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FEDERAL PROTECTIVE SERVICE: ENSURING THE MISSION IS NOT LOST IN TRANSITION

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT, AND ACCOUNTABILITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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FEDERAL PROTECTIVE SERVICE: ENSURING THE MISSION IS NOT LOST IN TRANSITION

Tuesday, June 11, 2019

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON OVERSIGHT, MANAGEMENT,
AND ACCOUNTABILITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:25 p.m., in room 310, Cannon House Office Building, Hon. Xochitl Torres Small [Chairwoman of the subcommittee] presiding.

Present: Representatives Torres Small, Titus, Barragán, Crenshaw, Higgins, and Taylor.

Ms. TORRES SMALL. The Subcommittee on Oversight, Management, and Accountability will come to order.

The subcommittee is meeting today to receive testimony on the "Federal Protective Service, Ensuring the Mission is Not Lost in Transition." We are here today to discuss the plans to transition the Federal Protective Service, or FPS, from Cybersecurity and Infrastructure Security Agency to the Management Directorate of the Department of Homeland Security.

FPS was formally established by the U.S. General Services Administration, GSA, in 1971, with the mission of protecting Federal facilities and their occupants. In 2002, when DHS was formed, it became the primary Federal department responsible for the protection of all buildings, grounds, and property owned, occupied, or structured or secured by the Federal Government. Consequently, DHS has become the new home for FPS.

However, since then, FPS has struggled to find the right placement within DHS's structure. The first place within U.S. ICS, I am sorry, U.S. Immigration and Customs Enforcement, ICE, FPS's needs were passed over frequently, as ICE focused on its own mission, and failed to dedicate the bandwidth to support the mission of FPS. During this time, FPS began supporting ICE's mission at the expense of its own. FPS lost personnel, going from 1,400-plus personnel to just 1,000.

The Department reevaluated the placement of FPS in 2009, and ultimately moved the agency to the National Protection and Programs Directorate. At the time, the rationale for the transfer was that, as the agency responsible—as the agency responsible for securing the Nation's critical infrastructure, NPPD could better provide mission support to FPS. As a result of the legislation, in 2018, NPPD was redesignated as a Cybersecurity and Infrastructure Security Agency, CISA, to reflect its new cybersecurity focus and the

Secretary of the Homeland Security was authorized to decide the placement of FPS within the Department and to begin the transfer.

Last month, it was announced that FPS would be placed within the DHS Management Directorate. Although the Management Directorate and FPS are not necessarily mission-similar, I am hopeful that the Management Directorate will be a good fit for FPS. I am hopeful because FPS must succeed. Nearly 6 years ago, and less than 2 miles away from here, 12 people lost their lives during the Washington Navy Yard shooting. In 2015, in my home State in New Mexico, a Social Security office in Albuquerque was the target of a gunman. FPS officers were amongst the first responders to both incidents, and to the tens of thousands of calls for service at Federal facilities annually.

In order to ensure that we don't have repeats of these unfortunate circumstances, we must fully equip and resource FPS. That means ensuring that this latest transition, the third transition, is successful, that it endeavors to make FPS more self-sustaining. I thank both witnesses for being here today, and I look forward to their suggestions on how we can help facilitate a successful transition for FPS.

[The statement of Chairwoman Torres Small follows:]

STATEMENT OF CHAIRWOMAN XOCHITL TORRES SMALL

JUNE 11, 2019

We are here today to discuss the plans to transition the Federal Protective Service, or FPS, from the Cybersecurity and Infrastructure Security Agency to the Management Directorate of the Department of Homeland Security (DHS).

FPS was formally established by the U.S. General Services Administration (GSA) in 1971 with the mission of protecting Federal facilities and their occupants. In 2002, when DHS was formed, it became the primary Federal Department responsible for the protection of all buildings, grounds, and property owned, occupied, or secured by the Federal Government. Consequently, DHS became the new home for FPS.

However, since then, FPS has struggled to find the right placement within DHS's structure. First placed within U.S. Immigration and Customs Enforcement (ICE), FPS's needs were passed over frequently as ICE focused on its own mission, and failed to dedicate the bandwidth to support the mission of FPS. During this time, FPS began supporting ICE's mission at the expense of its own. FPS also lost personnel—going from 1,400+ personnel to approximately 1,000. The Department reevaluated the placement of FPS in 2009 and ultimately moved the agency to the National Protection and Programs Directorate (NPPD).

At the time, the rationale for the transfer was that, as the agency responsible for securing the Nation's critical infrastructure, NPPD could better provide mission support to FPS. As a result of legislation, in 2018 NPPD was redesignated as the Cybersecurity and Infrastructure Security Agency (CISA) to reflect its new cybersecurity focus, and the Secretary of Homeland Security was authorized to decide the placement of FPS within the Department and begin the transfer.

Last month, it was announced that FPS would be placed within the DHS Management Directorate. Although the Management Directorate and FPS are not necessarily mission-similar—I am hopeful that the Management Directorate will be a good fit for FPS. I am hopeful because FPS must succeed.

Nearly 6 years ago, and less than 2 miles away from here, 12 people lost their lives during the Washington Navy Yard shooting. In 2015, in my home State of New Mexico, a Social Security Office in Albuquerque was the target of a gunman. FPS officers were among the first-responders to both incidents, and to the tens of thousands of calls for service at Federal facilities annually.

In order to ensure that we don't have repeats of these unfortunate circumstances, we must fully equip and resource FPS. That means ensuring that this latest transition—the third transition—is successful, and that it endeavors to make FPS more self-sustaining. I thank both witnesses for being here today, and I look forward to their suggestions on how we can help facilitate a successful transition for FPS.

Ms. TORRES SMALL. I now recognize the Ranking Member of the subcommittee, the gentleman from Texas, Mr. Crenshaw, for an opening statement.

Mr. CRENSHAW. Thank you, Chairwoman Torres Small; and thank you for holding this hearing.

Thank you, witnesses, for being here. I appreciate you and your expertise.

Mr. Patterson, thank you for all your service. I was just reading your bio and your long service, both in the Air Force and in the—at DIA.

Ms. Rectanus, thank you so much for being here.

I am pleased we are holding this hearing to examine the transfer of the Federal Protective Service within the Department of Homeland Security. As the primary agency responsible for the protection of Federal facilities, and the individuals that work and visit such facilities, it is important that FPS has the support it needs to carry out its mission.

It has been 24 years since the Oklahoma City bombing of the Alfred P. Murrah Federal building. That horrific act killed 168 people, injured 680 others, and destroyed much of the building itself. Until the terrorist attack of September 11, 2001, this was the deadliest terrorist attack on U.S. soil. As we approach the 25th anniversary of this tragedy, we are reminded of the important work that the people of FPS do each and every day to protect our Federal buildings, and the people who work and visit these buildings each day.

FPS is responsible for the protection of over 9,000 Federal facilities. The agency assesses the security of all Federal facilities, develops protective measures for the buildings and their occupants, conducts K–9 searches for explosives, investigates crimes, engages with Federal, State, and local partners to share information, and assists DHS for security for special events.

As we review the decision on the best place to house this agency, we must keep in mind that these important missions and ensure they will not be compromised. The Government Accountability Office has reviewed a number of possible placements, and the Acting Secretary has decided to place FPS within the Department's Management Directorate. As DHS transitions FPS for the third time, I am hopeful that FPS will finally find the right place to grow and mature as an agency.

Hopefully being housed in the Management Directorate will give FPS the opportunity to correct reported human resource and financial issues and focus more clearly on its essential mission. I look forward to hearing from our witnesses today on how we can best support the mission of FPS.

I yield back the balance of my time.

[The statement of Ranking Member Crenshaw follows:]

STATEMENT OF THE HONORABLE DAN CRENSHAW

Thank you, Chairwoman Torres Small. And thank you to our witnesses for being here today.

I am pleased we are holding this hearing today to examine the transfer of the Federal Protective Service within the Department of Homeland Security.

As the primary agency responsible for the protection of Federal facilities and the individuals that work and visit such facilities, it is important that FPS has the support it needs to carry out its mission.

It has been 24 years since the Oklahoma City bombing of the Alfred P. Murrah Federal Building. That horrific act killed 168 people, injured 680 others and destroyed much of the building itself. Until the terrorist attack of September 11, 2001, this was the deadliest terrorist attack on U.S. soil.

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FPS is responsible for the protection of over 9,000 Federal facilities. The agency assesses the security of all Federal facilities; develops protective measures for the buildings and their occupants; conducts K–9 searches for explosives; investigates crimes; engages with Federal, State, and local partners to share information; and assists DHS with security for special events.

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Hopefully being housed in the Management Directorate will give FPS the opportunity to correct reported human resource and financial management issues and focus more clearly on its essential missions.

I look forward to hearing from our witnesses today on how we can best support the missions of FPS.

I yield back the balance of my time.

Ms. TORRES SMALL. The Members of the committee are reminded that under the committee rules, opening statements may be submitted for the record.

[The statement of Chairman Thompson follows:]

STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

JUNE 11, 2019

History has a way of repeating itself, as nearly 10 years ago we were holding a similar hearing on FPS's transfer from U.S. Immigration and Customs Enforcement (ICE) to the National Protection and Programs Directorate (NPPD). Now today, we are examining yet another plan to move the agency within the Department of Homeland Security. This time to the Management Directorate.

While it is a small agency in size, FPS has an enormous mission. FPS is charged with protecting approximately 9,000 Federal buildings, and the more than 1.4 million personnel, visitors, and customers that enter them each day. It works to prevent criminal and terrorist acts and other hazards at Federal facilities by assisting tenants with writing and implementing facility-specific emergency plans, establishing procedures on handling suspicious mail or bomb threats, and providing active-shooter and other safety awareness trainings for Government personnel.

In light of this critical role, we must ensure that FPS's transition is successful.

When FPS was transferred to NPPD from ICE, the transition for 5 mission-support functions was delayed, resulting in increased transition costs. Those misson-support functions included: IT services, business continuity and emergency preparedness, security integrity and personnel security, facilities, and equal employment opportunity. Moreover, FPS's move to NPPD did not enable FPS to mature as an agency and address shortcomings as was hoped for. FPS continued to wrestle with funding constraints, overseeing its large contract force, and carrying out its mission in NPPD. NPPD's own transformation into the Cybersecurity and Infrastructure Security Agency overshadowed FPS. Given that the move to Management will be the third transition that FPS undergoes—and the second within DHS—I hope we get it right this time around.

I am pleased that DHS finally made a decision regarding the new placement of FPS as I am sure that the angst regarding its landing wore on employee morale. I am optimistic that placement in the Management Directorate will provide more visibility and opportunity for growth for FPS. However, to finally get it right, the Management Directorate and FPS must ensure that it properly aligns its activities and resources. Further, the Department must commit to addressing FPS' longstanding challenges and foster its ability to be more independent.

Not doing so puts at risk the security of Federal facilities, and the millions of people who work in or visit them.

Ms. TORRES SMALL. So I now welcome the panel of witnesses. Our first witness is Mr. L. Eric Patterson, who serves as the director of the Federal Protective Service.

Mr. Patterson has been director of FPS since 2010 and previously served as the deputy director of the Defense Counterintelligence and Human Intelligence Center at the Defense Intelligence Agency. At DIA, he directed counterintelligence activities world-wide to meet Department of Defense requirements. He is a retired United States Air Force Brigadier General with 30 years of service.

Next, we have Ms. Lori Rectanus, who is the director of the Government of Accountability Office's physical infrastructure team. Ms. Rectanus is GAO's expert on Federal Real Property Management issues, including Federal security. Ms. Rectanus has a long and distinguished career at GAO, having joined the office in 1984.

Without objection, the witnesses' full statements will be inserted in the record.

I now ask each witness to summarize his or her statement for 5 minutes, beginning with Director Patterson.

STATEMENT OF L. ERIC PATTERSON, DIRECTOR, FEDERAL PROTECTIVE SERVICE (FPS)

Mr. PATTERSON. Good afternoon, Ma'am; and thank you for having us today.

Good afternoon, Chairman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee.

On behalf of the nearly 1,500 men and women of the Federal Protective Service, it is an honor to testify today about the critical Homeland Security mission they accomplish every day on behalf of American citizens. Thank you for this opportunity.

FPS was established in 1971 as a uniformed protection force for General Services Administration. Since its inception, FPS has protected people and property of the Federal Government by identifying and mitigating vulnerabilities through risk assessments, law enforcement, intelligence analysis, and security countermeasures. When it comes to our mission, these are the fundamental basics. Today, there are over 9,000 FPS-protected Federal facilities and more than 1.4 million people who work, visit, or conduct business at those facilities each day.

A little over a week ago, our Nation laid witness to a horrific act when a local government employee conducted a mass shooting in a city of Virginia Beach government office. This is what the brave men and women of FPS work tirelessly day in and day out to prevent.

Speaking of our personnel, I could not speak more highly of our team. The skills, talents, and dedication of our work force form the foundation of our success. Our work force is comprised of approximately 1,000 law enforcement officers, and more than 400 mission support staff. Our law enforcement personnel are employed throughout the Nation and our Nation's territories. They are trained physical security experts and sworn Federal law enforcement officers; and despite the daily risk our officers encounter, protecting people in Federal facilities, 90 percent of our officers do not

receive Federal law enforcement retirement coverage. This has got to change; and I am confident it will, as Members of Congress have introduced legislation in the past and present to address this important issue.

Last month, citizens across the United States came together to participate in National Police Week, to honor and remember our fallen law enforcement officers. In its history, FPS has had 6 sworn officers killed in the performance of their duties. This serves as a sobering reminder that the women and men of FPS must remain vigilant and well-prepared to prevent, protect, respond, and recover from events that threaten our Nation's people, property, and institutions.

Through contracts with commercial security vendors, FPS utilizes approximately 14,000 contracted Protective Security Officers, we term PSOs, to assist in the protection of Federal facilities. Our contracted PSOs are often the front line of FPS and are in daily contact with our Federal facility, customers, and visitors. They, too, put themselves at risk to accomplish our mission to include making the ultimate sacrifice. During my tenure here at FPS, I have attended the funerals of two of our PSOs who were killed, standing their watch.

Our personnel work around the clock 365 days a year to perform our mission. In addition to our daily mission of providing law enforcement response and security services to over 9,000 Federal facilities and officers, we are involved in supporting FEMA in both Hurricane Michael and Hurricane Florence; supporting United States Marshal Service in the Joaquín "El Chapo" Guzmán trial; reopening the Immigration and Customs office in Portland after demonstrators blocked access to the facility; completing nearly 2,000 facility security assessments; and conducting over 700 active-shooter and active-threat assessment awareness training sessions, and over 8,000 explosive detection K–9 team sweeps at Federal facilities.

However, while our core mission remains the same, the way we go about performing it is constantly changing. For example, the assets we protect are growing more complex and diverse. While new technologies enhance our ability to protect, they also enhance the abilities of those who seek to do us harm. Just last year, FPS existing authorities were enhanced—extended to counter the evolving threats posed by unmanned aerial systems to Federal facilities.

FPS is a completely non-appropriated entity, and executes its mission throughout our Nation and territories, with a current total budget authority of $1.6 billion. We derive our funding through the collection of fees from our tenant customers, the Federal Government, based on a square footage model. However, beginning in fiscal year 2020, we are employing a risk-based revenue model to better align basic security assessments to the security work that FPS performs.

Finally, I am sure that there will be some questions today regarding how the recently-announced move to FPS from the Cybersecurity and Infrastructure Security Agency to the DHS Management Directorate may impact our mission. I want to say up front that this change, which is to be executed by September 30, will unequivocally not change our operational mission. I am here to assure

you that the brave men and women of FPS will continue to migrate—to mitigate terrorist and criminal actions in or around Federal property.

I have had the great privilege of serving as FPS director for nearly a decade. Over the years, FPS has matured substantially as an organization and as our men and women continue to execute our mission and provide both pride and professionalism. The Federal Protective Service remains committed to its mission, providing safety, security, and a sense of well-being to thousands of Federal employees who work and conduct business in our facilities every day.

I would like, again, to acknowledge and thank the distinguished Members of the subcommittee for allowing me to opportunity to testify today. I would be pleased to answer any questions that you may have.

[The prepared statement of Mr. Patterson follows:]

PREPARED STATEMENT OF L. ERIC PATTERSON

JUNE 11, 2019

INTRODUCTION

Good afternoon Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee. Thank you for the opportunity to testify today on behalf of the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) regarding FPS's critical mission within DHS.

In the year 2021, FPS will celebrate its 50th anniversary. Since its inception in 1971, FPS has protected people and property in the Federal Government by identifying and mitigating vulnerabilities through risk assessments, law enforcement, intelligence analysis, and security countermeasures.

Today, we protect over 9,000 facilities and more than 1.4 million people who work, visit, or conduct business at these facilities each day.

While our core mission has remained the same, the assets we safeguard are growing more complex and diverse. New technologies enhance our ability to protect, and they also enhance the abilities of those that would do us harm.

FPS provides the DHS Secretary with a highly-trained, Nation-wide force that can support the Department's mission in countering emerging or existing threats and terrorism, within the boundaries of our Nation and territories.

Each day, tens of thousands of law enforcement officers, including the officers of FPS, risk their lives in protecting and securing this great Nation. In recognition of their sacrifices, nearly 1 month ago, citizens across the United States came together to participate in National Police Week to honor and remember our fallen law enforcement officers. In its history, FPS has had 6 sworn officers killed in the performance of their duties. This serves as a sobering reminder that the women and men of FPS must remain vigilant and well-prepared to prevent, protect, respond to and recover from events that threaten our Nation's people, property, and institutions.

In my testimony today, I will highlight for this subcommittee a general overview of who we are, what we do, and how we have effectively carried out our mission each and every day over the past nearly half-century.

FPS OVERVIEW

FPS was established in 1971 as the uniformed protection force of the General Services Administration (GSA). On March 1, 2003, pursuant to the Homeland Security Act of 2002 (6 U.S.C. §§ 101 et. seq), FPS was transferred from GSA to DHS in recognition of the role FPS plays in securing our homeland. At the time, it was placed within U.S. Immigration and Customs Enforcement, but found a more permanent home in 2009 with the National Protection and Programs Directorate which was being established at that time.

Headquartered in Washington, DC, FPS is organized through three Zones and 11 Regions for mission execution.

FPS Workforce

The skills, talents, and dedication of our workforce form the foundation of our success.

Our workforce of nearly 1,400 Federal personnel is comprised of approximately 1,000 law enforcement officers and 400 mission support staff. In addition to contract staff augmentation, FPS contracts for approximately 14,000 security guards, more appropriately known as Protective Security Officers (PSOs).

Our law enforcement personnel—inspectors, police officers, and special agents—are employed throughout the Nation and our Nation's territories. They are trained physical security experts and sworn Federal law enforcement officers. Our law enforcement personnel perform a variety of critical functions, including conducting comprehensive security assessments to identify vulnerabilities at Federal facilities, developing and implementing protective countermeasures, providing uniformed police response and investigative follow-up to crimes and threats, and other law enforcement activities in support of our mission.

In addition to FPS's law enforcement officers, FPS also employs nearly 400 mission support staff who are responsible for a myriad of important tasks within the organization including outreach and engagement with critical external stakeholders (e.g. Congress and the Federal Executive Boards); human capital management; finance, budgeting, and performance; and, law enforcement and security training.

FPS, through contracts with commercial security vendors, utilizes approximately 14,000 PSOs, to assist in the protection of Federal facilities. Our contracted PSOs are often the front line of FPS and are in daily contact with our Federal facility customers and visitors. They too put themselves at risk to accomplish our mission, to include making the ultimate sacrifice. During my tenure here at FPS, I have attended the funerals of two of our contract PSOs who were killed standing watch.

FPS Authorities

FPS law enforcement personnel derive their law enforcement authority and powers from section 1706 of the Homeland Security Act of 2002, codified in 40 U.S.C. § 1315. Pursuant to this authority, the Secretary of Homeland Security can designate law enforcement personnel for the purposes of protecting property owned or occupied by the Federal Government and persons on that property.

These designated law enforcement personnel have specific statutorily-prescribed police powers, to include enforcing Federal laws and regulations, carrying firearms, making arrests, conducting investigations, and serving warrants and subpoenas issued under the authority of the United States.

Specifically, 1315-designated officers may conduct investigations of offenses that may have been committed against either property owned or occupied by the Federal Government, or persons on such property, and make arrests without a warrant for any offense against the United States committed in the presence of the officer or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

On February 18, 2005, the U.S. Attorney General approved Guidelines for The Exercise of Law Enforcement Authorities By Officers And Agents Of the Department of Homeland Security as required in 40 U.S.C. § 1315(f). These approved Guidelines govern the exercise of the law enforcement powers of DHS officers designated by the Secretary under 1315(b)(1).

Additionally, consistent with 41 C.F.R. § 102–85.35, FPS Law Enforcement Personnel provide general law enforcement services on GSA property, and per 41 C.F.R. § 102–74.15, all occupants of facilities under the control of Federal agencies must promptly report all crimes and suspicious activities to FPS.

Most recently with the passage of the Preventing Emerging Threats Act of 2018, codified at 6 U.S.C. 124n, FPS and its organic statute, 40 U.S.C. § 1315, is an integral part of the Department's development and use of security countermeasures for unmanned aircraft systems (UAS) that threaten the security of Federal facilities and persons thereon. The Department, under the law enforcement and security provisions found in 40 U.S.C. § 1315, is authorized to use certain UAS countermeasures for protection of Federal facilities.

FPS Funding Structure—New Fee Model

FPS collects fees from Federal departments and agencies in order to execute its mission throughout our Nation and territories with a total budget authority of $1.6B in fiscal year 2019. We derive our funding through the collection of fees from our tenant customers (the Federal Government) based on a square-footage model in which we charge $0.78 per square foot of those facilities we protect and secure and 8 percent overhead on PSO and Technical Counter Measure (TCM) contracts.

However, beginning in fiscal year 2020, FPS is employing a risk-based revenue model to better align basic security assessments to the security work that FPS performs. The new approach employs statistical analysis of operational workload data at each building to understand the key drivers of FPS's security costs.

FPS uses the model that the analysis produces to determine the basic security assessments for each customer agency. All told, this approach offers a more equitable method for assessing basic security fees because it reflects FPS's historical security workload data for each building.

Using historical workload data, this new revenue model is security-oriented whereas the square-footage model represented a rent-based approach that did not accurately reflect the law enforcement and security work FPS executes daily.

FPS OPERATIONS

Our operations focuses on the integration of security, law enforcement, and intelligence to protect the people in an around Federal facilities. Our personnel work around the clock, 365 days a year. On any given day, you will find FPS personnel:

- Conducting security assessments of Federal facilities to identify risks;
- Designing, installing, and maintaining security countermeasures to mitigate risks;
- Providing a visible law enforcement response and presence;
- Overseeing contract security guards who conduct access control and security screening;
- Performing background suitability checks for FPS contract employees;
- Conducting criminal investigations, including threats to Federal employees and facilities;
- Monitoring security alarms via centralized communication hubs;
- Integrating and sharing criminal intelligence for risk-informed decision making;
- Providing security during FEMA Stafford Act deployments, National Special Security Events (NSSEs) and Special Event Activity Rating (SEAR) events;
- Leading special operations, including K–9 explosive detection operations; and
- Training Federal employees in active-shooter response, crime prevention, and occupant emergency planning.

2018 was an exceptionally busy year for FPS operations and this frequency continues today.

Below are just a few accomplishments I want to highlight for this committee to provide the scope and scale of FPS Operations.

- Provided Stafford Act support (via Emergency Support Function–13) to FEMA for Hurricane Michael in Florida and Hurricane Florence in North and South Carolina—including PSO support to FEMA Joint Field Offices and Disaster Recovery Centers;
- Provided support to the U.S. Department of Justice and U.S. Marshal's Service (USMS) during the Juan "El Chapo" Guzman trial in the Eastern District of New York. FPS has a long-standing operational relationship with USMS in that FPS provides perimeter protection to Federal courthouses across the Nation;
- Reopened the U.S. Immigration and Customs Enforcement office in Portland, Oregon after demonstrators illegally blocked access to the facility;
- Completed nearly 2,000 Facility Security Assessments (FSA), of which nearly 700 of those assessments were the highest-risk facilities, and recommended countermeasures to meet the ISC's baselines level of protection;
- Conducted over 700 Active Shooter/Active Threat awareness training sessions to Federal employees; and
- Conducted over 8,000 Explosive Detection Canine Team sweeps at Federal facilities.

FPS LAW ENFORCEMENT AND SECURITY TRAINING

Just last month, the Director of the Federal Law Enforcement Training Centers (FLETC) testified before this subcommittee regarding FLETC's responsibility for training more than 70,000 law enforcement officers and agents annually—including that of FPS.

Our relationship with FLETC today is stronger than ever, and we work with FLETC's director and his staff to ensure our law enforcement officers are well-prepared, and well-trained to respond to the varied and complex threats our Nation's people, property, and institutions face regularly.

To this end, embedded within FPS, is our Training and Professional Development Directorate (TPD). The men and women within TPD conduct state-of-the-art, timely and professional training to ensure the readiness and professional growth of our

workforce. They are also responsible for training the trainers of our PSO workforce, to ensure a consistent high level of proficiency across our contract workforce.

One of the core courses, which is part of the FPS Inspector Initial Hire training at FLETC, is our Physical Security Training Program (PSTP). I am very proud to note that this course is one of only a few which has been Interagency Security Committee (ISC)-certified, and it is a course which other Federal agencies with protective responsibilities come to FPS to receive best-in-class training.

FPS PLACEMENT AND TRANSITION

Placement

On November 16, 2018, President Trump signed into the law the Cybersecurity and Infrastructure Security Agency (CISA) Act of 2018 which renamed and reorganized the National Protection and Programs Directorate into CISA.

In addition, the CISA Act of 2018 authorized the Secretary of Homeland Security to re-position FPS elsewhere within the Department after the release of a Government Accountability Office's report on FPS's organizational placement. The GAO report ultimately recommended that the DHS Secretary evaluate placement options for FPS.

Accordingly, on May 9, 2019, Congress was notified of the Acting Secretary's decision to keep FPS within the Department and transition the Service from CISA to the Management Directorate by the end of fiscal year 2019 (September 30, 2019). FPS's mission remains unchanged and we have formed a Working Group with Senior-Level representation from FPS along with the Management Directorate and CISA to guide the transition planning effort and execution.

In short, the Acting Secretary's placement decision to keep FPS within the Department further underscores just how critical our mission is within the Department and to the Nation we serve.

CLOSING

In closing, I have had the great privilege of serving as FPS's director for nearly a decade. Over the years, FPS has matured substantially as an organization and our men and women continue to execute our mission with both pride and professionalism.

The Federal Protective Service is unwaveringly committed to its mission of providing safety, security, and a sense of well-being to thousands of Federal employees who work and conduct business in our facilities daily.

I would like to acknowledge and thank the distinguished Members of this subcommittee for allowing me the opportunity to testify today.

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

Ms. TORRES SMALL. Thank you for your testimony, Mr. Patterson.

I now recognize Ms. Rectanus for—to summarize her statement for 5 minutes.

STATEMENT OF LORI RECTANUS, DIRECTOR, PHYSICAL INFRASTRUCTURE TEAM, GOVERNMENT ACCOUNTABILITY OFFICE

Ms. RECTANUS. Madame Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee, I am pleased to be here today to discuss the Federal Protective Service's organizational placement. All of us would agree that FPS is a key role in protecting our Nation. Yet throughout multiple placements since DHS was formed, FPS has experienced operational, management, and funding challenges that have affected its performance. While FPS has made significant progress in addressing many of its challenges, others persist.

Because the organizational placement of an organization can affect its performance, for our January report, we developed various criteria that DHS should consider before making a decision to move FPS again. In light of DHS's recent decision to place FPS in the Management Directorate, I will focus my remarks today on our

findings relevant to that decision, as well as what DHS should consider as they implement their decision.

Let me first highlight the 5 criteria we believe are key to determining an effective organizational placement for FPS. These criteria are: Mission, roles and responsibilities, organizational culture, information sharing and collaboration, and mission support. The premise is that a good organizational placement would be a parent organization that offers synergy with FPS for these criteria. If there is not synergy, that could affect FPS's success, unless any mismatches are considered and addressed.

Using these criteria, we reviewed several placement options outside of and within DHS. As a part of those options, we assessed making FPS a stand-alone entity, reporting directly to the deputy secretary of DHS. While none of the organization placement options we reviewed met all the criteria, we found that making FPS a stand-alone entity fully met 2 of the criteria, namely, mission and organizational culture, and partially met the other 3.

For these 3, this means that, if left unaddressed, such a placement could cause FPS to continue to face challenges in some areas.

For example, FPS has some responsibilities, like managing the contract guards, that DHS as an entity generally does not have. For coordination, FPS works with GSA and many other agencies to protect Federal facilities. This is a long-standing area that we have commented on. While GSA and FPS recently signed an MOA to enhance coordination in this area, we are still waiting for an MOA that clarifies the roles of the many agencies involved in Federal courthouse protection.

In the area of mission support, FPS has many of its own services, but relies on others as well. For example, for Human Capital, FPS relies on NPPD, now CISA's, assistance to fill competitive civil services job. It also uses an ICE platform for financial management. If FPS became a stand-alone entity, DHS would have to decide whether to maintain these relationships, or give FPS its own systems.

We did not assess FPS as a placement within the Management Directorate, but these criteria could easily apply to that assessment as well.

If FPS—I am sorry—if DHS decides to move ahead with this placement, our prior work offers valuable insights to ensure that this move puts FPS in the best position.

First, DHS should consider, and, more importantly, answer questions that are key to a successful implementation, such as what are the goals of the consolidation, what are the likely costs and benefits, how it would be funded, and how stakeholders will be affected.

Second, DHS should pay attention to key practices to make sure the transformation works. Such practices include top leadership attention; development of a coherent mission; principles and priorities; key time lines and milestones; and, of course, a communication strategy that involves employees.

In conclusion, DHS's decision to place FPS in the Management Directorate offers an opportunity to apply these criteria in order to try to address some long-standing challenges FPS has faced. In implementing this transition, DHS will need to pay close attention to

these implementation practices in order for this placement to help FPS effectively carry out its crucial mission.

Madame Chairman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee, this concludes my statement. I would be pleased to respond to any questions.

[The prepared statement of Ms. Rectanus follows:]

PREPARED STATEMENT OF LORI RECTANUS

JUNE 11, 2019

GAO HIGHLIGHTS

Highlights of GAO–19–605T, a testimony before the Subcommittee on Oversight, Management and Accountability, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

FPS conducts physical security and law enforcement activities for about 9,000 Federal facilities and the millions of employees or visitors who work in or visit these facilities. Legislation enacted in November 2018 required DHS to determine the appropriate placement for FPS. The legislation also gave the Secretary of DHS authority to move FPS within DHS. In May 2019, DHS announced its decision to place FPS within the DHS Management Directorate as a direct report to the Under Secretary for Management.

GAO has reported that FPS faces persistent challenges in meeting its mission to protect facilities, and, as of 2019, physical security continues to be part of GAO's Federal real property management high-risk area. For example, FPS has not yet fully implemented its guard management system. Thus, FPS is unable to obtain information to assess its guards' capability to address physical security risks across its portfolio.

This statement describes considerations for FPS's placement in DHS's Management Directorate based upon 5 key organizational placement criteria GAO identified, as well as steps to transition FPS based upon GAO's prior work on organizational change.

This testimony is based on reports GAO issued from 2002 through 2019, particularly, GAO's January 2019 report on FPS's organizational placement. Detailed information on the scope and methodology for this work can be found in these published products, cited throughout this testimony.

FEDERAL PROTECTIVE SERVICE'S ORGANIZATIONAL PLACEMENT.—CONSIDERATIONS FOR TRANSITION TO THE DHS

What GAO Found

In its January 2019 report, GAO identified five key criteria relevant for evaluating placement options for the Federal Protective Service (FPS) within the Department of Homeland Security's (DHS) or other Federal agencies. (See table.)

KEY CRITERIA FOR EVALUATING PLACEMENT OPTIONS FOR THE FEDERAL PROTECTIVE SERVICE (FPS)

Key criteria	Description
Misssion, goals, and objectives.	An agency's ability to function well is dependent upon having a clear mission, goals, and objectives.
Responsibilities	In order for an agency to perform its duties, it needs to have clear responsibilities and the capacity to do them. Agency responsibilities generally stem from the objectives outlined in strategic plans and can take the form of Memoranda of Agreement or agency directives.
Organizational culture	Organizational culture includes the underlying beliefs, values, attitudes, and expectations that influence the behaviors of agency employees.

KEY CRITERIA FOR EVALUATING PLACEMENT OPTIONS FOR THE FEDERAL PROTECTIVE SERVICE (FPS)—Continued

Key criteria	Description
Information sharing and coordination.	An agency's ability to share information related to National homeland security is necessary for the protection of Federal facilities. Coordination refers to working with other agencies to provide this protection.
Mission support	Mission support includes training, financial management, human capital, and information technology (IT) to support the agency in fulfilling its mission.

Source: GAO./GAO–19–605T.

Placing FPS, in the DHS Management Directorate was not an option GAO assessed in its January 2019 report. However, GAO did assess the option of making FPS a "stand-alone" entity reporting directly to the deputy secretary of DHS. GAO found that this placement met the first criteria (mission, goals, and objectives) and the third criteria (organizational culture) but did not completely meet the other criteria. For example, FPS had joint responsibility for coordinating facility protection with other Federal agencies. DHS did not have joint responsibility for coordinating facility protection with FPS. GAO recommended DHS fully evaluate placement options for FPS. DHS concurred, and officials stated they conducted an assessment. GAO has not yet received DHS's assessment of placement options.

GAO's prior work on implementing an organizational change provides valuable insights for making any transition regarding FPS. These insights include key questions to consider such as: "What are the goals of the consolidation?" "How have stakeholders been involved in the decision making?" In addition, GAO has identified key practices for organizational transformation, practices that include ensuring that top leadership drives the transformation and establishing a communication strategy to create shared expectations, among others. These questions and practices could provide insights to DHS and FPS as they implement FPS's new placement.

Madam Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee: I am pleased to be here today to discuss considerations related to the Federal Protective Service's (FPS) organizational placement. For almost 50 years, FPS has been charged with protecting Federal facilities and the millions of employees and individuals who work in or visit them. FPS provides physical-security and law-enforcement services at about 9,000 facilities, a majority of which are held [1] or leased by the General Services Administration (GSA).

The organizational placement of an office or agency can affect its performance and ability to meet its mission. Our prior work has found that during FPS's previous organizational placements in GSA and two agencies within the Department of Homeland Security (DHS), it experienced a number of operational, management, and funding challenges, which had a bearing on its ability to accomplish its mission. Most recently, in January 2019, we reported that FPS had made progress in addressing some of these challenges, but others persisted. We also identified criteria DHS should consider in evaluating organizational placement options for FPS.[2]

In May 2019, DHS announced its decision to transfer FPS from its Cybersecurity and Infrastructure Security Agency (CISA) to its Management Directorate, and to report to the Under Secretary for Management. We have also previously reported on practices to consider in implementing organizational transformations or reorganizations.[3] In light of DHS's decision, this testimony describes: (1) Considerations for FPS's placement in DHS's Management Directorate, and (2) steps to transition FPS.

This statement is primarily based on our January 2019 report. For that report, we reviewed our 2002 work related to organizational transformation, which we con-

[1] GSA-held facilities are Federally-owned facilities under the custody and control of GSA.

[2] GAO, *Federal Protective Service: DHS Should Take Additional Steps to Evaluate Organizational Placement,* GAO–19–122 (Washington, DC: Jan. 8, 2019).

[3] GAO, *Results-Oriented Cultures: Implementation Steps to Assist Mergers and Organizational Transformations,* GAO–03–669 (Washington, DC: July 2, 2003) and GAO, *Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions,* GAO–12–542 (Washington, DC: May 23, 2012).

ducted prior to the creation of DHS.[4] From this prior work, we identified 5 key criteria for assessing potential placement options for FPS and we applied those key criteria to 8 agencies that we identified as potential organizational placement options for FPS.[5] For each criterion, we also identified elements (i.e., characteristics) that were specific to FPS based on our review of FPS documents, our prior work on topics related to the criterion, as well as our discussions with Federal officials, an association representing Federal law enforcement officers, and a former high-ranking official in the former National Protection and Programs Directorate (NPPD)—now reorganized as CISA—with knowledge of FPS. We identified placement options at agencies inside and outside of DHS that have similar responsibilities, where FPS was previously placed, or that reflected FPS's management preference. We also reviewed our prior work on organizational change and *Standards for Internal Control in the Federal Government* for relevant management responsibilities.[6]

Our January 2019 report includes further details on the scope and methodology of our work.

We conducted the work on which this statement is based in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.[7]

BACKGROUND

While the core mission of protecting Federal facilities has remained constant as FPS has moved from one agency to another, its responsibilities have changed. In the 1970's, GSA created FPS as part of its Public Buildings Service (PBS). While in GSA's PBS, FPS was responsible for protecting GSA's held or leased facilities, providing both physical security and law enforcement services. To protect buildings, FPS officers developed physical security risk assessments, installed security equipment, and oversaw contract guard services. As a part of its law enforcement services, among other duties, FPS officers enforced laws and regulations aimed at protecting Federal facilities and the persons in such facilities and conducted criminal investigations.

Following the attacks on September 11, 2001, the Homeland Security Act of 2002[8] was enacted. It created DHS and moved FPS from GSA to the new department, effective in March 2003. Within DHS, FPS was placed in U.S. Immigration and Customs Enforcement (ICE), where its responsibilities grew beyond solely protecting GSA buildings to include homeland security activities such as implementing homeland security directives and providing law-enforcement, security, and emergency-response services during natural disasters and special events.

In 2009, DHS proposed transferring FPS from ICE to NPPD. In explaining this transfer in DHS's fiscal year 2010 budget justification to Congress, DHS stated that having FPS and NPPD's Office of Infrastructure Protection in the same organization would further solidify NPPD as DHS's lead for critical infrastructure protection.[9] FPS was placed in NPPD and continued to lead physical security and law enforcement services at GSA-held or GSA-leased facilities and continued its efforts in homeland security activities. In November 2018, legislation was enacted that reorganized NPPD to an organization that had a greater statutory focus on managing

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[4] GAO–19–122 and GAO, *Homeland Security: Critical Design and Implementation Issues,* GAO–02–957T (Washington DC: July 17, 2002).

[5] GAO–02–957T identified criteria topics that include 4 overall purpose and structure questions, and 7 organizational and accountability questions. We selected the most relevant questions to develop criteria for FPS's organizational placement. The 8 selected agencies are the Department of Homeland Security (DHS); U.S. Customs and Border Protection; U.S. Immigration and Customs Enforcement (ICE); National Protection and Programs Directorate (NPPD); United States Secret Service; General Services Administration (GSA); Department of Justice (Justice); and the U.S. Marshals Service (Marshals). We assumed that FPS would be a stand-alone entity in DHS, GSA, or Justice. At the end of GAO's review, in November 2018, NPPD was renamed the Cybersecurity and Infrastructure Security Agency (CISA). In its January report, GAO referred to this agency as NPPD.

[6] GAO, *Standards for Internal Control in the Federal Government,* GAO–14–704G (Washington, DC: Sept. 10, 2014).

[7] Detailed information on the scope and methodology of the GAO reports cited throughout this testimony can be found in these published products.

[8] Pub. L. No. 107–296, 116 Stat. 2135.

[9] Fiscal year 2010 FPS funding was provided as part of the NPPD appropriations. See Department of Homeland Security Appropriations Act, 2010, Pub. L. No. 111–83, 123 Stat. 2142, 2156–57 (2009).

cyber risks and authorized the Secretary of Homeland Security to determine the appropriate placement for FPS within DHS and begin transfer of FPS to that entity.[10]

Throughout FPS's organizational placements in DHS, we have reported on persistent challenges it faced in meeting its mission to protect facilities. In 2011, we reported on FPS's challenges in transferring mission support functions from ICE to NPPD.[11] While FPS was in NPPD, we reported on FPS's challenges related to managing and overseeing contract guards and collaborating with GSA and the United States Marshals Service (Marshals) on facility security.[12] We made recommendations to help address these challenges and FPS has made progress on some of these recommendations. For example, in September 2018, FPS and GSA established a formal agreement on roles and responsibilities related to facility protection, as we recommended. However, in our January 2019 report, we identified challenges related to other aspects of overseeing contract guards and collaboration with other agencies on physical security that had persisted. As of June 2019, FPS continues to work on establishing a contract guard-management system. However, FPS is unable to assess its guards' capabilities across its portfolio because the system is not fully implemented nor does it interact with its training system. As of 2019, Federal physical security continues to be part of our Federal real-property management's high-risk area.[13]

Key Criteria for Evaluating Placement Options

In 2002, we reported on organizational and accountability criteria for establishing DHS. From this prior work, we identified key criteria that are relevant to assessing potential placement options for FPS, as shown in table 1.[14]

TABLE 1.—KEY CRITERIA FOR EVALUATING PLACEMENT OPTIONS FOR THE FEDERAL PROTECTIVE SERVICE (FPS)

Key Criteria	Description
Mission, goals, and objectives.	An agency's ability to function well is dependent upon having a clear mission, goals, and objectives. In that respect, similarities in agency mission, goals, and objectives between FPS and any other organization could affect the extent to which FPS's missions and goals are carried out effectively. Agency strategic plans describe the mission, goals, and objectives covering the major functions and operations of an agency.
Responsibilities	In order for an agency to perform its duties, it needs to have clear responsibilities and the capacity to do them. As a result, similarities in responsibilities between FPS and any other organization could affect the extent to which FPS's responsibilities are prioritized. Agency responsibilities generally stem from the objectives outlined in strategic plans and can take the form of Memorandums of Agreement or agency directives.

[10] Cybersecurity and Infrastructure Security Agency Act of 2018, Pub. L. No. 115–278, 132 Stat. 4168.

[11] GAO, *Federal Protective Service: Progress Made but Improved Schedule and Cost Estimate Needed to Complete Transition,* GAO–11–554 (Washington, DC: July 15, 2011).

[12] GAO, *Federal Protective Service: Actions Needed to Assess Risk and Better Manage Contract Guards at Federal Facilities,* GAO–12–739 (Washington, DC: Aug. 10, 2012); *Federal Protective Service: Challenges with Oversight of Contract Guard Program Still Exist, and Additional Management Controls Are Needed,* GAO–13–694 (Washington, DC: Sept. 17, 2013); *Homeland Security: FPS and GSA Should Strengthen Collaboration to Enhance Facility Security,* GAO–16–135 (Washington, DC: Dec. 16, 2015); *DHS Management: Enhanced Oversight Could Better Ensure Programs Receiving Fees and Other Collections Use Funds Efficiently,* GAO–16–443 (Washington, DC: July 21, 2016) and *Federal Courthouses: Actions Needed to Enhance Capital Security Program and Improve Collaboration,* GAO–17–215 (Washington, DC: Feb. 16, 2017). FPS is fully funded by fees collected from Federal agencies that use FPS for facility protection.

[13] GAO, *High-Risk Series: Substantial Efforts Needed to Achieve Greater Progress on High-Risk Areas,* GAO–19–157SP (Washington, DC: Mar. 6, 2019).

[14] GAO–02–957T. As described above, we selected criteria that were most relevant to FPS's organizational placement. See GAO–19–122 for more information.

TABLE 1.—KEY CRITERIA FOR EVALUATING PLACEMENT OPTIONS FOR THE FEDERAL PROTECTIVE SERVICE (FPS)—Continued

Key Criteria	Description
Organizational culture.	Having a cohesive culture is critical to organizational success. Organizational culture includes the underlying beliefs, values, attitudes, and expectations that influence the behaviors of agency employees. Similarities in organizational cultures between FPS an any other organization could facilitate FPS's ability to meld and operate in another agency.
Information sharing and coordination.	An agency's ability to share information is critical to its successful operation. This criterion includes sharing information related to National homeland security and necessary for the protection of Federal facilities. Coordination refers to working with other agencies to provide this protection. Similarities between FPS and any other organization in information sharing and coordination could help ensure that FPS obtains the information it needs to perform its mission and activities.
Mission support	An agency requires effective mission support in order to carry out its duties. Mission support includes training, financial management, human capital, and information technology (IT) to support the agency in fulfilling its mission. The mission support made available to FPS by any organizational placement may affect FPS's operations.

Source: GAO./GAO–19–605T.

CONSIDERATIONS FOR FPS'S PLACEMENT IN DHS'S MANAGEMENT DIRECTORATE

For our January 2019 report, we applied these key criteria for evaluating organizational placement to 8 agencies that could be potential placement options for FPS. We found that none of the selected agencies met all the organizational placement criteria; thus, any of the organizational placement options could result in both benefits and trade-offs. In instances where placing FPS within DHS met our criteria (that is, instances where DHS was similar to FPS), FPS could experience benefits. In those instances where the criteria were not met, we reported it would be incumbent upon any agency to consider and address any potential tradeoffs in order to ensure the decision was successful.

We reviewed FPS as a "stand-alone" entity reporting directly to the Deputy Secretary of DHS and found this placement option met several key criteria. Table 2 below summarizes our analysis.

TABLE 2.—COMPARISON OF THE DEPARTMENT OF HOMELAND SECURITY (DHS) AND THE FEDERAL PROTECTIVE SERVICE (FPS) IN KEY CRITERIA FOR ORGANIZATIONAL PLACEMENT

Key Criteria	FPS as a Stand-alone Agency in DHS	Met/Did not Meet
Mission, goals, and objectives.	DHS is similar to FPS in that their mission statements and goals include an explicit focus on the protection of infrastructure or specific facilities.	Met.
Responsibilities	*Facility protection responsibilities*: Similar to FPS, DHS has facility protection responsibilities.	Met.
	Physical security and law enforcement activities: DHS is similar to FPS because it performs both physical security and law enforcement activities.	Met.
	Contract guard responsibilities: FPS employs and oversees a large number of contract guards. DHS only uses a limited number of contract guards.	Did not meet.
Organizational culture.	DHS has a similar culture to FPS in that it is a law enforcement agency.	Met.

TABLE 2.—COMPARISON OF THE DEPARTMENT OF HOMELAND SECURITY (DHS) AND THE FEDERAL PROTECTIVE SERVICE (FPS) IN KEY CRITERIA FOR ORGANIZATIONAL PLACEMENT—Continued

Key Criteria	FPS as a Stand-alone Agency in DHS	Met/Did not Meet
Information sharing and coordination.	*Information sharing:* DHS, like FPS, has access to and can share information related to National homeland security.	Met.
	Coordination of activities: FPS and GSA have joint responsibility for protecting facilities, and FPS, GSA, and the U.S. Marshals have joint responsibility for protecting courthouses. DHS does not have joint responsibility for coordinating facility protection with FPS.	Did not meet.
Mission support	*Financial management*: FPS collects monies from other Federal agencies to support its operations. DHS does not collect fees from other Federal agencies to support its operation.	Did not meet.
	Human capital: DHS has the authority to fill competitive service jobs that could support FPS needs.	Met.
	Information technology—financial management systems: FPS owns many of its operational and business-related IT systems and applications but does not own some systems, such as a financial management system. DHS has financial management systems that can support FPS.	Met.
	Law enforcement training: FPS has access to DHS's Federal Law Enforcement Training Centers for law enforcement training.	Met.

Source: GAO./GAO–19–605T.

Notes: For the purposes of our comparison of DHS to FPS, we assumed that FPS was independent of DHS.

For the first four criteria—(1) Mission, goals, and objectives; (2) responsibilities; (3) organizational culture; and (4) information sharing and coordination—we determined that DHS met the criteria if the agency or its subcomponents had any similarities to FPS. For the last criterion—mission support—we determined that DHS met the criterion if the agency or its subcomponents had similarities to FPS or could provide FPS-needed mission support.

Mission, Goals, and Objectives.—In January 2019, we reported that FPS's mission focused on the protection of Federal facilities and the people working in and visiting those facilities. DHS was similar to FPS in that its mission statement and goals as stated in its strategic plan include an explicit focus on the protection of infrastructure or specific facilities. Our prior work found that placing an agency into an organization that has a similar mission might help ensure that the agency's mission receives adequate funding, attention, visibility, and support.[15] Our January 2019 work reported that one of DHS's goals—as noted in its strategic plan covering fiscal years 2014 to 2018—was to reduce risk to the Nation's critical infrastructure. DHS and FPS share objectives that focus on mitigating risks and responding to incidents.

Responsibilities.—In January 2019, we reported that FPS has facility-protection and physical-security responsibilities and law-enforcement, and contract-guard oversight responsibilities. DHS was similar to FPS as it had responsibilities for physical security and performed law enforcement functions. As a part of its physical security

[15] GAO–02–957T.

activities, FPS conducted facility security assessments,[16] identified countermeasures (e.g., equipment and contract guards) best suited to secure a facility, and oversaw contract guards. As a part of its law enforcement activities, FPS proactively patrolled facilities, responded to incidents, and conducted criminal investigations. FPS also provided additional operational law enforcement support, at the direction of the Secretary of Homeland Security, to address emerging threats and homeland security incidents. One of FPS's most critical activities was overseeing about 13,500 contract guards who were posted at Federal facilities and were responsible for controlling access to facilities, responding to emergency situations involving facility safety and security, and performing other duties. FPS was responsible for ensuring, among other things, that these guards are performing their assigned duties and have the necessary training and certifications. DHS, however, only used a limited number of contract guards and therefore had less responsibility. At the time of our review, DHS officials told us they procured about 130 guards.

Organizational Culture.—In January 2019, we reported that while there are many areas relevant to organizational culture, law enforcement was a key aspect of FPS's organizational culture, according to officials we interviewed from an association of security companies and a former, high-ranking official in NPPD. DHS had a similar culture in that it was a law enforcement agency.

Information Sharing and Coordination.—In January 2019, we reported that Component Intelligence Programs (CIP) were organizations in DHS that collected, gathered, processed, analyzed, produced, or disseminated information related to National homeland security. In 2016, DHS designated a division within FPS as a CIP, a move that allowed FPS more access to information on threats other DHS agencies have identified and actions they plan to take. While DHS, like FPS, had access to and could share information related to National homeland security, DHS did not have joint responsibility for coordinating facility protection with FPS. Rather, FPS shared this responsibility with GSA, and these two agencies and Marshals had joint responsibility for protecting courthouses. FPS has faced challenges with coordinating with these agencies in the past. For example, in September 2011, we reported that FPS, Marshals, and other agencies involved in protecting courthouses (i.e., GSA and the Administrative Office of the U.S. Courts) faced challenges related to coordination, such as in the implementation of roles and responsibilities and the use or participation in existing collaboration mechanisms.[17]

Mission Support.—In January 2019, we reported that mission support was comprised of financial management, human capital, information technology systems for financial management, and law enforcement training. FPS owned and used many of the key operational and business-related information technology (IT) systems and applications it needs to carry out its mission. However, FPS received some mission support services from other agencies in DHS, such as human capital and some aspects of information technology. We found that if FPS changed its organizational placement it would need mission support in these areas. For example, FPS did not have delegated examining authority to allow it to fill competitive civil service jobs and relied on NPPD to provide this service.[18] DHS had the authority to fill competitive service jobs that could support FPS needs. Further, FPS used a financial management IT system owned by ICE. DHS could provide FPS access to financial management systems that can support FPS. Finally, FPS offered its own training courses and would still need access to DHS's Federal Law Enforcement Training Centers.

In our January 2019 report, we did not assess FPS as a placement within DHS's Management Directorate.[19] Further, we recommended DHS: (1) Identify the specific

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[16] These assessments consist of identifying and assessing threats and vulnerabilities of a facility.

[17] We recommended that these entities address these issues by updating a memorandum of agreement that, among other things, clarifies roles and responsibilities. GAO, *Federal Courthouses: Improved Collaboration Needed to Meet Demands of a Complex Security Environment*, GAO–11–857 (Washington, DC: Sept. 28, 2011). An updated memorandum was drafted but had yet to be signed by all parties.

[18] Delegated examining authority is an authority that allows Federal Executive branch agencies to fill competitive civil service jobs through a delegation from the Office of Personnel Management. Agencies with this authority fill the civil service jobs by performing activities such as recruiting and hiring.

[19] DHS's Management Directorate ensures that the Department's over 240,000 employees have well-defined responsibilities and that managers and their employees have efficient means of communicating with one another, with other Governmental and non-Governmental bodies, and with the public they serve. The Management Directorate is responsible for budget, appropriations, expenditure of funds, accounting and finance; procurement; human resources and personnel; information technology systems; biometric identification services; facilities, property,

goals of a change in FPS's placement—that is, what DHS expects to achieve by moving FPS to another agency, and (2) fully evaluate placement options for FPS based on what DHS expects to achieve by changing FPS's placement, an assessment of FPS's current placement, and other best practices such as an analysis of alternatives assessing the benefits and tradeoffs. DHS agreed with our recommendations. In May 2019, FPS officials told us that the Acting Secretary's decision to place FPS within the Management Directorate was based upon an assessment of placement options within DHS using criteria and analyzing the tradeoffs. GAO has not yet received DHS's assessment of placement options. We will assess the actions DHS has taken in response to our recommendations when we receive DHS's assessment.

STEPS TO TRANSITION FPS

Our prior work offers valuable insights for agencies to consider when evaluating or implementing a reorganization or transformation, and can provide insights for making any transition regarding FPS. These include considering: (1) Key questions for consolidations and (2) leading practices when implementing an organizational change.

Two sets of considerations for organizational transformations provide insights for making any FPS organizational placement. First, in May 2012, we reported on key questions for agency officials to consider when evaluating and implementing an organizational change that involves consolidation.[20] Table 3 provides a summary of these key questions. Answering these questions would help provide FPS with assurance that important aspects of effective organizational change are addressed.

TABLE 3.—KEY QUESTIONS TO CONSIDER WHEN EVALUATING AND IMPLEMENTING CONSOLIDATION

Key Questions

- What are the goals of the consolidation? What opportunities will be addressed through the consolidation and what problems will be solved? What problems, if any, will be created?
- What will be the likely costs and benefits of the consolidation? Are sufficiently reliable data available to support a business-case analysis or cost-benefit analysis?
- How can the up-front costs associated with the consolidation be funded?
- Who are the consolidation's stakeholders, and how will they be affected? How have the stakeholders been involved in the decision, and how have their views been considered? On balance, do stakeholders understand the rationale for consolidation?
- To what extent do plans show that change management practices will be used to implement the consolidation?

Source: GAO./GAO–19–605T

Second, we reported in July 2003 on key practices and implementation steps for mergers and organizational transformations.[21] The practices we noted are intended to help agencies transform their cultures so that they can be more results-oriented, customer-focused, and collaborative in nature (see table 4).

TABLE 4.—KEY PRACTICES AND IMPLEMENTATION STEPS FOR MERGERS AND ORGANIZATIONAL TRANSFORMATIONS

Key Practices	Implementation Step
Ensure top leadership drives the transformation.	-Define and articulate a succinct and compelling reason for change. -Balance continued delivery of services with merger and transformation activities.
Establish a coherent mission and integrated strategic goals to guide the transformation.	-Adopt leading practices for results-oriented strategic planning and reporting.

equipment, and other material resources; and identification and tracking of performance measurements relating to the responsibilities of the Department.

[20] GAO–12–542.

[21] GAO–03–669.

TABLE 4.—KEY PRACTICES AND IMPLEMENTATION STEPS FOR MERGERS AND ORGANIZATIONAL TRANSFORMATIONS—Continued

Key Practices	Implementation Step
Focus on a key set of principles and priorities at the outset of the transformation.	-Embed core values in every aspect of the organization to reinforce the new culture.
Set implementation goals and a time line to build momentum and show progress from Day 1.	-Make public implementation goals and time line. -Seek and monitor employee attitudes and take appropriate follow-up actions. -Identify cultural features of merging organizations to increase understanding of former work environments. -Attract and retain key talent. -Establish an organization-wide knowledge and skills inventory to exchange knowledge among merging organizations.
Dedicate an implementation team to manage the transformation process.	-Establish networks to support implementation team. -Select high-performing team members.
Use the performance management system to define responsibility and assure accountability for change.	-Adopt leading practices to implement effective performance management systems with adequate safeguards.
Establish a communication strategy to create shared expectations and report related progress.	-Communicate early and often to build trust. -Ensure consistency of message. -Encourage two-way communication. -Provide information to meet specific needs of employees.
Involve employees to obtain their ideas and gain their ownership for the transformation.	-Use employee teams. -Involve employees in planning and sharing performance information. -Incorporate employee feedback into new policies and procedures. -Delegate authority to appropriate organizational levels.
Build a world-class organization	-Adopt leading practices to build a world-class organization.

Source: GAO./GAO–16–605T

In summary, the questions and practices for organizational change that we previously identified could provide insights to DHS and FPS for any transition.

Madam Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the subcommittee, this concludes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Ms. TORRES SMALL. I thank the witnesses for their testimony, and I will remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for questions.

A transition plan was required 30 days after notification of the Secretary's decision regarding FPS's placement, and June 8 marks that 30 days, but the Department has not provided a plan to Congress.

Mr. Patterson, do you know if the plan has been completed, and when we can expect to see it?

Mr. PATTERSON. Yes, ma'am. The plan has been completed, and I know it has been signed by the acting deputy secretary. I am not exactly sure when it will be rendered to you, but we can find out.

Ms. TORRES SMALL. Thank you, Director Patterson.

As we discussed, FPS is undergoing its third transition. Director Patterson, if you could, quickly, speak to the pros and cons of placing FPS within Management Directorate at DHS and how you anticipate this transition to be more successful than previous ones.

Mr. PATTERSON. Yes. Well, I wasn't part of the previous transitions; but I can speak to what I think are clearly the benefits of moving to management.

Clearly, as I had stated in my opening remarks, from an operational perspective, there won't be any impact on our mission operationally. We will continue to move forward operationally.

Where we will, I think, gain synergy is in the areas of our lines of business. One of the areas where the GAO has commented on before and in others, in the IG, they have commented that we have not had a strong bench as it relates to our human resources program, our financial management program, and I think management will give us the opportunity to strengthen those lines of business. So, I look at this as a plus.

Ms. TORRES SMALL. I appreciate you recognizing those opportunities for development, because one of the other considerations was having FPS work as a stand-alone agency.

Can you elaborate on what it would take for FPS to become a stand-alone agency and how long you think it would take?

Mr. PATTERSON. Well, I think if that had been the Acting Secretary's decision to make us a stand-alone at this point, then I think we could have. We could have done that with no problem. I think, again, we would have to work with management and others to look at how we would augment some of the authority that I would lack relative to certain approvals that would be required as we do our jobs.

For instance, in order to—for hiring and for certain financial management processes, the Secretary or the Department has certain authority that would have to be rendered to me in order to make certain decisions. If they were not willing to do that immediately, then we would have to find ways of accomplishing that but; once again, from an operational perspective, there would be no problem.

Ms. TORRES SMALL. Mr. Patterson, is there—are there opportunities that you see for the Management Directorate to provide more of an opportunity to mature and to develop some of those capabilities?

Mr. PATTERSON. Yes, ma'am, I do. I think that is kind-of the seed of where all the larger decisions within the Department are made. It gives us an opportunity—it gives a small agency like the Federal Protective Service an opportunity to view how the decisions within the Department are made, and gives us an opportunity to understand how to better leverage our folks and what we need in order to make better decisions as it relates to human resources and financial management.

Ms. TORRES SMALL. Director Rectanus, do you have anything to add there?

Mr. PATTERSON. No. Thank you.

Ms. TORRES SMALL. Thank you.

Ms. RECTANUS. Yes, I would agree with director's assessment that when we applied our 5 criteria, again, we did not do it to the

Management Directorate; but when we look at the roles of the Management Directorate, certainly they offer opportunities for support in the mission area in terms of Human Capital procurements, financial management.

However, those are also some of the areas that GAO has identified that DHS, in general, is struggling with in terms of their major management challenges.

So, again, we haven't seen the assessment or their transition plan. I would hope in working through this, they would recognize those challenges that DHS has, and make sure that any challenges DHS faces does not adversely affect FPS.

I think I would also add, important for us are those other criteria. Now, we found, as I said in our report, no organization might meet all 5 criteria; but obviously, mission is a key one, organizational culture, roles, responsibilities.

So, we would look forward to seeing DHS's plan, given that the Management Directorate is a little different than FPS in terms of what its mission and roles and responsibilities are. We would really look forward to seeing how DHS wants to find synergy in those areas as well.

Ms. TORRES SMALL. Mr. Patterson, in the last brief moments, can you just speak to the fact that 90 percent—you mention that 90 percent of the officers do not receive Federal law enforcement benefits. Has that impacted your recruitment and retention?

Mr. PATTERSON. Yes, it does, very much so.

Ms. TORRES SMALL. Thank you.

Mr. PATTERSON. We have a——

Ms. TORRES SMALL. I apologize. That is all I had time for. So, I will cut myself off now.

Thank you. All right. Thank you very much.

Now I recognize the gentleman from Texas, Ranking Member Crenshaw, for any questions.

Mr. CRENSHAW. Thank you, Madame Chairwoman. I will keep the line of questioning along the same lines of we just want to make sure that this is going to be the right fit, and it was the right decision made under the right auspices, and I will try not to repeat some of the good questions that the Chairwoman had.

Director Patterson, for all of us to understand the tradeoffs involved, can you share with us whether there would be any advantage to keeping FPS under CISA, given its infrastructure security component?

Mr. PATTERSON. At this time I don't think there would be, given that the primary focus now of CISA is on the cybersecurity side, and so we—I think we have lost a little bit of synergy in that regard if we were to stay with CISA. But, again, you know, it clearly could be an option.

Mr. CRENSHAW. I want to piggyback off of the previous question about becoming a stand-alone agency. What exactly prevents you from becoming a stand-alone department within the agency—entity within the Department of Homeland Security?

Mr. PATTERSON. So I don't know that anything really prevents us. I think it is—it is a decision that will be made by the Acting Secretary, whether that would be—if we would be a separate com-

ponent within the Department or not. So, I don't know that there is anything that precludes it.

Mr. CRENSHAW. OK. So then would the move to the Management Directorate be considered a long-term solution then? Is it a stepping stone to becoming a singular entity?

Mr. PATTERSON. I think it could be either. I think it could be a stepping stone, or it could be a long-term solution. I think that is one of the things——

Mr. CRENSHAW. Is there some intent there? Have those discussions happened at all?

Mr. PATTERSON. We have had very few discussions at this point, sir. What we are trying to do is, now the decision has been made, we will now go into the more serious discussions about what that might look like.

Mr. CRENSHAW. OK.

Mr. PATTERSON. Yes, sir.

Mr. CRENSHAW. Ms. Rectanus, in the GAO report, it states, "DHS has not taken key steps to fully assess potential placement options." Can you briefly discuss what you all mean by that, and what additional steps DHS should have taken to assess the placement?

Ms. RECTANUS. At the time of our review, DHS had just started to put together a working group in response to the legislative requirement to think about a good place for FPS. At that time, they had put together a charter, but we thought it was a good first step, but certain things they had not done at that time, which we felt would be needed, first of all, to sort-of assess what would be the reason to move it in the first place, and whether, in fact, NPPD was working or not.

We have actually seen a lot of progress from FPS in the time it has been in NPPD. We also felt that they should better clarify what would be the goals of moving, what would be the cost and benefit, who would pay for those, and sort-of what would be the reason to move, do some analysis of alternatives. Those are the sorts of things that we actually recommended that DHS do before it decides where to put FPS.

Mr. CRENSHAW. OK. As far as the movement to the Management Directorate, given the GAO's report, you didn't analyze specifically going to the Management Directorate; but you have mentioned throughout this testimony, you all don't seem to have a huge problem with it. Would that be accurate to say?

Ms. RECTANUS. I think, again, we haven't seen their analysis. We would hope that in making that decision, they would have applied the criteria that we identified, as well as identified, you know, if there was a reason to move, what would be the goal of moving it to the Directorate. Again, for our 5 criteria, how would they try to make the best decision so that those key criteria, if they are not automatically met, what would they be doing to make sure that FPS could carry out its mission and roles and responsibilities, particularly in light of the some of the challenges that they have been dealing with for the last decade or so.

Mr. CRENSHAW. Director Patterson, I understand FPS has used that time as part of disaster response. How will the transition affect FPS's capability in assisting in disaster response?

Mr. PATTERSON. I don't think it will have an impact.

Once again, sir, operationally, we will continue to function as we have; and I think that what the transition to management will, quite frankly, give us some better insight and understanding of what may be more necessary in areas than others.

Mr. CRENSHAW. There was an earlier GAO report that talked about the lack of firearms training, you know, active-shooter training, the screening, things like that for the contracting side of FPS, not the actual Federal officers, but the contractors, which make up a huge amount of them. Has there been steps taken to improve that training and make sure that they are on par with your officers?

Mr. PATTERSON. Absolutely, sir. We have a very aggressive training program in place today, and a very aggressive oversight program that we have today, where we are following the training of all of our PSOs. We have created two initiatives: One is called the post tracking system, and the other is a training system to where we can, day-to-day, collect all of the training data and requirements for all of our PSOs, so we have an up-to-date understanding of where they are, and know the training that they have is up to date.

Mr. CRENSHAW. Thank you very much.

Ms. TORRES SMALL. The Chair will now recognize other Members for questions they may wish to ask the witnesses.

In accordance with our committee rules, I will recognize Members who are present at the start of the hearing based on seniority on the committee, alternating between Majority and Minority. Those Members coming in later will be recognized in the order of their arrival.

The Chair recognizes, for 5 minutes, the gentlewoman from Nevada, Ms. Tyson—I am sorry—Titus.

Ms. TITUS. Thank you.

Before I ask my question, I wanted to know if you wanted to add something to the Chairman's question about the incentive for recruiting. You kind-of got cut off there.

Mr. PATTERSON. Yes, ma'am. Relative to—I think the question was, our folks don't receive law enforcement retirement benefits, and it does have an impact because what we do, we have a very robust and aggressive training program, and we train our folks to a very high standard. Unfortunately, once we bring them on and they recognize that they do not qualify, don't have the same retirement system as many of their contemporaries in other law enforcement agencies, they seek employment elsewhere. So, it is one of the things that we really look to work with the Department and Congress to help to bridge that gap, if you will.

Ms. TITUS. So, it is not just hiring. It is retention——

Mr. PATTERSON. Yes, yes.

Ms. TITUS [continuing]. Your expense that trains them and then somebody else gets the advantage of it.

Mr. PATTERSON. Yes, ma'am, we do a very good job. We don't have a lot of problem in hiring. Folks want to come to us. The challenge is, is that, once they come and we train them, trying to keep them, trying to keep the quality folks because if they see opportunities in other places where they can get a retirement benefit, law

enforcement retirement benefit, then many of our folks, or some of our folks will decide that that is what they want to do.

Ms. TITUS. Thank you.

I wanted to ask you about Federal buildings in large urban areas, like Las Vegas. Many times, they will house more than one agency. One floor, say, is U.S. Attorney's office. Another floor will be Social Security. Someplace else will be Health and Human Services. You will have jurisdiction over providing security for some of those. Maybe the U.S. Marshals have jurisdiction in other areas. Could you talk a little bit about how your agencies coordinate in a situation like that, and if this change—this move will make any difference there?

Mr. PATTERSON. Well, to answer your—to answer the last part of your question, no, it won't have any impact on it and, yes, we work very aggressively. In fact, we have—I have an officer or a—one of our agents that is a liaison at the U.S. Marshals Service that works these issues every day and, in fact, as we speak, myself and my deputy were supposed to be sitting before the Judicial Security Committee to talk about courthouse security today. We do that every 6 months and just to work through those issues of that we may have.

As it relates to those offices where there are multi-tenant facilities, the Marshals and the Federal Protective Service will collaborate on who will do what now. As you well know, the Marshals are responsible for the protection of the courthouse, inside the courthouse, the judges, and that.

So, quite often, what they will have, they may have the responsibility for the inside. We will have the responsibility for outside. If it is a multi-tenant facility, quite often what they will have is their court security officers posted outside of the courthouse; and we may also have Protective Security Officers in other floors and other areas within that facility. So, that would be a shared responsibility.

Ms. TITUS. OK. Well, so you think that is working well?

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

Ms. TITUS. That is good to hear.

I know that the Department of Homeland Security is responsible for the protection of all the property that is owned or occupied by the Federal Government; but right now, you have a footprint, or a presence, in about 9,000 of the 400,000-plus facilities owned by the Government. Do you see that expanding under the new organization? Do you want it to expand? Are there challenges?

Mr. PATTERSON. Well, we have a presence on an interagency security committee, which is a group of security folks that come from all of the agencies across the Government, and we talk about some of the shortfalls in security, and we are in a position to provide them with our thoughts on how things could be improved. So it is a—it is a—it is an opportunity that we get to share some of our experience with those folks.

So, I think—and our position as the longer that we stay with the Department, in the Department, I think we will have an opportunity to better impact different agencies that aren't part of that GSA footprint.

Ms. TITUS. Well, thank you. Thank you for keeping us all safe.

Mr. PATTERSON. Yes, ma'am.

Ms. TITUS. We appreciate it.

I yield back.

Ms. TORRES SMALL. Thank you, Ms. Titus.

The Chair recognizes, for 5 minutes, the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Thank you, Chairwoman. I do not know if my mic is on or not. My light is not working, but I think I can be heard.

Sir, Madam, thank you for being here this afternoon to speak to us.

Director, you had stated in your testimony that new technologies enhance your ability to protect. They also enhance the abilities, those that would do us harm. You are referring to emerging—emerging threats regarding cyber threats. Clarify what you mean by that, please.

Mr. PATTERSON. Well, what I was talking about in that specific comment was more so on the unmanned aerial vehicles that have—that we are seeing a proliferation of, and looking how we might counter that threat. But we are also looking at the cyber threat relative to our system——

Mr. HIGGINS. Regarding UAVs, before you move on, is your agency, department to department, communicating with the next generation, training, for instance, with the Secret Service regarding UAVs?

Mr. PATTERSON. Yes, sir. There is within the Department there is a huge collaboration between all of the components top look at the threats from UAVs and how they may counter those threats from the Secret Service.

Mr. HIGGINS. So, you feel confident that FPS is on top of emerging threats as we move deeper into the digital age and we face our previously unseen threats like UAVs?

Mr. PATTERSON. Yes, sir. I think we are moving in that direction, yes.

Mr. HIGGINS. Keeping that in mind, how involved were you? I mean, the critical functions of the Federal Protective Service are incredibly important; and thank you all for the service you provide, and the men and women that stand behind the badge. It is crucial work.

To what extent were you, as a director, involved in the decision to place FPS under the Management Directorate?

Mr. PATTERSON. I wasn't involved in the decision, but my staff was part of a working group that was involved in making recommendations to the Secretary. The two recommendations that were made to the Secretary or the Acting Secretary were standalone, and a direct report to the under secretary of management.

Mr. HIGGINS. As a director, are you comfortable with the move?

Mr. PATTERSON. Yes, sir, I am.

Mr. HIGGINS. It has been stated that there would be a potential to improve on areas that have been found, that GAO has found to be lacking. Human Capital Management and Financial Systems Management, it has been stated by FPS that the move under the Management Directorate would help you address that.

Do you concur with that, that general assessment?

Mr. PATTERSON. Yes, sir, I do. I think it gives us an opportunity. As I had a commander say, You grow where you plant it; and I

think what it would allow us to do is to kind-of control some of our own destiny as it relates to getting control of the operations, or especially our lines of business operation within the Federal Protective Service.

Mr. HIGGINS. Our goal is to assist regarding what is actually needed. We don't—we don't want to invest in people's treasure and areas that are already functioning and we as a committee, as Congress, we don't want to interfere with the boots on the ground and the job that needs to get done. So, but we do have to question the wisdom of the decisions that get made like this; and it can be very complex. So, thank you for your candor.

I have a cop question for you, Brother.

FPS employs between 13- and 14,000 private contracted security officers called PSOs. Is this correct?

Mr. PATTERSON. That is correct, yes, sir.

Mr. HIGGINS. Now, I am reading between the lines here. You had mentioned training earlier. You used the words "robust and aggressive," if I quoted you properly there. You have—your law enforcement officers retrieve—receive training at the Federal Law Enforcement Training Center, correct?

Mr. PATTERSON. Yes, sir, they do.

Mr. HIGGINS. The FLETC certification level block of instruction is—I am presuming there is a certificate that comes with this training. Is this different? Is there an instructor level block of instruction for your private contractors, because it stated that FLETC trains instructors who are then able to provide training to their employees which is most of your force. So, please explain the difference, and hopefully, Madam Chairwoman will allow you to answer the question between the instructions that your officers receive and the instruction—the instructor level block of instruction that these private contractors receive.

Mr. PATTERSON. Yes, sir. Well, our law enforcement folks or our Federal folks are law enforcement officers, OK, trained law enforcement officers. Our PSOs are not. OK. They are our—each one is licensed by the State and we have—and we certify that they are—that they have undergone certain training.

Mr. HIGGINS. But they are getting training from someone that has been trained to train them?

Mr. PATTERSON. Yes, sir.

Mr. HIGGINS. They are not training—they are not getting their training at FLETC, correct?

Mr. PATTERSON. I am sorry—no, they are not getting their training at the Federal Law Enforcement Training Center, no, sir. What we have is a program called Train-the-Trainer, to where there are certain aspects of our training.

Ms. TORRES SMALL. I apologize. The gentleman's time has expired. We are going to do a quick round. So, I—can I—I will take back myself.

Mr. HIGGINS. I will defer to the next round.

Thank you, Madam Chairwoman. It is an important question we need to dig into.

Ms. TORRES SMALL. So I will recognize myself now for questions and ask you to finish your answer, if you don't mind.

Mr. PATTERSON. I am sorry, ma'am.

Ms. TORRES SMALL. Would you mind finishing your answer?

Mr. PATTERSON. Oh, yes, yes. So, at the Federal Law Enforcement Training, we train all our Federal law enforcement folks, and our PSOs are not trained at the Federal Law Enforcement Center. However, we do train some what we call some contractors in a term we call Train-the-Trainer. So, what they do is we train them in certain aspects of their job in detecting, you know, certain items for bomb-making materials and things of that nature so that they have a better proficiency of understanding what we want and what they need to do.

The other training that they receive is in life-saving training, and other specific training that is required by the State in order to perform their function as a——

Mr. HIGGINS. Does that include——

Ms. TORRES SMALL. I am sorry. I am sorry.

Mr. HIGGINS [continuing]. Active-shooter training?

Ms. TORRES SMALL. I apologize. Actually I just wanted him to finish that question and then I have got a few more to answer—to ask. I apologize.

Thank you, Mr. Patterson.

Just could you briefly describe FPS's new fee model and why it is needed?

Mr. PATTERSON. Yes. Well, clearly it is needed because one of the challenges that we have had, when we came from the General Services Administration over to the Department, the way that we collect our—you know, we are fully fee-funded. So, there is no appropriation that is allocated to us. So, we collect our monies through square footage that we protect.

Unfortunately for us, the GSA is under mandate to reduce the number of leased space and owned space. So every year, we face a dilemma that they are reducing the square footage. So, we are collecting fewer and fewer funds against that square footage. So, it makes it very difficult for us to move forward and grow and progress like we would need to.

Ms. TORRES SMALL. Thank you, Mr. Patterson.

Do you anticipate this new fee structure to eliminate the potential for budget shortfalls?

Mr. PATTERSON. Well, I don't know that it will eliminate it, but it will help to mitigate it and what that will do is that now, instead of—it is a risk-based model that looks at the three basic things: Calls for service, the number of calls we have to a particular facility; the number of posts; and also, the incidents that we respond to. So, there is an algorithm that is brought forward that we take forward to each one of our customers, if you will, and we explain to them this is how they will be charged and this is—and every 3 years, we go through that process and update that as required.

Ms. TORRES SMALL. Do you think the incident-based model has any potential for deterring contractors from notifying FPS about the threats?

Mr. PATTERSON. No, because on—I think that—I am sorry. Do you think the contract——

Ms. TORRES SMALL. I am sorry. Not the contractors, the entities you are serving.

Mr. PATTERSON. No, I think that—no, because most of the reporting comes through our PSOs. So, I don't think that there is going to be any reduction. We have had very good conversations with all of our customers as it relates—some have increases in their—have increases in their fees; others have a reduction in their fees based on that algorithm and those who have had increases understand why that the increase exists, and they just want transparency. So, we are going to provide that to them; and if there is a conflict, hopefully we can work through it.

Ms. TORRES SMALL. Great.

Just last question on that, how do you—do you have an amount that you currently expected to impact your ability to achieve financial solvency?

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

Ms. TORRES SMALL. How much do you expect to make more based on this new approach compared to the dwindling services that you are seeing based on square footage?

Mr. PATTERSON. I don't know the exact amount that we are—of the increase but what we are looking for is a stabilizing, a stable, and then working with the Department to look at how we might increase those—that figure, but right now, it is just stabilizing the baseline is what we are really trying to do because with the old model with square footage, we could not stabilize the baseline. So as such, we were always having to jiggle or re-prioritize the way that we did business.

Ms. TORRES SMALL. Thank you.

I will yield the rest of my time.

Mr. Crenshaw, do you have any questions?

Mr. CRENSHAW. Thank you, Madam Chairwoman. I can follow up on a couple of things.

I do want to dive back into the movement to the Management Directorate; and I want to get a better sense for what changes you need to make within FPS, what management changes, what organizational structural changes you need to make. If there is one thing you guys have gotten good at, it is moving organizations. So maybe you are used to this by now.

That was meant to be a joke. So, you can laugh.

So what do you anticipate, and how do you overcome those things?

Mr. PATTERSON. I am sorry. I am not sure that I understand your question, sir.

Mr. CRENSHAW. When you are moving from one organization to another, I imagine you are anticipating some management obstacles, right? You have to move folks around, change some pay. I don't know. I don't know.

Mr. PATTERSON. Yes.

Mr. CRENSHAW. That—really that is what I am asking. Are there issues you are going to have to deal with, and how are you going to deal with them?

Mr. PATTERSON. Yes, sir. I do not think that—quite frankly, there is not going to be a huge impact to it as we move from CISA to Management. Once again, it is going to be, quite frankly, to the field, there is no change——

Mr. CRENSHAW. OK.

Mr. PATTERSON [continuing]. It relates to our field force. There is absolutely no change. Where the change is how we conduct business at our headquarters, you know, how we go about developing our budget, how we go about hiring our forces and so forth. That really is, it is kind of the backroom work that will move from one element to another element, and what we will have to do is get familiar with how Management wants us to, more or less, integrate some of our processes in with them instead of over at CISA.

Mr. CRENSHAW. OK.

Mr. PATTERSON. But with Management, it gives us an opportunity at a much higher level now to compete, if you will, than being, you know, up under CISA.

Mr. CRENSHAW. Going back to the training aspects and, you know, I think my colleague wanted to follow up on something about active-shooter training. What does that look like, especially for the contracted officers? I imagine that the Federal officers probably get a lot of that training at FLETC. I have a question about active-shooter training, but not just that, but also countersurveillance training and being able to identify surveillance, identify counter-intelligence issues, you know, things you are well-versed in.

Mr. PATTERSON. Yes, sir. We have a really a robust program for our Federal law enforcement folks on countersurveillance training, as well as active-shooter training; and, however, it is a different story for our Protective Security Officers. Because, No. 1, they are licensed by the State; and, No. 2, because they are not law enforcement, what we do is we train them to understanding what a—what it is for an active-shooter situation, but we cannot train them to respond to an active-shooter situation, because they are not law enforcement, and most States, all the States will not allow them to respond to those incidents. So, they are not provided that level of training that our Federal law enforcement folks would have.

Now, they can respond to a situation if it confronts them, but they cannot go and actively pursue an active shooter in a facility that they protect.

Mr. CRENSHAW. They are legally prevented from——

Mr. PATTERSON. Yes.

Mr. CRENSHAW [continuing]. Are they armed?

Mr. PATTERSON. By the State. Because they are licensed by the State, the States don't allow them to go do that because they are not law enforcement.

Mr. CRENSHAW. On the countersurveillance side, I mean, can we at least train them? This doesn't take long, as you know. It doesn't take long to train somebody in what to look for for countersurveillance.

Mr. PATTERSON. Right. Yes, well, they are trained in the counter—they are trained in looking for the anomalies outside of their facilities, yes, sir.

Mr. CRENSHAW. OK.

Mr. PATTERSON. We don't necessarily call them counters, but they are trained to look for those things that are out of the normal.

Mr. CRENSHAW. There is a reporting process for them to——

Mr. PATTERSON. Yes, they immediately call 1 of our 4 MegaCenters that they have a—there is a possible problem and we

document that daily, you know, whether it be from a backpack or a vehicle that has been sitting too long in a no-parking area, whatever.

Mr. CRENSHAW. OK. I have no further questions.

Thank you, Madam Chair.

Ms. TORRES SMALL. Thank you.

The Chair recognizes for 5 minutes the gentlewoman from Nevada, Ms. Titus.

Ms. TITUS. So, when you say they are not law enforcement, do you mean that they are not post-trained? Is that the right term that they use as the State level?

Mr. PATTERSON. I am not sure about that term, ma'am. I just know that they are not certified law enforcement officers for the State.

Ms. TITUS. OK.

Mr. PATTERSON. They are not recognized as such. So, because of that, there are certain things that they are limited—that we are limited to do within the State. So——

Ms. TITUS. I think it is called post-training in Nevada, but I don't know.

I just wanted to ask you. Have you had your employees at the table or the unions that represent them at the table, as you have discussed all this transition and the timing of it and how you are going to deal with it?

Mr. PATTERSON. Yes, ma'am. We have kept our employees and the union up-to-date on every aspect of this—of the working group as it moved forward through that, so that everybody, we—you know, it is complete transparency. We didn't want anybody not to understand what was going on, and because it is really important for our—especially our employees to be part of this in the buy-in to what is happening.

So, to my knowledge, we have had great support by all of our employees. They just—I think what they really want is they want this to be done. There was an apprehension about, you know, where we going to go, because there was some discussion at one point that maybe we were going to leave the Department and go back to GSA; and that was a troubling discussion, you know, or troubling thought, quite frankly. So, we did not want to go back to GSA; and I don't think any of our folks really wanted to do that.

Ms. TITUS. That is all I have. Thank you.

I yield back.

Ms. TORRES SMALL. Thank you.

The Chair recognizes for 5 minutes the gentleman from Louisiana, Mr. Higgins.

Mr. HIGGINS. Director Patterson.

Mr. PATTERSON. Yes, sir.

Mr. HIGGINS. What State law prevents a legally armed or unarmed security guard from responding to a threat within their given perimeter? I am not familiar with any State law of that.

Mr. PATTERSON. That is the guidance that I was given by our general counsel, sir, that our folks, because they are licensed——

Mr. HIGGINS. Can your office produce that? I would be—I would be——

Mr. PATTERSON. Yes, sir.

Mr. HIGGINS [continuing]. Quite surprised to know of any law that exists within the sovereign States of these United States that would stop an armed or unarmed security guard from responding to a threat within their given perimeter, or any citizen. Teachers respond within a school shooting. Any—many civilians, off-duty or retired officers, have responded at active shooters. I find it difficult to believe your statement was——

Brother, I love you. Thank you for your service, and I am a badge with you, OK?

Mr. PATTERSON. Right.

Mr. HIGGINS. But what you have stated does not jive with what I believe to be true. I don't believe there is a State law that would—that would deny an armed or unarmed security guard from responding to a threat within their given perimeter.

Mr. PATTERSON. Yes, sir. They can, again, if the individual is confronted with a situation, they can respond.

Mr. HIGGINS. I heard you say that.

Mr. PATTERSON. Yes, sir.

Mr. HIGGINS. But what does that mean, confronted? If it happens within the perimeter and you hear the shots, what State law would prevent any citizen of these United States or the sovereign States thereof? What State law would prevent any citizen from responding? What law would stop any man or woman present here today from responding to an active shooter or a threat within this room?

Mr. PATTERSON. Yes, I am just giving you feedback on what we received——

Mr. HIGGINS. I believe your counsel to be wrong.

Mr. PATTERSON [continuing]. As we—as a result of our contract, as we contract——

Mr. HIGGINS. A contract perhaps, and perhaps insurance rate, but not a State law. We would—I would like the committee to receive some clarification on that.

Mr. PATTERSON. OK.

Mr. HIGGINS. Our concern, as we move deeper into the incredible bureaucracy of this bizarre realm of Washington, DC, what we want to do is make things better and more streamlined, not more complicated.

So, definitely, we want the law enforcement officers, private subcontractors, or professionally-trained Federal law enforcement officers, we certainly want them to respond to a threat within the given perimeters that they are—that they are charged to guard at our Federal locations and properties.

Mr. PATTERSON. We absolutely agree with you, sir. I mean, I don't disagree. I am just providing you the guidance that I have been provided as a result of the contracting action of a vendor who provides——

Mr. HIGGINS. We would like to help you, good, sir. You are a good man, obviously, a beautiful spirit, great courage. Thank you for appearing before us. Please have your staff work with our committee staff.

Madam Chairwoman, let us get to the bottom of that. Can we, please?

I yield, and I thank the gentleman.

Ms. TORRES SMALL. Thank you.

The Chair recognizes for 5 minutes the gentlewoman from California, Ms. Barragán.

Ms. BARRAGÁN. Thank you.

Mr. Patterson, this committee has expressed concerns about the significant number of top management vacancies at DHS. Given there is currently no under secretary for management leading the Management Directorate, how will you make sure that you get top leadership support for FPS?

Mr. PATTERSON. Yes, ma'am. We will continue to work with the leadership that is there and do our best with that.

Ms. BARRAGÁN. You know, when I think of law enforcement careers, I think of community members who are the core of our middle class. In older generations, a law enforcement job meant health insurance, a pension, and community. Look, I am worried that largely contract force means that FPS employees aren't getting all of their benefits.

Does a large—does a contract force make sense when we are trying to build domestic middle class jobs?

Mr. PATTERSON. I believe it does. It gives us quite a bit of flexibility in our ability; but also, you know, it is important that we provide our own law enforcement folks the benefits that I believe that they should have as well.

Ms. BARRAGÁN. Is there anything else that you haven't been asked that you want to share with us?

Mr. PATTERSON. No, ma'am. I think that is it.

Ms. BARRAGÁN. OK. I yield back.

Ms. TORRES SMALL. Thank you. The Chair—I think in that case, I think we may be reaching a conclusion here. So, in that case, thank you all so much for coming.

I would like to thank the witnesses for their valuable testimony and the Members for their questions.

So, I just want to recognize, for the record, Mr. Taylor, the gentleman from Texas.

Do you have any questions to ask?

Mr. TAYLOR. [Nonverbal response.]

Ms. TORRES SMALL. Thank you. Sorry about that.

I thank the witnesses for their valuable testimony and the Members of the—and the Members for their questions. The Members of the subcommittee may have additional questions for the witnesses, and we ask that you respond expeditiously in writing to those questions. Without objection, the committee record shall be kept open for 10 days.

Having no further business, the committee stands adjourned.

[Whereupon, at 3:20 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FOR L. ERIC PATTERSON FROM CHAIRWOMAN XOCHITL TORRES SMALL

Question 1. How much more revenue is FPS's new fee model expected to generate annually?

Answer. Response was not received at the time of publication.

Question 2. Will the additional revenue be sufficient to cover all of FPS's expenses?

Answer. Response was not received at the time of publication.

QUESTION FOR L. ERIC PATTERSON FROM HONORABLE DINA TITUS

Question. What, if any, bearing will the transition to the Management Directorate have on the union contract with FPS National Local 918 or existing protections for current bargaining unit employees?

Answer. Response was not received at the time of publication.

QUESTIONS FOR L. ERIC PATTERSON FROM CHAIRMAN BENNIE G. THOMPSON

Question 1. Is conversion of FPS uniformed officers to the law enforcement retirement system being discussed with DHS as part of the transition planning?

Answer. Response was not received at the time of publication.

Question 2. In the past there have been discussions around potentially moving away from the contract guard program. Are there plans to revisit this discussion of hiring more Federal officers to reduce FPS' reliance on contract guards?

Answer. Response was not received at the time of publication.

Question 3. What has been the result of any discussions between FPS and the Management Directorate about whether to request Congressional appropriations to assist with FPS's transition from the Cybersecurity and Infrastructure Security Agency (CISA)?

Answer. Response was not received at the time of publication.

Question 4. Please provide a list of all Federal departments or agencies that owe FPS back fees along with the amount owed. What efforts are being made to recover these fees?

Answer. Response was not received at the time of publication.