continues to face challenges in carrying out its critical mission. Our findings in our recent reports include some of the following: First, that the absence of a risk management program hampers FPS's ability to protect Federal facilities. For many years GAO has advocated the importance of a risk-management approach.

GAO reported in August 2010 that FPS does not use a comprehensive risk management approach that links threats and vulnerabilities to resource requirements. Instead, FPS uses a facility-by-facility approach, which assumes that facilities with the same security level have the same risk regardless of their location or other attributes. Without a risk management approach that identifies threats and vulnerabilities and the resources required to achieve FPS's security goals that GAO has recommended there is limited assurance that programs will be prioritized and resources will be allocated to address existing and potential security threats in an efficient and effective manner.

Second, that FPS has not fully addressed several key human capital issues. FPS continues to operate without a strategic human capital plan to guide its current and future workforce planning efforts. We recommended this in 2009.

Further, FPS is not able to determine what its optimal staffing level should be because the agency does not collect at headquarters data on the force's knowledge, skills, and abilities. FPS has yet to fully ensure that its recent move to an inspector-based workforce does not hinder its ability to protect Federal facilities.

Third, that FPS faces long-standing challenges in managing the contract guard program. Weaknesses in FPS's contract guard program hamper its ability to protect Federal facilities, as many of you understand and have discussed this morning already.

GAO reported in 2009 and 2010 that FPS cannot ensure that its contract guards have required training and certifications. FPS is in the process of addressing recommendations in this area and has revised its X-ray and magnetometer training for inspectors and guards.

Fourth, FPS has not reviewed its fee design or determined an appropriate funding mechanism. FPS increased its basic security fee four times in 6 years to try to cover costs but has not reviewed its fees to develop an informed, deliberate design.

Its current fee structure has consistently resulted in total collection amounts less than agency costs and continues to be an issue for Congressional interest and inquiry. The agency has not evaluated whether its fee-based structure or an alternative funding mechanism is most appropriate for funding the agency.

FPS has made some progress in improving its ability to protect Federal facilities. For example, in response to recommendations by GAO FPS began to develop a system called RAMP, which could enhance its ability to comprehensively assess risk at Federal facilities and improve oversight of its contract guard program. That program is now under some review.

Nevertheless, of the 28 recommendations we have made to FPS since 2007, none of them have been fully implemented. DHS and FPS initiatives—have initiatives in process to address 21 of the 28 recommendations.

According to FPS officials, the slow pace in implementation results in part because of changes in the agency's leadership, organization, funding, staffing levels, and delays in developing several new management systems, including RAMP. On some of these issues, including the organizational transition to NPPD and RAMP, GAO has on-going work that we expect to issue shortly.

Thank you, Mr. Chairman. This concludes my statement, and I would be pleased to answer any questions the committee has.
[The statement of Mr. Goldstein follows:]

PREPARED STATEMENT OF MARK L. GOLDSTEIN

JULY 13, 2011

GAO HIGHLIGHTS

Highlights of GAO-11-813T, a testimony before the Subcommittees of the House Committee on Homeland Security.

Why GAO Did This Study

As part of the Department of Homeland Security (DHS), the Federal Protective Service (FPS) is responsible for protecting Federal employees and visitors in approximately 9,000 Federal facilities owned or leased by the General Services Administration (GSA). FPS has a budget of approximately \$1 billion and maintains approximately 1,200 full-time employees and about 13,000 contract security guards that help accomplish the agency's facility protection mission.

This testimony is based on past reports and testimonies and discusses challenges FPS faces in carrying out its mission with regard to: (1) Risk management, (2) strategic human capital planning, (3) oversight of its contract guard program, and (4) ensuring that its fee-based funding structure is the appropriate mechanism for funding the agency. GAO also addresses the extent to which FPS has made progress in responding to these challenges. To perform this work, GAO used its key facility protection practices as criteria, visited FPS regions and selected GSA buildings, reviewed training and certification data for FPS's contract guards, and interviewed officials from DHS, GSA, guard contractors, and guards.

What GAO Recommends

DHS and FPS have generally concurred with GAO's past recommendations. DHS and FPS have initiatives in process, for example, to address risk management, strategic human capital planning, and oversight of its contract guard program.

HOMELAND SECURITY.—PROTECTING FEDERAL FACILITIES REMAINS A CHALLENGE FOR THE DEPARTMENT OF HOMELAND SECURITY'S FEDERAL PROTECTIVE SERVICE

What GAO Found

FPS continues to face challenges in carrying out its mission. Specifically:

- *The absence of a risk management program hampers FPS's ability to protect Federal facilities.*—For many years, GAO has advocated the importance of a risk management approach. GAO reported in August 2010 that FPS does not use a comprehensive risk management approach that links threats and vulnerabilities to resource requirements. Instead, FPS uses a facility-by-facility approach which assumes that facilities with the same security level have the same risk regardless of their location. Without a risk management approach that identifies threats and vulnerabilities and the resources required to achieve FPS's security goals, as GAO has recommended, there is limited assurance that programs will be prioritized and resources will be allocated to address existing and potential security threats in an efficient and effective manner.
- *FPS has not fully addressed several key human capital issues.*—FPS continues to operate without a strategic human capital plan to guide its current and future workforce planning efforts, as GAO recommended in 2009. Further, FPS is not able to determine what its optimal staffing levels should be because FPS headquarters does not collect data on its workforce's knowledge, skills, and abilities. FPS has yet to fully ensure that its recent move to an inspector-based workforce does not hinder its ability to protect Federal facilities.
- *FPS faces long-standing challenges in managing its contract guard workforce.*—Weaknesses in FPS's contract guard program hamper its ability to protect Federal facilities. GAO reported in 2009 and 2010 that FPS cannot ensure that its contract guards have required training and certifications. FPS is in the process of addressing GAO recommendations. For example, FPS revised its X-ray and magnetometer training for its inspectors and guards.
- *FPS has not reviewed its fee design or determined an appropriate funding mechanism.*—FPS increased its basic security fee four times in 6 years to try to cover costs, but has not reviewed its fees to develop an informed, deliberate design. FPS's current fee structure has consistently resulted in total collection amounts less than agency costs and continues to be a topic of Congressional interest and

inquiry. FPS has yet to evaluate whether its fee-based structure or an alternative funding mechanism is most appropriate for funding the agency, as GAO recommended in 2008 and 2011.

FPS has made some progress in improving its ability to protect Federal facilities. For example, in response to GAO recommendations, FPS is developing the Risk Assessment and Management Program (RAMP), which could enhance its ability to comprehensively assess risk at Federal facilities and improve oversight of its contract guard program. DHS and FPS have initiatives in process to address 21 of the 28 recommendations GAO has made related to the challenges above, although none are yet fully implemented. According to FPS officials, this is in part because of changes in the agency's leadership, organization, funding, staffing levels, and delays in developing several new management systems, such as RAMP.

Chairmen Lungren and Bilirakis, Ranking Members Clarke and Richardson, and Members of the subcommittees: We are pleased to be here to discuss the challenges the Federal Protective Service (FPS) faces in carrying out its mission to protect Federal facilities, particularly with regard to: (1) Risk management, (2) strategic human capital planning, (3) oversight of its contract guard program, and (4) ensuring that its fee-based funding structure is the appropriate mechanism for funding the agency. We will also discuss FPS's assessment of its performance and the extent to which FPS has made progress in responding to these challenges. Recent events have exposed weaknesses with FPS's ability to protect Federal facilities, including GAO's covert testing at Federal facilities in 2009, FPS's on-going penetration testing at Federal facilities, and FPS's contract security guards allowing components of an active bomb to remain in a Federal building in Detroit, Michigan, for 3 weeks in March 2011 before a bomb squad was called.

As part of the Department of Homeland Security (DHS), FPS is responsible for protecting Federal employees and visitors in approximately 9,000 Federal facilities owned or leased by the General Services Administration (GSA).¹ FPS has a budget of approximately \$1 billion and maintains approximately 1,200 full-time employees and about 13,000 contract security guards (also known as protective service officers) that help accomplish the agency's facility protection mission. FPS's primary responsibilities include: (1) Conducting risk assessments of Federal facilities and recommending countermeasures aimed at preventing incidents at facilities; and (2) undertaking law enforcement activities, including responding to incidents at Federal facilities.

This testimony is based on our past reports and testimonies.² Work conducted for these reports and testimonies included assessing FPS's facility protection efforts using our key security practices as a framework.³ We also visited selected FPS regions and selected GSA buildings to assess FPS activities first-hand. Additionally, we reviewed training and certification data for 663 randomly selected guards in 6 of FPS's 11 regions. Because of the sensitivity of some of the information in our prior work, we cannot specifically identify in this testimony the locations of the incidents discussed. For all of our work, we reviewed related laws and directives; interviewed officials and analyzed documents and data from DHS and GSA; and interviewed tenant agency representatives, contractors, and guards. These reviews took place between April 2007 and May 2011. Our work was conducted in accordance with generally accepted Government auditing standards. Additional information on scope and methodology is provided in the previously issued products.

THE ABSENCE OF A RISK MANAGEMENT PROGRAM HAMPERS FPS'S ABILITY TO PROTECT FEDERAL FACILITIES

For many years we have advocated the use of a risk management approach that entails managing risk through actions, including setting strategic goals and objectives, assessing risk, allocating resources based on risk, evaluating alternatives, selecting initiatives to undertake, and implementing and monitoring those initiatives. Risk assessment, an important element of a risk management approach, helps decision makers identify and evaluate potential risks so that countermeasures can be designed and implemented to prevent or mitigate the effects of the risks.

FPS meets its mission to protect GSA's Federal facilities by assessing the risks that face those facilities and identifying the appropriate countermeasures to mitigate those risks. Despite the importance of this mission, FPS has not implemented an effective risk management program. In August 2010, we reported that FPS does

¹ In this testimony, we refer to property that is owned by the Federal Government and under the control and custody of GSA as GSA-owned property.

² See related GAO products at the end of this statement.

³ GAO, *Homeland Security: Addressing Weaknesses with Facility Security Committees Would Enhance Protection of Federal Facilities*, GAO-10-901 (Washington, DC: August 5, 2010).

not use a comprehensive risk management approach that links threats and vulnerabilities to resource requirements.⁴ Instead, FPS uses a facility-by-facility approach to risk management: We reported in 2010 that FPS assumes that all facilities with the same security level have the same risk regardless of their location. For example, a level IV facility in a metropolitan area is generally treated the same as one in a rural area.⁵ This building-by-building approach prevents FPS from comprehensively identifying risk across the entire portfolio of GSA's facilities and allocating resources based on risk.⁶ Both our and DHS's risk management frameworks include processes for assessing comprehensive risk across assets in order to prioritize countermeasures based on the overall needs of the system.

In response to our recommendations in this area, FPS began developing a new system, the Risk Assessment and Management Program (RAMP). According to FPS, RAMP will support all components of the risk assessment process, including gathering and reviewing building information; conducting and recording interviews with GSA and tenant agencies; assessing threats, vulnerabilities, and consequences to develop a detailed risk profile; recommending appropriate countermeasures; and producing facility security assessment (FSA) reports. FPS also plans to use RAMP to track and analyze workforce data, contract guard program data, and other performance data, such as the types and definitions of incidents and incident response times. We are finalizing our on-going review of FPS's efforts to develop and implement RAMP as well as FPS's transition to DHS's National Protection and Programs Directorate (NPPD) and expect to report on these issues soon.

FPS HAS NOT FULLY ADDRESSED SEVERAL KEY HUMAN CAPITAL ISSUES

Over the last 3 years we have reported on the challenges FPS has faced in the human capital area since moving to DHS from GSA in 2003. As mandated by Congress, in 2009 FPS increased the size of its workforce to 1,200 full-time employees.⁷ However, FPS continues to operate without a strategic human capital plan. We recommended in 2009 that FPS develop a human capital plan to guide its current and future workforce planning efforts.⁸ We have identified human capital management as a high-risk issue throughout the Federal Government, including within DHS. A human capital plan is important to both align FPS's human capital program with current and emerging mission and programmatic goals, and develop effective processes for training, retention, and staff development. In 2009, we reported that the absence of such a plan has contributed to inconsistent human capital activities among FPS regions and headquarters, as several regions told us they have implemented their own processes for performance feedback, training, and mentoring. In addition, we found that FPS's workforce planning is limited because FPS headquarters does not collect data on its workforce's knowledge, skills, and abilities. Without such information, FPS is not able to determine what its optimal staffing levels should be or identify gaps in its workforce needs and determine how to modify its workforce planning strategies to fill these gaps. FPS concurred with our recommendation and drafted a workforce analysis plan in June 2010. According to FPS, the plan must be reviewed by the Office of Management and Budget (OMB) before it is subject to approval by the Secretary of Homeland Security.

⁴GAO-10-901.

⁵The level of security FPS provides at each of the 9,000 Federal facilities varies depending on the building's security level. Based on the Department of Justice's (DOJ) 1995 Vulnerability Assessment Guidelines, there are five types of security levels. A level I facility is typically a small storefront-type operation such as a military recruiting office which has 10 or fewer employees and a low volume of public contact. A level II facility has from 11 to 150 employees, a level III facility has from 151 to 450 Federal employees and moderate-to-high volume of public contact, a level IV facility has over 450 employees, a high volume of public contact, and includes high-risk law enforcement and intelligence agencies. FPS does not have responsibility for Level V facilities which include the White House and the Central Intelligence Agency. The Interagency Security Committee has recently promulgated new security level standards that will supersede the 1995 DOJ standards.

⁶GAO, *Homeland Security: The Federal Protective Service Faces Several Challenges That Hamper Its Ability to Protect Federal Facilities*, GAO-08-683 (Washington, DC: June 11, 2008). See also GAO-10-901.

⁷Department of Homeland Security Appropriations Act, 2009, Pub. L. No. 110-329, Division D, 122 Stat. 3574, 3659-3660 (2008). This requirement for FPS to maintain a minimum number of full-time equivalent positions has been included in subsequent appropriations acts. See Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111-83, 123 Stat. 2142, 2156-2157 (2009), and Department of Defense and Full-Year Continuing Appropriations Act, 2011, Pub. L. No. 112-10, 125 Stat. 38, 142-143 (2011).

⁸GAO, *Homeland Security: Federal Protective Service Should Improve Human Capital Planning and Better Communicate with Tenants*, GAO-09-749 (Washington, DC: July 30, 2009).

FPS also has yet to fully ensure that its recent move to an inspector-based workforce does not hinder its ability to protect Federal facilities. In 2007, FPS essentially eliminated its police officer position and moved to an all inspector-based workforce. FPS also decided to place more emphasis on physical security activities, such as completing FSAs, and less emphasis on law enforcement activities, such as proactive patrol. We reported in 2008 that these changes may have contributed to diminished security and increases in inspectors' workload.⁹ Specifically, we found that when FPS is not providing proactive patrol at some Federal facilities, there is an increased potential for illegal entry and other criminal activity. Moreover, under its inspector-based workforce approach, FPS is relying more on local police departments to handle crime and protection issues at Federal facilities; however, we previously reported that at approximately 400 Federal facilities across the United States, local police may not have the authority to respond to incidents inside those facilities.¹⁰

We recommended in 2008 that FPS clarify roles and responsibilities of local law enforcement agencies in responding to incidents at GSA facilities.¹¹ While FPS agreed with this recommendation, FPS has decided not to pursue agreements with local law enforcement officials, in part because of local law enforcement officials' reluctance to sign such agreements. In addition, FPS believes that the agreements are not necessary because 96 percent of the properties in its inventory are listed as concurrent jurisdiction facilities where both Federal and State governments have jurisdiction over the property. Nevertheless, we continue to believe that these agreements would, among other things, clarify roles and responsibilities of local law enforcement agencies when responding to crime or other incidents. We are currently reviewing to what extent FPS is coordinating with State and local police departments to ensure adequate protection of Federal facilities and will issue a report next year.

FPS FACES LONGSTANDING CHALLENGES IN MANAGING ITS CONTRACT GUARD WORKFORCE

FPS's contract guard program is the most visible component of the agency's operations and the agency relies on its guards to be its "eyes and ears" while performing their duties. Guards are responsible for controlling access to Federal facilities by checking the identification of Government employees and the public who enter Federal facilities, and operating security equipment to screen for prohibited items. Since 2009, we have identified weaknesses in FPS's contract guard program which hamper its ability to protect Federal facilities. For example, we reported in 2009 and in 2010 that FPS does not have a reliable system to ensure that its 13,000 guards have the training and certifications required to stand post at Federal facilities or comply with post orders once they are deployed.¹²

In 2009, we also identified substantial security vulnerabilities related to FPS's guard program.¹³ In April and May 2009, GAO investigators conducted covert tests and were able to successfully pass components of an improvised explosive device (IED) concealed on their persons through security checkpoints monitored by FPS guards at 10 Level IV facilities in 4 major metropolitan areas. In addition, FPS's penetration testing—similar to our covert testing—shows that guards continue to have problems with detecting prohibited items.¹⁴ For example, in March 2011, FPS contract guards allowed components for an active bomb to remain in a Level IV Federal building in Detroit, Michigan for 3 weeks before a bomb squad was called to remove them.

We also found in 2010 that although some guard contractors did not comply with the terms of their contracts, FPS did not take any enforcement action against them.¹⁵ According to FPS guard contracts, a contractor has not complied with the terms of the contract if, for example, the contractor has a guard working without valid certifications or background suitability investigations, or falsifies a guard's

⁹ GAO-08-683.

¹⁰ At approximately 400 Federal facilities Nation-wide, the Federal Government has exclusive jurisdiction of its facilities, whereby the Federal Government has all of the legislative authority within the land area in question and the local police have no residual police power.

¹¹ GAO-08-683.

¹² GAO, *Homeland Security: Preliminary Results Show Federal Protective Service's Ability to Protect Federal Facilities Is Hampered By Weaknesses in Its Contract Security Guard Program*, GAO-09-859T (Washington, DC: July 8, 2009). See also GAO, *Homeland Security: Federal Protective Service's Contract Guard Program Requires More Oversight and Reassessment of Use of Contract Guards*, GAO-10-341 (Washington, DC: April 13, 2010).

¹³ GAO-09-859T.

¹⁴ FPS employs Operation Shield to systematically assess the effectiveness of FPS countermeasures, including Protective Service Officers, at Federal facilities.

¹⁵ GAO-10-341.

training records. If FPS determines that a contractor does not comply with these contract requirements, it can—among other things—assess a financial deduction for nonperformed work, elect not to exercise a contract option, or terminate the contract for default or cause.

We reviewed the official contract files for the 7 contractors who, as we testified in July 2009, had guards performing on contracts with expired certification and training records to determine what action, if any, FPS had taken against these contractors for contract noncompliance.¹⁶ According to the documentation in the contract files, FPS did not take any enforcement action against the contractors for not complying with the terms of the contract. Instead, FPS exercised the option to extend the contracts for these 7 contractors. Additionally, although FPS requires an annual performance evaluation of each guard contractor and at the conclusion of contracts exceeding \$100,000, FPS did not always evaluate the performance of its contractors as required, and some evaluations were incomplete and not consistent with contractors' performance.

In response to our recommendations, FPS has taken several steps to improve the oversight of its contract guard program. Since July 2009, FPS has increased its penetration tests in some regions and the number of guard inspections it conducts at Federal facilities in some metropolitan areas. Additionally, FPS began the process of providing additional X-ray and magnetometer training for its workforce. Under the new requirement, inspectors must receive 30 hours of X-ray and magnetometer training and guards are required to take 16 hours. Previously, guards were required to receive 8 hours of training on X-ray and magnetometer machines. Finally, FPS expects to use RAMP, once it is developed, to determine whether its 13,000 guards have met its training and certification requirements and to conduct guard inspections. As stated earlier, we are finalizing our review of FPS's RAMP.

FPS HAS NOT REVIEWED ITS FEE DESIGN OR DETERMINED AN APPROPRIATE FUNDING MECHANISM

We reported in May 2011 that FPS increased its basic security fee 4 times in 6 years to try to cover costs (an increase of over 100 percent).¹⁷ However, FPS has not reviewed its fees to develop an informed, deliberate fee design. We found that timely, substantive fee reviews are especially critical for fee-funded agencies to ensure that fee collections and operating costs remain aligned. FPS has broad authority to design its security fees, but the current fee structure has consistently resulted in total collection amounts less than agency costs, is not well understood or accepted by tenant agencies, and continues to be a topic of Congressional interest and inquiry.¹⁸

In 2008, we recommended that FPS evaluate whether its use of a fee-based system or an alternative funding mechanism is the most appropriate manner to fund the agency. Although FPS agreed with this recommendation it has not begun such an analysis. Based on our updated work in 2011, we recommended that such an analysis include the examination of both alternative fee structures and a combination of fees and appropriations as well as the options and trade-offs discussed in our 2011 report.¹⁹ FPS agreed with this recommendation.

FPS FACES LIMITATIONS IN ASSESSING ITS PERFORMANCE

We have reported that FPS is limited in its ability to assess the effectiveness of its efforts to protect Federal facilities.²⁰ To determine how well it is accomplishing its mission to protect Federal facilities, FPS has identified some output measures. These measures include determining whether security countermeasures have been deployed and are fully operational, the amount of time it takes to respond to an incident, and the percentage of FSAs completed on time. As we reported in 2010, while output measures are helpful in assessing performance, outcome measures can provide FPS with broader information on program results, such as the extent to which its decision to move to an inspector-based workforce will enhance security at Federal

¹⁶ GAO-09-859T.

¹⁷ GAO-11-492.

¹⁸ Pub. L. No. 109-295, title II, 120 Stat. 1355, 1361 (Oct. 4, 2006).

¹⁹ GAO-11-492.

²⁰ GAO, *Homeland Security: Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection*, GAO-10-142 (Washington, DC: October 23, 2009).

facilities.²¹ Outcome measures could also help identify the security gaps that remain at Federal facilities and determine what action may be needed to address them.

In addition, we reported in 2010 that FPS does not have a reliable data management system that will allow it to accurately track these measures or other important measures such as the number of crimes and other incidents occurring at GSA facilities.²² Without such a system, it is difficult for FPS to evaluate and improve the effectiveness of its efforts to protect Federal employees and facilities, allocate its limited resources, or make informed risk management decisions. For example, weaknesses in one of FPS's countermeasure tracking systems make it difficult to accurately track the implementation status of recommended countermeasures such as security cameras and X-ray machines. Without this ability, FPS has difficulty determining whether it has mitigated the risk of Federal facilities to crime or a terrorist attack. FPS concurred with our recommendations and states that its efforts to address them will be completed in 2012 when its automated information systems are fully implemented.

FPS HAS BEGUN SOME INITIATIVES, BUT MOST GAO RECOMMENDATIONS HAVE NOT BEEN FULLY IMPLEMENTED

FPS has begun several initiatives that, once fully implemented, should enhance its ability to protect the more than 1 million Federal employees and members of the public who visit Federal facilities each year. Since 2008, we have made 28 recommendations to help FPS to address its challenges with risk management, strategic human capital planning, oversight of its contract guard workforce, and its fee-based funding structure. DHS and FPS have generally agreed with these recommendations. As of July 2011, as shown in Table 1, FPS was in the process of addressing 21 of them, although none were fully implemented. Of the remaining 7, 5 were recommendations from our May 2011 report, and we would not necessarily expect them to be fully implemented yet. According to FPS officials, the agency has faced difficulty in implementing many of our recommendations because of changes in its leadership, organization, funding, and staffing levels. In addition, FPS officials stated that its progress in implementing our recommendations has been affected by delays in developing several new management systems, such as RAMP.

²¹ GAO-10-142.

²² GAO-10-142.

GAO Report	Recommendations	Status
Budget Issues: Better Fee Design Would Improve Federal Protective Service's and Federal Agencies' Planning and Budgeting for Security, GAO-11-492, May 2011.	Conduct regular reviews of FPS's security fees and use this information to inform its fee setting. Include system-wide capital investments when estimating costs and include them when setting basic security fee rates. Make information on the estimated costs of key activities as well as the basis for these cost estimates readily available to affected parties to improve the transparency and credibility—and hence the acceptance by stakeholders—of the process for setting and using the fees. Assess and report to Congress on: (1) The current and alternative fee structures, to include the options and trade-offs discussed in this report, and if appropriate, and (2) options to fund FPS through a combination of fees and direct appropriations, to include the options and trade-offs discussed in this report. Evaluate and report to Congress on options to mitigate challenges agencies face in budgeting for FPS security costs, such as: (1) An alternative account structure for FPS to increase flexibility, while retaining or improving accountability and transparency or (2) an approved process for estimating fee rates. Collect and maintain an accurate list of points of contact of customer agency officials responsible for budget and billing activities as well as facility designated points of contact as we previously recommended in 2010.	Not implemented. Not implemented. Not implemented. Not implemented. In process.
Homeland Security: Addressing Weaknesses with Facility Security Committees Would Enhance Protection of Federal Facilities, GAO-10-901, August 2010.	Develop and implement procedures that, among other things, outline the facility security committees' organization structure, operations, decision-making authority, and accountability.	In process.

GAO Report	Recommendations	Status
Homeland Security: Federal Protective Service's Contract Guard Program Requires More Oversight and Reassessment of Use of Contract Guards, GAO-10-341, April 2010.	Identify other approaches and options that would be most beneficial and financially feasible for protecting Federal facilities. Rigorously and consistently monitor guard contractors' and guards' performance and step up enforcement against contractors that are not complying with the terms of the contract. Complete all contract performance evaluations in accordance with FPS and Federal Acquisition Regulations requirements. Issue a standardized record-keeping format to ensure that contract files have required documentation. Develop a mechanism to routinely monitor guards at Federal facilities outside metropolitan areas. Provide building-specific and scenario-based training and guidance to its contract guards. Develop and implement a management tool for ensuring that reliable, comprehensive data on the contract guard program are available on a real-time basis. Verify the accuracy of all guard certification and training data before entering them into RAMP, and periodically test the accuracy and reliability of RAMP data to ensure that FPS management has the information needed to effectively oversee its guard program.	In process. In process. In process. In process. In process. In process. In process.

Homeland Security: Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection, GAO-10-142, October 2009.

Provide the Secretary with regular updates, on a mutually agreed-to schedule, on the status of RAMP and the National Countermeasures Program, including the implementation status of deliverables, clear timelines for completion of tasks and milestones, and plans for addressing any implementation obstacles.

In process.
In process.
In process.

In conjunction with the National Countermeasures Program, to develop a methodology and guidance for assessing and comparing the cost-effectiveness of technology alternatives.

Reach consensus with GSA on what information contained in the building security assessment is needed for GSA to fulfill its responsibilities related to the protection of Federal buildings and occupants, and accordingly, establish internal controls to ensure that shared information is adequately safeguarded; guidance for employees to use in deciding what information to protect with sensitive but unclassified designations; provisions for training on making designations, controlling, and sharing such information with GSA and other entities; and a review process to evaluate how well this information sharing process is working, with results reported to the Secretary regularly on a mutually agreed-to schedule.

Homeland Security: Federal Protective Service Should Improve Human Capital Planning and Better Communicate with Tenants, GAO-09-749, July 2009.

Improve how FPS headquarters collects data on its workforce's knowledge, skills, and abilities to help it better manage and understand current and future workforce needs.

In process.
In process.
In process.

Use these data in the development and implementation of a long-term strategic human capital plan that addresses key principles for effective strategic workforce planning, including establishing programs, policies, and practices that will enable the agency to recruit, develop, and retain a qualified workforce.

Collect and maintain an accurate and comprehensive list of all facility-designated points of contact, as well as a system for regularly updating this list.

Develop and implement a program for education and outreach to all customers to ensure they are aware of the current roles, responsibilities, and services provided by FPS.

GAO Report	Recommendations	Status
Homeland Security: The Federal Protective Service Faces Several Challenges That Hamper Its Ability to Protect Federal Facilities, GAO-08-683, July 2008.	Develop and implement a strategic approach to manage its staffing resources including determining the optimum number of employees needed to accomplish its facility protection mission and allocate these resources based on risk management principles. Clarify roles and responsibilities of local law enforcement agencies in regard to responding to incidents at GSA facilities. Improve FPS's use of the fee-based system by developing a method to accurately account for the cost of providing security services to tenant agencies and ensuring that its fee structure takes into consideration the varying levels of risk and service provided at GSA facilities. Evaluate whether FPS's current use of a fee-based system or an alternative funding mechanism is the most appropriate manner to fund the agency. Develop and implement specific guidelines and standards for measuring its performance, including outcome measures to assess its performance and improve the accountability of FPS. Improve how FPS categorizes, collects, and analyzes data to help it better manage and understand the results of its efforts to protect GSA facilities.	In process. In process. Not implemented. Not implemented. In process. In process.

Source.—GAO.

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

Chairmen Lungren and Bilirakis, Ranking Members Clarke and Richardson, and Members of the subcommittees, this completes my prepared statement. I would be happy to respond to any questions you or other Members of the subcommittees may have at this time.

Mr. LUNGREN. Thank you very much, Mr. Goldstein. Thank you for your testimony.

We will now go to a round of questioning, and I will yield myself 5 minutes to begin the questioning.

General Patterson, you have heard the criticisms of FPS. You have heard some of them repeated here.

You come from a distinguished background serving in one of the great institutions of America, the United States Air Force. You realize what leadership is and discipline is within an organization.

There have been continuing problems with FPS, some before you were there, some continuing since you have been there. How do we have confidence that you are making the changes that were indicated by previous GAO reports in light of some of the shortcomings that—incidents that we have already observed and have been articulated here?

Mr. PATTERSON. Yes, sir. To answer that, first of all, I would like to say I clearly understand how important it is to protect those 1.4 million folks that transit and work in our facilities every day. We are responsible for protecting 9,000 facilities and 1.4 million folks and I know and understand how important that is.

When I took over as the director of the Federal Protective Service one of the first things I did was to establish a code of conduct. That code of conduct was to establish, to ensure that we abided by and work towards a set of personal and professional goals of conduct. I thought that was very important so that every day in every instance when our people work with and interface with our—the folks that we protect that we know how to treat them and we treat them in a fair and equitable way and that we are—that we understand the challenges that they face in wanted to be safe and secure in those facilities.

I also set priorities—very tough priorities, but achievable priorities in training. We didn't have a director or assistant director of training. One of the first things I did was go to the under secretary and ask him could I hire a senior to direct our training effort, and he agreed and said yes. That announcement is on the street today to hire a director of training for the Federal Protective Service.

I also understand and know that we have challenges with RAMP. It is no question about that.

I identified those challenges, I brought those—some of the problems we were having, I brought those to the attention of GAO, that we were having problems. They already knew some of them. But I told them that we were moving in a different direction and that I needed to be clear, up front, and transparent about where we were going.

We need to develop—we are also developing a common communications plan so that people understand who we are and what we do and how we are to interface and work with the people we are charged to protect, and clearly create a close relationship with our customers.

Mr. Chairman, it is my intent—I lead from the front—to ensure transparency, to—so that not only does the Secretary understand what our challenges are but these Congressional committees also understand what our challenges are, and work with you to try to put into place those changes and implement whatever changes we need to do to help us move forward.

Mr. LUNGREN. General, let me ask you this: We have had prior hearings and somehow it seemed to get into the question about whether we should Federalize the guards or not Federalize the guards, and it just seemed to me the problem was intrinsic to the entire FPS. That is, that it doesn't matter whether your guards are Federal employees or non-Federal employees if they are not trained properly and they are not supervised properly, and I believe you have something like 1,400 or so on the supervisory level. So to me it is not a question of a problem with respect to the identity of the guards; it is a problem with respect to the training and the continued supervision of those employees.

So you have outlined the kinds of things you want done, but again, going back to your military background, you expect things to be done on a timeline. You expect change to be made. You expect to see some actual on-the-ground differences.

When should we expect to see that?

Mr. PATTERSON. Mr. Chairman, I would expect to see those—as we begin to move forward, as we begin to make changes, as I begin to implement changes we will see that. Currently I have done several studies looking at what training currently is provided to our PSO force. Okay, right now the majority of the training is provided by the contractor, okay?

I need to understand whether that should be a mix of training. Should we have more of our training provided by our Federal forces, let's say, for instance, at FLETC, or should we—or should we continue with the line of training that we have now? So that is something we are looking at.

Mr. LUNGREN. My time is expired.

The gentlelady from New York is recognized for 5 minutes.

Ms. CLARKE. Thank you very much, Mr. Chairman.

Mr. Patterson, I kind of appreciate what seems to be a dilemma for you. How long have you been director of the Federal Protective Services now?

Mr. PATTERSON. About 9 months, ma'am.

Ms. CLARKE. Wow. Well, you have inherited a real big challenge here. But I think the GAO has pointed to some really critical areas and I just wanted to ask your responses to at least a couple of the points raised by the GAO report.

The absence of a risk management approach: Given the limitations of your resources and given the bifurcated way in which our buildings are protected both by your officers and contract officers, do you think that a risk management approach is—that you are capable of establishing a risk management approach?

Mr. PATTERSON. Yes, ma'am, I do. I believe—

Ms. CLARKE. Go on, sir. You can—

Mr. PATTERSON. I think that is the way that we should proceed is a risk management approach. I think that all threats aren't the same, all vulnerabilities aren't the same. So I think we need to look

at each facility differently and assess the vulnerabilities of each facility independent of the other.

Ms. CLARKE. Are there any particular impediments in the way of moving in that direction fairly rapidly?

Mr. PATTERSON. I would have to assess—I think we are trying to do that now, ma'am, under the RAMP process. I think that is going to allow us to begin to move in that direction. To be honest, we have had some challenges in developing RAMP, so that has slowed this process some.

But I am confident as we move forward that we will be able to accept this challenge and move forward very quickly in developing the RAMP process.

Ms. CLARKE. Do you have a sort of deadline by which you expect to see RAMP accomplished?

Mr. PATTERSON. I have a mental deadline, ma'am. But right now we are in the process of evaluating an alternative process through an interagency agreement with a different contractor to move us forward. That particular process is currently still under review.

We don't know that we are going to be able to move in that direction. That is the direction that I hope—I sincerely hope that we are able to move in that direction, but until my contracting officers—my contracting office department and our legal staff tell me that it is okay to move in that direction I am still kind of on hold with that.

Ms. CLARKE. So what is the deadline for the ending of the evaluation and assessment?

Mr. PATTERSON. I don't control it, but I am hoping within the next few weeks.

Ms. CLARKE. Okay.

Let me ask about the strategic planning for human resources. Is that also contained in this evaluation and assessment of RAMP or is this something separate that you should be focused on?

Mr. PATTERSON. Yes, ma'am. I am focused on—I guess, are you talking about how are we going to obtain more people or—

Ms. CLARKE. Well, the strategic use. I mean, you are limited, right?

Mr. PATTERSON. Yes, we are.

Ms. CLARKE. Okay. So within those limitations we are expecting that—

Mr. PATTERSON. Yes, okay.

Ms. CLARKE. Okay?

Mr. PATTERSON. Yes. RAMP will allow us—what RAMP allows us to do is to hopefully leverage and utilize our—the existing staff that we have more efficiently and more effectively, okay? Quite honestly, we are using some antiquated methods of how we collect data and how we do our jobs, and RAMP is going to help us move forward. I have every confidence once we get RAMP moving that we will be able to do that.

Ms. CLARKE. What about your contract guard management? Would all of that ultimately hinge on a successful implementation of the RAMP or is this something that you have separately looked at particularly given the breaches or the breach—the major breach—that has come to the attention of our Nation?

Mr. PATTERSON. Right. RAMP is only a part of that. Clearly to ensure that our inspectors and our law enforcement folks are providing the necessary direction as—when they interface with our contract—with our PSOs we are ensuring that we are providing them the adequate direction and I am evaluating that as well.

Ms. CLARKE. In just those three areas there seems to be a nexus component, which is RAMP. What happens if RAMP does not work?

Mr. PATTERSON. RAMP will work, ma'am.

Ms. CLARKE. Mr. Chairman, I yield back the balance of my time.

Mr. LUNGREN. Thank you very much.

Mr. Meehan, gentleman from Pennsylvania, is recognized for 5 minutes.

Mr. MEEHAN. Thank you, Mr. Chairman.

Thank you, Mr. Patterson and Mr. Goldstein, for taking the time to be with us today. I speak as one who enjoyed the protection of the Federal Protection Service for almost 7 years as a United States attorney and operated in a building in which we were handled by contract guards overseen by the FPS, and have to say that day in and day out established sort of a familiarity with the group, found them to be very professional in what they were doing.

But I can imagine that there are a number of challenges, and one, of course, is the changing nature of the threats that we have and training.

Now, Mr. Patterson, I also dealt with police forces all across my State and we are different municipalities but we found a common scheme of training that was required, and this would be established each year. Isn't there a grid, so to speak, for certain categories of training in specific areas that would year-to-year be evaluated and changed so that we would keep pace with technology and be able to know that any contract guard has been trained to that level?

Mr. PATTERSON. Yes, sir. The challenge that we have currently is not the technical limitations or the technical level of the training, it is currently our ability to ensure that the training has been delivered in an acceptable manner, and that is our challenge. Most of the training is being delivered by the contractor, so we have approximately 130 contractors across the Federal Protective Service, and as such we can't ensure that a certain standard or level is being delivered at a particular level over each one of those contracts.

Mr. MEEHAN. Well, is it impossible to work with organizations that we know are capable of delivering a standard? For instance, the State police force that each year trains a number of people. Is it possible to go back and look at creating professional standards that we know that can be upheld so that you are not relying on, you know, on a contractor that says, yes, I did it?

Mr. PATTERSON. Yes, sure. I am sure that there are any number of probable solutions that we may undertake. That is why I have hired—in the process of hiring a professional to try to give me a sense of what the best direction is. How do we need to get our arms around this so that I can give you confidence and the American people confidence that we are doing our job?

Mr. MEEHAN. Yes, I would hope—I mean, it doesn't seem like it—I know it sounds simplistic, but there is basic training and it is just really assuring that we have that done.

Another aspect I am interested in is your concept of the challenge in which—there are just so many different Federal facilities. But how do you prioritize? Is it first looking at where there are people being the highest priority, or certain kinds of buildings that receive priority over others in terms of your risk assessment?

Mr. PATTERSON. Right. Our priorities are set by the occupants and the nature of the business that they do in those buildings and the location of those facilities, and we have a set level of priority four down to one, and depending upon the level of what we believe to be the threat to that facility is how we dedicate resources to that facility.

Mr. MEEHAN. What kind of connection do you have to some of the other existing networks that we have in place with Homeland Security on the constant assessment of threat analysis so that we might begin to appreciate that because of a particular case—

Mr. PATTERSON. Right.

Mr. MEEHAN [continuing]. A particular courthouse might be a place of, you know, higher significance for a period of time?

Mr. PATTERSON. Right. Every morning I receive a briefing from the folks within the Department of Homeland Security that we receive from intelligence and analysis. They are the folks who are responsible for providing the Secretary a comprehensive understanding of what the key threats are around the Nation and to Federal facilities, or to commercial and other facilities, for that matter.

So I feel that I am fairly well-informed about what the threats are. Our challenge is how quickly we can get that information down to those 9,000 facilities, and we are working on a process to make that happen fairly quickly now.

Mr. MEEHAN. Thank you for your work.

Mr. Goldstein, you have a lot of oversight capacity. You spend a lot of time feeding. What do you think is the first and highest priority in return—in regard to what we ought to be doing to assure security at these facilities?

Mr. GOLDSTEIN. I would agree with General Patterson, that the most important thing to do is to develop a risk management strategy that the agency can use to evaluate across this entire portfolio so that it can begin to choose those that are at greatest risk to protect better.

Mr. MEEHAN. We have that in place already or that is what is being developed?

Mr. GOLDSTEIN. No, sir, we do not. You need RAMP to even begin to create that process, sir.

Mr. MEEHAN. Thank you, Mr. Chairman. My time is expired.

Mr. LUNGREN. I thank the gentleman.

The distinguished Ranking Member of the full committee, Mr. Thompson, is recognized for 5 minutes.

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

General, FPS in one capacity or another is about 50 years old now?

Mr. PATTERSON. Forty years old, sir.

Mr. THOMPSON. Forty years old. Okay.

Well, and I find it really competent, on one hand, that you finally decided that you need a code of conduct for your employees. I think that is commendable on your part because in any organization I think you have to have it and I want to compliment you for doing that.

But also, I also want to talk briefly about the RAMP contract, a \$41 million contract that I am told everybody agreed that it, at this point, is a failure. Are we correct or is it—where are we?

Mr. PATTERSON. Yes, sir, if I might, RAMP does not work as it was intended to. I will tell you that.

Mr. THOMPSON. Thank you.

Mr. PATTERSON. Yes.

Mr. THOMPSON. Now, and my staff tells me that we have now given another contract to the same company that we spent \$41 million with to do something else with RAMP.

Mr. PATTERSON. No, sir. What has happened is that while we are in the process of moving forward and working with another contractor to do that, because we have spent—developed a lot of backend areas for—that move RAMP, that make RAMP work, we have to maintain that. That is called kind of the operations and maintenance part of RAMP that we have to maintain.

If we don't maintain that—if we are to take what we have, what we spent our \$35.6 million on today, if we are to move it to another contractor we have to maintain all the data, all the information to do that. So that is costing us some money but we have ceased—we have descoped the contract so that the existing contract is no longer doing any developmental work with RAMP.

Mr. THOMPSON. But we are paying them to keep whatever they did?

Mr. PATTERSON. We are asking them to keep—yes, sir—to maintain the data that we had developed and we have in RAMP so that we can move it to another venue in the near future.

Mr. THOMPSON. So do you know if your contract had any measurements that said, "Now that we have hired you to do it it must work," or how do we get into spending this kind of money and at the end of the period it not work? Look, I know you inherited the baby. I just need you to figure out what happened.

Mr. PATTERSON. Right. I had asked the senior members of the contractor to come in and talk to me about why RAMP doesn't work. I asked each one of them why is it that it didn't work and to a person they said, "We understand that it didn't deliver what we said it would deliver but we can make it work."

Mr. THOMPSON. With more money.

Mr. PATTERSON. With more money, yes, sir. Yes, sir.

Mr. THOMPSON. Okay.

Mr. PATTERSON. As I began to make my way through to visit our regions to talk to our folks in the field about why RAMP doesn't work it was very clear to me that if we were to continue down the same path we would be just throwing good money after bad.

Mr. THOMPSON. Well, thank you.

Mr. Goldstein, did you all look at RAMP and did you make some recommendations on it?

Mr. GOLDSTEIN. Yes, sir. We have completed a report that we expect to issue shortly to you, sir, that should be available within a matter of weeks now.

Mr. THOMPSON. Okay. I look forward—

Mr. GOLDSTEIN. It evaluates the entire process and problems of how RAMP was developed and what happened to the program.

Mr. THOMPSON. General, I am—you know, you have been there 9 months, and—you know, but for better or worse you are there. Did anybody lose their job over the RAMP contract?

Mr. PATTERSON. Well, we have moved—I have moved people within my—within the Federal Protective Service who were managing RAMP. They didn't lose their job but they have been moved.

But I will tell you, sir, one of the things that we have done in order to move this program forward is to create a great partnership with Infrastructure Protection and looking at how they conduct their assessments within the private sector within the critical infrastructure protection sector. I will tell you, I am very confident that as we look forward and move forward with them and how they are looking at how they do it I think—I am really excited about the way forward and the challenges with RAMP.

Mr. THOMPSON. Well, did the contractor who failed to perform lose the contract?

Mr. PATTERSON. The contract was descoped and when we move on he will have lost the contract because the contract was for—was to go run for 10 years.

Mr. THOMPSON. So descoped means what?

Mr. PATTERSON. Descoped means there is no more development by this contractor.

Mr. THOMPSON. Are they still doing work for FPS?

Mr. PATTERSON. The only work that they are doing is maintaining the databases that we asked them to create.

Mr. THOMPSON. So that is the only work they are doing?

Mr. PATTERSON. Yes, sir.

Mr. THOMPSON. Yield back.

Mr. LUNGREN. The gentleman yields back.

Happy to recognize Mr. Long, the gentleman from Missouri, for 5 minutes.

Mr. LONG. Thank you, Mr. Chairman.

Mr. Patterson, when you took this job back in—what was it, September 2010?

Mr. PATTERSON. Yes, sir.

Mr. LONG. Before you took the job did anybody tell you that you were going to be in charge of securing 9,000 Federal facilities and caring for 1.4 million people?

Mr. PATTERSON. They didn't tell me, sir, but I did find—I did some—

Mr. LONG. Found out after the fact?

Mr. PATTERSON. I did some research, yes, sir.

Mr. LONG. Because I am going to question why you took the job if that is—do you think that it could possibly be too big a task for one organization to be trying to ride herd on 9,000 facilities and 1.4 million people concerned about their security. Is there a chance that we need to look at a different model than what we have today?

Mr. PATTERSON. No, sir. I think we can do it. I just think that we just need to begin to look at a focused approach and begin to better develop the tools in our toolbox to make this happen.

But I believe that we can do that. I don't think that there would be any benefit into breaking this up. I think that the focus of a single organization or single agency over this can do it and can do it effectively.

Mr. LONG. What percentage of hired guards or whatever, like the one where the package got through back in February of this year, what percentage are not Federal employees, and are any Federal employees that are guarding that?

Mr. PATTERSON. No, sir. We don't have—none of our PSOs, none of the folks who are standing post are Federal employees. They are all contract employees—contractors.

Mr. LONG. On this RAMP issue, I heard Mr. Thompson in his opening remarks say it was virtually a worthless program and then I was very surprised to hear you and Mr. Goldstein both talk about it like it was an integral part of what you are doing and we are going to go forward with it. What was it designed to do that it doesn't do?

Mr. PATTERSON. Well, sir, RAMP was supposed to do a couple of things. It was supposed to help us do post tracking. That means I need to know every day that if I have 9,000 posts that need to be manned I need to know that there are guards—PSOs—on each one of those posts, okay, and that is—

Mr. LONG. That would be handy.

Mr. PATTERSON. Yes. Yes. Absolutely. So it is supposed to help us do that.

It is also supposed to help us do facility assessments. Each one of these facilities must be assessed for vulnerabilities so that we can provide the tenants knowledge of what the vulnerabilities are or what the threats are to those facilities. So RAMP was supposed to help us do that.

Mr. LONG. It is not?

Mr. PATTERSON. Not at this time.

Mr. LONG. You can't go to RAMP and find out if all 9,000 posts are being manned, then?

Mr. PATTERSON. No, sir. I can't.

Additionally, provide guard certification. We wanted one place that we could go to ensure that at any given time that each one of our PSOs was certified—that means trained to stand post. Before a guard is allowed to stand post he must be—he or she must be trained and then we give them the authority to go ahead and stand that post.

So, but RAMP was supposed to help us do that and—

Mr. LONG. We are not doing that either?

Mr. PATTERSON. No, sir.

Mr. LONG. Okay. Might have been easier to ask what does work about it than what doesn't, but continue.

Mr. PATTERSON. That is it, sir.

Mr. LONG. Okay. That was the two things that is was supposed to do?

Mr. PATTERSON. No, three things. The post tracking, and the assessments, and the certifications.

It helps us to compile all of that information and better understand where we may need to make changes and better understand the threat. So it is a risk management tool for us.

Mr. LONG. Forty-one million dollars and it doesn't seem like it is that complicated of an issue to cover those three things. Aren't you—I mean, I know, as Mr. Thompson said, you inherited it, but I guess I would be curious, the ones that have been reassigned, were they promoted?

Mr. PATTERSON. No, sir, they weren't. But I will tell you, as I stated before, that I believe that we are moving in a very positive direction with RAMP. I have worked with and had time with the I.P. brethren and understand how they do it, and they have some very robust programs that do very much what we want to do and I think we can leverage that and leverage that capability and leverage that technology that they have already had existing to make RAMP move forward or to help RAMP to move forward.

Mr. LONG. Okay. Thank you for being here and your testimony today.

You too, Mr. Goldstein. I think I am running out of time to ask you my questions but I yield back.

Mr. LUNGREN. Gentleman yields back, and Mr. Richmond, from Louisiana, is recognized for 5 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman, for conducting and having this hearing, and thank you to the Ranking Member.

Mr. Goldstein, Mr. Patterson, thank you for coming.

I just have some very basic questions. Looking at the incident, I believe, in Detroit, it appears that the company fired the employee who brought the package inside and put it in lost and found, correct?

Mr. PATTERSON. Yes, sir.

Mr. RICHMOND. So if we follow their logic of zero tolerance, and dismissing that employee for their failure, why wouldn't we fire the firm who hired the employee and show the same zero tolerance for protecting our Federal employees and our citizens that take the time to come visit Federal buildings and need services?

Mr. PATTERSON. Yes, sir. I had asked our contracting office what was in the realm of the possible relative to whether or not we could dismiss this company and their review suggested that this wasn't just about a single incident. Formally and legally they had to take a look at the entire performance of the contractor.

That review is still being done, so—and a—what we call a contract performance appraisal review is yet to be written. It will be written, I think, within the next 60 days. So I guess that it is still possible that it could happen but it was not something that could take place immediately.

Mr. RICHMOND. I would just say, not looking at the contract but being a lawyer, that there's probably a for cause provision in there and we don't have to argue about it, but I would just imagine that it—had that bomb gone off that it would have been good cause to do it and we should look at it as if it did because it had the potential to do that. We will move on, and thank you for that answer, but I think we ought to show the same zero tolerance.

The second thing is, as we talk about the private companies that do the security—and I will just tell you, as someone from an urban

city, that people without the ability to arrest don't get the same respect as police officers and other people, I mean—and I don't say this to perpetuate the stereotype, but at home they are called either rent-a-cops or flashlight cops, and to the extent that that is the perception of what is guarding our Federal buildings, that is a concern for me when you talk about their training and their ability to arrest.

Do you all—and I would ask the GAO also—do you all get that feedback in terms of from the private companies that patrol and stand post at the buildings?

Mr. PATTERSON. I haven't really gotten that feedback, sir, but I will tell you that presentation—the presentation of our PSOs is important. How they present themselves, their training, and all of that is very important. Just to be clear, our PSOs are allowed to detain, so if there is a problem they can detain an individual and then they immediately call one of our inspectors who can come in and arrest if that is necessary.

Mr. GOLDSTEIN. Congressman, our experience is that the PSOs and their companies do try very hard to maintain a professional appearance. One concern I do have, as you indicate, without the authority to, you know, to arrest, even the detention authority, often we have found in our experience, is not utilized. Our previous work has shown that in a number of instances security guards have actually stepped back from taking any action whatsoever because either tacitly or otherwise their firms have told them not to do anything that would get them in any legal action, and we have documented this in our reports in the past.

The other issue I would briefly mention that you raised regarding the performance evaluations of a contractor that General Patterson referred to, our previous work has shown that many of the contract files that FPS maintains on its contractors do not have adequate information of files on which to judge the evaluation, and so it may be difficult for Mr. Patterson potentially to take action in the sense that it is depending on what is found in that file.

Mr. RICHMOND. Thank you.

The last question—and I have very little time left—but, Mr. Patterson, I noted here, and I don't know if I wrote it down correct, that they have to be trained before they stand post but we don't have a system to know whether the person who is standing post has been trained or not. Did I hear that correctly?

Mr. PATTERSON. No, yes. One of the things that we were trying to—attempting to do was to push all of that documentation to a central point. As of 1 July we no longer do that. We push all that documentation now to the regions, so the regions now who are geographically aligned with the contractors now know whether or not the folks who are standing post—in real time—whether, if they are trained or not.

Mr. RICHMOND. Okay. I see I am out of time, but I would just add that, you know, if we had that zero tolerance with the contractors that if they put someone standing post who is not certified that we would terminate contracts. I think that may send a message that that is something you ought not do.

But thank you, Mr. Patterson. I have all the confidence in the world that you will right the ship that you inherited, and I look forward to working with you in the future.

Mr. LUNGREN. Gentleman yields back his time.

Mr. Marino is recognized for 5 minutes.

Mr. MARINO. Thank you, Chairman. I apologize, I got called out on an emergency, and I do not like to ask questions without hearing what my colleagues have asked. I am going to ask a general question and leave it at that and just ask both gentlemen to respond to it if it hasn't already been asked.

In addition to needing more money what can we do in Congress to facilitate you to improve your—to help improve your ability to protect us?

Mr. PATTERSON. Sir, for me, very simply, your continued interest and wanting to help is what—is really what helps me. The idea that I am sitting here and—before this august committee and you asking me is help in itself. So we will do our best to try to get you the information through our Department and in other venues to allow you to better understand how the Federal Protective Service can use your help.

Mr. GOLDSTEIN. I would say strong oversight, Congressman. I think continued vigilance by this and other committees is critical to ensuring that the FPS can have both the resources and the impetus within the Department of Homeland Security to achieve its mission effectively, because as many of you have stated previously, this is not an agency that has always received the attention it needs. It is an agency that, I think Ms. Clarke said, is a stepchild at times and does require, I think, support to ensure that this critical mission is achieved.

Mr. MARINO. Thank you, gentlemen.

I yield back my time.

Mr. LUNGREN. Gentleman yields back.

Now the Chairman would recognize Mr. Keating, from Massachusetts, for 5 minutes.

Mr. KEATING. Thank you, Mr. Chairman and Ranking Member.

Question, maybe a comment. First question is to what extent, and are you satisfied to this extent, that your agency is internally trying to send people out to see if security can be breached? Are you testing yourself internally by sending people out to check the security of these facilities and are you satisfied that that is done enough if it is the case?

Mr. PATTERSON. Yes, sir. We employ a covert testing program as well.

Mr. KEATING. Now, looking at the GAO report one of the things that troubles me—and I do not have an answer; it is more in nature of a comment, but it has to be resolved—is this, because actually my father was head of security for a Fortune 500 company that had defense contracts and one of the things I knew was they had to be in cooperation and understanding with local police. There are no letters of understanding, you know, as indicated.

If you don't have the ability to be able to deal with the local police in those cities and towns that are there—or counties, whoever is jurisdictionally in charge—and you don't have that understanding in place you have inherently got a terrible breach of secu-

rity just there in trying to react to a crisis because if that is not in place and it is not seamless then there is going to be a problem even if people act, you know, according to their training.

Mr. PATTERSON. Congressman, to this point we have never had an instance where we had not had great cooperation of the State and local forces—police—any time that we needed them. One of the proactive things that our inspectors do are continuing to develop those relationships with State and locals and collaborate on various levels. We are active participants in the fusion centers along—which are Homeland Security-sponsored but belong to the State and local authorities, and we participate in those.

So to date we really haven't found the need to create written documents, or documentation, or requirements, or MOUs, or agreements at this point because any time we call the State or local, I mean, they respond, and so we haven't had a problem to this point.

Mr. KEATING. I yield back my time. Thank you.

Mr. LUNGREN. Gentleman yields back.

The gentlelady from California, Ms. Richardson, is recognized for 5 minutes.

Ms. RICHARDSON. Yes. Thank you, Mr. Chairman, for holding this hearing today.

First of all, my first question is, in the next panel we are going to hear from a security organization, and one of the things that they point out is that although "FPS is being more proactive and positive with contractors, such as the establishment of regional industry days and quarterly meetings with individual contractors and a greater willingness to address the legal liability issues, there is so much more that can be done to improve the relationship. Only recently has FPS sought out the experience, expertise, and views of its partners on the small amount of substantive contract guard program initiatives," and it goes on.

Have you had an opportunity to read the testimony of the folks coming after you?

Mr. PATTERSON. I have not. No, ma'am.

Ms. RICHARDSON. Okay. What do you think about that, in terms of the concerns of engaging your stakeholders through this process?

Mr. PATTERSON. I am continually, and my seniors are continually, engaging our stakeholders very proactively.

Ms. RICHARDSON. In the testimony they say that there has been an improvement since you have been on-board but it is not sufficient.

Mr. PATTERSON. I will have to go back and study that, ma'am.

Ms. RICHARDSON. Do you have those stakeholder groups that you work with that is a part of any of the new changes and you had an opportunity to go back and forth on a regular basis?

Mr. PATTERSON. Nothing on a regular basis, ma'am. One of the initiatives that I have is that as I get out to my regions I am out visiting all of the stakeholder seniors, at least, in our region areas, and we are starting to develop—as I am building my leadership team, we are beginning to assess how we might do that outreach on a continuing basis. But no, I don't have a—today I don't have a proactive methodology for doing that.

Ms. RICHARDSON. Okay. Well, I might suggest that you consider taking them up on their offer and engaging them.

My next question is: How does FPS measure the performance of its private security contractors, and if so, how frequently are the performance evaluations conducted?

Mr. PATTERSON. Well, clearly every year we create something that is called a CPAR, and that is the contractor performance appraisal review. We have CTRs, contracting technical representatives, who are responsible for providing information and feedback to the contracting office as those CPARs are provided. So every year we do an evaluation on the performance of each one of the contractors.

Ms. RICHARDSON. My next question, building upon that: In the February incident in Detroit, which also Mr. Richmond discussed as well, the company providing security for the building received a small monetary fine and was required to provide additional training. Is this your typical response for a review?

Mr. PATTERSON. No. Actually, one individual was fired. Actually, there were four individuals who were removed from that contract; 14 were suspended; and three received written warnings.

We did go up immediately—once we identified that there was a problem we immediately sent a team up to evaluate all of the—the contractor's performance at that location as well as provide training. So I think we—

Ms. RICHARDSON. Had you evaluated that facility prior to the incident?

Mr. PATTERSON. Yes. When we conduct Op Shield we evaluate the facility and the inspector who found the device was evaluating that facility—was evaluating the facility that day.

Ms. RICHARDSON. So just that day they were beginning to do their annual evaluation?

Mr. PATTERSON. No, ma'am. I don't know exactly how often that facility was visited, but it is visited on a routine basis but I can't tell you exactly how often it is.

Ms. RICHARDSON. So my question goes back to my first question: If you are evaluating the facilities on an annual basis, and if you are saying this facility was evaluated, what does that say in terms of the evaluation that is being done?

Mr. PATTERSON. I am not sure I understand your question.

Ms. RICHARDSON. The question is, you are saying that this facility was evaluated, right?

Mr. PATTERSON. I am saying that our inspectors have visited that facility.

Ms. RICHARDSON. Had they performed an evaluation?

Mr. PATTERSON. I don't know when the last evaluation for that facility was done.

Ms. RICHARDSON. Could you supply to the committee, for the records of the incidents that have been noted in this committee—

Mr. PATTERSON. I can.

Ms. RICHARDSON [continuing]. What process you did prior to the incident and then thereafter?

Mr. PATTERSON. Yes, ma'am. We can.

Ms. RICHARDSON. Okay.

Mr. Chairman, would you indulge me to ask one more question, please?

Thank you, sir.

In 2003 there were 10 major cities where FPS had a 24-hour law enforcement coverage. There are now only two. Which two cities have the 24-hour coverage and what factors went into dropping the other eight cities from 24-hour coverage?

Mr. PATTERSON. I will have to get back to you on that one as well, ma'am. I don't know.

Ms. RICHARDSON. Thank you.

I yield back.

Mr. LUNGREN. The gentlelady yields back.

Under unanimous consent Ms. Jackson Lee was given permission to sit on the subcommittee, although she is a Member of the full committee, not this subcommittee. So if she has any questions at this time she will be recognized for 5 minutes. If not, I would excuse the panel.

Ms. JACKSON LEE. Mr. Chairman, thank you for your kindness and I will—I do have some questions.

First of all, let me thank the witnesses. I just have a little anecdotal story that is taking up my time is that we were meeting with the Transatlantic Dialogue of European Union member countries and—this morning—and the key topic—I will exaggerate and say standing room only—was on cybersecurity. So I believe this is truly important.

I would like to just ask both Mr. Patterson, as my—as I am ably getting some other issues—and Mr. Goldstein—and I missed your testimony so I apologize, but what is the level of how serious—how devastating is the potential hacking in Government entities? I know that the United States military a year ago had severe hacking and loss of data. I also know a couple of years ago someone in the Veterans Affairs Department lost or misused data, or lost a laptop, and that we didn't really connect what was happening then.

So how much in jeopardy are our Federal assets with respect to hacking?

Mr. PATTERSON. Ma'am, I can't address that specifically, but I can tell you that as part of our assessment process going forward what we are looking at is not only the vulnerabilities from threat from terrorists, or criminal threat, or environmental threat, but also the threat through the cyber system. That is one of the things we historically, from the Federal Protective Service, we have not looked at, but since our alignment with NPPD and because we are closely aligned not only with infrastructure protection but also with cybersecurity that is one of the things that we have chosen to put on our plate to begin to understand and assess not only what are the threats from the physical aspect but also from the cyber aspect.

Ms. JACKSON LEE. I understand that we have asked on a number of occasions what is your relationship with NPPD as it goes—undergoes its reorganization; we have not got an answer. Are you an equal among equals, or how are you relating and able to solve problems working with NPPD on this very important question?

Mr. PATTERSON. From my perspective, ma'am, we are an equal among equals. I have an incredible relationship with the under secretary, and I have a great relationship with all of our—with the other subcomponents of NPPD. In fact, that is what is helping us to move aggressively forward—

Ms. JACKSON LEE. So what specifically are you doing with this partnership?

Mr. PATTERSON. Well, again, for RAMP, when the problems—when I understood we were having problems with RAMP, when I identified the problems we were having with RAMP, I sat down with our infrastructure protection folks to figure out—to better understand what do they do to protect the infrastructure, not in the Federal sector but in other sectors that they are responsible for. As they shared that with me we began to collaborate and better understand how we could merge systems and bring systems together—

Ms. JACKSON LEE. Is that—

Mr. PATTERSON. Yes, ma'am?

Ms. JACKSON LEE. Can you share that with Congress so that we have a better understanding how our assets are being protected?

Mr. PATTERSON. Yes. We are doing that right now. This is what we are—

Ms. JACKSON LEE. Well, I know you can't get it all in. Is there some report or some assessment that I may have missed?

Mr. PATTERSON. No, ma'am. What we are doing right now is RAMP—is we are moving from one contractor to another. We are looking at an interagency agreement with Energy that would allow us to leverage a contract that is currently in use by infrastructure protection.

Ms. JACKSON LEE. Let me thank you. Let me go to Mr. Goldstein quickly.

How serious is our problem? Is this a good answer to the protections that we need?

Mr. GOLDSTEIN. I think that RAMP can be a useful tool if it is developed correctly. Now, whether or not you need all of those in one program, that is a policy decision that FPS has made.

You certainly do need to have a strong program to ensure that people are trained and certified. We don't have any assurance that that is occurring today.

We need to have a building security assessment program that is robust. There are significant weaknesses in it today.

We don't have an understanding of, on any given day, whether our contract workforce is showing up, and where they are posted, and what is going on with them in a way that can be evaluated against risks that might exist.

So those are all important components. The agency is understanding that these are not working today and it is trying to put in place a new program that might help them get there. Whether or not they can achieve that, you know, I think remains to be seen—

Ms. JACKSON LEE. Training is important on these contractors?

Mr. GOLDSTEIN. Training is critical, ma'am. In one Operation Shield that I went to late last year where the agency's inspectors were able to get weapons through the magnetometers and the X-ray machines undetected, of the 11 people standing post only two had had training.

Ms. JACKSON LEE. Let me thank the Chairman on allowing me a broad range of questioning, and I thank the Ranking Member for her courtesies as well.

Mr. LUNGREN. I thank the gentlelady. Her time is expired.

We have had our round of questions for these witnesses. We thank you for your presentation and we would excuse you now.

I would ask that our second panel come forward, that is Mr. Wright and Mr. Amitay.

All right. We thank our two members of the second panel for taking the time to be with us.

Steve Amitay is the president of Amitay Consulting, a lobbying and consulting firm in Washington, DC. Since 2006 he has served as Federal legislative counsel for the National Association of Security Companies, NASCO, the Nation's largest contract security association.

For the past 12 years he has represented ASIS International, the world's largest association of security professionals, and was involved in the Congressional passage of the Private Security Officers Employment Authorization Act. Mr. Amitay previously served as a professional staff member on the then-Senate Governmental Affairs Committee's Subcommittee on Government Efficiency, Federalism, and the District of Columbia.

Mr. David Wright started with the Federal Protective Service in July 1986. He was promoted to inspector in the year 2000, and in January 2006 he formed a local—chartered by the American Federation of Government Employees in April 2006. He has held the position of president since that time. Mr. Wright is a U.S. Navy veteran.

Mr. Wright has a report to be included with his testimony that was distributed in advance and so I ask unanimous consent to include his report in the hearing record. Hearing no objection, it is so ordered.*

Gentlemen, your testimony—your written testimony—will be made a part of the record in full, and we would ask that you would attempt to summarize your remarks within 5 minutes.

Mr. Amitay, I would now recognize you to testify.

**STATEMENT OF STEPHEN AMITAY, LEGISLATIVE COUNSEL,
NATIONAL ASSOCIATION OF SECURITY COMPANIES**

Mr. AMITAY. Chairman Lungren and Ranking Member Clarke—

Mr. LUNGREN. You need the mic.

Mr. AMITAY [continuing]. And distinguished Members of the subcommittee, my name is Stephen Amitay and I am Federal legislative counsel to NASCO, the National Association of Security Companies. Nearly 2 million people are employed in private security domestically and approximately 75 percent of private security officers work for contract security companies. NASCO is the Nation's largest contract security trade association, and as the leading representative of the industry NASCO works with legislators and officials at every level of government on issues that affect contract security companies and their officers.

At the Federal level, as you mentioned, NASCO was the driving force behind the 2004 passage of the Private Security Officer Employment Authorization Act, which provided employers of private

*The information has been retained in committee files.

security officers Federal authorization to request criminal background checks on their officers. Since then NASCO has been working to establish an effective State and National process to conduct these checks.

Of more relevance to today's hearing, over the past several years NASCO has worked with Congress, the Federal Protective Service, and the Government Accountability Office on issues of legislation related to FPS and the FPS contract guard program. We remain ready, willing, and able to provide further such assistance and consultation with all these entities.

There is no doubt that FPS faces some serious challenges in its mission to secure Federal facilities, and over the past several years the GAO has uncovered deficiencies within the FPS contract guard program. While there have been problems with individual contractors and incidents of poor performance by security officers GAO has never inferred that contract security officers are not capable of providing effective security, and those who believe officer performance will be improved by going down the extremely costly and cumbersome path of Federalization are mistaken. One only needs to look at the current performance and other problems of the Federalized TSA screener force to see that Federalization is not the prescription for better security.

What can improve the security provided by FPS and its contract security officers is better training, oversight, management, record-keeping, and contracting. In its review of FPS GAO has made numerous recommendations to FPS in this area. However, as Congresswoman Richardson inferred, the underlying foundation of any action taken by FPS to improve the contract guard program must be a strong working relationship between FPS and its contract security partners.

FPS is not the only Federal agency that contracts for security services. There are probably about 20,000 to 30,000 contract guards being utilized by other Federal agencies. But while these agencies routinely bring in security contractors to discuss possible changes and new requirements, put out draft RFPs, provide specific performance guidance when asked, and work closely with contractors on major initiatives, this has generally not been the case with FPS.

When it comes to topics such as training, deploying, and supervising security officers, security service contracting, and other topics related to the business of security services, often the security contractor who is working with FPS has vastly more knowledge and experience than FPS contracting officers and inspector. It goes without saying that FPS contractors, just like FPS, have a vested interest in the success of the agency in using contract security officers to secure Federal facilities.

It makes little sense for FPS not to be seeking greater cooperation and consultation with contractors on contract guard program issues. One wonders if—maybe, if contractors were consulting during the development of RAMP, which, as we have been told today, was being created to better track security officer certifications and post orders, if things may have turned out better. We look forward to working with FPS on the second generation of RAMP, if possible.

Overall, a major theme being emphasized now at FPS is standardization, and NASCO fully agrees that greater standardization

and consistency across all elements of the contract guard program will improve performance and cost efficiency.

Often FPS policies and actions are not—not only vary from region to region, but within region from building to building and contract to contract. This can lead to confusion, increased costs, and problems with performance. Greater standardization and consistency is needed in contracting, training, audit, data management, equipment, post orders, and in other issues.

Again, the success of FPS efforts to standardize and improve these elements of the contract guard program can be greatly enhanced if they are undertaken with meaningful input from contractors.

Related to standardization and what can also improve contractor and security officer performance is greater guidance from FPS on key issues, such as how to deal with possibly dangerous individuals, the amount of supervision required in a contract, building evacuation plans, and other issues. Greater cooperation from FPS is also needed in disciplinary actions against officers and with providing certification information about incumbent officers when a contract is up for bid.

Through greater standardization, providing better guidance, adopting successful contracting and management policies, and most of all, through a better working relationship with security contractors, FPS not only can increase the level of security provided at Federal buildings but also do so in a cost-efficient manner.

In closing, under the tenure of Director Patterson FPS has reached out to contractors in new and positive ways, which bode well for future relationship and cooperation between FPS and its contract partners. NASCO and the contract community stand ready, willing, and able to work with FPS and Congress to address the current challenges that are impeding better performance by security officers and contractors at FPS.

Thank you.

[The statement of Mr. Amitay follows:]

PREPARED STATEMENT OF STEPHEN AMITAY

JULY 13, 2011

BACKGROUND ON NASCO AND PRIVATE SECURITY

NASCO is the Nation's largest contract security trade association, whose member companies employ more than 300,000 security officers across the Nation who are servicing commercial and Governmental clients including the Federal Protective Service (FPS). Formed in 1972, NASCO strives to increase awareness and understanding among policy-makers, consumers, the media and the general public of the important role of private security in safeguarding persons and property. At the same time, NASCO has been the leading advocate for raising standards for the licensing of private security firms and the registration, screening, and training of security officers, and NASCO has worked with legislators and officials at every level of government to put in place higher standards for companies and officers. As the recognized source of information and views for the contract security industry, NASCO regularly holds seminars and other events for industry which provide a forum for information and interaction with Members of Congress, Congressional staff, Federal officials legal and policy experts on Governmental and other issues and activities affecting the private security industry.

At the Federal level, NASCO was the driving force behind the 2004 passage of the Private Security Officers Employment Authorization Act (PSOEAA), which authorized all employers of private security officers to request FBI criminal background checks on their officers, and NASCO is continuing to work to establish an

effective and comprehensive PSOEAA check process. Of more relevance to today's hearing, for the past several years, NASCO has worked closely with both the House and the Senate Homeland Security Committees, the Federal Protective Service (FPS), and the Government Accountability Office (GAO) on issues and legislation related to FPS and the FPS Contract Guard Program. NASCO testified at the two hearing last Congress on FPS that were held by the Full Committee.

Nearly 2 million people are employed in private security domestically compared to fewer than 700,000 public law enforcement personnel. Approximately 75 percent of private security personnel work for contract security companies, with the balance serving as proprietary or "in-house" security. The vast majority of contract security firms employ many former law enforcement and military personnel in management and as security officers. Private security officers are guarding Federal buildings, courthouses, military installations, critical infrastructure facilities, businesses, and public areas. Private security officers are often the "first" responder on the scene of a security or terrorism-related incident providing crucial support to public law enforcement. In addition, with increasing fiscal pressure on Governmental entities, private security is increasingly relied upon to fill the gaps resulting from law enforcement funding cutbacks.

At the Federal level, not including the military services, there are approximately 35,000 to 40,000 private security officers working for various Federal agencies with almost 15,000 at FPS.

CHALLENGES OF THE FEDERAL PROTECTIVE SERVICE

INTRODUCTION

There is no doubt that FPS faces some serious challenges in its mission to protect over 9,000 Federal facilities of which at over 2,300 facilities approximately 15,000 contract Protective Security Officers ("PSOs") are deployed. And over the past several years, the GAO has uncovered deficiencies within the FPS "Contract Guard Program." However, GAO has never inferred that contract security officers are incapable or unable to provide effective security, and GAO has made repeated recommendations to FPS of steps it should take related to training, oversight, management, contracting, and recordkeeping that will improve the operation of the Contract Guard Program and PSO performance.

NASCO believes that FPS, working with security contractors, can address the current challenges, laid out in this testimony, that are impeding better performance by PSOs and contractors. NASCO also stands ready to work with the Members of this subcommittee and others in Congress to improve the operation of FPS through authorization and reform legislation.

Under the tenure of Director Patterson, FPS has reached out to contractors in new and positive ways which bode well for the future relationship and cooperation between FPS and its contractor "partners." FPS security contractors have considerable expertise and working experience in matters related to contract officer training, deployment, tracking, communication, that can benefit FPS. One wonders if maybe contractors were consulted during the development of the RAMP program, which was touted as an easy to use interactive database that would track PSO records, things may have turned out better.

Overall, a major theme being emphasized now at FPS is standardization and NASCO fully agrees that greater standardization and consistency across all elements of the Contract Guard Program will be of great benefit to FPS and contractors. Often FPS policies and actions not only vary from region to region but within regions from building to building and contract to contract. In addition to working more closely with contractors, FPS could also benefit from adopting successful contracting and management policies and procedures that other Federal agencies use with their contract security contracts and contractors.

While there is much to criticize and question at FPS, it must be emphasized that the relative situation for contractors has improved dramatically over the past couple years and under Director Patterson the degree of communication between FPS and contractors is at a new level. Whether this better attitude translates into working relationships on various items—and currently no mechanism exists for new initiatives to be vetted through industry prior to implementation—remains to be seen, but the contracting community has reason to be optimistic.

FEDERALIZATION IS NOT THE ANSWER

While some have suggested that the solution to improving security officer performance is to "Federalize" the FPS contract security officers, such a "solution" lacks any substantive rationale or proof. In fact, one can look at the current performance

problems of the Federalized TSA screener force (and performance comparisons with non-Federalized airport screeners) and it abundantly clear that the “Federalization” is not the prescription for better screening performance. What is clear though about “Federalization” is that it would greatly increase the costs to FPS and the American people. In 2009, in response to a question at a Senate FPS hearing, then FPS Director Gary Shenkel estimated that on an annualized cost basis (thus not including retirement benefits) Federalizing FPS security officers would increase costs by about 35% or an extra \$400 million per year.

Additionally, in the private sector, constant competition from other contractors creates an incentive to perform well, employ best practices, eliminate waste, and seek to constantly improve. Such performance drivers are not present in the Federal sector and the Federal workplace is beset with additional employee performance and motivation issues. Finally, as the TSA Federal screener program has revealed, the same entity should not serve as the regulator, operator, and auditor of security services.

THE NEED FOR GREATER COOPERATION BETWEEN FPS AND CONTRACTORS AND BETTER FPS GUIDANCE

As noted above, while the relationship between FPS and contractors seems to be on the upswing, one problem that has plagued FPS for years is its treatment and lack of consultation with security contractors. FPS is not the only Federal agency that contracts for security services, but while other agencies routinely bring in security contractors to discuss possible changes and new requirements, put out draft RFPs for contractors to comment upon, provide specific guidance when asked, and work hand-in-hand with contractors on key issues, this has generally not been the case with FPS. When it comes to topics such as the training, deploying, and supervising of security officers at buildings, security service contracting, and other topics related to the “business” of security services, often the security contractors working with FPS have vastly more knowledge and experience than FPS contracting officers and inspectors. It also goes without saying that FPS contractors have a vested interest in the successful provision of security at Federal facilities by FPS and they want to see FPS operate as effectively as possible.

While there are signs that FPS is being more proactive and positive with contractors such as the establishment of Regional Industry Days and quarterly meetings with individual contractors, and a greater willingness to address “legal liability” issues, there is still much more that can be done to improve the relationship. Only recently, has the FPS sought out the experience, expertise and views of its “partners” on a small amount of substantive Contract Guard Program initiatives. In addition, in many key areas related to PSO performance and contracting, FPS has not adequately addressed contractor concerns and provided clear guidance. Not only can a better working relationship between FPS and contractors and better guidance provided to contractors lead to improved and more effective building security, but it could also save FPS money.

As mentioned above, FPS contractors were not consulted during the development of RAMP and were constantly told different things about the system. Now, after a year or so of operation, RAMP could prove to be a very costly mistake. Even when it was up and running, there were major problems, mostly relating to fact that contractor’s could not access the database.

While not as drastic, a similar misstep was brewing with the current FPS effort (“National Training Initiative”) to increase and improve the substance and delivery of PSO training. Currently PSO training totals about 128 hours of which 112 is provided by the contractor. No one will argue that PSO training needed to be updated, improved, and standardized, and some of the improvements that have been rolled out so far have been very positive. At the outset of the initiative several years ago, during a PSO “job task analysis” contractors (including NASCO) were consulted. However, for a long period of time not much about the NTI was revealed to contractors nor was there any consultation. Thus, it came as quite a shock to the contracting community last December when FPS shared with NASCO a proposal to replace the current 128 hours of training with an existing 337-hour FLETC training program for “Infrastructure Protection Officers.” Yes, such training would be standardized and likely to improve performance, but logistically it would be incredibly difficult to undertake and the costs would be astronomical. After receiving further input, FPS drilled further down on what training was needed for PSO “critical tasks” and determined such a program was not necessary.

Related to the lack of contractor input on the “National Training Initiative” is a similar lack of contractor input on a concurrent FPS effort to improve X-ray and Magnetometer training called the “National Weapons Detection Training Program”.

The Program would increase current FPS provided X-ray and Magnetometer training—a crucial piece of training—from 8 hours to 16 hours. FPS proposed the new training after the first 2009 GAO Report that found weaknesses in the performance of PSO's and FPS training. Last year, GAO reported that the 16 hours of training was supposed to be delivered to all PSO's by the end of 2010. At last check, the training program was still under review and revision at FPS HQ—almost 2 years after it was proposed. Again, contractors, who have extensive experience with X-ray/Magnetometer training, including their own programs that have been certified by other Governmental entities, have not been consulted by FPS on developing the new training nor approached on any type of beta testing of the new program in the field.

Also, guidance from FPS to contractors is lacking in many critical areas despite repeated attempts by contractors to obtain clearer guidance. One such area is guidance related to detaining individuals. There is a thin line between what constitutes detention and what constitutes an arrest, and a PSO and his employer could face legal liabilities in cases of “false arrest.” Contractors have told FPS that the current Security Guard Information Manual (SGIM) is vague and unclear in this area.¹ Making the situation more confusing, FPS officials in the field are giving PSO's detention instructions that differ from what is in the SGIM. Despite these obvious problems, FPS has yet to provide stronger and more consistent guidance in this area.

Related to a lack of guidance is a lack of cooperation with disciplining officers. Both FPS and contractors would benefit from greater coordination and mutual support with regard to the discipline and removal of contract security officers. Contractors fully understand that it is the contractor's responsibility to discipline employees. However, when discipline is based solely on the observations or information provided by FPS or other Government officials, it is critical that the contractor be able to present those observations or information in any subsequent labor or legal action. Currently, FPS is reluctant to permit its officials to testify in labor arbitrations, to provide videotapes, or even to allow the contractor to communicate directly with its tenant agency personnel. This can make it virtually impossible to defend a suspension or termination when the affected employee files a union grievance. FPS does not benefit when a terminated contract security officer wins reinstatement and back pay because the relevant information was withheld from the union arbitration.

Post Orders represent a vexing problem for PSO's and contractors. Post Orders can conflict with the desires of the actual building manager of the facility being protected. This can put the contractor and the PSO in a difficult position, and potentially may compromise facility security. More so, Post Orders are fairly nebulous and vague, and can be different for functionally identical posts, such as Social Security Administration offices. In addition, changes to Post Orders are often made verbally with no concurrent written update. Similar problems exist with Occupant Emergency Plans (OEPs) which often are not current, and in some facilities are non-existent. However, in such facilities, the PSO on post is still responsible for the safe and effective evacuation of facility occupants. Without an OEP, the security officer will have to rely on his own judgment, and his own knowledge of the facility, which may be incomplete. Every facility should have a current OEP for the guidance of the security officer on post.

In the Senate FPS Reform bill (S. 772) there is language related to requiring FPS to initially update and then regularly update the Security Guard Information Manual and post orders for each guard post overseen by the FPS. A requirement to update the SGIM, post orders, and also Occupant Emergency Plans should be considered for inclusion in possible House legislation.

Other areas in need of better guidance are Supervision and Relief and Dual Employment.

On a positive note, more recently, at a meeting in the National Capital Region (NCR), the largest FPS region by far, FPS actively reached out to contractors to involve them from the ground floor in a new effort to utilize the Homeland Security Information Network (HSIN) to provide alerts, bulletins, and critical information to contractors on a timely basis. Later HSIN could be used to conduct on-line training, track posts, and fill out incident reports. FPS officials at the meeting stated that they did not want to create another thing that “we think is great” but “users don't like” and FPS said they wanted to hear from their “partners” (the contractors). As such, a pilot program using HSIN is being set up in the NCR.

NASCO and the FPS contractor community remain ready, willing, and able to work with FPS to improve the current training and delivery methods, improve guid-

¹For instance, PSO's are sometimes required to pat down individuals and if something is found the individual is asked to remove it. However, in cases where the individual refuses, there is no guidance.

ance given to contractors and PSO's and assist FPS in any other way. Contractors have experience with various training regimes across the Federal Government, in the States, and the commercial sector. It makes sense that pilots or "beta testing" (like what is contemplated with HSIN) should be developed prior to National implementation of new programs and feedback opportunities should be built into new programs shortly after roll out. This will provide FPS with the ability to more quickly respond to changes that would allow these new initiatives to be more efficient and effective in the field.

The HSIN pilot program represents a very positive development in terms of co-operating with contractors and showing them the professional respect that a "partner" deserves. However, whether this represents a "sea change" in FPS' relationship with contractors remains to be seen and there are still a great deal of other important issues that need addressing.

TRAINING AND STANDARDIZATION

One area where there continues to be room for improvement at FPS is with the training of PSO's, including training substance, standardization, delivery, verification, and availability. First off though, FPS is to be commended for recent improvements/updates it has made to various PSO training, certification, and equipment requirements and its goal toward greater standardization of training. These include new physical agility test standards, increasing firearm qualification from once to twice a year, standardizing equipment, and other changes. Recently, these new standards in training helped contractors meet FEMA requirements to move PSO's across State lines during the recent spate of natural disasters.²

While FPS has made strides in improving training and standardization, there is still room for much more. Weapons training and standardization is a prime example. As for training, a lack of consistency in approach has caused some PSO's to be disqualified where they might not be somewhere else in the country.³ Contractors are comfortable with and can train to any standard. FPS range review officers should be provided with standardized instruction in how to assess the training. In addition, contractors would like to see greater standardization in the caliber of weapons. Currently, the weapon varies from region to region. While some areas still use a .38 caliber revolver, others use a 9mm or .40 S&W semiautomatics, and yet others are using a .357 SIG semiautomatic. Standardization of the weapon caliber across all regions would have several benefits: It will permit contractors to create and implement a Nation-wide training syllabus and training standard. This will allow contractor trainers to focus on a single standard and improve proficiency. Standardization across all regions will assist with disaster and surge response, allowing contractors to move security officers across regions more efficiently. The Government would realize some cost savings long-term because the same weapon can be used on all contracts, and no change in weapon platform changes would be required when contractors change. For similar reasons, FPS would benefit from standardizing the requirement for OC "pepper" spray. Currently, some contracts require OC spray while others do not.

Another area of training where improvement is needed, and was noted by GAO, is building-specific and scenario-specific training.

While FPS is to be applauded for the steps it is taking to improve and standardize training, there are still a number of training-related issues and inconsistencies that NASCO and FPS contractors stand ready to work with FPS and Congress to identify and address.

Perhaps though the greatest problem related to training is not so much substance but the lack of FPS time and resources for training delivery and oversight. As more and more is added to the responsibilities of FPS inspectors some functions have slipped to a lower priority. This includes such areas as weapons training oversight and Government-supplied training. These cause delays in deployment of new PSOs and contractors build higher levels of overtime into proposals to compensate for these delays, thus potentially costing the Government more than might be expected.

² With the standardized PSO training, FEMA is getting a consistent and expected level of PSO everywhere from CA to ND to AL. Although this is a positive development, it is still hindered by the requirement to have State and local licensure, even during emergency response situations. Given that there is a new, substantive training standard, the time might be right for FPS to approach local jurisdictions through MOU's (or Congress through legislation) that allows the temporary posting of PSOs for emergency response situations.

³ In a related example, recently some PSO's went to an FPS weapons qualification course dressed in Government approved fatigues, which have been accepted by FPS qualifiers in the past, but were not on that day, and so the PSO's were turned away.

In its July 2009 report on the Contract Guard Program the GAO noted that in some cases the FPS provided 8 hours of X-ray/Magnetometer training was simply not provided to contract security officers or in other cases it was inadequate and not uniform. While FPS' response was: (1) Not all PSO posts required X-ray/Mag training; and (2) FPS would increase X-ray/Mag training to 16 hours, as noted above, that 16-hour training course still has not been developed. More so, with staffing shortages and competing demands, it is unlikely the training will be delivered efficiently and soon enough. In many cases, the single qualified FPS Inspector also serves as the Area Commander and Contracting Officer's Technical Representative, so the X-ray/Mag training is at best a secondary duty, more likely a tertiary duty. Given the scrutiny that is being applied to the Mag and X-ray screening, and the vital importance of this screening to keep explosives and weapons out of Federal facilities, this is not a good situation.

As alluded to above, one solution to address the inability of FPS to produce on a timely basis effective X-Ray/Mag training is to consult with security contractors who have already developed such training on their own that is used for other clients and to test their PSO's.⁴ More so, a proven way that FPS can address its lack of training personnel is to follow the example of numerous State governments who "certify" private trainers to provide the required training (firearms, handcuff, baton, "pepper spray") that security officers need to obtain State licenses and certifications. Contract trainers could go through an FPS "train the trainer" program and receive certification to train and qualify PSO's on the current contractor provided training and the X-ray/Mag training.⁵ Such a "certified" trainer program would create more uniform and "trusted" training and contractor trainers are much more flexible in terms of scheduling than FPS trainers and less expensive. FPS inspectors could still audit and spot-check training but they could reduce the amount of training monitoring they have to perform and would be freed up to attend to more important duties. In the Senate FPS Reform Bill (S. 772) there is a requirement that by 2014 at least 25% of all training be monitored by FPS. This would not be necessary with a certified trainer program and also would be incredibly labor intensive and disruptive for the contractors. In fact, due to the current overburdening of FPS staff, FPS is not even able to meet the current 10% monitoring requirement, let alone meet an increased requirement.

BETTER OVERSIGHT, MANAGEMENT, AND CONTRACTING

In past reports, the GAO has called for better management and oversight of Contract Guard and Program contracts. Over the past several years, FPS has made moves to professionalize and standardize the contracting process and the contracting personnel with positive results. The ability of the industry to understand what is expected both in Contract Administration/Proposal Development and in Service Delivery/Officer Standards is much better, and it allows the Government to achieve a higher level of consistency/lower level of risk from building to building, from officer to officer.

However, improvement is still needed. Like other agencies, FPS should consult more with contractors on the procurement process and the upfront aspects of procurement; development of the scope of work, establishing evaluation criteria, setting realistic and detailed financial parameters to ensure realistic pricing submissions—must be at the core of the FPS Mission to improve quality. Doing so will have much more effect on quality than post award remediation and training.

Another issue is that FPS contracting personnel do not coordinate with FPS field personnel in creating solicitation standards and evaluating contractor proposals. Currently, solicitations are allowing contractors to propose supervision plans based on their best judgment of post requirements, while at the same time aiming toward a competitive low cost. The evaluation board accepts the proposal that it considers to be "best value," but it appears that the FPS field personnel are not on board with that process. As a result, when the contractor attempts to implement the supervision plan that was accepted as part of the winning bid, the FPS field personnel often object that it is inadequate. Both FPS and contractors would benefit from including a minimum supervision requirement in each solicitation that has been evaluated and reviewed by the Contracting Officer's Technical Representative and other

⁴In the past, an FPS contractor developed an X-ray/Mag training program that FPS stated would be a sufficient substitute for the 8-hour FPS provided course. However, FPS later rescinded that approval.

⁵Given that contractors supply the vast of amount training to PSO's why does FPS have to supply the X-ray/Mag training? PSO's who fail field X-ray/Mag tests obviously passed the FPS X-ray/Mag training or they would not have been deployed in the first place. The key is better training and better supervision in the field, not who administers the training.

FPS field personnel. This will allow a better understanding of contract requirements, and allow contractors to fully price the actual requirements on the front end, instead of fighting with FPS for reimbursement of increased costs after the contract is awarded.

A real sore point with contractors is the fact that FPS will not provide any of the certifications held by incumbent PSO's to the successor contractor, who by Executive Order, is required to offer all qualified PS's a position under the new contractor. Thus, when bidding a contract, a contractor has no idea if the current officers hold the proper certifications or meet the training requirements. Theoretically, a new contractor would have to consider pricing in full retraining and certification of incumbent officers since it can only guess how many incumbent officers fully meet the new contract requirements. It is not reasonable to expect the old contractor to turn over the records or for the PSO to have them. FPS has said it will work with contractors on transition issues, but a responsible bidder cannot rely upon such statements when formulating a proposal. A requirement for FPS to make available certification and qualification data could save money in the procurement process.

Finally, there are still concerns that some FPS contracting officials are looking more at "low cost" than "best value." While a "best value" evaluation is required, there is ample evidence that awards allegedly based on "best value" are more realistically based on lowest cost, and technical capability and past performance are not being valued as they should. The FPS is now placing more emphasis on past performance rather than the "low bid" approach but price is still a deciding factor (the three evaluation criteria are now past performance, technical approach, and price). NASCO supports the inclusion of higher performance related standards in contracts, as well as taking steps to ensure that the quality of a company's training, personnel, management, and operational procedures—which result in a higher bid—are adequately considered during the procurement process. Companies should not be essentially penalized for going beyond the minimum training and management standards required by the contract.

In terms of oversight, FPS is to be commended for its efforts at quality assurance through Operation Shield. Many contractors have similar internal Red Team exercises and see the value of this effort. One issue that FPS is working on is to get the results of Operation Shield exercises to the contractors more quickly. Currently, results may follow by a few days, making it difficult to determine who was posted on which equipment during the test and even harder to determine corrective action for individual officers.

FPS is also moving in the right direction with mid-year reviews and the administrative process associated with suitability determinations for new hires. FPS is coming close to meeting the standard for response times. By FPS facilitating the process efficiently, PSOs are getting out to the field and on post faster. This cuts down on the number of potential PSOs who find other jobs in the midst of the process due to the time lag between conditional job offers and actual posting. It also reduces the number of backgrounds performed since we put fewer potential candidates through the system.

In the area of audits, there is still a lot of inconsistency. One problem is that sometimes COTRS use contractors on audits who do not understand the contract.

DATA MANAGEMENT

Much has been reported on RAMP and a GAO Report is due out soon. While RAMP may turn out to be a failure, what still remains is the need to better manage and store contractor and PSO-related data. More so, FPS should be the central repository for all certification records. It is hard to understand why FPS does not maintain the documentation regarding all the PSO's qualifications. They are essentially "licensing" the PSOs but they don't have any evidence other than an "entry" in RAMP.

Another issue that has been a persistent problem is how the security of individual Federal buildings is managed. Building security is managed by what is referred to as a Facility Security Committee (FSC) made up of building tenant representatives, who more often than not do have any security background. The FSC is commonly chaired by a primary tenant agency of the building. Often, the FSC is more interested in "customer service" than building security. This forces the security contractor to answer to two masters when the FSC does not want to cause any hindrance to the access to the building through the now more stringent access control processes as advocated by the FPS. In the Senate bill, S. 772 there is language that requires basic security training to be provided to all members of an FSC, and outlines its responsibilities. Security companies should also be allowed to participate in Facility Security Committees. While this subject matter may not be under the

jurisdiction of the Homeland Security Committee, it is an important issue. Of note, the Interagency Security Committee will soon be coming out with a Standard for Facility Security Committees.

CONCLUSION

While I have outlined a host of issue and problems at FPS related to the Contract Guard Program, it is important to note that FPS has come a long way since its troubled time within ICE, and by partnering with quality private companies; the security of Federal buildings will improve. FPS' relationship with security contractors is definitely on the rise with greater communication between FPS and contractors and a willingness by FPS to work with contractors on Contract Guard Program issues. FPS is taking strides toward National standards that work, they are focusing more on training and contracting and it is getting more efficient. Clearly there is work to be done, but under the stewardship of Director Patterson, FPS is definitely going in the right direction.

NASCO and Federal security contractor stand ready to work FPS and this committee to improve the performance of FPS and the 15,000 contract Protective Security Officers deployed by FPS at Federal facilities.

Mr. LUNGREN. Thank you very much, Mr. Amitay.

The Chairman will now recognize Mr. Wright for his testimony.

STATEMENT OF DAVID L. WRIGHT, PRESIDENT, NATIONAL FEDERAL PROTECTIVE SERVICE UNION, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. WRIGHT. Chairman Lungren, Ranking Member Clarke, Members of the committee, my name is David Wright. I am president of AFGE Local 918, the NPPD Union, which represents the dedicated men and women of the Federal Protective Service. I have been an FPS law enforcement officer for the past 25 years.

In almost 10 years since 9/11 the FPS has faced many challenges. During the last 3 years the need for reform has been well documented in numerous reports by the GAO and nine hearings by committees of the House and Senate.

The Union has produced an analysis of these actions entitled "Federal Building Insecurity: A Chronicle of Government Inaction," which is included in the record. It is a summary of GAO reports, Congressional hearings, and terror incidents at Federal facilities which paints a stark picture of much oversight and little action. It depicts an agency criticized, underfunded, ill-managed, and still fundamentally unreformed.

Today I am here to communicate to you that the time for reports and hearings has passed. It is time for you to act now to prevent future attacks.

The Senate Homeland Security Government Affairs Committee has marked up a bill which is now awaiting action on the Senate floor. Ranking Member Thompson of this committee has introduced H.R. 176, the FPS Improvement and Accountability Act of 2011. We encourage this subcommittee and the full Homeland Security Committee to consider H.R. 176 and its own version of a comprehensive FPS reform act as soon as possible.

In the last 2 years an IRS office in Austin was attacked by a disgruntled taxpayer in an airplane. There have been attacks by gunmen at the Pentagon and at a courthouse in Las Vegas.

Bombs were left at a courthouse in Spokane and at a Federal building in Detroit. Individuals parked and attempted to detonate bomb—truck bombs at a courthouse in Springfield, Illinois, and office building with Federal tenants in Dallas.

Just last month there was a plot to attack a Federal building in Seattle with automatic weapons and grenades. Fortunately, the FBI thwarted the bombing in Seattle plots and arrested the perpetrators.

These plots and attacks clearly indicate there are imminent threats to Federal workplaces. Had any of the attacks been successful many lives would have been lost with tragic impact to both Federal employees and the public.

While everyone in our Nation hopes the successful streak by the FBI at thwarting these attacks will continue, we have to realize that hope is not a security countermeasure and we won't always be lucky. There are simply not enough trained Federal police officers patrolling our facilities that we protect to detect or break up terrorist planning cycle or to ensure the competent performance of over 13,000 contract security guards.

FPS transferred to DHS in 2003 with 1,450 positions; today we have about 1,225, a cut of 18 percent. Meanwhile, the total number of DHS employees has increased by 18 percent.

FPS stands alone in the DHS as the only law enforcement organization with less staff than it had at the Department's inception. Once again, FPS stands alone in the DHS as the only law enforcement organization with less staff than it had at the Department's inception.

Even with the fiscal year 2012 proposed increase in staff FPS will still have less than 90 percent of the FTE and capability it had before 9/11. Despite public law that FPS maintain now fewer than 935 full-time in-service field staff directly engaged in enforcement of laws at Federal buildings I have been told that the actual number is barely 800.

Apparently in the bureaucratic world of OMB FPS headquarters staff and GS-14 and GS-15 regional managers sitting at desks are considered boots-on-the-ground law enforcement. A simple reading of the statute indicates otherwise. This committee should immediately inform DHS and OMB to comply with that law.

Clearly, with a significant increase in plots and terrorist attacks affecting Federal facilities immediate legislation to give DHS and FPS the tools and staff necessary to successfully protect them is critical. These tools include: Sufficient FPS law enforcement manpower; law enforcement retirement coverage for FPS officers to allow for recruitment and retention of top-notch employees; tools to properly manage the contract security force; codification of the FPS mission, responsibilities, functions, and duties; and codification of the roles and responsibilities of the ISC with clear guidance that DHS is in charge.

Mr. Chairman, Federal employees and Federal buildings are at risk. Attacks, whether successful or thwarted, are real threats and have already cost lives. The sole Federal agency, FPS, charged with the critical mission of protecting thousands of Federal buildings and millions of people is faced with potential failures that if not immediately remedied by Congress will likely result in further loss of life.

Again, the time for reports and hearings has passed, and if we are to succeed in preventing the next attack immediate legislative action to reform the FPS is required now.

Thank you for the opportunity to testify, and I am available to answer questions.

[The statement of Mr. Wright follows:]

PREPARED STATEMENT OF DAVID L. WRIGHT

JULY 13, 2011

Chairman Lungren, Ranking Member Clarke and Members of the committee: My name is David Wright. I am President of AFGE Local 918, the NPPD Union, which represents the dedicated men and women of the Federal Protective Service. I have been an FPS Law Enforcement Officer for the past 25 years. In the almost 10 years since the September 11 attacks, the Federal Protective Service has faced many challenges. During the last 3 years the need for reform has been well documented in seven reports by the Government Accountability Office and the nine hearings by Committees of the House and Senate. The NPPD Union has produced a "Chronicle of Federal Inaction" which is a compendium of GAO Reports, Congressional hearings, and terror incidents at Federal facilities and paints a stark picture of much oversight and little action. It depicts an agency criticized, underfunded, and ill managed, but still fundamentally unreformed. The time for your action is now!

In the last 18 months under the guidance of Under Secretary Beers there has been progress, including the selection of a highly qualified career law enforcement professional as the FPS Director. Both Under Secretary Beers and Director Patterson have made significant progress to better protect Federal employees, facilities, and members of the public who obtain services from their Government, but in doing so, they have used almost every tool in their toolbox. Today I am here on behalf of the dedicated law enforcement officers of the FPS to communicate to you that the time for reports and hearings has passed and immediate action by the Congress is required to prevent future attacks. The Senate Homeland Security and Government Affairs Committee has marked up a bill which is now awaiting action on the Senate floor. We urge this subcommittee and the full Homeland Security Committee to consider and adopt a comprehensive Federal Protective Service Reform Act as soon as possible.

FEDERAL FACILITIES FACE INCREASED RISK OF ATTACK

Today our dedicated civil servants and the facilities where they work are clearly at heightened risk of attack. In the last 2 years, an IRS office in Austin was attacked by an airplane and there have been attacks by gunmen at the Pentagon and a Courthouse in Las Vegas. There were bombs left at a Courthouse in Spokane and a Federal Building in Detroit. Individuals parked and attempted to detonate truck bombs at a Courthouse in Springfield, Illinois; at an office building in Dallas where the Regional EPA Office is housed; and at a square in Portland, Oregon which is next to a U.S. Court of Appeals Courthouse. Just last month there was a plot to attack a Federal building in Seattle with automatic weapons and grenades. While a Military Entrance Processing Station was the focus of the plot, that building also houses a childcare center for Government employees and other Federal offices. These attackers were not deterred by armed contract guards, and their plan called for killing the guard as the first step in their attack plan.

Fortunately, the FBI monitored the truck bombing plots, ensured real explosives were not present and arrested the perpetrators at the scene. In the Seattle plot it appears the FBI drew an inside straight when local law enforcement was alerted by a convicted felon who had been recruited to participate in the attack. As a result of this information the FBI was able to thwart the attack.

These plots and attacks clearly indicate there are imminent threats to Federal workplaces. Had the FBI not detected the plans of the bombers in Springfield and Dallas, or been informed by a criminal of the plot in Seattle many lives could have been lost with tragic impact to both Federal employees and the public. None of these planned or actual attacks was deterred or detected by FPS, for there are simply not enough trained Federal Police Officers proactively patrolling the facilities we protect to detect or break up the terrorist planning cycle. While everyone in our Nation hopes our inordinately long lucky streak at detecting and interdicting planned attacks will continue, hope is not a method and we can't always be lucky. Immediate concrete legislative action by the Congress is required to give Under Secretary Beers and Director Patterson the additional tools they need to provide safe and secure workplaces for the over 1 million dedicated civil servants who work in the 9,000 FPS-secured facilities located in over 2,100 American communities.

DANGEROUSLY LOW STAFFING LEVELS

FPS is woefully short of the personnel necessary to properly protect Federal facilities, including those necessary to ensure the competent performance of the over 13,000 contract guards that assist with the facilities protection mission. There are simply not enough Inspectors and Police Officers in the field to reliably detect pre-operational surveillance or break up an attacker's planning sequence through proactive patrols. In fact Inspectors in many regions tell me they spend almost all their time on the security assessments, guard post inspections, completing reports and administrative requirements for contracting officer and coordination with facility security committees to explain and negotiate necessary security procedures. There is little time for patrol of facilities other than scheduled Operation Shields. Since 2003 there has been a significant decrease in the number of arrests made by FPS Officers, which is indicative of a much reduced proactive activity level due to reduced service hours and elimination of Police Officer positions. As an example of reduced service hours, in 2003 there were more than 10 major cities where FPS had 24-hour law enforcement coverage; now there are two. Those who want to attack Federal workplaces don't work bankers' hours and neither should FPS. Adequate staffing levels for extended service hours in the largest cities coupled with proactive patrol and frequent contact with tenants to determine unusual or suspicious circumstances are critical to preventing future attacks.

Following the 1995 bombing of the Murrah Building in Oklahoma City, FPS was authorized approximately 1,450 staff. After 9/11 there was no increase in authorized staff. In 2003 FPS transferred to DHS with approximately 1,450 positions, with over 92% were assigned to the regions. In 2007 most of Police Officer positions, which provided proactive patrol, surveillance detection/deterrence and contract guard monitoring were eliminated. Today, FPS staffing is slightly over 1,225 with only 80% assigned to the regions. For example, the number of acquisition and human capital staff who are on the FPS HQ payroll but do not report to the FPS Director, has more than doubled without anywhere near a 100% improvement in contract or personnel management.

Unfortunately, FPS stands alone in the DHS as the only organization with less staff than it had at the Department's inception. While FPS was cut 18%, the administration and Congress increased the total number of DHS employees by 18%, from 162,550 in September 2004 to 191,658 in March 2011. It is time to recognize that the protection of Federal workplaces is of equal importance to other DHS missions. Had FPS increased at the same 18% rate as the Department it would have 1,711 personnel and be much better equipped to properly mitigate the risk of attack.

The below table illustrates differences in average buildings per Officer, the decrease in service and decrease in arrests between 2003 and 2010. The decrease in arrests is attributed to the virtual elimination of proactive patrol and curtailed service hours—the offenses still happen but the perpetrator is not caught.

	2003	2010
Buildings per Inspector/Police Officer	7.7	11.0
GSA Managed Sq Ft per Officer	322,000	426,000
Cities with Night and Weekend Service	12	2
Arrests by Officers/Inspectors (Lack of patrol results in fewer arrests)	3,100	1,600

After the ill-advised and dangerous 2007 attempt by the embedded, intransigent, and unaccountable bureaucrats at OMB to cut FPS staff by 35% to a total strength of 950, Congress stepped in and established a minimum number of in-service field staff and a minimum total FPS personnel strength. As a result, Section 1628 of Public Law 112-10 mandates that, no later than September 30, 2011, the Federal Protective Service shall maintain not fewer than 1,250 full-time staff and 935 full-time Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff"). I have been informed by bargaining unit members in the regions that the actual number of Inspectors, Police Officers, Area Commanders, and Special Agents working in the field is barely 800. Apparently in the bizarre world of OMB and the DHS Headquarters bureaucrats, personnel assigned to the FPS Headquarters and GS-14 and -15 regional managers sitting at their desks can be considered in-service field staff directly engaged in enforcing laws, when even a simple reading of the statute indicates otherwise. Therefore, they have not provided the necessary funding to enable FPS to comply with the law and immediately hire an additional 135 Police Officers and Inspectors.

The President's 2012 budget requested an increase of 146 positions. According to the Congressional Justification submitted with the budget, 88 of the positions are for Inspectors to help to bring the regions that have the highest risk-based need in alignment with other regions of similar scope and more evenly distribute the workforce allocation. The FPS transition to NPPD required the remaining 56 positions to perform oversight and other support functions formerly provided by ICE as part of their appropriated base. These functions will now be accomplished by staff on the FPS payroll and paid through increased security charges to FPS protected facility tenants. Even with this increase in staff, at the end of 2012, FPS will still have less than 90% of the capability it had before 9/11.

The fiscal year 2012 FPS Congressional Budget Justification also states: "The projected Federal employee to contractor ratio of 1:10 does not provide sufficient capability to assure contractor performance, particularly the 13,000 contract PSOs located at over 9,000 buildings across the Nation. The fiscal year 2012 request will result in a Federal employee to contractor ratio of 1:9 which is the optimal ratio." While the FPS field staff will certainly welcome the long overdue and critically-needed staffing increase, a ratio of one Federal employee (including support staff, senior managers, and National Headquarters staff) to 9 contract guards is far from optimum. The below table illustrates historical ratios of FPS employees to contract guards. FPS was most successful at accomplishing its mission with a ratio in the range of three to five guards per FPS employee rather than the extremely high nine guards per FPS employee.

Fiscal Year	No. of Guards	Guards per FPS Employee
Fiscal year 2000	5,000	3
Fiscal year 2002	7,000	5
Fiscal year 2011	13,000	10
Fiscal year 2012	13,000	9

I understand FPS has conducted an analysis of its staffing requirements that was approved by the Secretary which indicates the required staff necessary to properly protect Federal employees and facilities against attack is approximately 2,300. This would provide a sufficient level of proactive patrol and monitoring of contract guard performance. At 2,300 employees FPS would have almost the same five guards per FPS employee ratio as existed prior to 9/11.

In fiscal year 2011 FPS is projected to have 1,225 personnel and approximately \$250 million to protect 9,000 facilities and over 1 million employees Nation-wide. Contrast this with the over 1,600 Capitol Police with \$292 million, to protect the Capitol and Congressional Offices in a 12-block area of Washington, DC; and the Secret Service has over 1,300 officers in its Uniformed Division, to protect its assigned facilities in Washington, DC. The Veterans Health Administration has over 2,500 Police Officers to protect their 154 medical centers Nation-wide. Congress had ensured our veterans hospitals are adequately protected, now it is time to provide at least the same protection to other Federal employees and facilities.

HIRING AND RETAINING TOP-NOTCH INSPECTORS AND POLICE OFFICERS

FPS stands alone within the DHS as the only law enforcement organization that has not been authorized law enforcement retirement coverage. Additionally, other agencies with comparable facility protection missions such as the Capitol Police, Secret Service Uniformed Division and Park Police have been granted that retirement coverage. Just as Congress recognized with CBP that the lack of this coverage affected their ability to recruit and retain high quality employees it should do the same with FPS. A CBO analysis of the coverage proposed in the Senate SECURE Facilities Act indicates no additional cost for the first 20 years—in fact the additional required retirement contributions by employees would actually reduce the deficit through increased revenue during that period.

DYSFUNCTIONAL FPS FUNDING STRUCTURE

FPS is funded through offsetting collections. The basic services provided to all protected facilities are provided through an assessment per square foot of space occupied by an agency much like a local property tax rather than a direct fee for service. Facility countermeasures, including contract guards, are funded by dividing the cost for those services by the square feet in the building to determine each tenant agency's share. This is then collected from the agency on a monthly basis. The fund-

ing sources and collection authorities should be included in an FPS Authorization Act rather than only on a year-to-year basis in annual Appropriations Acts. Of the \$1.2 billion FPS collects in security charges less than \$300 million goes to actual FPS operations. The remainder is collected and then passed directly through the FPS account to pay for contract guards and other security countermeasures. Relying only on increased basic fees, as OMB has done, ultimately reduces the basic security services agencies can afford and increases the risk of their employees and facilities to attack. It also complicates the agency budget process since by the time OMB approves any increase the agency budgets have been submitted. An appropriated base for future increases while maintaining the existing basic and building specific charges could resolve this and other issues. Other short-term alternatives include extending the basic security charge to DHS-owned facilities and all unoccupied GSA space in their owned and leased facilities.

CONTRACT GUARDS NOT ADEQUATELY MONITORED OR TRAINED

The GAO has clearly documented the risks inherent in depending on contract guards as a force multiplier without adequate Government inspection, performance monitoring, and training. Additionally since contract guards lack the authority to arrest, FPS must have sufficient staff to respond to guard reports of suspicious or unusual activity and take appropriate enforcement action. With additional staff, FPS would have significantly higher assurance guards are performing and are trained to the specifications of the contract, through robust inspection and monitoring protocols. Guard training has been noted as inadequate with potentially tragic results as evidenced by an incident in Detroit where a Detroit Police Department Sergeant moonlighting as a FPS Contract Guard unwittingly brought a bomb into a major Federal building. Contract guards should not have the sole responsibility for all dedicated facility patrol, access control, CCTV monitoring, and weapons detection at all facilities—to include complex buildings with established high and very high risks. Roving patrol and weapons detection positions at the highest-risk facilities should be performed by Federal Police Officers, just as they are at the White House, the Capitol, and Congressional Office Buildings, and the Pentagon. Insourcing these positions at select facilities to use FPS Police Officers would materially reduce the risk of successful attack using tactics similar to those used by the GAO. Additionally, these entry level Police Officers would have a natural career path, building on their experience as Federal officers, to the Federal Protective Officer and Inspector positions, creating an initial accession position within FPS. The use of contract guards can continue for monitoring functions, for agency-specific requirements, and at lower-risk facilities with guard requirements such as Social Security Offices.

FACILITY SECURITY COMMITTEES FAIL TO APPROVE NECESSARY SECURITY MEASURES

The GAO reported Facility Security Committees, which are not composed of security professionals, have responsibility for approving security countermeasures to reduce that facilities vulnerability to attack. Additionally, due to budget pressures, agencies had competing uses in addition to security, for their funds. As an example, at an unguarded courthouse in a western State, there were gunshots directed into a Congressional office window. FPS has proposed a nighttime guard for that facility each year since initial building planning in 2002, but it has never been implemented by the FSC. Action to place DHS in charge of this process, coupled with a means to collect the cost of countermeasures deemed mandatory by the ISC are necessary to ensure facilities are properly protected.

ROLE, MISSION, AND DUTIES OF THE FPS NOT CLEARLY ESTABLISHED IN STATUTE

The FPS should have the same clear statutory guidance as other law enforcement agencies. A FPS Authorization Act should include the mission, duties, and powers of the Director relative to training and the primary functions of investigation, law enforcement patrol, emergency plan assistance, security countermeasures, suitability adjudication of guards and building service contractors, contracting for guard service, awareness training for Federal employees and facility security assessments.

QUALIFICATION, TRAINING, AND PERFORMANCE STANDARDS FOR ARMED OR UNARMED CONTRACT GUARDS AT FEDERAL FACILITIES

There are no codified standards for the use of contract guards to protect Federal facilities. In addition to FPS, several agencies contract for their guard services and in many cases have less rigorous training and performance standards than FPS. The FPS should be required to establish minimum qualification, training, and per-

formance standards for the use of armed contract guards to protect Federal facilities subject to ISC standards. The ISC in conjunction with the FPS should establish companion standards for unarmed contract guards. Additionally, the FPS should be responsible for providing all armed guard services to non-court facilities subject to ISC standards. Establishing standard requirements and limiting which agencies can procure guard services will allow the Government to achieve economies of scale, reduction of other agency contracting/security staff, and would likely result in considerable cost savings.

ISC GUIDANCE MISINTERPRETED BY FACILITY SECURITY COMMITTEES

The Interagency Security Committee (ISC) recently promulgated new guidance on the establishment of Facility Security Level (FSL). The FSL determines what level of protection a building should have. Members of the GSA and other agency security staff have stated that if a facility is not going to implement required security standards for that level, the FSL level should be downgraded as a risk acceptance measure. This has the effect of hiding, not mitigating risk. DHS should be assigned a clearly defined management and oversight role for the ISC to ensure consistent implementation of its critical security guidance, rather than the “consensus basis” under which it currently operates. Facility Security Levels should be set by the professionals in the agency that provides law enforcement and security to the facility in accordance with ISC guidance.

DHS LACKS STATUTORY AUTHORITY TO ENFORCE SECURITY STANDARDS

When President Clinton issued Executive Order 12977 in 1995 establishing the ISC, he specified that the GSA Chair the Committee with Director (then Assistant Commissioner) of FPS as a full member of the ISC. He also made the Director of FPS responsible for monitoring Federal agency compliance with the policies and recommendations of the ISC. When the Bush administration revised the order upon the creation of DHS, the critical monitoring role was eliminated. The duties, roles, and responsibilities of the committee and the chair should be codified to promote efficiency and clarity in the provision of facility security across all agencies. The DHS Secretary should be given clear authority for oversight and control of the ISC.

AGENCIES SECURITY ORGANIZATIONS ATTEMPT TO PROVIDE SERVICES THAT FPS DELIVERS MORE EFFICIENTLY

Since 2001 the number of non-DOD security specialists and police officers has increased in the Government by over 3,200 positions. For example, CBP security staff has increased by over 200% CIS by over 135%; ICE by over 260% and FEMA by over 92%. Even GSA—whose security mission was transferred with FPS to DHS—increased its security staff by over 650%.

Many of these security positions appear to duplicate functions and services provided by FPS, and may represent inefficient agency empire building. Some agencies have even claimed that since they have security specialists they should not have to pay security charges. This is like a homeowner buying a shotgun and garden hose, then claiming he should be exempt from paying taxes for police and fire protection. Ad hoc security staff and procedures can create additional vulnerabilities and make coordination of Government-wide standards difficult. It was even reported that the DHS Office of Security attempted to create its own law enforcement agency to protect its GSA-owned space, rather than use FPS for the service. The “I will take care of my agency and everyone else be damned” attitude prevalent in some of these uncoordinated security staffs increase both the overall cost and the risk that we may fail to put the pieces together to prevent an attack. These separate organizations each build their own supervisory and overhead staff and in total cost more than placing the responsibility with a single agency. A single provider like FPS can achieve Nation-wide economies of scale that elude most non-DOD security staffs potentially resulting in substantial savings.

RECOMMENDED IMMEDIATE CONGRESSIONAL ACTIONS TO PREVENT ATTACKS

The critical tools necessary for successful protection of Federal workplaces include sufficient FPS law enforcement officers, measures to allow FPS to recruit and retain top-notch employees, tools to properly manage the contract security force until many of these positions can be in-sourced, codification of the FPS mission, and delineation of the responsibilities of the Interagency Security Committee and facility security committees.

1. Provide sufficient minimum FPS staffing levels to properly protect Federal facilities:

- The Congress should immediately notify the DHS Secretary and the Director of OMB that staff assigned to FPS HQ and GS-14 and -15 managers are not field staff; the current staffing situation is unacceptable; and inform them they must comply with the law which requires 935 in-service field staff before September 30, 2011.
- Until an FPS authorization bill that establishes the FPS missions and sets minimum staffing levels is enacted, restore the annual Appropriations Act rider setting minimum levels of in-service field staff. For fiscal year 2013 this level should be set to at least 1,450 total staff with a minimum of 1,325 in-service field staff to match the number of positions FPS came to DHS with. Restore full-time Police Officer positions responsible for proactive patrol coupled with extended service hours in New York City and other major cities.
- 2. Authorize FPS Officers Law Enforcement Retirement on the same basis as CBP Officers.
- 3. Establish standard minimum requirements for contract guards at all Federal facilities:
 - Assign FPS responsibility to establish minimum qualification, training, and performance standards.
 - Achieve economies of scale by mandating FPS as the source of armed guards at all facilities under ISC standards.
 - Modify procurement rules to ensure the most effective and efficient providers with proven track records of superior performance fill these critical requirements.
- 4. Clearly establish an FPS funding mechanism that results in sufficient security measures to prevent future attacks:
 - Consider an appropriated base for increased staff requirements.
 - Consider extending the basic security charge to DHS-owned facilities and all unoccupied GSA space within their owned and leased facilities.
- 5. Codify the roles and responsibilities of the ISC:
 - With the mandate of section 1315 of title 40 USC that the DHS protect all Federal facilities, the ISC should be codified as well.
 - FPS should be restored to its roles in the original directive.
 - Clear guidance should be provided that DHS is in charge of security standards for Federal facilities. Federal facility security standards are too important to be left to a consensus decision by ad hoc committee members.
- 6. Establish FPS as the primary law enforcement and security provider for facilities subject to ISC standards:
 - Achieve personnel and other cost savings using the FPS National economies of scale to provide facility security and law enforcement services.
 - Maintain current status for U.S. Marshals, Secret Service, and FBI.
- 7. Require critical security positions provided by contract guards be in-sourced:
 - Just as Congress and the White House use Federal Police Officers for dedicated patrol and weapons detection positions, all high-risk Federal facilities should use these highly qualified law enforcement personnel rather than depending entirely on contract guards to perform these functions.
 - Direct the Department to in-source these positions.
 - Implement the transition at the rate of 300 officers a year.

SUMMARY

The protection of Federal employees, facilities, and the members of the public who seek services from their Government has been an essential function of the Federal Government since 1790 when as a result of legislation, six night watchmen were hired to protect the buildings in Washington, DC intended for Government use. Congress again recognized this solemn obligation when it gave the mission of protecting Federal facilities to DHS. In placing this mission with the Department, Congress also recognized making one agency responsible gives us the best chance of connecting the dots before a future attack. Additionally, in these times of fiscal constraint, vesting this responsibility in one organization consumes fewer resources than every agency building their own security capabilities, a crucial consideration.

The dedicated men and women of FPS need your immediate help to enable our success and to protect Federal employees across the country. Clearly, with the significant increase in plots and terrorist incidents affecting Federal facilities, legislation to give DHS the necessary tools and staff is critical. Since 2003 Congress has found the resources to increase the DHS staff by 18% while FPS was cut by 18%. A downpayment of at least the same 18% staffing increase the rest of DHS received since 2003 would be a good start.

Mr. Chairman, Federal Buildings are a real and symbolic target of domestic and international terrorist and criminal attacks. The attacks—whether successful or thwarted, covered by the press or not—are real threats and have already cost peoples' lives. The sole Federal agency charged with the critical mission of protecting thousands of Federal buildings and millions of people from these terrorist and criminal attacks is faced with potential failure that if not immediately remedied by the Congress, will likely result in tragic loss of life.

If we are to succeed in preventing the next attack, immediate legislative action to reform the Federal Protective Service is required now!

Again, thank you for the opportunity to testify at this important hearing.

The document chronicling GAO Reports and Congressional hearings to reform FPS in recent years is attached.*

Mr. LUNGREN. Thank you very much, Mr. Wright.

We will now begin our questioning, and I yield myself 5 minutes for questions.

Let's see, Mr. Wright, as an FPS law enforcement officer did you undergo training in X-ray and magnetometer detection?

Mr. WRIGHT. Through the years since coming on board in 1986—let me back up. When I came on board in 1986 we had transitioned from FPS employees standing at X-ray machines to a mobile patrol force. I have relatively little X-ray and magnetometer training.

Through the years we get the training in an effort to help train the contract guards, and a lot of it is more familiarity.

Mr. LUNGREN. Do you think you get sufficient training such that you can do that job of helping the contract guards or to be able to observe their performance?

Mr. WRIGHT. At this time, no.

Mr. LUNGREN. Okay. You have the rank of inspector?

Mr. WRIGHT. Yes.

Mr. LUNGREN. As an inspector, can you tell me how often you would visit a facility to which you were assigned? Because that came up in the last panel about how often these inspections take place.

Mr. WRIGHT. Right. Actually, I have been out of the field for quite some time now. Going by facility security levels, a typical inspector should visit his—the security levels basically dictate the—

Mr. LUNGREN. Frequency of the—

Mr. WRIGHT [continuing]. Frequency that an inspector visits that property. So—

Mr. LUNGREN. So at least on that level there is some risk assessment going on. If it is a higher level you would visit more often.

Mr. WRIGHT. Right. On a daily basis—Federal buildings, Federal courthouses, regional headquarters, such as that.

Mr. LUNGREN. Okay.

Mr. Amitay, one criticism of the FPS is that there is a failure to share information, or at least it has been alleged that there has been a failure to share information with the contractors by FPS about training and certification information with previous contract guards when a contract is taken over by a new contractor. Is that true?

Mr. AMITAY. Yes. By Executive Order incumbent guards have to be kept on a contract if they are qualified. Yet, when the successor contractor, though, takes over that contract he doesn't know which

*The document has been retained in committee files.

of these guards have the proper certification or required level of training.

Mr. LUNGREN. You are not allowed to have that information, or——

Mr. AMITAY. It is not provided by FPS. I am pretty sure it is allowed, but FPS does not provide information on security officer certifications and training completions to other contractors when it comes to bidding for a facility on a new contract. This is something that the contractors have asked FPS for this information because then they could more accurately structure their bids and it would be more precise and be more cost-efficient.

Mr. LUNGREN. Now, let me talk about training, because that has been a big bugaboo around here. Everybody seems to believe that we don't have the data to find out whether there has been training.

There appears to be criticism of the supervisory level of ensuring that the training has been done. There seems to be some suggestion that training may be uneven across different contractors and different facilities.

How do you respond to that? What has your observation been? Some would say, well, if a contractor holds himself or herself out to be certified you would presume they would take with that the responsibility of training their people to the level adequate to perform the task for which they have contracted.

Mr. AMITAY. Yes. With training there are a lot of issues: Non-uniformity, lack of training. One issue that has been raised today is X-ray-mag training. When Mark Goldstein said that when they did—with Operation Shield and they went and they saw that IED components were able to get through the screening, but then only two of the 11 contractor security officers on post actually had the training. Well, X-ray-mag training is the responsibility of FPS to provide, and it is critical. So this critical training is FPS' responsibility.

Now, one solution that has been offered by contracting communities—and it is not a novel solution; it is something that States are doing already when it comes to training that is required for certain licensing, weapons qualifications, baton, handcuffs—is to train the trainer and have certified trainers out there. Private trainers who are then certified by FPS could then be a lot more flexible in terms of scheduling the training, they would be a lot more available to provide the training, and it would be less costly. We believe that is something that FPS should look at because training is an issue, and especially with the critical X-ray-mag training, which right now FPS is required to provide but really doesn't have the resources or personnel to provide.

Mr. LUNGREN. If there is one thing that seems to be in agreement across the board in a bipartisan way here and also with witnesses that we have had it is that we have a problem with training, that we better pay more attention. I don't care whether you call it RAMP, or un-RAMP, or what do you call it, it seems to me training is a crucial part of this thing that we need to exercise oversight on and ensure that that is being done.

My time is expired. The gentle lady——

Ms. CLARKE. Thank you very much, Mr. Chairman.

Mr. Amitay, in your testimony you began by stating that the National Association of Security Companies is the leading advocate for raising standards for the licensing of private security firms and the registration, screening, and training of security officers. You also state that the vast majority of contract security firms employ many former law enforcement and military personnel in management and as security officers.

So how do we—how do we explain the poor performance of contract guards hired by DECO who allowed the bag of explosive material to sit inside the McNamara Building in Detroit for 21 days?

Mr. AMITAY. I think you would have to take that up with DECO.

Ms. CLARKE. Are they part of your association?

Mr. AMITAY. No, they are not.

Ms. CLARKE. Okay.

Mr. AMITAY. I would note that that officer also is a former law enforcement officer who then obviously had additional law enforcement training and experience.

Ms. CLARKE. I got you. I just wanted to get a sense of the scope, and breadth, and depth of your association so that if your association were to identify member companies who were bad actors and that don't meet your standards in the industry are there any internal provisions within the association that sort of move those types of companies out of the way. Because clearly DECO, notwithstanding their personnel, was not up to the job.

Mr. AMITAY. Well, NASCO has said at previous hearings that if a contractor is not living up to the standards of the contract then we fully support FPS taking all necessary action—

Ms. CLARKE. Yes. Well, my question is, how does NASCO hold its members accountable for their poor performance?

Mr. AMITAY. NASCO is a trade association, and it is not to the point where it is a—it governs its members in any way.

Ms. CLARKE. Okay.

Mr. AMITAY. But the members of NASCO tend to be the larger, more national companies who have their own internal standards that are much higher than are required by law.

Ms. CLARKE. Yes. I got you. You know, you have an association and that association is associated with a certain quality. You have members in your association that don't meet that standard it kind of is a reflection on the association. That is the only point I was trying to raise.

Mr. AMITAY. Those type of members tend not to take on the added expense to join an association such as NASCO.

Ms. CLARKE. That is good to know.

Mr. Wright, several reports over the years have been raised with concerns about the fairness of basic security flat fee and does not take—a flat fee which does not take into account the degree of risk at specific buildings, the level of service provided, or the cost of providing the service. FPS workload studies have estimated that the agency spent about six times more hours protecting higher-risk buildings than lower-risk buildings but the fees for both were the same.

So my question to you is: What would you recommend to reasonably change the fee system to reflect those varying costs? I think

a lot of what has been discussed at least within this panel has to do with, essentially, how you fund it.

Mr. WRIGHT. Right. My initial recommendation would be let's go to an appropriations setup.

This fee funding mechanism is antiquated. I would really like to see the overhead that is put into processing these payments. So initially I would say I would like to move to direct appropriations.

But if we stay with fees we—for lack of a better word, we view it as—or we look at it as like a property tax. If a city has taxes on all their residents and there is a crime that is prevalent in one community, that community is going to get the focus of the services, whereas where crime is not so prevalent they are paying the same amount. I don't see a way to tailor those fees to the more risk-averse properties.

Ms. CLARKE. Okay. Then let me ask you, you recommend that the FPS Federalize guard positions at high-risk facilities—level three and level four buildings—and increase Federal oversight of contract guards at lower-security facilities—level one and level two buildings. How do you believe that this change would help FPS address its challenges with its contract security personnel?

Mr. WRIGHT. Federal police officers at these X-ray and magnetometer stations—let me go to what you have here in the Capitol. You have Federal police officers that have been through the academy—the Federal Law Enforcement Training Center in Glynco, Georgia, and they are vested in a Federal career. The training is monitored by the Government and updated regularly. So that is the importance of having Federal officers at these security checkpoints at higher-level facilities.

Ms. CLARKE. Well, thank you for your response, gentlemen, and I yield back the balance of my time.

Mr. LUNGREN. Gentlelady yields back.

Now I would recognize Mr. Long, for 5 minutes.

Mr. LONG. Thank you, Mr. Chairman.

Mr. Amitay, you—some people have argued that FPS should more closely resemble the Federalized security screening model that is employed by TSA, and in your testimony you argue that bringing FPS security in-house through the creation of a Federalized FPS security force is not a solution to the current challenges in the contract guard program. In your view, would Federalizing all or some of the contract guards in FPS-protected facilities improve security?

Mr. AMITAY. No.

Mr. LONG. Do you want to elaborate? No—I am just kidding.

Another question I have for you is on—in your testimony you say that FPS fails at consulting with contractors who often have superior knowledge and experience. What do you mean by that?

Mr. AMITAY. Well, for instance, these contractors—it is not like FPS is their only business, and it is not like security services are only contracted out by FPS. These contractors have a lot of experience with other Federal agencies in the commercial world in terms of supplying contract officers to guard and protect buildings. It is somewhat of a transportable job, and so they are able to—they have experience and knowledge about amount of supervision that is necessary, amount of training that is necessary.

Then also in terms of training—I mean, they have their own training programs that developed over years and years, and these are very—

Mr. LONG. Companies like DECO?

Mr. AMITAY. I don't know about DECO. I am talking about these—the large companies, the National companies who are members of NASCO. These companies that are—many of them are FPS contractors. They have their own X-ray-mag training programs. They have been certified by States to provide training.

There is a lot that they can provide in terms of their working experience and expertise to FPS, and they have to other agencies. But so far the level of receptiveness by FPS to work with contractors on common issues has not been very good at all. We are hoping it can get better because it can lead to better performance and more efficient and effective performance.

Mr. LONG. So the contractors such as the one in Detroit, where they let the bomb come in the building and sat in lost and found for 3 weeks or whatever it was, they have the expertise that FPS should be reaching out to to learn things?

Mr. AMITAY. Well, FPS can review each contractor's proposals and training programs individually. Who knows? The DECO program, they might say this isn't sufficient. But that is an individual incident and so it is really hard—

Mr. LONG. But it could have been very disastrous—

Mr. AMITAY. Oh, I agree. Also, the fact that it took 3 weeks for an FPS inspector to find that package also points out another problem. I mean, I would think a building like that would have inspections more regularly than once every 3 weeks.

Mr. LONG. I will ask you the same thing I asked the—one of the witnesses from the earlier panel: Do you think that one organization trying to oversee 9,000 buildings and 1.4 million visitors and employees—does that make common sense to you, I mean, in one group?

Mr. AMITAY. I think that is an excellent question. Right now a big issue at FPS is the ability to delegate to other agencies the—what FPS says, “Okay, HHS or HUD, this is your building. We are responsible for protecting it but we have a process called delegation where you can hire the contract security officers and you can manage the contract and you can supervise them.” That has found to be a very successful program.

It seems, though, now that the trend is to pull back those delegations, and that would only increase the responsibilities of FPS. So I agree, that is a very interesting issue.

Mr. LONG. I would like to look into that further.

Also in your testimony you say that FPS has a history of withholding information from contractors with regard to disciplined officers. As such it is virtually—and I am reading from your testimony—virtually impossible for FPS or contractors to defend employee suspensions. Can you explain what you mean by that?

Mr. AMITAY. Yes. In situations like that you might have a situation where a—at, say, a Federal building one of the tenants there, you know, an agency, says to the contractor, “Hey, your guard was not doing his job,” or, “He fell asleep,” or perhaps even an FPS inspector noticed that a guard was not performing correctly. So then

the guard—oftentimes the guard companies will say, “Well, we need to terminate this individual.” Well, that individual then, if he is unionized or not, would might file a grievance and fight that suspension or termination.

Well, then during that process—during that arbitration or that union proceeding—the contractor would look to, then, the tenant agency or FPS to provide support saying, “Hey, it was your person who saw the guard sleeping. Can you please, you know, testify to that effect or provide some information?” But information like that has been lacking and that has created a real problem. There needs to be better cooperation between FPS and tenant agencies—

Mr. LONG. It looks like that information would come from the contractor, right, or—

Mr. AMITAY. Well, if the contractor did not see the offending action it is very hard—if the employee says, “No, that didn’t happen,” how can the contractor say, “Well, yes it did happen,” then they would ask for evidence—

Mr. LONG. You are saying FPS—

Mr. AMITAY [continuing]. And then FPS says, “Well, we are not going to get involved in your employer-employee relationship.”

Mr. LONG. Don’t have a dog in that fight—

Mr. AMITAY. In fact, they do, because they essentially started the fight.

Mr. LONG. Okay. Thank you.

I yield back what time I don’t have.

Mr. LUNGREN. He gets more liberal all the time.

Mr. Marino is recognized for 5 minutes.

Mr. MARINO. Thank you, Chairman.

Gentleman, let me preface something before my questions and comments are posited. I worked as a prosecutor at the local, State, and Federal Government as U.S. attorney and district attorney so I am very familiar with the process. I still consider myself to be a law enforcement guy, and I have worked very closely with contract officers who were good officers and very closely with, like, Federal employees who were top-notch employees, as well.

So I think we have to be careful here about—I don’t want to see any pointing of fingers because for every mishap that we see in the one side of this I can point out several to the other side of this, as well. We are human beings and human beings make mistakes.

I do have a problem with inventories not being reviewed on a frequent basis and analyzed, because you are—we could have had a catastrophe there. But that is a procedure that I think has to be implemented—reviewed frequently and analyzed, and then that report sent off to—if it is a contractor or regardless if it is not subcontracted—sent off to the main agency so they can review that, as well.

But, Mr. Amitay, would you agree with me that most if not all the officers—and I am referring to the officers, agents, all one—have law enforcement experience or have come out of college with a degree in criminology or law enforcement?

Mr. AMITAY. I don’t have that information, but, you know, obviously all officers meet the requirements set by FPS in terms of educational background, in terms of training, and I think that, you know, the Federal Government is moving to a standard where a de-

gree in criminology or previous law enforcement or an armed security officer employment would be a requirement to be a contract security officer for FPS.

Mr. MARINO. So there are a myriad of people out there in law enforcement, whether they are retired from the previous position, or dissatisfied, or just decided to make a change. I would have to imagine that both the Federal Government and contractor who would have a plethora of people from which to choose, as opposed to picking someone who has no experience and that they will have to train—

Mr. AMITAY. Exactly. I think with full military—with the vets coming home—

Mr. MARINO. I have military in there, too. I mean, you just don't take a blue collar worker off the street and hire that individual because you have experienced people, whether it is military, law enforcement, or education-wise to fill these positions.

There is no shortage of people out there looking for work in these positions? I guess that is my question.

Okay.

Mr. Wright, I do sympathize with you and the decrease in the personnel from the switch. I mean, we talk about decreasing the cost but we have to be smart; even though we are almost \$15 trillion in debt we can't be foolish and step over dollars to pick pennies up. We have to be wise enough to prioritize.

But I am going to ask you a question, and please don't take it personally, but I am going to ask you to take off your union hat for a moment, and do you see a problem with having subcontractors hired and not people that are hired into the Federal Government that would be members of the union?

Mr. WRIGHT. Repeat the question, please.

Mr. MARINO. Do you have a problem with hiring—with seeing the Federal Government hiring contract individuals as opposed to hiring Federal employees that will become a member of the—members of the union?

Mr. WRIGHT. I think the problem with hiring contractors now—and I have testified to it several times—is the lack of a training standard and the lack of certification. As it stands—and I will go back to Kansas City, where I am from—if an individual wants to work as a security officer in Kansas City he goes to the Kansas City Police Commission and gets his commission and goes through the training by FPS and stands post. You drive 50 miles up the road and the requirement to get a St. Joseph, Missouri, police commission—or law—or watchman's commission is to have a Kansas City commission.

Mr. MARINO. Okay. I understand that, sir.

Chairman, would you indulge me for 30 seconds, please?

But isn't there a standard that contractors have to follow pursuant to the Federal Government? The Federal Government has to have a standard, whether it is a Federal employee hired that said, I need you to fill that position, or a contractor to fill that position.

Mr. WRIGHT. No.

Mr. MARINO. There is no standard?

Mr. WRIGHT. No. Security officers—and I hope we are on the same wavelength here—

Mr. MARINO. I don't think we are.

Mr. WRIGHT. For a security officer to work in Kansas City he must have a Kansas City local commission. For a security officer to work in St. Louis he must have a St. Louis commission——

Mr. MARINO. Okay. But isn't there a standard from the Federal Government whereby if those individuals do not measure up to that level of training at the Federal Government that they have to be trained to that level of the Federal Government, or am I missing this completely?

Mr. AMITAY, jump in here if you have an answer to this.

Mr. AMITAY. To become an FPS officer—security officer—you need to have a B.S. degree or 3 years of security experience or law enforcement or military service. In addition, you have to qualify through any certifications required by FPS in all training. That is weapons qualifications, 128 hours of training.

Mr. WRIGHT. You have answered my question.

Gentlemen, believe me, I sympathize with both of you. I am a law enforcement guy. We need to see that you have the resources to protect us and I am one of the individuals that is going to be fighting for that. Thank you.

Chairman, thank you for the extra time.

Mr. LUNGREN. Yes, sir.

Well, that concludes our questions, so I thank the witnesses for your valuable testimony and the Members for their questions—the Members of the committee.

We have some additional questions for the witnesses, and we would ask you to respond to these in writing. The hearing record will be held open for 10 days and this subcommittee stands adjourned.

[Whereupon, at 12:01 p.m., the subcommittee was adjourned.]

