

**FEDERAL PROTECTIVE SERVICE:
WILL CONTINUING CHALLENGES WEAKEN
TRANSITION AND IMPEDE PROGRESS?**

HEARING
BEFORE THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

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FEDERAL PROTECTIVE SERVICE: WILL CONTINUING CHALLENGES WEAKEN TRANSITION AND IMPEDE PROGRESS?

Wednesday, November 18, 2009

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 10:03 a.m., in Room 311, Cannon House Office Building, Hon. Bennie G. Thompson [Chairman of the committee] presiding.

Present: Representatives Thompson, Jackson Lee, Cuellar, Carney, Clarke, Richardson, Himes, King, Dent, Olson, Cao, and Austria.

Chairman THOMPSON [presiding]. The Committee on Homeland Security will come to order.

The committee is meeting today to receive testimony on “Federal Protective Service: Will Continuing Challenges Weaken Transition and Impede Progress?”

Good morning. I would like to thank our witnesses for appearing before us today.

We are here this morning to discuss the continuing challenges faced by the Federal Protective Service, and how those challenges may affect its future. The Federal Protective Service is responsible for protecting Federal Government property, personnel, visitors and customers, by providing law enforcement and related security services for about 9,000 buildings that are under the control and custody of the General Services Administration.

FPS responds to incidents, conducts risk assessments, participates in security meetings with GSA property managers and tenant agencies, and determines whether GSA buildings meet security standards established by the Interagency Security Committee.

To carry out this mission, FPS currently employs about 1,200 Federal employees. About one-half of the FPS workforce are Federal law enforcement security officers. But those officers are not responsible for providing a law enforcement presence at Federal facilities. On the contrary, these employees are dedicated to overseeing the 15,000 members of a contract guard force.

For most people, the contract guards are the face of the Federal Protective Service. FPS officers, formerly major actors in Federal law enforcement, have become primarily responsible for administration and management of a large and growing network of private guards. This trend is likely to continue.

While Congress has mandated that FPS maintain staffing levels of at least 1,200, GAO has found that the agency continues to have a high attrition rate. Like most other Federal agencies, FPS must address the impending retirements of the baby boom generation. About 30 percent of the FPS employees will be eligible to retire in the next 5 years.

The impending retirements, combined with a high attrition rate, indicate that FPS must implement a strategic human capital plan. Yet GAO has found that FPS does not have a strategic human capital plan.

The lack of a human capital plan could be mitigated by stellar oversight of its force of contract guards. But GAO has found that FPS does not effectively oversee training and performance of these guards. In fact, in one region, FPS failed to provide X-ray or magnetometer training to 1,500 guards since 2004. Nonetheless, these guards were assigned to posts at Federal facilities.

In addition to training and oversight challenges, GAO has identified substantial security vulnerabilities in the FPS guard program. GAO investigators were able to successfully carry the IED components through security checkpoints monitored by contract guards in 10 out of 10 Federal facilities it tested.

Failures in the guard program could be mitigated by accurate FPS assessments of risk, and the implementation of countermeasures by GSA and its tenant agencies. However, GAO has found that FPS has only limited influence over the allocation of resources, because resource allocation decisions are a responsibility of GSA and tenant agencies.

I think it is fair to say that the current state of FPS is bleak. However, the Department has put forward a transition plan to move FPS and implement changes throughout the agency.

We cannot assume that relocation alone will resolve FPS's problems. The multi-dimensional and complex challenges faced by this agency have been in the making for years. The solution to these problems will require resources, planning, and commitment.

This plan is a first step, but it cannot be the only step taken.

I look forward to the testimony presented today, and I look forward to the actions that follow.

[The statement of Chairman Thompson follows:]

PREPARED STATEMENT OF CHAIRMAN BENNIE G. THOMPSON

We are here today to discuss the continuing challenges faced by the Federal Protective Service and how those challenges may affect its future.

The Federal Protective Service (FPS) is responsible for protecting Federal Government property, personnel, visitors, and customers by providing law enforcement and related security services for about 9,000 buildings that are under the control and custody of the General Services Administration (GSA).

FPS responds to incidents, conducts risk assessments, participates in security meetings with GSA property managers and tenant agencies, and determines whether GSA buildings meet security standards established by the Interagency Security Committee.

To carry out this mission, FPS currently employs about 1,200 Federal employees. About one-half of the FPS workforce are Federal Law Enforcement Security Officers (LESO). But those officers are not responsible for providing a law enforcement presence at Federal facilities. On the contrary, these employees are dedicated to overseeing the 15,000 members of a contract guard workforce.

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FPS officers, formerly major actors in Federal law enforcement, have become primarily responsible for administration and management of a large and growing network of private guards.

And this trend is likely to continue. While Congress has mandated that FPS maintain staffing levels of at least 1,200, GAO has found that the agency continues to have a high attrition rate.

And like most other Federal agencies, FPS must address the impending retirements of the Baby-Boom generation. About 30 percent of FPS employees will be eligible to retire in the next 5 years.

These impending retirements combined with a high attrition rate indicate that FPS must implement a strategic human capital plan. Yet GAO has found that FPS does not have a strategic human capital plan.

The lack of a human capital plan could be mitigated by stellar oversight of its force of contract guards. But GAO has found that FPS does not effectively oversee training and performance of these guards. In fact, in one region, FPS failed to provide X-ray or magnetometer training to 1,500 guards since 2004. Nonetheless, these guards were assigned to posts at Federal facilities.

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I think it is fair to say that the current state of FPS is bleak.

However, the Department has put forward a transition plan to move FPS and implement changes throughout the agency. We cannot assume that relocation alone will resolve FPS's problems.

The multidimensional and complex challenges faced by this agency have been in the making for years. The solution to these problems will require resources, planning, and commitment.

This plan is the first step. But it cannot be the only step taken.

Chairman THOMPSON. The Chair now recognizes the Ranking Member of the full committee, the gentleman from New York, Mr. King, for an opening statement.

Mr. KING. Thank you, Mr. Chairman. Thank you for your courtesy. Thank you for scheduling this hearing. I welcome all the witnesses here today.

Unfortunately, I will not be able to stay past 10:30. There is a large press conference with 9/11 victims, which will be held—which I will have to attend. They have come here from New York.

But I am very interested in this hearing. I know that the Federal Protective Service is a vital component of our Nation's homeland security. I certainly look forward to going through the testimony and reviewing what is said here today.

One of the concerns I do have, which echoes what the Chairman says, is the GAO reports, which did show significant weaknesses in the Federal Protection Services as far as providing the security that is needed at our Federal facilities.

I also bring that up in view of the fact that, of the recent decision by the attorney general to hold the trial of Khalid Sheikh Mohammed in Manhattan, in the Southern District. I would be, again, very interested in the testimony as to how you feel the measures will be taken to protect the Federal facilities in Lower Manhattan, what extra steps are going to be taken.

Obviously, I know you are not going to go into detail. But whether or not you feel that that job can be done. In that regard, I will be introducing a letter which recently—I guess it is a copy of a letter to you, Mr. Schenkel, from the American Federation of Govern-

ment Employees, where they talk about severe staffing shortages in the New York region.

So, to me, again, not saying whether that letter is accurate or not, but the fact these are serious issues in any event, but to be raised with upcoming Federal proceedings in New York with Khalid Sheikh Mohammed. I think they take on a particular significance, and I will be looking forward to you addressing that.

So, with that, Mr. Chairman, again, I thank you for scheduling the hearing. I look forward to the testimony, and I regret the fact that I will probably have to leave here about 10:30. I am sure you will be able to carry on without me, and your heart will not be broken.

Chairman THOMPSON. It will be difficult.

Mr. KING. Thank you.

Chairman THOMPSON. Thank you.

Without objection, we will enter the letter into the record.

[The information follows:]

LETTER FROM THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES (AFGE LOCAL 918—FEDERAL PROTECTIVE SERVICE) SUBMITTED FOR THE RECORD BY RANKING MEMBER PETER T. KING

OCTOBER 14, 2009.

Gary W. Schenkel,
Director, Federal Protective Service, U.S. Department of Homeland Security, 800 N. Capitol St. NW, Suite 500, Washington, DC 20002.

Subject: Region 2: Critical Staffing Levels; Poor Leadership and Management

MR. SCHENKEL: I write to you today to formally express my serious concerns about Region 2 leadership and critical staffing levels within New York City.

AFGE Local 918—FPS remains extremely concerned about severely inefficient staffing levels in New York City and the poor leadership within Region 2. We find that the Federal Protective Service is in severe crisis in New York City and despite repeated warnings there have been no significant changes or actions taken to address the issues. FPS lacks the necessary staffing and proper leadership within New York City and is unable to effectively carry out its mission in the highest risk metropolitan area within the United States. Federal buildings in New York City are at great risk and urgent action is needed to address this situation.

Senior leadership and managers of Region 2 have consistently demonstrated that they lack the necessary skill, experience, and initiative to ensure the protection of Federal facilities in New York City. AFGE Local 918 finds the Regional management decisions and actions, and the lack thereof on numerous occasions, to be a major threat to mission accomplishment. The following are some of the primary issues that detail AFGE Local 918's serious concerns about Region 2.

- The staffing levels of Region 2 are critical. The Region lacks adequate staffing to accomplish the mission. As one of the most at-risk metropolitan locations in the country, New York City staffing levels are severely inadequate. FPS does not maintain 24-hour coverage in New York City or any part of the Region. Yet, despite the critical staffing levels, the Region continues to allow members to travel on temporary duty to locations outside of the Region, fails to have a formal mechanism in place to ensure coverage during employee absences and lacks a formal procedure for the appropriate use and fair distribution of overtime. Region 2, especially in New York City, needs to ensure maximum coverage by uniformed FPS staff at all times and limit the temporary assignment of staff until such time as a major increase staffing is accomplished in the Region. Region 2 lacks sufficient staffing to participate in special details and assignments. The risk to Federal facilities in New York City is just too great to allow the very few staff available in New York City to be assigned to work in other locations. The following demonstrate serious issues that severely strain the staffing and ability for FPS to accomplish its mission in Region 2.
- The Metro New York District Director David Metzger has been temporarily assigned to serve as an instructor for the RAMP training program. This action will leave New York City without a District Director for the period of September 15, 2009 through January 15, 2010. This same District Director

has been attending training and otherwise on leave or temporary assignment and out of the District for extended periods throughout the year. With staffing already at critical levels in the District and the recent terrorist threat against New York City which is being called the most significant terror threat since September 11, 2001, we find it incomprehensible that the Region would allow the Metro District Director to be absent for such an extended period of time. Mr. Metzger has lost touch with the day-to-day operations of his command and the lack of leadership has negatively impacted the effectiveness of the District.

- In addition to the District Commander, the Region has assigned an Area Commander and an inspector to RAMP instructor duties outside the Region. The Region has also assigned two inspectors to the G-20 detail in Pittsburgh. In addition, the Region has experienced the extended absence of one Metro District Inspector due to a line of duty injury, a second Metro District Inspector for a misconduct allegation, a third Metro District Inspector for a firearms qualification issue, a fourth Metro District Inspector has been detailed for many months to the Chemical Security Compliance Division, a fifth Metro District Inspector has been detailed for many months to Plum Island. The pending retirements of a Metro District Police Sergeant, Police Captain and a Physical Security Specialist all contribute to the negative staffing issues that continue to persist in Region 2 and particularly in New York City.
- Two recently hired Inspectors have been without a bullet-resistant vest for over 3 months. These Inspectors have been in soft uniform performing administrative duties during this time period. Despite the Local's repeated inquiries and calls for urgent action, neither the inspectors nor the Local have seen any indication that management is taking any action to obtain the vests so these inspectors can return to full uniformed duty.
- There is an insufficient number of Field Training Inspectors to ensure the success of the Field Training Evaluation Program required of all new inspectors. This shortage will surely delay the proper implementation of the Program—resulting in otherwise qualified law enforcement officers to perform administrative duties.
- The Risk Management Branch Chief, Joseph Cuciti, and Law Enforcement and Security Program Manager Terence Hoey are frequently out of the office on details to FLETC, FPS Headquarters, military leave and the like. The Region 2 Risk Management Branch is ineffective as a result.
- On September 11, 2009, the 8th anniversary of the 9/11 terror attacks, Region 2, took no special actions. It was business as usual in New York City and throughout the Region with the Metro District pressuring staff to continue work on facility security assessments, security level determinations and other administrative work rather than directing highly visible and vigilant patrols of Federal facilities throughout the Region, especially in New York City. Despite the fact that the Vice-President of the United States, the Secretary of State, and the Secretary of Homeland Security were in Lower Manhattan, Regional management did not so much as send out an email to staff urging vigilance or marking the anniversary of the attacks that had such a major impact on Region 2 and New York City. Regional management should have directed all law enforcement personnel to be in uniform and conducting highly visible directed patrol of Federal facilities throughout the Region, the suspension of non-essential administrative work by law enforcement officers for the day and established a formal plan in advance to ensure maximum staffing coverage. We now know that terrorists linked to al Qaeda had planned to carry out attacks in New York City on September 11, 2009. Region 2 would have been severely unprepared for any attacks. Further, the President of the United States was in New York City at a Federal facility in Lower Manhattan and still the Region continued with business as usual. AFGE is baffled and disgusted with Regional management for their lack of care or concern on September 11 and for its continuing lack of attention for events going on around New York City in and around Federal facilities.
- There are two Area Commanders within Metro District. Area Commander Rafael Bou covers the New York City boroughs of Manhattan, Brooklyn, and The Bronx while Area Commander Saul Roond covers Long Island and New York City borough of Queens. Both of the Area Commanders are routinely operating on the 30th floor of 26 Federal Plaza at adjacent desks. Considering the geographic dispersion of personnel throughout these two areas, it is difficult to understand why both of these Area Commanders are working in such close proximity.

- Area Commander Rafael Bou rarely wears the class C duty uniform and is routinely in plain clothes. With an inspector-based work force, the Area Commander is now the first-line supervisor of the uniformed workforce. Mr. Bou does not seem to understand that. He routinely relies on the two remaining Police Sergeants to serve as the uniformed supervisor. This is problematic as GS-10 Police Sergeants should not be supervising GS-12 inspectors. In addition, Mr. Bou is frequently out of contact with his subordinates. He rarely answers his cell phone, his voice mailbox is always full and messages cannot be left. He rarely replies to emails citing the fact that his email folder is full, preventing him from replying. He frequently is not available on the radio. He arrives and departs at varying times and no one seems to know when he is in or when he is out. He repeatedly claims he is retiring within days but obviously by his continued presence that is false. We find Mr. Bou's actions to be abhorrent and a significant risk to the uniformed staff and the Federal facilities in New York City.
- Area Commander Rafael Bou serves as the "Lead COTR" for a number of security guard contracts in the Region. He routinely fails to take timely or appropriate action on issues reported by inspectors. In a recent incident, an FPS Police Officer reported to an inspector that he discovered a contract guard had abandoned his post at a Level IV facility for at least 2 hours. The inspector conducted a review of security camera footage which revealed the guard had left his post for a majority of his tour of duty. The inspector recommended to Mr. Bou that the contract guard be immediately removed from performing work on the contract. Mr. Bou subsequently approached the Police Officer who initially discovered the incident and asked the Officer if a letter of reprimand would suffice as a form of punishment to address the matter. The Police Officer deferred the matter to the inspector. The guard was not immediately removed as recommended and the contract guard was found to have abandoned his post again on his next tour of duty. The inspector reported the incident to Mr. Bou and again called for the guard's removal which was completed a few days later. The fact that Mr. Bou would consult with the Police Officer and not the inspector on the appropriate means to address this matter as well as his failure to promptly address this matter in light of the recent national media attention given to FPS oversight of contract guards is bewildering.
- On a separate contract guard issue, a contract security guard in Manhattan was removed from performing work on a contract due to the guard's failure to take appropriate action to prevent and identify persons who vandalized Federal property in his presence. In addition, it was determined through close monitoring by a group of inspectors that the guard had serious issues with following instructions and paying attention to his duties. A few months later, the same individual who was removed from the Manhattan contract was found to be working at two Security Level IV facilities in Queens. The matter was reported to Mr. Bou for action yet he failed to take action. The guard continues to work as a contract security guard at Level IV Federal facilities in Queens. The Local is bewildered how an individual can be removed from performing work under a Federal contract in one borough and yet be allowed to gain employment under a separate Federal contract in another adjacent borough in the same District of the same Region of FPS. Further, we find it abhorrent that the matter was not immediately addressed by Mr. Bou when it was brought to his attention. The matter was referred to the Joint Intake Center for action but the guard continues to work as a contract guard.
- In the Upstate New York area, the limited staffing and vast geographic area requires inspectors to conduct extensive travel. Inspectors are expected to travel over 120 miles to conduct checks of Federal facilities and contract guards. Recently, inspectors were required to travel 240 miles to pick-up ToughBook laptop computers. They also travel the same route quarterly to conduct firearms qualification. It is neither fair nor safe to expect these inspectors to travel such extensive distances during a tour of duty.
- The Region has demonstrated that it has no clue when it comes to processing worker compensation claims. A recent line of duty injury suffered by an inspector revealed the lack of knowledge by Regional management in handling these issues which resulted in the delayed filing of paperwork. In meetings with AFGE representatives, the Regional Director and Deputy Regional Director indicated that the responsibility for the administration of the program was being transferred from Mission Support Chief Martin Mcrimmon to Special Assistant John Natale. At a subsequent meeting, the Deputy Regional Director indicated that the Mission Support Chief would again be handling OWCP matters. Shortly, after that meeting Regional management advised the Local that OWCP mat-

ters would again be handled by Special Assistant John Natale. In order to avoid the problems encountered in past line of duty cases, the Local recommended that Regional management establish a standard operating procedure and provide training to its supervisors on handling line of duty injuries. Rather than accept the lessons learned from past incidents, the Region took a lax approach to the matter. They put together a cut-and-paste job of a memo which they placed on the shared server drive using a Region 11 Standard Operating Procedure (SOP). They failed to change the points of contact in the policy, leaving the Region 11 point of contact and not adding a Region 2 point of contact. This lack of attention to detail is indicative of the manner in which Region 2 management handles all matters.

- Region 2 Threat Management Branch distributes a daily report via email to FPS HQ and Regional staff—to include non-law enforcement personnel and staff of other agencies. Until recent inquiry by an AFGE representative, the report routinely contained the name, date of birth, social security number and residence of subjects. This information is now being redacted in most instances but the report continues to contain an excessive amount of information to include the names of law enforcement personnel taking actions, investigative and operational methods and techniques employed in Regional daily operations. The unauthorized disclosure of this information could adversely impact the conduct of Regional law enforcement and security operations or the privacy or welfare of involved persons. Routinely, the synopsis of the form 3155 is cut and past into the daily report with little or no modification. This amounts to releasing the form 3155 each time the daily report is prepared and distributed. If a daily report to non-law enforcement personnel and outside Agencies is necessary, its content should be minimal with very short and minimally descriptive summaries of daily events. In addition, the report should be reviewed for accuracy, proper format and any errors prior to distribution. The frequently observed typographical errors, cut-and-paste formatting errors that include use of a variety of fonts on occasion and other minor errors indicate that a careful review of this product before its dissemination is not being conducted.
- The Region replaced all portable radios. As a continuing evidence of the Region's lack of attention to detail, only one Region 2 channel was programmed into the new portable radios. To date, this has not been corrected and the Region 2 portable radios continue to have only a single change programmed. On a related note, when the Region received new vehicles, the vehicles sat in a parking garage for months before being assigned. When vehicles were replaced, old vehicles sat in the garage for months. There was no timely issuance or return of vehicles to ensure maximum cost efficiency. The Region 2 Mission Support Service Branch frequently creates more problems than they solve.
- Region 2 recently hired three Area Commanders for Metro District. Each of these new managers was hired from outside the agency. There were no internal promotions. Two of the Area Commanders have sat around for several months while they await required FLETC training dates. One of the Area Commanders has accumulated nearly 200 hours of leave-without-pay during his tenure with FPS. The agency needs to promote from within its current ranks and have an effective, formal mechanism in place to develop inspectors for leadership and management positions within the agency.

AFGE Local 918–FPS has been expressing its serious concerns about Region 2 for several years. Our concerns have gone mainly unaddressed. There is a systemic problem with poor leadership and management in Region 2. We believe that senior Region 2 leadership lacks the motivation, skills, and abilities to effectively lead and manage FPS operations in the 21st Century. Changes in senior Regional leadership are necessary if Region 2 is to become an effective component of FPS.

I would like the opportunity to discuss these issues with you and work together to find solutions. We remain extremely concerned about the critical staffing issues in New York City. I felt it necessary to address the staffing issue in further detail in additional correspondence with you and to Members of Congress. I strongly urge immediate action to address the management deficiencies in New York City.

Sincerely,

DAVID L. WRIGHT,
President, AFGE Local 918–FPS.

Chairman THOMPSON. Other Members of the committee are reminded that under committee rules, opening statements may be submitted for the record.

[The statement of Hon. Richardson follows:]

PREPARED STATEMENT OF HONORABLE LAURA RICHARDSON

NOVEMBER 17, 2009

Mister Chairman, thank you for convening this very important hearing today examining the continuing challenges faced by the Federal Protective Service. I appreciate your commitment to this vital issue. I would also like to thank our witnesses for being here today.

The Federal Protective Service (FPS) provides law enforcement and security services for almost 9,000 Federal facilities and countless millions in Federal assets. The sheer scope of this kind of service means that we must do everything we can to ensure that they have the resources and organizational structure in place to effectively do their job and keep our many buildings and employees safe in the face of the many threats to their security.

The reports regarding lapses in security due to carelessness, negligence, and lack of training is distressing, to say the very least. We are relying on FPS for the security of so many people and places—and too many reports of this nature indicate an epidemic, not an isolated incident. And considering that one of the buildings breached was a House office building right across the street from the Capitol, an important symbol of our Nation and an irresistible target for terrorists, I would think that is a clear sign that change is needed.

As the representative of the 37th Congressional District in California which is a target-rich area for terrorists due to its close proximity to the Ports of Los Angeles and Long Beach, I have a particular interest in ensuring that this agency has the resources and structure in place to not only adequately handle its duties but to excel. Therefore, it is of particular import to me that the Federal Protective Services is doing the best job it possibly can.

The transfer of FPS from Immigration and Customs Enforcement to the National Protection and Programs Directorate will most certainly have an effect on FPS' governance, function, and accountability. With so much at stake, we must ensure that this transition is as smooth and seamless as it possibly can be. Too much time has passed already since the problems within FPS have been identified. I look forward to hearing the ideas and recommendations of our distinguished panel of witnesses as to how we can improve this Service and further secure our Nation against threats.

Thank you again, Mr. Chairman, for convening this hearing. I yield back my time.

Chairman THOMPSON. I now welcome our first panel of witnesses.

Our first witness is Mr. Rand Beers, the Under Secretary for the National Protection and Programs Directorate. Mr. Beers oversees the operation of the directorate's subcomponents: Cybersecurity and communications; infrastructure protection; risk management and analysis; and the United States visitors and immigration status indicator technology, commonly referred to as US-VISIT program.

Soon, he will be adding FPS to this list of subcomponents under his direction. I do not know what else after that, Mr. Beers, but I am sure you will handle it.

Our second witness is Mr. Gary Schenkel, the appointed director of Federal Protective Service in March 2007. Prior to joining the FPS, he served as assistant Federal security director for the Transportation Security Administration at Chicago Midway Airport.

Welcome.

Our third witness is Mr. Robert Peck, the commissioner of Public Buildings Service at the General Services Administration. As commissioner, Mr. Peck is responsible for design, construction, and leasing of 354 million square feet of Government property.

Welcome, Mr. Peck.

Our final witness on this panel is Mr. Mark Goldstein, who is the director of the Physical Infrastructure Issues team at the Govern-

ment Accountability Office. Mr. Goldstein is responsible for GAO's work in the areas of Government facilities and telecommunications.

I also welcome you here today, Mr. Goldstein.

Without objection, the witnesses' full statements will be inserted in the record. I now ask each witness to summarize his statement for 5 minutes.

Mr. Beers, however, will make a single statement for both FPS and NPPD. Mr. Schenkel will participate in the question-and-answer segment of the hearing. We look forward to hearing his responses under Members' questions.

I now recognize Secretary Beers.

STATEMENT OF RAND BEERS, UNDER SECRETARY, NATIONAL PROTECTION PROGRAMS DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY

Mr. BEERS. Thank you, Mr. Chairman. Thank you, and Ranking Member King, and the other Members of the committee for inviting us to appear before you today to discuss the transition of the Federal Protective Service into the National Protection and Programs Directorate.

We want to talk today about a number of those things. But I also want to acknowledge Director Schenkel here, and Bob Peck from GSA and Mark Goldstein from GAO, whom we work closely with. Both gentlemen are contributing importantly to the work of FPS.

Let me start by saying that Secretary Napolitano and I have an enormous appreciation and tremendous respect for the work that FPS does every day all over the country.

As you are aware, FPS was transferred to the National Protection and Programs Directorate on October 28 of this year with the signing of the Fiscal Year 2010 Department of Homeland Security Act. The protection of Federal facilities and their occupants is a critical mission.

We at DHS need to ensure that FPS has the resources and the infrastructure to accomplish that mission. This is a charge which Secretary Napolitano has levied on us, and one which we take very seriously.

For the past 6 months with respect to this transition, NPPD has worked closely with the Federal Protective Service and the Immigration and Customs Enforcement Agency to ensure an orderly transition. We will be happy to elaborate on that in the question period.

Additionally, I believe that we have made important progress in addressing a number of the GAO recommendations. But clearly, more work needs to be done.

With respect to that, as the committee is aware, since its transfer to DHS in 2003, FPS has been the subject of five GAO audits that have resulted in 20 recommendations for improving management and operations.

With respect to those 20 recommendations, five have been addressed and closed; 10 related to facility protection, finance, and human capital planning are currently actively being worked; and five are tied directly to the implementation of FPS's Risk Assessment and Management Program, or RAMP, and will likely remain

open until RAMP, which is now in its initial operating status, is fully operational in 2011.

I would also like to address some of the major areas identified recently by GAO as needing improvement and review some of the actions and initiatives taken by FPS to make these changes.

First, with respect to human capital, FPS has made improvements in its human capital management since the June 2008 GAO report recommended that FPS develop and implement a strategic approach to manage staffing resources. FPS has refined and is using a strategic staff allocation model to manage its staffing resources. Director Schenkel can fill you in on the details of that.

FPS has also enhanced its capability to identify and report personnel strength levels, allowing FPS to better manage resource levels. FPS's accomplishment led GAO to close this recommendation last month. In addition to this major accomplishment, FPS has used its human capital management plan to make important progress in recruiting, training, and allocating personnel during the past 18 months.

Further, I would note that NPPD and FPS human capital management functions have been combined just this last week. This moves us, I think, into an integration that builds on the momentum, quite frankly, that FPS has already made and fully integrates NPPD's human capital processes to improve the overall approach to management of staffing resources.

Second, with respect to finance, GAO has offered recommendations for improving FPS's financial processes. FPS, I think, has made some important improvements in this area. With Congressional support and guidance, FPS has improved its business processes and its enhanced financial functions to pay huge dividends. In the National Capital Region alone, for example, an improved procurement process for contracted guard services resulted in a \$5.5 million cost reduction in 2008. These savings were passed directly to the agency client.

Additionally, FPS has eliminated a backlog of 2,200 invoices totaling \$92 million, some of which predated the creation of DHS. FPS has consolidated and centralized the entire invoice payment process. Since the beginning of 2008—fiscal year 2008—has paid 95 percent of all invoices within 30 days. In its most recent month, the percentage rose to 99.5 percent.

I think this is a mark of the seriousness with which we have taken the recommendations, and the efforts that FPS has undertaken to move forward.

The third point I want to make is with respect to contract guard oversight. FPS has been developing detailed performance measures that are directly linked to the 2008 strategic plan. In fiscal year 2010, FPS will formalize these performance measures.

FPS has been developing a draft set of more than 80 potential measures that are aligned to FPS programs to determine FPS's progress toward meeting the goals and objectives in that strategic plan.

Furthermore, FPS is currently developing additional information collection and analysis tools to allow these comprehensive measures to be fully implemented.

Specifically to address these, FPS has responded by first identifying contract guards with expired certifications and qualifications, and brought them into compliance with contract provisions—or removed them. Second, it has required contract guards to complete additional training in magnetometer and X-ray screening operations and techniques.

Third, it has authorized the use of overtime to increase the frequency of contract guard post inspections. Finally, we have established a National study group to determine what the causes of these lapses were and what more might be done.

Finally, FPS has established a covert testing working group and set up a covert testing plan to complement these other overall efforts.

In conclusion, transition of FPS advances Secretary Napolitano's strategic vision and her commitment to align the functions within the Department of Homeland Security in a manner that leverages DHS's resources and competencies.

Director Schenkel and I would be happy to answer any of your questions. Thank you very much.

[The joint statement of Mr. Beers and Mr. Schenkel follows:]

JOINT PREPARED STATEMENT OF RAND BEERS AND GARY SCHENKEL

NOVEMBER 18, 2009

Chairman Thompson, Ranking Member King, and Members of the committee, thank you for inviting me to appear before you today to discuss the transition of the Federal Protective Service (FPS). As you are aware, FPS transferred from U.S. Immigration and Customs Enforcement (ICE) to the National Protection and Programs Directorate (NPPD) on October 28, 2009, with the signing of the Fiscal Year 2010 Department of Homeland Security Act (Pub. L. 111–83). This move advances Secretary Napolitano's strategic vision and her commitment to align functions within the Department of Homeland Security (DHS) in a manner that leverages the Department's resources and competencies to maximize FPS' contributions to the Department and its value to the Nation.

For the past 6 months, NPPD has worked closely with FPS and ICE to ensure an orderly and seamless transition. I have an enormous appreciation and tremendous respect for FPS's work. The protection of Federal facilities and their occupants is critical, and we need to ensure that FPS has the resources and infrastructure to accomplish that mission. FPS Director Schenkel and I take our responsibility to provide such resources and infrastructure very seriously; this framed our transition plan, guided us throughout the transition period, and will continue to inform our decisions as we move forward.

GAO AUDIT SUMMARY

Since its transfer to DHS in 2003, the FPS has been the subject of five Government Accountability Office (GAO) audits that have resulted in 20 recommendations for improving its management and operations. The disposition of the 20 recommendations is as follows:

- Five have been addressed and closed.
- Ten related to facility protection, finance, and human capital planning and are being actively worked.
- Five are tied directly to the implementation of FPS's Risk Assessment and Management Program (RAMP), and likely will remain open until RAMP is fully operational in 2011.

I would like to address some of the major areas identified by GAO as needing improvement—human capital, finance, and contract guard oversight—as well as review some of the actions and initiatives taken by FPS to make these changes.

Human Capital

FPS has made improvements in its human capital management since a June 2008 GAO report recommended that FPS develop and implement a strategic approach to manage staffing resources. FPS refined, and is using, a strategic staff allocation

model to manage its staffing resources. It has also enhanced regional and headquarters capabilities to identify and report personnel strength levels, allowing FPS to achieve and maintain optimum resource levels. FPS's accomplishments and improvements in this area led GAO to close this recommendation last month.

In addition to this major accomplishment, FPS has used its human capital management plan to make remarkable progress in recruiting, training, and allocating personnel during the past 18 months. At the beginning of 2008, as a result of budget requirements, FPS was directed to reduce its staff from 1,100 to 950 employees. FPS immediately developed an action plan to bring about those reductions while still accomplishing its critical mission. To save the jobs of a large number of valued employees, FPS identified programs that would reimburse FPS for assignments of a substantial number of positions. Three months later, the enactment of the Fiscal Year 2008 Omnibus Act required FPS to increase its strength by 150 additional law enforcement personnel, rather than reduce its staff to 950. FPS aggressively changed course and conducted the most successful recruiting and selection campaign in FPS history.

Further, just this week I combined NPPD and FPS human capital management functions. This move capitalizes on the momentum made by FPS in the human capital area and fully integrates NPPD's human capital processes to improve the overall strategic approach to its management of staffing resources.

Finance

GAO has offered recommendations for improving FPS's financial processes, and FPS has made important improvements. With Congress' support and guidance, FPS has employed a strategic approach to improve its business processes, and its significantly enhanced financial functions have paid huge dividends. In the National Capital Region alone, an improved procurement process for guard services resulted in reducing the cost of three new security guard contracts by \$5.5 million in fiscal year 2008, savings that were passed directly to the agency client. An especially noteworthy accomplishment was the elimination of a backlog of 2,200 invoices totaling \$92 million, some of which pre-dated the creation of DHS. To improve FPS' invoice payment processes, FPS consolidated the entire process by requiring that all invoices be sent to a central location. Since the beginning of fiscal year 2008, FPS has paid 95 percent of all invoices within 30 days, and, in the most recent month, the percentage of payments paid within 30 days rose to 99.5 percent.

FPS continues to refine its financial business processes. This year, it developed and implemented an activity-based cost model that captures obligations and expenses and links them directly to the appropriate line of business, activity, and cost center. The model is still being tested, but early results indicate that it will allow us to analyze security costs by facility, risk level, and performance. This capability will assist in developing and evaluating potential alternative fee methodologies that align costs of services required for designated security levels.

Contract Guard Oversight

During the past year, FPS has been developing detailed performance measures that are directly linked to its strategic plan, which was issued in 2008. FPS has developed a draft set of more than 80 potential measures that are aligned to FPS programs and can provide information to determine FPS progress toward meeting the goals and objectives in the strategic plan. FPS is now testing and refining the highest priority measures to ensure their feasibility and accuracy. Based on this testing, FPS will establish comprehensive performance measures in fiscal year 2010. Further, FPS is currently developing additional information collection and analysis tools to allow these comprehensive measures to be fully implemented.

To specifically address the most recent oversight issues reported by GAO, FPS has responded to improve oversight of its contract guard force. For example, within hours of learning of lapses in screening procedures in selected facilities, FPS:

- Established a National study group to determine the causes of the lapses and to recommend measures to prevent their recurrence;
- Authorized overtime to increase the frequency of contract guard post inspections;
- Required contract guards to complete additional training in magnetometer and X-ray screening operations and techniques; and
- Identified contract guards with expired certifications and qualifications and brought them into compliance with contract provisions or removed them.

In addition to these measures, FPS established a Covert Testing Working Group and tasked its members to develop a Covert Testing Program to enhance and complement on-going overt efforts to improve oversight and promote attentiveness and professionalism of the contract guard force. The working group has developed a

draft program that will contribute to a multi-faceted approach to achieve FPS strategic goals effectively and efficiently and to ensure secure facilities and safe occupants. This approach will be integrated with FPS' formal program review process, which facilitates data analysis management and consistent follow-up to ensure that corrective actions and identified policy and training deficiencies are adequately addressed and resolved. We anticipate that the new policy directive to implement the program will be in place no later than December 11, 2009.

I thank you for your time today. I appreciate the opportunity to discuss the Federal Protective Service's transition and progress. I will be happy to answer any questions from the committee.

Chairman THOMPSON. Thank you for your testimony.

I now recognize Commissioner Peck to summarize his statement for 5 minutes.

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

Mr. PECK. Thank you, Mr. Chairman and Ranking Member, Congressman King. Thank you for inviting GSA to come to this hearing this morning.

Mr. Chairman, you noted the range of our buildings, 354 million square feet of buildings that house 1 million Federal tenants all around the country. I think what I would like to do most is to put the issue of security in context.

We always say that we have no more important mission in GSA, a mission which we share with the Federal Protective Service, of providing for the security of the people who work in our Federal buildings, and for the citizens who come to visit.

It is important to note that this is an incredibly difficult undertaking, because our buildings, by and large, are not high-security installations in the traditional sense of a place where you can surround it with double concertina wire and high-intensity lighting, and keep everybody out.

On the contrary, we invite the public into our buildings. They paid for the buildings. The people who work in those buildings serve the public. So, it is a balance that we have to maintain, and it makes security quite a bit more difficult than it is in other contexts.

Second, in our buildings we have agencies with a wide range of responsibilities—and, commensurately, a wide range of threats against them—from law enforcement agencies, courts, U.S. attorneys' offices, to agencies like Social Security and CIS, who are there to serve people who have business to conduct with the Government.

Security is something that happens in a continuum, beginning with intelligence, with the efforts of our military overseas to disrupt those foreign threats against us, and moving into technology in our buildings, and also the human assets, which is the focus mostly of your hearing today. But it is important for us to work on, and we are working with FPS and other Federal agencies on defining what the threats are, and what are those threats that we can reasonably and most effectively mitigate by measures in our buildings.

As I said, some measures against threats have to be taken outside our buildings. Then, there are those threats which we need to accept, in a way, as a risk of doing business in a democracy. All of that makes this a very complicated job, and a job which requires

a look at each and every Federal facility as a separate security issue.

The question of what we do when we get down to what I often refer to as the last line of defense, the human assets we have in the buildings, which are mostly contract guards, but also Federal Protective Service officers.

There are lots of issues which we are going to bring up today. They have to do with training. They have to do with costs. Whether the guards that we employ are Federal employees or private sector, we need to consider how much money it is going to cost us.

I think there may be opportunities in which we can find that we need fewer human assets on site, and replace them possibly with more roving patrols and with different sorts of technology and different sorts of access procedures to our buildings.

I would just tell you, we are working as hard as we can with the Federal Protective Service. We have liaisons in each one of our 11 regions, who are specifically dedicated to working with the Federal Protective Service on doing asset security risk analyses on our buildings, and working day-to-day to make sure that security is done as seamlessly as possible.

Two days ago, we held a—Federal Protective Service, which runs the Interagency Security Committee—held a conference in which we discussed the physical standards which apply to the construction and renovation of our buildings. We had some very good conversations about the issues I have raised here about balancing security openness and mitigating our threats in the most effective way.

Finally I will just say, I will defer mostly to the Department of Homeland Security and FPS on the issue that Congressman King raised about the upcoming trial in New York. I will just—I will note that we have had terrorist trials in that venue before. As you know, Congressman, the State and the city also have courts nearby. We have a lot of assets that we rely on, quite frankly, from the city of New York and the State. But we also do have Federal assets. We do have a pretty robust Federal Protective Service presence in New York City.

The physical arrangement of the courthouse and lockup near there, the detention center near there, I believe are among the things that made us decide that this is a venue that we can protect. But it will require more assets. It will require some inconvenience to employees and visitors and drivers in New York City.

Thank you, and I am happy to answer any questions, obviously.
[The statement of Mr. Peck follows:]

PREPARED STATEMENT OF ROBERT A. PECK

NOVEMBER 18, 2009

Good morning Chairman Thompson, Ranking Member King, and Members of this committee. My name is Robert A. Peck and I am the Commissioner of the General Services Administration's (GSA's) Public Buildings Service (PBS). Thank you for inviting me to appear before you today to discuss GSA's role and expectations in the security of our facilities.

We have no more important responsibility than safeguarding our roughly 1 million Federal tenants, housed in GSA facilities, and their visitors in a manner that reflects the values of American democracy and the responsibility of our Government to be open to the citizens it serves. Our buildings must be secure and at the same

time must also be inviting and a good neighbor in their communities. This is a tall order.

GSA's PBS is one of the largest and most diversified public real estate organizations in the world. Our real estate inventory consists of over 8,600 owned and leased assets with nearly 354 million square feet of space across all 50 States, 6 territories, and the District of Columbia. Our portfolio is composed primarily of office buildings, courthouses, land ports of entry, and warehouses. GSA's goal is to manage these assets efficiently, while delivering and maintaining superior workplaces at best value to our client agencies and the American taxpayer. Achieving this goal requires a complete understanding of the threats facing our facilities, the accurate and timely identification of vulnerabilities, and a clear understanding of the tools available to us to overcome the vulnerabilities and counter the threats.

We rely on the Federal Protective Service (FPS) to conduct risk assessments of our facilities. These assessments and additional input from FPS help inform how we design, acquire, and run our buildings.

Like all executive branch agencies, GSA and FPS are subject to the security standards established by the Interagency Security Committee (ISC). The ISC's membership includes representatives from more than 40 Executive departments and agencies, in addition to the U.S. Courts.

GSA is the only Federal agency whose mission is real property management that is represented in the ISC. Through our participation, we ensure that the real property perspective is included in all standards. Specifically, PBS engages representatives from all disciplines in developing our input: Leasing specialists, architects, engineers, portfolio management professionals, customer service representatives, child care center specialists, and building management officials.

We are encouraged that the ISC is working to develop new standards that are moving in a direction that allows greater flexibility about risk-based allocation. At GSA, we firmly believe in the need for risk-based allocation of resources throughout our portfolio. Even in the area of physical security, this is particularly important. Funding and efforts must first be focused on the highest risk facilities, and against the highest risk threats.

GSA remains committed to providing our customers with a comprehensive work environment to allow them to complete their mission. We work continuously with FPS to assess, support, and safeguard our Federal facilities. I met recently with FPS leadership in Kansas City to advance the risk-based allocation approach to security.

In closing, I'd like to reiterate that PBS is committed to providing our customers with the most effective working environments we can. Current standards dictate security measures that applied across a broad range of facilities. Integrating a new risk-based approach provides us with the most flexibility to address site-specific conditions and balance necessary security measures with openness of our public buildings.

I look forward to working with the committee as we continue to make great strides in this area. Thank you for allowing me to testify before you today. I welcome any questions you might have.

Chairman THOMPSON. Thank you for your testimony.

I now recognize Director Goldstein to summarize his statement for 5 minutes.

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

Mr. GOLDSTEIN. Thank you, Mr. Chairman and Members of the committee.

Thank you for the opportunity to testify on the Federal Protective Service and its progress in meeting its mission of protecting Federal buildings, employees, and citizens.

As you know, FPS, within the Department of Homeland Security, is responsible for providing law enforcement and related security services for nearly 9,000 Federal facilities.

In 2004, GAO identified a set of key protection practices from the collective practices of Federal agencies in the private sector, which included allocation of resources, using risk management, strategic

management of human capital, leveraging technology, information sharing and coordination, and performance measurement and testing.

My testimony today is based on a GAO report being released, as well as past reports and testimonies, and discusses limitations FPS faces in protecting GSA buildings and resulting vulnerabilities, and actions that FPS was taking.

To perform this work, we used the key practices as our criteria, visited a number of GSA buildings, surveyed tenant agencies, analyzed pertinent laws, and also conducted covert testings at 10 judgmentally selected, high-security buildings in four cities.

FPS's approach to securing GSA buildings reflects some aspects of key protection practices. However, GAO found limitations in each area and identified vulnerabilities.

More specifically, FPS faces obstacles in allocating resources using risk management. FPS uses an outdated risk assessment tool and a subjective, time-consuming process to assess risk. In addition, resource allocation decisions are the responsibility of GSA and tenant agencies. This leads to uncertainty about whether risks are being mitigated.

Also, FPS continues to struggle with funding challenges that impede its ability to allocate resources effectively, and a lack of equity remains in the fees paid by tenants.

Second, FPS does not have a strategic human capital management plan to guide its current and future workforce planning efforts, making it difficult to discern how effective its transition to an inspector-based workforce will be.

Furthermore, because contract guards were not properly trained and did not comply with post orders, GAO investigators concealing components for an improvised explosive device passed undetected by FPS guards at 10 of 10 high-security facilities in four major cities. Many contract guards lack required certifications to stand post in Federal facilities.

Third, FPS lacks a systematic approach for leveraging technology, and inspectors do not provide tenant agencies with an analysis of alternative technologies, the cost and the associated reduction in risk. As a result, there is limited assurance that the recommendations inspectors make are the best available alternatives, and tenant agencies must make resource allocation decisions without key information.

Fourth, FPS has developed information-sharing and coordination mechanisms with GSA and tenant agencies, but there is inconsistency in the type of information shared and the frequency of coordination.

Fifth, FPS lacks a reliable data management system for accurately tracking performance measurement and testing. Without such a system, it is difficult for FPS to evaluate and improve the effectiveness of its efforts, allocate resources, or make informed risk management decisions.

FPS is taking steps to better protect GSA buildings. For example, FPS is developing a new risk assessment program, and has recently focused on improving the oversight of its contract guard program. Additionally, GAO has recommended that FPS implements

specific actions to make greater use of key practices and otherwise improve security.

However, FPS has not completed many related corrective actions, and FPS faces implementation challenges to achieve those objectives, as well.

Nonetheless, adhering to key practices and implementing GAO's recommendations in specific areas would enhance FPS's chances for future success, and could position FPS to become a leader and benchmark agency for facility protection in the Federal Government.

This concludes my statement. I would be happy to answer any questions the committee may have.

[The statement of Mr. Goldstein follows:]

PREPARED STATEMENT OF MARK L. GOLDSTEIN

NOVEMBER 18, 2009

GAO HIGHLIGHTS

Highlights of GAO-10-236T, a testimony to the Chairman, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

The Federal Protective Service (FPS) within the Department of Homeland Security (DHS) is responsible for providing law enforcement and related security services for nearly 9,000 Federal facilities under the control and custody of the General Services Administration (GSA). In 2004 GAO identified a set of key protection practices from the collective practices of Federal agencies and the private sector, which included allocation of resources using risk management, strategic management of human capital, leveraging of technology, information sharing and coordination, and performance measurement and testing.

This testimony is based on past reports and testimonies and discusses: (1) Limitations FPS faces in protecting GSA buildings and resulting vulnerabilities; and (2) actions FPS is taking. To perform this work, GAO used its key practices as criteria, visited a number of GSA buildings, surveyed tenant agencies, analyzed pertinent laws and DHS and GSA documents, conducted covert testing at 10 judgmentally selected high-security buildings in four cities, and interviewed officials from DHS, GSA, and tenant agencies, and contractors and guards.

What GAO Recommends

GAO makes no new recommendations in this testimony. DHS concurred with GAO's past recommendations for FPS, but FPS has not completed many related corrective actions.

HOMELAND SECURITY.—GREATER ATTENTION TO KEY PRACTICES WOULD HELP ADDRESS SECURITY VULNERABILITIES AT FEDERAL BUILDINGS

What GAO Found

FPS's approach to securing GSA buildings reflects some aspects of key protection practices; however, GAO found limitations in each area and identified vulnerabilities. More specifically:

- FPS faces obstacles in allocating resources using risk management. FPS uses an outdated risk assessment tool and a subjective, time-consuming process to assess risk. In addition, resource allocation decisions are the responsibility of GSA and tenant agencies. This leads to uncertainty about whether risks are being mitigated. Also, FPS continues to struggle with funding challenges that impede its ability to allocate resources effectively.
- FPS does not have a strategic human capital management plan to guide its current and future workforce planning efforts, making it difficult to discern how effective its transition to an inspector-based workforce will be. Furthermore, because contract guards were not properly trained and did not comply with post orders, GAO investigators concealing components for an improvised explosive device passed undetected by FPS guards at 10 of 10 high-security facilities in four major cities.

- FPS lacks a systematic approach for leveraging technology, and inspectors do not provide tenant agencies with an analysis of alternative technologies, their cost, and the associated reduction in risk. As a result, there is limited assurance that the recommendations inspectors make are the best available alternatives, and tenant agencies must make resource allocation decisions without key information.
- FPS has developed information sharing and coordination mechanisms with GSA and tenant agencies, but there is inconsistency in the type of information shared and the frequency of coordination.
- FPS lacks a reliable data management system for accurately tracking performance measurement and testing. Without such a system, it is difficult for FPS to evaluate and improve the effectiveness of its efforts, allocate resources, or make informed risk management decisions.

FPS is taking actions to better protect GSA buildings, in part as a result of GAO's recommendations. For example, FPS is developing a new risk assessment program and has recently focused on improving oversight of its contract guard program. Additionally, GAO has recommended that FPS implement specific actions to make greater use of key practices and otherwise improve security. However, FPS has not completed many related corrective actions and FPS faces implementation challenges as well. Nonetheless, adhering to key practices and implementing GAO's recommendations in specific areas would enhance FPS's chances for future success, and could position FPS to become a leader and benchmark agency for facility protection in the Federal Government.

Mr. Chairman and Members of the committee: We are pleased to be here to discuss the Federal Protective Service's (FPS) efforts to ensure the protection of the more than 1 million Government employees, as well as members of the public, who work in and visit the nearly 9,000 Federal facilities that are under the control and custody of the General Services Administration (GSA). There has not been a large-scale attack on a domestic Federal facility since the terrorist attacks of September 11, 2001, and the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Nevertheless, the shooting death this past year of a guard at the U.S. Holocaust Memorial Museum—though not a Federal facility—demonstrates the continued vulnerability of public buildings. Moreover, the challenge of protecting Federal real property is one of the major reasons for GAO's designation of Federal real property management as a high-risk area.¹

FPS—within the Department of Homeland Security (DHS)—is authorized to protect the buildings, grounds, and property that are under the control and custody of GSA, as well as the persons on the property; to enforce Federal laws and regulations aimed at protecting GSA buildings and persons on the property; and to investigate offenses against these buildings and persons.² FPS conducts its mission by providing security services through two types of activities: (1) Physical security activities—conducting building risk assessments of facilities and recommending countermeasures aimed at preventing incidents at facilities—and (2) law enforcement activities—proactively patrolling facilities, responding to incidents, conducting criminal investigations, and exercising arrest authority. To accomplish its mission of protecting Federal facilities, FPS currently has a budget³ of around \$1 billion, nearly 1,200 full-time employees, and about 15,000 contract security guards deployed at Federal facilities across the country.

We have identified a set of key facility protection practices from the collective practices of Federal agencies and the private sector to provide a framework for guiding agencies' protection efforts and addressing challenges.⁴ The key practices essentially form the foundation of a comprehensive approach to building protection. We have used these key practices to evaluate how FPS protects GSA buildings and will focus on the following five key practices for this testimony:⁵

- *Allocation of resources using risk management.*—Identify threats, assess vulnerabilities, and determine critical assets to protect, and use information on these and other elements to develop countermeasures and prioritize the allocation of resources as conditions change.

¹ GAO, *High Risk Series: An Update*, GAO-09-271 (Washington, DC: Jan. 1, 2009).

² 40 U.S.C. § 1315.

³ Funding for FPS is provided through revenues and collections of security fees charged to building tenants in FPS-protected property. The revenues and collections are credited to FPS's appropriation and are available until expended for the protection of Federally-owned and leased buildings and for FPS's operations.

⁴ GAO, *Homeland Security: Further Actions Needed to Coordinate Federal Agencies' Facility Protection Efforts and Promote Key Practices*, GAO-05-49 (Washington, DC: Nov. 30, 2004).

⁵ We did not include the key practice of aligning assets to mission because GSA, not FPS, controls the asset inventory.

- *Strategic management of human capital.*—Manage human capital to maximize Government performance and ensure accountability in asset protection through, for example, recruitment of skilled staff, training, and retention.
- *Leveraging of technology.*—Select technologies to enhance asset security through methods like access control, detection, and surveillance systems. This involves not only using technology, but also ensuring positive returns on investments in the form of reduced vulnerabilities.
- *Information sharing and coordination.*—Establish means of coordinating and sharing security and threat information internally, within large organizations, and externally, with other Government entities and the private sector.
- *Performance measurement and testing.*—Use metrics, such as implementation timelines, and active testing, such as unannounced on-site assessments, to ensure accountability for achieving program goals and improving security at facilities.

This testimony is based on past reports and testimonies⁶ and discusses: (1) Limitations FPS faces in protecting GSA buildings and resulting vulnerabilities and (2) actions FPS is taking to address challenges. Work for these past reports and testimonies included using our key practices as a framework for assessing facility protection efforts by FPS management and at individual buildings. We also visited FPS regions and selected GSA buildings to assess FPS activities first-hand. We surveyed a sample of 1,398 Federal officials who work in GSA buildings in FPS's 11 regions and are responsible for collaborating with FPS on security issues. Additionally, we reviewed training and certification data for 663 randomly selected guards in 6 of FPS's 11 regions. Because of the sensitivity of some of the information in our prior work, we cannot specifically identify the locations of the incidents discussed. We also conducted covert testing at 10 judgmentally selected high-risk facilities in four cities. For all of our work, we reviewed related laws and directives, interviewed officials, and analyzed documents and data from DHS and GSA, and interviewed tenant agency representatives, contractors, and guards. The previous work on which this testimony is based was conducted 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.

FPS FACES CHALLENGES IN MANY AREAS, RAISING CONCERNS ABOUT VULNERABILITIES

Risk Management Approach Is Inadequate and Has Limitations

FPS assesses risk and recommends countermeasures to GSA and tenant agencies; however, FPS's ability to influence the allocation of resources using risk management is limited because resource allocation decisions are the responsibility of GSA and tenant agencies, which may be unwilling to fund the countermeasures FPS recommends. We have found that under the current risk management approach, the security equipment that FPS recommends and is responsible for acquiring, installing, and maintaining may not be implemented if tenant agencies are unwilling to fund it.⁷ For example, in August 2007 FPS recommended a security equipment countermeasure—the upgrade of a surveillance system shared by two high-security locations that, according to FPS officials, would cost around \$650,000. While members of one building security committee (BSC) told us they approved spending between \$350,000 and \$375,000 to fund their agencies' share of the countermeasure, they said that the BSC of the other location would not approve funding; therefore, FPS could not upgrade the system it had recommended. In November 2008 FPS officials told us that they were moving ahead with the project by drawing on unex-

⁶This testimony draws upon five primary sources. We reported on FPS's allocation of resources using risk management, leveraging of technology, and information sharing and coordination in GAO, *Homeland Security: Greater Attention to Key Practices Would Improve the Federal Protective Service's Approach to Facility Protection*, GAO-10-142 (Washington, DC: Oct. 23, 2009). We reported on FPS's strategic management of human capital in GAO, *Homeland Security: Federal Protective Service Has Taken Some Initial Steps to Address Its Challenges, but Vulnerabilities Still Exist*, GAO-09-1047T (Washington, DC: Sept. 23, 2009); GAO, *Homeland Security: Preliminary Results Show Federal Protective Service's Ability to Protect Federal Facilities Is Hampered By Weaknesses in Its Contract Security Guard Program*, GAO-09-859T (Washington, DC: July 8, 2009); and GAO, *Homeland Security: Federal Protective Service Should Improve Human Capital Planning and Better Communicate with Tenants*, GAO-09-749 (Washington, DC: July 30, 2009). We reported on FPS's performance management and testing in GAO, *Homeland Security: The Federal Protective Service Faces Several Challenges That Hamper Its Ability to Protect Federal Facilities*, GAO-08-683 (Washington, DC: June 11, 2008).

⁷GAO-10-142.

pending revenues from the two locations' building-specific fees and the funding that was approved by one of the BSCs. Furthermore, FPS officials, in May 2009, told us that all cameras had been repaired and all monitoring and recording devices had been replaced, and that the two BSCs had approved additional upgrades and that FPS was implementing them. As we reported in June 2008, we have found other instances in which recommended security countermeasures were not implemented at some of the buildings we visited because BSC members could not agree on which countermeasures to implement or were unable to obtain funding from their agencies.⁸

Compounding this situation, FPS takes a building-by-building approach to risk management, using an outdated risk assessment tool to create building security assessments (BSA), rather than taking a more comprehensive, strategic approach and assessing risks among all buildings in GSA's inventory and recommending countermeasure priorities to GSA and tenant agencies. As a result, the current approach provides less assurance that the most critical risks at Federal buildings across the country are being prioritized and mitigated. Also, GSA and tenant agencies have concerns about the quality and timeliness of FPS's risk assessment services and are taking steps to obtain their own risk assessments. For example, GSA officials told us they have had difficulties receiving timely risk assessments from FPS for space GSA is considering leasing. These risk assessments must be completed before GSA can take possession of the property and lease it to tenant agencies. An inefficient risk assessment process for new lease projects can add costs for GSA and create problems for both GSA and tenant agencies that have been planning for a move. Therefore, GSA is updating a risk assessment tool that it began developing in 1998, but has not recently used, to better ensure the timeliness and comprehensiveness of these risk assessments. GSA officials told us that in the future they may use this tool for other physical security activities, such as conducting other types of risk assessments and determining security countermeasures for new facilities. Additionally, although tenant agencies have typically taken responsibility for assessing risk and securing the interior of their buildings, assessing exterior risks will require additional expertise and resources. This is an inefficient approach considering that tenant agencies are paying FPS to assess building security.

Finally, FPS continues to struggle with funding challenges that impede its ability to allocate resources to more effectively manage risk. FPS faces challenges in ensuring that its fee-based funding structure accounts for the varying levels of risk and types of services provided at Federal facilities. FPS funds its operations through security fees charged to tenant agencies. However, FPS's basic security fee, which funds most of its operations, does not account for the risk faced by specific buildings, the level of service provided, or the cost of providing services, raising questions about equity.⁹ FPS charges Federal agencies the same basic security fee regardless of the perceived threat to a particular building or agency. In fiscal year 2009, FPS charged 66 cents per square foot for basic security. Although FPS categorizes buildings according to security levels based on its assessment of each building's risk and size, this assessment does not affect the security fee FPS charges. For example, Level I facilities typically face less risk because they are generally small storefront-type operations with a low level of public contact, such as a Social Security Administration office. However, these facilities are charged the same basic security fee of 66 cents per square foot as a Level IV facility that has a high volume of public contact and may contain high-risk law enforcement and intelligence agencies and highly sensitive Government records. We also have reported that basing Government fees on the cost of providing a service promotes equity, especially when the cost of providing the service differs significantly among different users, as is the case with FPS. In our June 2008 report, we recommended that FPS improve its use of the fee-based system by developing a method to accurately account for the cost of providing security services to tenant agencies and ensuring that its fee structure takes into consideration the varying levels of risk and service provided at GSA facilities.¹⁰ We also recommended an evaluation of whether FPS's current use of a fee-based system or an alternative funding mechanism is the most appropriate manner to fund the agency. While DHS agreed with these recommendations, FPS has not fully implemented them.

⁸ GAO-08-683.

⁹ Some of the basic security services covered by this fee include law enforcement activities at GSA facilities, preliminary investigations, the capture and detention of suspects, and completion of BSAs.

¹⁰ GAO-08-683.

Improvements Needed in Human Capital Planning and Contract Guard Management

FPS does not have a strategic human capital plan to guide its current and future workforce planning efforts, including effective processes for training, retention, and staff development. Instead, FPS has developed a short-term hiring plan that does not include key human capital principles, such as determining an agency's optimum staffing needs. Moreover, FPS has been transitioning to an inspector-based workforce, thus eliminating the police officer position and relying primarily on FPS inspectors for both law enforcement and physical security activities. FPS believes that this change will ensure that its staff has the right mix of technical skills and training needed to accomplish its mission. However, FPS's ability to provide law enforcement services under its inspector-based workforce approach may be diminished because FPS will rely on its inspectors to provide these services and physical security services simultaneously. In the absence of a strategic human capital plan, it is difficult to discern how effective an inspector-based workforce approach will be. The lack of a human capital plan has also contributed to inconsistent approaches in how FPS regions and headquarters are managing human capital activities. For example, FPS officials in some of the regions we visited said they implement their own procedures for managing their workforce, including processes for performance feedback, training, and mentoring. Additionally, FPS does not collect data on its workforce's knowledge, skills, and abilities. These elements are necessary for successful workforce planning activities, such as identifying and filling skill gaps and succession planning. We recently recommended that FPS improve how it collects data on its workforce's knowledge, skills, and abilities to help it better manage and understand current and future workforce needs; and use these data in the development and implementation of a long-term strategic human capital plan that addresses key principles for effective strategic workforce planning.¹¹ DHS concurred with our recommendations.

Furthermore, FPS did not meet its fiscal year 2008 mandated deadline of increasing its staffing level to no fewer than 1,200 full-time employees by July 31, 2008, and instead met this staffing level in April 2009.¹² FPS's staff has steadily declined since 2004 and critical law enforcement services have been reduced or eliminated. For example, FPS has eliminated its use of proactive patrol to prevent or detect criminal violations at many GSA buildings. According to some FPS officials at regions we visited, not providing proactive patrol has limited its law enforcement personnel to a reactive force.¹³ Additionally, officials stated that in the past, proactive patrol permitted its police officers and inspectors to identify and apprehend individuals that were surveilling GSA buildings. In contrast, when FPS is not able to patrol Federal buildings, there is increased potential for illegal entry and other criminal activity. In one city we visited, a deceased individual had been found in a vacant GSA facility that was not regularly patrolled by FPS. FPS officials stated that the deceased individual had been inside the building for approximately 3 months.

FPS does not fully ensure that its contract security guards have the training and certifications required to be deployed to a GSA building.¹⁴ We have noted that the effectiveness of a risk management approach depends on the involvement of experienced and professional security personnel.¹⁵ Further, that the chances of omitting major steps in the risk management process increase if personnel are not well trained in applying risk management. FPS requires that all prospective guards complete about 128 hours of training including 8 hours of X-ray and magnetometer training. However, in one region, FPS has not provided the X-ray or magnetometer training to its 1,500 guards since 2004. Nonetheless, these guards are assigned to posts at GSA buildings. X-ray training is critical because guards control access points at buildings. Insufficient X-ray and magnetometer training may have contributed to several incidents at GSA buildings in which guards were negligent in carrying out their responsibilities. For example, at a Level IV¹⁶ Federal facility in a

¹¹GAO-09-749.

¹²This mandate in DHS's fiscal year 2008 appropriation act was effective for fiscal year 2008 only, since mandates in annual appropriation acts are presumed to be applicable for that fiscal year unless specified to the contrary. DHS's appropriation act for fiscal year 2009 also mandated that FPS have no fewer than 1,200 full-time employees. See Pub. L. No. 110-161, Div. E, 121 Stat. 1844, 2051-2052 (2007) and Pub. L. No. 110-329, Div. D. 1222 Stat. 3574, 3659-3660 (2008).

¹³GAO-08-683.

¹⁴GAO-09-859T.

¹⁵GAO-05-49.

¹⁶At the time of our review, a Level IV facility had more than 450 Federal employees, more than 150,000 square feet, a high volume of public contact, and tenant agencies that could in-

major metropolitan area, an infant in a carrier was sent through an X-ray machine due to a guard's negligence.¹⁷ Specifically, according to an FPS official in that region, a woman with her infant in a carrier attempted to enter the facility, which has child care services. While retrieving her identification, the woman placed the carrier on the X-ray machine. Because the guard was not paying attention and the machine's safety features had been disabled,¹⁸ the infant in the carrier was sent through the X-ray machine. FPS investigated the incident and dismissed the guard; however, the guard subsequently sued FPS for not providing the required X-ray training. The guard won the suit because FPS could not produce any documentation to show that the guard had received the training, according to an FPS official. In addition, FPS officials from that region could not tell us whether the X-ray machine's safety features had been repaired. Additionally, we found that FPS does not have a fully reliable system for monitoring and verifying guard training and certification requirements. We reviewed 663 randomly selected guard records and found that 62 percent of the guards had at least one expired certification, including a declaration that guards have not been convicted of domestic violence, which make them ineligible to carry firearms.

We also found that some guards were not provided building-specific training, such as what actions to take during a building evacuation or a building emergency.¹⁹ This lack of training may have contributed to several incidents where guards neglected their assigned responsibilities. For example,

- at a Level IV facility, the guards did not follow evacuation procedures and left two access points unattended, thereby leaving the facility vulnerable;
- at a Level IV facility, the guard allowed employees to enter the building while an incident involving suspicious packages was being investigated; and,
- at a Level III facility,²⁰ the guard allowed employees to access the area affected by a suspicious package, which was required to be evacuated.

FPS has limited assurance that its guards are complying with post orders.²¹ It does not have specific National guidance on when and how guard inspections should be performed. FPS's inspections of guard posts at GSA buildings are inconsistent and the quality varied in the six regions we examined. We also found that guard inspections are typically completed by FPS during regular business hours and in locations where FPS has a field office, and seldom on nights or weekends. However, on an occasion when FPS officials conducted a post inspection at night, they found a guard asleep at his post after taking a pain-killer prescription drug. FPS also found other incidents at high-security facilities where guards neglected or inadequately performed their assigned responsibilities. For example, a guard failed to recognize or did not properly X-ray a box containing handguns at the loading dock at a facility. FPS became aware of the situation because the handguns were delivered to FPS.

Because guards were not properly trained and did not comply with post orders, our investigators—with the components for an improvised explosive device (IED) concealed on their persons—passed undetected through access points controlled by FPS guards at 10 of 10 Level IV facilities in four major cities where GAO conducted covert tests.²² The specific components for this device, items used to conceal the device components, and the methods of concealment that we used during our covert testing are classified, and thus are not discussed in this testimony. Of the 10 Level IV facilities our investigators penetrated, 8 were Government-owned and 2 were leased facilities. The facilities included district offices of a U.S. Senator and a U.S. Representative as well as agencies of the Departments of Homeland Security, Transportation, Health and Human Services, Justice, State, and others. The two leased facilities did not have any guards at the access control points at the time of our testing. Using publicly available information, our investigators identified a type of device that a terrorist could use to cause damage to a Federal facility and threaten the safety of Federal workers and the general public. The device was an IED made up of two parts—a liquid explosive and a low-yield detonator—and included a variety of materials not typically brought into a Federal facility by employees or

clude high-risk law enforcement and intelligence agencies, courts, judicial offices, and highly sensitive Government records.

¹⁷ X-ray machines are hazardous because of the potential radiation exposure. In contrast, magnetometers do not emit radiation and are used to detect metal.

¹⁸ With this safety feature disabled, the X-ray machine's belt was operating continuously although the guard was not present.

¹⁹ GAO-09-859T.

²⁰ At the time of our review, a Level III facility had between 151 and 450 Federal employees, 80,000 to 150,000 square feet, and a moderate to high volume of public contact.

²¹ GAO-09-859T.

²² GAO-09-859T.

the public. Although the detonator itself could function as an IED, investigators determined that it could also be used to set off a liquid explosive and cause significantly more damage. To ensure safety during this testing, we took precautions so that the IED would not explode. For example, we lowered the concentration level of the material.²³ To gain entry into each of the 10 Level IV facilities, our investigators showed a photo identification (a State driver's license) and walked through the magnetometers without incident. Our investigators also placed their briefcases with the IED material on the conveyor belt of the X-ray machine, but the guards detected nothing. Furthermore, our investigators did not receive any secondary searches from the guards that might have revealed the IED material that they brought into the facilities. At security checkpoints at 3 of the 10 facilities, our investigators noticed that the guard was not looking at the X-ray screen as some of the IED components passed through the machine. A guard questioned an item in the briefcase at one of the 10 facilities but the materials were subsequently allowed through the X-ray machines. At each facility, once past the guard screening checkpoint, our investigators proceeded to a restroom and assembled the IED. At some of the facilities, the restrooms were locked. Our investigators gained access by asking employees to let them in. With the IED completely assembled in a briefcase, our investigators walked freely around several floors of the facilities and into various Executive and Legislative branch offices, as described above.

Systematic Approach for Cost-Effectively Leveraging Technology Is Lacking

Leveraging technology is a key practice over which FPS has somewhat more control, but FPS does not have a comprehensive approach for identifying, acquiring, and assessing the cost-effectiveness of the security equipment that its inspectors recommend. Individual FPS inspectors have considerable latitude in determining which technologies and other countermeasures to recommend, but the inspectors receive little training and guidance in how to assess the relative cost-effectiveness of these technologies or determine the expected return on investment. FPS officials told us that inspectors make technology decisions based on the initial training they receive, personal knowledge and experience, and contacts with vendors. FPS inspectors receive some training in identifying and recommending security technologies as part of their initial FPS physical security training. Since FPS was transferred to DHS in 2003, its refresher training program for inspectors has primarily focused on law enforcement. Consequently, inspectors lack recurring technology training. Additionally, FPS does not provide inspectors with specialized guidance and standards for cost-effectively selecting technology. In the absence of specific guidance, inspectors follow the Department of Justice minimum countermeasure standards²⁴ and other relevant Interagency Security Committee standards,²⁵ but these standards do not assist users in selecting cost-effective technologies. Moreover, the document that FPS uses to convey its countermeasure recommendations to GSA and tenant agencies—the BSA executive summary—includes cost estimates but no analysis of alternatives. As a result, GSA and tenant agencies have limited assurance that the investments in technologies and other countermeasures that FPS inspectors recommend are cost-effective, consistent across buildings, and the best available alternatives.

For example, at one location we visited, an explosives detection dog was used to screen mail that is distributed elsewhere.²⁶ In 2006, FPS had recommended, based on the results of its risk analysis, the use of this dog and an X-ray machine, although at the time of our visit only the dog was being used. Moreover, the dog and handler work 12-hour shifts Monday through Friday when most mail is delivered and shipped, and the dog needs a break every 7 minutes. The GSA regional security

²³ Tests that we performed at a National laboratory in February 2006 and July 2007 demonstrated that a terrorist using these devices could cause severe damage to a Federal facility and threaten the safety of Federal workers and the general public. Our investigators obtained the components for these devices at local stores and over the internet for less than \$150.

²⁴ U.S. Department of Justice, *Vulnerability Assessment of Federal Facilities*, (Washington, DC, June 28, 1995). The Department of Justice standards recommend minimum security measures for Federal buildings.

²⁵ Following the Oklahoma City bombing, Executive Order 12977 called for the creation of an interagency security committee to address the quality and effectiveness of physical security requirements for Federal facilities by developing and evaluating security standards. The Interagency Security Committee has representation from all major Federal departments and agencies.

²⁶ GAO-10-142.

officials²⁷ we spoke with questioned whether this approach was more effective and efficient than using an on-site enhanced X-ray machine that could detect biological and chemical agents as well as explosives and could be used anytime. In accordance with its policies, FPS conducted a BSA of the site in 2008 and determined that using an enhanced X-ray machine and an explosives detection dog would bring the projected threat rating of the site down from moderate to low. FPS included estimated one-time installation and recurring costs in the BSA and executive summary, but did not include the estimated cost and risk of the following mail screening options: (1) Usage of the dog and the additional countermeasure; (2) usage of the additional countermeasure only; and (3) usage of the dog only. Consequently, tenant agency representatives would have to investigate the cost and risk implications of these options on their own to make an informed resource allocation decision.

Information Sharing and Coordination Practices Lack Consistency

It is critical that FPS—as the provider of law enforcement and related security services for GSA buildings—and GSA—as the manager of these properties—have well-established lines of communication with each other and with tenant agencies to ensure that all parties are aware of the ever-changing risks in a dynamic threat environment and that FPS and GSA are taking appropriate actions to reduce vulnerabilities. While FPS and GSA top management have established communication channels, the types of information shared at the regional and building levels are inconsistent, and overall, FPS and GSA disagree over what information should be shared. For example, the memorandum of agreement between DHS and GSA specifies that FPS will provide quarterly briefings at the regional level, but FPS had not been providing them consistently across all regions. FPS resumed the practice in October 2008, however, GSA security officials said that these briefings mostly focused on crime statistics and did not constitute comprehensive threat analyses. Additionally, FPS is only required to meet formally with GSA property managers and tenant agencies as part of the BSA process—an event that occurs every 2 to 5 years, depending on a building's security level. We identified information sharing gaps at several Level III and IV sites that we visited, and found that in some cases these deficiencies led to decreased security awareness and increased risk.²⁸

- At one location, we observed during our interview with the building security committee (BSC) that the committee members were confused about procedures for screening visitors who are passengers in employees' cars that enter the building via the parking garage. One of the tenants recounted an incident in which a security guard directed the visitor to walk through the garage to an appropriate screening station. According to the GSA property manager, this action created a safety hazard. The GSA property manager knew the appropriate screening procedure, but told us there was no written policy on the procedure that members could access. Additionally, BSC members told us that the committee met as needed.
- At one location, FPS had received inaccurate square footage data from GSA and had therefore overcharged the primary tenant agency for a guard post that protected space shared by all the tenants. According to the GSA property manager, once GSA was made aware of the problem, the agency obtained updated information and worked with the tenant agencies to develop a cost-sharing plan for the guard post, which made the primary tenant agency's security expenses somewhat more equitable. BSC members told us that the committee met regularly.
- At one location, members of a BSC told us that they met as needed, although even when they hold meetings, one of the main tenant agencies typically does not participate. GSA officials commented that this tenant adheres to its agency's building security protocols and does not necessarily follow GSA's tenant policies and procedures, which GSA thinks creates security risks for the entire building.
- At one location, tenant agency representatives and officials from FPS told us they met regularly, but GSA officials told us they were not invited to these meetings. GSA officials at this location told us that they invite FPS to their property management meetings for that location, but FPS does not attend. GSA officials also said they do not receive timely incident information for the site

²⁷In 2006 GSA established the Building Security and Policy Division within its Public Buildings Service to oversee its security operations and policies and liaise with FPS. Additionally, the division developed the Regional Security Network, which consists of several staff per GSA region to further enhance coordination with FPS at the regional and building levels, and to carry out GSA security policy in collaboration with FPS and tenant agencies.

²⁸GAO-10-142.

from FPS and suggested that increased communication among the agencies would help them be more effective managers of their properties and provide tenants with better customer service.

- At one location, GSA undertook a major renovation project beginning in April 2007. FPS, GSA, and tenant agency representatives did not all meet together regularly to make security preparations or manage security operations during construction. FPS officials told us they had not been invited to project meetings, although GSA officials told us that they had invited FPS and that FPS attended some meetings. In May 2008, FPS discovered that specific surveillance equipment had been removed. As of May 2009, FPS officials told us they did not know who had removed the equipment and were working with tenant agency representatives to recover it. However in June 2009 tenant agency representatives told us that they believed FPS was fully aware that the equipment had been removed in December 2007.²⁹

Additionally, we conducted a survey of GSA tenant agencies and found that they had mixed views about some of the services they pay FPS to provide.³⁰ Notably, the survey results indicated that the roles and responsibilities of FPS and tenant agencies are unclear, primarily because on average about one-third of tenant agencies could not comment on how satisfied or dissatisfied they were with FPS's level of communication of its services, partly because they had little to no interaction with FPS officers. Although FPS plans to implement education and outreach initiatives to improve customer service to tenant agencies, it will face challenges because of its lack of complete and accurate contact data. During the course of our review, we found that approximately 53 percent of the e-mail addresses and 27 percent of the telephone numbers for designated points of contacts were missing from FPS's contact database and the database required a substantial amount of revising. Complete and accurate contact information for FPS's customers is critical for information sharing and an essential component of any customer service initiative. Therefore, to improve its services to GSA and tenant agencies, we recommended that FPS collect and maintain an accurate and comprehensive list of all facility-designated points of contact, as well as a system for regularly updating this list; and develop and implement a program for education and outreach to GSA and tenant agencies to ensure they are aware of the current roles, responsibilities, and services provided by FPS.³¹ DHS concurred with our recommendations.

Furthermore, while FPS and GSA acknowledge that the two organizations are partners in protecting and securing GSA buildings, FPS and GSA fundamentally disagree over how much of the information in the BSA should be shared. Per the memorandum of agreement, FPS is required to share the BSA executive summary with GSA and FPS believes that this document contains sufficient information for GSA to make decisions about purchasing and implementing FPS's recommended countermeasures. However, GSA officials at all levels cite limitations with the BSA executive summary saying, for example, that it does not contain enough contextual information on threats and vulnerabilities to support FPS's countermeasure recommendations and justify the expenses that GSA and tenant agencies would incur by installing additional countermeasures. Moreover, GSA security officials told us that FPS does not consistently share BSA executive summaries across all regions. Instead, GSA wants to receive BSAs in their entirety so that it can better protect GSA buildings and the tenants who occupy them. According to GSA, building protection functions are an integral part of its property preservation, operation, and management responsibilities.

In a post-September 11 era, it is vital that Federal agencies work together to share information to advance homeland security and critical infrastructure protection efforts. Information is a crucial tool in fighting terrorism, and the timely dissemination of that information to the appropriate Government agency is absolutely critical to maintaining the security of our Nation. The ability to share security-related information can unify the efforts of Federal agencies in preventing or minimizing terrorist attacks. However, in the absence of comprehensive information-sharing plans, many aspects of homeland security information sharing can be ineffective and fragmented. In 2005, we designated information sharing for homeland security as a Government-wide high-risk area because of the significant challenges

²⁹ In June 2009 tenant agency representatives told us that at all times, they had been aware of the location of the equipment and assured proper safeguarding of the equipment during the reconstruction process.

³⁰ GAO-09-749.

³¹ GAO-09-749.

faced in this area³²—challenges that are still evident today. It is critical that FPS and GSA—which both have protection functions for GSA buildings, their occupants, and those who visit them—reach consensus on sharing information in a timely manner to support homeland security and critical infrastructure protection efforts.

We recently recommended that FPS reach consensus with GSA on what information contained in the BSA is needed for GSA to fulfill its responsibilities related to the protection of Federal buildings and occupants, and accordingly, establish internal controls to ensure that shared information is adequately safeguarded; guidance for employees to use in deciding what information to protect with sensitive but unclassified designations; provisions for training on making designations, controlling, and sharing such information with GSA and other entities; and a review process to evaluate how well this information sharing process is working, with results reported to the Secretary of Homeland Security.³³ While DHS concurred with this recommendation, we are concerned that the steps it described in its response were not comprehensive enough to address the intent of the recommendation. For example, DHS did not explicitly commit to reaching consensus with GSA in identifying building security information that can be shared, or to the steps we outlined in our recommendation—steps that in our view comprise a comprehensive plan for sharing and safeguarding sensitive information. Therefore, it is important that FPS engage GSA in identifying what building security information can be shared and follow the information sharing and safeguarding steps we included in our recommendation to ensure that GSA acquires the information it needs to protect the 9,000 buildings under its control and custody, the Federal employees who work in them, and those who visit them.

Performance Measurement Is Limited

We have reported that FPS is limited in its ability to assess the effectiveness of its efforts to protect GSA buildings.³⁴ To determine how well it is accomplishing its mission to protect GSA buildings, FPS has identified some output measures that are a part of the Office of Management and Budget's Performance Assessment Rating Tool. These measures include determining whether security countermeasures have been deployed and are fully operational, the amount of time it takes to respond to an incident, and the percentage of BSAs completed on time. Some of these measures are also included in FPS's Federal facilities security index, which is used to assess its performance. However, FPS has not developed outcome measures to evaluate the net effect of its efforts to protect GSA buildings. While output measures are helpful, outcome measures are also important because they can provide FPS with broader information on program results, such as the extent to which its decision to move to an inspector-based workforce will enhance security at GSA facilities or help identify the security gaps that remain at GSA facilities and determine what action may be needed to address them. In addition, FPS does not have a reliable data management system that will allow it to accurately track these measures or other important measures such as the number of crimes and other incidents occurring at GSA facilities. Without such a system, it is difficult for FPS to evaluate and improve the effectiveness of its efforts to protect Federal employees and facilities, allocate its limited resources, or make informed risk management decisions. For example, weaknesses in one of FPS's countermeasure tracking systems make it difficult to accurately track the implementation status of recommended countermeasures such as security cameras and X-ray machines. Without this ability, FPS has difficulty determining whether it has mitigated the risk of GSA facilities to crime or a terrorist attack.

FPS IS TAKING STEPS TO BETTER PROTECT GSA BUILDINGS, BUT HAS NOT FULLY IMPLEMENTED ACTIONS AND FACES SIGNIFICANT CHALLENGES

While FPS is taking some actions in each of the key practice areas to improve its ability to better protect GSA buildings. Additionally, GAO has recommended that FPS implement specific actions to promote greater usage of key protection practices and otherwise improve security. However, FPS has not completed many related corrective actions and FPS faces implementation challenges as well.

FPS Is Developing a New Program to Assess Risk, Manage Human Capital, and Measure Performance

FPS is developing the Risk Assessment and Management Program (RAMP), which could enhance its approach to assessing risk, managing human capital, and meas-

³² GAO, *High-Risk Series: An Update*, GAO-05-207 (Washington, DC: Jan. 1, 2005).

³³ GAO-10-142.

³⁴ GAO-08-683.

uring performance. With regard to improving the effectiveness of FPS's risk management approach and the quality of BSAs, FPS believes RAMP will provide inspectors with the information needed to make more informed and defensible recommendations for security countermeasures. FPS also anticipates that RAMP will allow inspectors to obtain information from one electronic source, generate reports automatically, enable FPS to track selected countermeasures throughout their life cycle, address some concerns about the subjectivity inherent in BSAs, and reduce the amount of time inspectors and managers spend on administrative work. Additionally, FPS is designing RAMP so that it will produce risk assessments that are compliant with Interagency Security Committee standards, compatible with the risk management framework set forth by the National Infrastructure Protection Plan,³⁵ and consistent with the business processes outlined in the memorandum of agreement with GSA. According to FPS, RAMP will support all components of the BSA process, including gathering and reviewing building information; conducting and recording interviews; assessing threats, vulnerabilities, and consequences to develop a detailed risk profile; recommending appropriate countermeasures; and producing BSA reports. FPS also plans to use RAMP to track and analyze certain workforce data, contract guard program data, and other performance data such as the types and definitions of incidents and incident response times.

Although FPS intends for RAMP to improve its approach to risk assessment, human capital management, and performance measurement, it is not clear that FPS has fully addressed some implementation issues. For example, one issue concerns the accuracy and reliability of the information that will be entered into RAMP. According to FPS, the agency plans to transfer data from several of its legacy systems, including the Contract Guard Employment Requirements Tracking System (CERTS), into RAMP. In July 2009, we testified on the accuracy and reliability issues associated with CERTS.³⁶ FPS subsequently conducted an audit of CERTS to determine the status of its guard training and certification. However, the results of the audit showed that FPS was able to verify the status for about 7,600 of its 15,000 guards. According to an FPS official, one of its regions did not meet the deadline for submitting data to headquarters because its data were not accurate or reliable and therefore about 1,500 guards were not included in the audit. FPS was not able to explain why it was not able to verify the status of the remaining 5,900 guards. In 2008, we recommended that FPS develop and implement specific guidelines and standards for measuring its performance and improve how it categorizes, collects, and analyzes data to help it better manage and understand the results of its efforts to protect GSA facilities and DHS concurred with our recommendation.³⁷ RAMP could be the vehicle through which FPS implements these recommendations, but the use of inaccurate and unreliable data will hamper performance measurement efforts.

Furthermore, it is unclear whether FPS will meet the implementation goals established in the program's proposed timeline. FPS began designing RAMP in early 2007 and expects to implement the program in three phases, completing its implementation by the end of fiscal year 2011. However, in June 2008, we reported that FPS was going to implement a pilot version of RAMP in fiscal year 2009,³⁸ but in May 2009, FPS officials told us they intend to implement the first phase in the beginning of fiscal year 2010. Until RAMP components are fully implemented, FPS will continue to rely on its current risk assessment tool, methodology, and process, potentially leaving GSA and tenant agencies dissatisfied. Additionally, FPS will continue to rely on its disparate workforce data management systems and CERTS or localized databases that have proven to be inaccurate and unreliable. We recently recommended that FPS provide the Secretary of Homeland Security with regular updates on the status of RAMP including the implementation status of deliverables, clear timelines for completion of tasks and milestones, and plans for addressing any implementation obstacles.³⁹ DHS concurred with our recommendation and stated that FPS will submit a monthly report to the Secretary.

³⁵ The National Infrastructure Protection Plan was founded through Homeland Security Presidential Directive 7 and sets forth National policy on how the plan's risk management framework and sector partnership model are to be implemented by sector-specific agencies. FPS is the agency responsible for the Government Facilities sector.

³⁶ GAO-09-859T.

³⁷ GAO-08-863.

³⁸ GAO-08-683.

³⁹ GAO-10-142.

FPS's Actions to Improve Guard Management May Be Difficult to Implement and Maintain

FPS took on a number of immediate actions with respect to contract guard management in response to our covert testing.

- In July 2009, the Director of FPS instructed Regional Directors to accelerate the implementation of FPS's requirement that two guard posts at Level IV facilities be inspected weekly.
- FPS, in July 2009, also required more X-ray and magnetometer training for inspectors and guards. For example, FPS has recently issued an information bulletin to all inspectors and guards to provide them with information about package screening, including examples of disguised items that may not be detected by magnetometers or X-ray equipment. Moreover, FPS produced a 15-minute training video designed to provide information on bomb component detection. According to FPS, each guard was required to read the information bulletin and watch the DVD within 30 days.

Despite the steps FPS has taken, there are a number of factors that will make implementing and sustaining these actions difficult. First, FPS does not have adequate controls to monitor and track whether its 11 regions are completing these new requirements. Thus, FPS cannot say with certainty that it is being done. According to a FPS regional official, implementing the new requirements may present a number of challenges, in part, because new directives appear to be based primarily on what works well from a headquarters or National Capital Region perspective, and not a regional perspective that reflects local conditions and limitations in staffing resources. In addition, another regional official estimated that his region is meeting about 10 percent of the required oversight hours and officials in another region said they are struggling to monitor the delivery of contractor-provided training in the region. Second, FPS has not completed any workforce analysis to determine if its current staff of about 930 law enforcement security officers will be able to effectively complete the additional inspections and provide the X-ray and magnetometer training to 15,000 guards, in addition to their current physical security and law enforcement responsibilities. According to the Director of FPS, while having more resources would help address the weaknesses in the guard program, the additional resources would have to be trained and thus could not be deployed immediately.

FPS Is Developing a Program to Standardize Equipment and Contracting

FPS is also taking steps to implement a more systematic approach to technology acquisition by developing a National Countermeasures Program, which could help FPS leverage technology more cost-effectively. According to FPS, the program will establish standards and National procurement contracts for security equipment, including X-ray machines, magnetometers, surveillance systems, and intrusion detection systems. FPS officials told us that instead of having inspectors search for vendors to establish equipment acquisition, installation, and maintenance contracts, inspectors will call an FPS mission support center with their countermeasure recommendations and the center will procure the services through standardized contracts. According to FPS, the program will also include life-cycle management plans for countermeasures. FPS officials said they established an X-ray machine contract and that future program contracts will also explore the use of the schedule as a source for National purchase and service contracts. According to FPS, the National Countermeasures Program should provide the agency with a framework to better manage its security equipment inventory; meet its operational requirement to identify, implement, and maintain security equipment; and respond to stakeholders' needs by establishing Nation-wide resources, streamlining procurement procedures, and strengthening communications with its customers. FPS officials told us they believe this program will result in increased efficiencies because inspectors will not have to spend their time facilitating the establishment of contracts for security equipment because these contracts will be standardized Nation-wide.

Although the National Countermeasures Program includes improvements that may enhance FPS's ability to leverage technology, it does not establish tools for assessing the cost-effectiveness of competing technologies and countermeasures and implementation has been delayed. Security professionals are faced with a multitude of technology options offered by private vendors, including advanced intrusion detection systems, biotechnology options for screening people, and sophisticated video monitoring. Having tools and guidance to determine which technologies most cost-effectively address identified vulnerabilities is a central component of the leveraging technology key practice. FPS officials told us that the National Countermeasures Program will enable inspectors to develop countermeasure cost estimates that can be shared with GSA and tenant agencies. However, incorporating a tool for evaluating the cost-effectiveness of alternative technologies into FPS's planned improve-

ments in the security acquisition area would represent an enhanced application of this key practice. Therefore, we recently recommended that FPS develop a methodology and guidance for assessing and comparing the cost-effectiveness of technology alternatives, and DHS concurred with our recommendation.⁴⁰

Another concern is that FPS had planned to implement the program throughout fiscal year 2009, but extended implementation into fiscal year 2010, thus it is not clear whether FPS will meet the program's milestones in accordance with updated timelines. Until the National Countermeasures Program is fully implemented, FPS will continue to rely on individual inspectors to make technology decisions. For example, FPS had anticipated that the X-ray machine and magnetometer contracts would be awarded by December 2008, and that contracts for surveillance and intrusion detection systems would be awarded during fiscal year 2009. In May 2009, FPS officials told us that the X-ray machine contract was awarded on April 30, 2009, and that they anticipated awarding the magnetometer contract in the fourth quarter of fiscal year 2009 and an electronic security services contract for surveillance and intrusion detection systems during the second quarter of fiscal year 2010. We recently recommended that FPS provide the Secretary of Homeland Security with regular updates on the status of the National Countermeasures Program, including the implementation status of deliverables, clear timelines for completion of tasks and milestones, and plans for addressing any implementation obstacles.⁴¹ DHS concurred with this recommendation and stated that FPS will submit a monthly report to the Secretary.

Key Practices Provide a Framework for Improvement for FPS and Other Agencies

Finally, as we stated at the outset, the protection of Federal real property has been and continues to be a major concern. Therefore, we have used our key protection practices as criteria to evaluate the security efforts of other departments, agencies, and entities and have made recommendations to promote greater usage of key practices in ensuring the security of public spaces and of those who work at and visit them. For example, we have examined how DHS⁴² and the Smithsonian Institution⁴³ secure their assets and identified challenges. Most recently, we evaluated the National Park Service's (Park Service) approach to National icon and park protection.⁴⁴ We found that although the Park Service has implemented a range of security program improvements in recent years that reflected some aspects of key practices, there were also limitations. Specifically, the Park Service: (1) Does not manage risk service-wide or ensure the best return on security technology investments; (2) lacks a service-wide approach to sharing information internally and measuring performance; and (3) lacks clearly defined security roles and a security training curriculum. With millions of people visiting the Nation's nearly 400 park units annually, ensuring their security and the protection of our National treasures is paramount. More emphasis on the key practices would provide greater assurance that Park Service assets are well protected and that Park Service resources are being used efficiently to improve protection.

FPS faces challenges that are similar, in many respects, to those that agencies across the Government are facing. Our key practices provide a framework for assessing and improving protection practices, and in fact, the Interagency Security Committee is using our key facility protection practices as key management practices to guide its priorities and work activities. For example, the committee established subcommittees for technology best practices and training, and working groups in the areas of performance measures and strategic human capital management. The committee also issued performance measurement guidance in 2009.⁴⁵ Without greater attention to key protection practices, FPS will be ill equipped to efficiently and effectively fulfill its responsibilities of assessing risk, strategically managing its workforce and contract guard program, recommending countermeasures, sharing information and coordinating with GSA and tenant agencies to secure GSA buildings,

⁴⁰ GAO-10-142.

⁴¹ GAO-10-142.

⁴² GAO, *Federal Real Property: DHS Has Made Progress, but Additional Actions Are Needed to Address Real Property Management and Security Challenges*, GAO-07-658 (Washington, DC: June 22, 2007). In this report, we used the key practices to assess DHS's security operations with respect to the Government-owned and leased buildings in its real property portfolio, but did not specifically focus on FPS.

⁴³ GAO, *Smithsonian Institution: Funding Challenges Affect Facilities' Conditions and Security, Endangering Collections*, GAO-07-1127 (Washington, DC: Sept. 28, 2007).

⁴⁴ GAO, *Homeland Security: Actions Needed to Improve Security Practices at National Icons and Parks*, GAO-09-983 (Washington, DC: Aug. 28, 2009).

⁴⁵ Interagency Security Committee, *Use of Physical Security Performance Measures*, (Washington, DC, June 16, 2009).

and measuring and testing its performance as the security landscape changes and new threats emerge. Furthermore, implementing our specific recommendations related to areas such as human capital and risk management will be critical steps in the right direction. Overall, following this framework—adhering to key practices and implementing recommendations in specific areas—would enhance FPS's chances for future success and could position FPS to become a leader and benchmark agency for facility protection in the Federal Government.

Mr. Chairman, this concludes our testimony. We are pleased to answer any questions you might have.

Chairman THOMPSON. I would like to thank all of the witnesses for their testimony.

I remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for questions. I do not often do this, but, without objection, before I start the questions, I would like to show a GAO video of some of the things Mr. Goldstein talked about, to give the committee a broader flavor for some of the issues we will be discussing here today.

We will now view the video.

[Video played.]

Chairman THOMPSON. Thank you for the video.

Mr. Goldstein, were those clips of some of the testing that you talked about, the 10 out of 10 spots? Or can you just give us some history of that?

Mr. GOLDSTEIN. Yes, Mr. Chairman. What the video showed, it showed three different things. The first was one of our investigators going into a Level four Government facility. It was actually one of the buildings that we tested. It occurred in April and May of this year.

The investigator is carrying the implements to make the device that the second and third frames show. So, it shows our investigator going through security and not being stopped.

At none of the 10 buildings that we went into were we stopped. We were able to go into the buildings with the materials, assemble the devices in a bathroom, and walk unimpeded through all of the various offices in the 10 buildings in the four cities that we went to.

These offices included a variety of different Federal departments, including the Department of Justice, Department of Homeland Security, Department of State, including the field office of a Senator and a U.S. Representative.

The second shot was actually just the detonator which was carried in, which has its own explosive power.

The third shot was an actual test that was done at a National laboratory of the device being exploded itself.

Chairman THOMPSON. Thank you very much.

Mr. Schenkel, have you been provided information relative to these tests that GAO performed?

Mr. SCHENKEL. Yes, Mr. Chairman. Fortunately, Mr. Goldstein and his team came to us immediately after they conducted these tests and informed us as to the seriousness of this situation.

Chairman THOMPSON. What did you do?

Mr. SCHENKEL. We took immediate actions. Within hours, we had already contacted all of our regional directors, authorized additional overtime, explained the situation as to what was going on.

Added to this, though, is the challenge that none of the items of the disassembled components or of the device itself were prohibited items in itself, which adds to the challenge of trying to—

Chairman THOMPSON. Why were they not prohibited?

Mr. SCHENKEL. The components themselves, or the determination of what is prohibited items, is not determined by the Federal Protective Service, sir.

Chairman THOMPSON. Who determines it?

Mr. SCHENKEL. It is determined by the Facilities Security Committee of each building.

Chairman THOMPSON. So, is that Mr. Peck? Is that GSA?

Mr. SCHENKEL. No, sir. Each facility, each GSA facility, all 9,000, have a Facilities Security Committee made up either of the—if it is a primary or a single-tenant building, it will be just the single agency that represents the Facilities Security Committee. If it is a multi-tenant agent—or a multi-tenant facility—

Chairman THOMPSON. Who oversees this committee?

Mr. SCHENKEL. The chairman is normally the largest tenant within the building of a multi-tenant facility.

Chairman THOMPSON. Mr. Beers, is this something you are familiar with?

Mr. BEERS. Yes, sir. It is something that Mr. Goldstein has pointed out on several occasions. Mr. Peck mentioned that we had a summit of Federal security officers this week to go over this particular issue and the disconnect that Mr. Goldstein notes between the security committee and the people who actually do the protection.

We are instituting a number of changes to try to fix that particular problem, sir.

Chairman THOMPSON. Well, my discomfort is, you have a facilities committee, which probably has very little working knowledge of what bad things happen to be from a security perspective, making policy decisions that could jeopardize anybody going into a Federal building. So, that causes me real concern.

Mr. BEERS. Sir, you are absolutely correct. What we are trying to rectify with respect to that, and what this summit was about to discuss, is, one, ensuring that there is a security provider on each of those committees, that the voting for undertaking measures—or, in this case, defining what are prohibited items—include the security considerations, and that the members of the committee will be trained in these securities issues.

There are a number of other things that we consider, but your point is exactly right. That is something that we at DHS are trying to correct in association with GSA.

Chairman THOMPSON. Mr. Schenkel, of those 10 situations, did we cancel any of the contracts of any of the contract security personnel?

Mr. SCHENKEL. No, sir, we did not, because they did not violate any of the post orders that they were instructed to execute. The reason being, again, is that none of these components, in and of themselves, were prohibited items.

Chairman THOMPSON. What is GAO's position on that?

Mr. GOLDSTEIN. Mr. Chairman, I would probably respectfully disagree a little bit with Director Schenkel, in that our investigators

noted, and we informed FPS at the time, that a number of the buildings through which we gained entry and passed through security, the contract guards were not looking at their monitors, first of all.

Many of the materials that were brought into the Federal buildings to make these devices, while they may not be specifically prohibited, are in themselves unusual. Guards should have been asking questions as to why individuals had a purpose for bringing such items into a Federal building.

Chairman THOMPSON. Well, we might do another round, but I will yield to the Ranking Member for questions.

Mr. KING. Thank you, Mr. Chairman.

I will address this question, I guess, to Secretary Beers, Mr. Schenkel, Mr. Peck, whoever wants to answer it or jump in.

As you know, I am opposed to the trials coming to New York, coming to the United States. That is neither here nor there for the purpose of today's hearing.

I would like to, under the assumption that the trial is going to be held in New York, ask what you think the role of the Federal Protective Service will be. I think Mr. Peck touched on some of this. You talk about coordinating with the State and local law enforcement, because my recollection of that area is, you have the Southern District courthouse, you have the MCC. You have at least three city or State courthouses. There is also, within about a 2- or 3-minute walk, a significant Federal facility.

What role do you see for the FPS? In the context of your answer, and then I will step back, address the staffing issue that was raised by the union. Also, whether or not you have to bring more personnel there from other facilities, such as the Eastern District of New York or other Federal facilities.

Do you have the personnel to do what you think would have to be done? Because unlike previous trials, this will obviously receive more coverage, more publicity, more notoriety, et cetera.

So, anyway, if you could just—you know, whatever you can tell me about that. I am not looking for any specifics. I do not expect you to have the answers today. But just at least in a general way, discuss how this will be approached.

Thank you very much.

Mr. SCHENKEL. If I may, sir, I will address that question.

The Federal Protective Service has the responsibility for the perimeters of U.S. courthouses. As in 1993 in New York, on the occasion of the trials for the first bombing, what we will do is work in conjunction with the United States Marshals Service, and coordinate with State and local law enforcement and other Federal law enforcement agencies, and integrate our services with the other services, with the other law enforcement agencies.

What we will do in general is that, just as at the Moussaoui trial and previous trials that I mentioned in New York, what we will do is have to deploy individual members from the Federal Protective Service, certified law enforcement officers. We have what we call a CIRT team, a Critical Incident Response Team, in every one of our 11 regions.

What we will do is rotate those folks into the adequate numbers that are necessary after they have developed the actual protection

plan. We will just continually rotate the individuals to provide that necessary protection.

Mr. KING. Now, in light of the correspondence from Local 918, do you feel there is sufficient staffing at that location presently? Secondly, if you have to bring in personnel from other sites within the area, is that going to leave them understaffed?

Mr. SCHENKEL. It is certainly a challenge. That is region two in New York. Region two does not have the staff to perform their daily functions and provide the additional security necessary for the courthouse, if it follows the same pattern as the previous trials.

What we will have to do is rotate those CIRT teams. As I have described, none of them will be out of their regions for more than 14 days. We have to pull from all 11 regions to meet adequate numbers. We had to do something very similar when President Obama was elected, in Chicago, to protect his facility. It is something we have worked down to a science, if you will.

But the short answer is, no, we will not be able to support it out of New York. We will have to use CIRT teams to assist.

Mr. KING. How about the, I guess, the peripheral issue, anyway, of there being not enough staffing in the region anyway?

Mr. SCHENKEL. Staffing is a challenge—

Mr. KING. I am not saying that is true. I am just saying—I am asking you to respond to the charge.

Mr. SCHENKEL. Staffing is a challenge across the country. It is a very difficult challenge. As we have discovered most recently by these very disturbing videos, that it takes a lot of oversight to provide the adequate supervision for the contract guard force.

When we first transferred out of GSA, we had approximately 5,000 contract guards. We now have approximately 15,000 contract guards. We have fewer inspectors at this time than we did when we transferred in 2003.

Mr. BEERS. With respect to that, sir, if I might add, this issue, that is, the staffing levels of FPS, is one of the major study efforts that we have underway. Secretary Napolitano asked us to work together with FPS to ensure that, in fact, we have the right resource and staffing levels to match the missions that FPS currently has.

That study is underway, and we will, obviously, report to you and the other body on the results of that study as soon as it is complete.

That will have, then, a statement by DHS about what the appropriate level ought to be, and, if it is an increase, how we will get there, and how we will pay for it.

Mr. KING. Thank you very much.

Chairman THOMPSON. Thanks.

The Chair recognizes the gentleman from Pennsylvania, Mr. Carney, for 5 minutes.

Mr. CARNEY. Thank you, Mr. Chairman.

Just basically, then, are you—to continue on this vein—are you saying that we do not have adequate staff, as configured, to address this?

Mr. SCHENKEL. I am sorry.

Mr. SCHENKEL. For New York, sir.

Mr. CARNEY. For New York. For the upcoming trials.

Mr. SCHENKEL. Based on the seriousness of the trial and the historical perspective, which is all we have to go on, is the numbers that we needed for the previous trials, we do not have any of our regions that could support that and provide their daily operational requirements, as well.

We would have to use a CIRT team from—at least a CIRT team—from another region.

Mr. PECK. Can I expand on that?

Mr. CARNEY. Yes.

Mr. PECK. I think what we are really saying is, as in a typical military operation where you sometimes thin your lines in one place to create the mass in another place to conduct an operation, that is what we do.

I was in GSA in the Clinton administration, and I know that when we had the Timothy McVeigh trial after Oklahoma City, we did the same thing. We sent people to the trial in Denver.

But, you know, I do not think there is any way not to say that that means you are taking resources from someplace else where you do not feel that you have the same immediate need, and putting them, in this case, into New York City.

But we do not—obviously, we do not staff, and never would staff, for the maximum possible deployment level that you see in any given place. So, they move people around.

Mr. GOLDSTEIN. If I may, Congressman, to just add to that, that several of the reports the GAO has released in the past get to this point in that moving people around in the way that they need to does undermine the security of the remaining areas and slows down lots of different other kinds of things, like building security assessments. It reduces proactive patrols and does undermine security in the other regions.

Mr. CARNEY. Well, Mr. Goldstein, let me ask this, then. By GAO's assessment, how understaffed is FPS?

Mr. GOLDSTEIN. I think, at this point in time, nobody knows. We are encouraged that the Department is doing a staffing assessment to try and understand that.

But a concern we have raised before is that it is difficult to understand what you are staffing needs will be until you have done a risk assessment, an effective risk assessment process, so you understand fully what the vulnerabilities and threats are, because it is difficult to staff not knowing that. We have had quite a number of criticisms of that process.

So, it is a little bit like shooting in the dark right now until they can get in place an effective risk assessment process that lets them understand what staffing is really required to protect Federal property.

Mr. CARNEY. Mr. Beers, how far down the road are we? How dark is that room?

Mr. BEERS. We have been, at this point in time, through two iterations of data that we and FPS have worked on. It has gone back to FPS for some answers to some more questions.

I am reluctant to give you a precise date that it is going to be done. But it will be done, if not by the end of this calendar year, very early in the next calendar year.

The Secretary has charged us to come up with this response in a timely enough fashion that we could present it to the Congress, and on the assumption that it would require additional resources and personnel, give you all an opportunity to interact with us on how we get there, should that be the requirement.

So, we need to get this done, or we are not going to be able to respond to what has been a long-standing point by Members of Congress, as well as the GAO, about the levels, the staffing levels of FPS.

Mr. CARNEY. Mr. Schenkel, do you agree with that? Or what is your assessment?

Mr. SCHENKEL. I certainly agree with the responsibility to approach this in a fiscally sound manner. That is exactly what Mr. Beers is talking about.

However, on the other hand, one of the things that I think that we have made great strides in—and Mr. Goldstein has not been able to see this one yet—is we have rolled out our Risk Assessment Management Program this year. As was pointed out, we had a very antiquated, very old system, where we were dependent on six different systems to conduct an actual risk assessment.

As of Monday of this week, we have rolled out our new Risk Assessment Management Program, RAMP. This was accomplished from basically a cocktail napkin to actual fruition in less than 2 years by some very dedicated, very smart individuals within FPS.

That piece will also provide those answers that we owe the Secretary, because that will assist in providing the necessary metrics to validate staffing numbers.

Mr. CARNEY. Well, that is good. I mean, yes, you owe the Secretary, but you also owe, well, hell, everybody in this room that comes to work in these buildings every day.

Mr. SCHENKEL. Totally understand that, sir.

Mr. CARNEY. Thank you. My time is up.

Thank you, Mr. Chairman.

Chairman THOMPSON. I guess, the question from me is, Mr. Goldstein, have you seen this risk assessment document?

Mr. GOLDSTEIN. The new risk assessment program, as Director Schenkel mentioned, is just this week being implemented. We are quite pleased that they are, I think, actually a little ahead of schedule, as I understand. So, that is the good news.

One concern we have remaining, though, is that much of the information that is in RAMP may not be accurate—not necessarily the part relating to the building security assessment process, because that new tool is fairly vigorous. But RAMP is also going to be used to track the certifications and qualifications of contract guards.

As you know, we have had various concerns about whether those qualifications are up-to-date. It is our understanding that the information being put into RAMP to be able to track whether guards are qualified is the old data, which has many inaccuracies and flaws in it. So, while the agency has been cleaning that up, we are concerned that they may be inputting bad data into that new system, which has, obviously, a lot of problems associated with it.

Chairman THOMPSON. Mr. Schenkel, are we putting bad data into the system?

Mr. SCHENKEL. No, sir, we are not.

Immediately after we found out about the penetration tests, coincidentally, I guess it would be, simultaneously, we were also scrubbing the CERTS data. That is the guard—certification information.

Previous to the outlay of RAMP, we had three points of failure, where the CERTS could provide an inaccurate validation of a guard's certification, either from the guard company, from the individual region, or at the—in the CERTS system itself.

Subsequent to that, we did 100 percent scrub of all guard certifications. We have narrowed this down now because of daily inspections on these certifications. We have narrowed this down and implemented all of this data into RAMP. If there is a single point of failure, it is a failure on the side of caution. In other words, it will prevent an individual guard from standing post, as opposed to allowing someone to stand post that is not certified.

Chairman THOMPSON. I am sure you know that a request for a follow-up review by GAO is coming.

Mr. SCHENKEL. Yes, sir.

Chairman THOMPSON. Thank you.

Mr. Olson, for 5 minutes.

Mr. OLSON. Thank you very much, Mr. Chairman. Thank the witnesses for appearing before the committee today to help us with this decision and some of the ramifications thereof.

I am concerned about the choice of the Southern District of New York as the venue to try terrorists like Khalid Sheikh Mohammed.

As many of you know, over the weekend, the Washington Post reported on how Attorney General Holder came to choose New York as the place to try Khalid Sheikh Mohammed. The Post wrote, "The U.S. Marshals concluded that the Southern District of New York—with its hardened courthouse, secure Metropolitan Correctional Center and underground transportation tunnels through which to bring defendants to and from court each day—was, hands down, the safest option."

That courthouse, as you all know, is six blocks away from Ground Zero. There are many family members of the victims who are still living in that area.

There are going to be constitutional questions when Khalid Sheikh Mohammed gets on United States soil. When he goes before a judge, you can bet his lawyers are going to file for change of venue. I can almost guarantee that.

Given that that is going to be something that is going to happen, my question for the panel is this. Is there another courthouse, any courthouse in the Nation, with a similar security infrastructure that is equipped to handle a trial like this? Or is such a security system unique to the Southern District of New York?

Again, I would like all of your opinions on that. Thank you.

Who wants to go first?

Mr. PECK. Yes, I probably know—I am thinking fast, Congressman. I am thinking there are a few other complexes that I can think of. I am thinking of the major cities where we have a combination of resources like a correctional center and a courthouse together. I could ask my colleagues.

I will answer for the record, but I believe that there are only two other cities I can think of where we have a metropolitan correc-

tional center that close. I do not know if the transportation system between that and the courthouse is the same.

I will say, having seen high security trials take place in the Southern District of New York, before I understand why the attorney general made the decision, it is a place that we are used to defending, and where there is a conglomeration of resources that we have.

But I will be happy to answer for the record whether there are any other places.

But honestly, had someone said to me, off the top of my head, where would you go for a place like this? New York would have probably been at the top of my list.

Mr. OLSON. Again, my concern is, you know, New York was where these attacks happened. It has a unique, historic, tragic role in the day of September 11. In American jurisprudence, we know what is going to happen. We know that that lawyer defending Khalid Sheikh Mohammed is going to ask for a change of venue.

Again, my question is, is there another place we can go and have the security that, apparently, New York has?

Mr. GOLDSTEIN. We have not done the work, Congressman, to be able to answer that question. So, I really could not respond to you.

Mr. OLSON. Is it something, Mr. Goldstein, you all are considering? I mean, take a look at this sort of contingency plan, depending—I mean, again, once we bring him here and put him on U.S. soil, there is going to be a host of constitutional issues that are going to come up. We need to be ahead of that.

I mean, these people are—you know, I went down to Guantanamo Bay this January. Khalid Sheikh Mohammed is an evil man. I mean, he has hate in his heart. He will not back down. Again, we need to make sure that we try him in the most secure place in America and have backups in case something happens again, New York being the venue that it is.

Mr. GOLDSTEIN. I would be happy to talk to you and your staff at a further time.

Mr. OLSON. Anybody else.

Mr. SCHENKEL. I can just tell you, from a security standpoint, I am not as familiar as Mr. Peck with all the facilities. I can only think of several that maybe have two of the three.

But the security—there has to be modifications, no matter where they would transfer him to. We would have to meet those security requirements. But it would be an integrated effort, not just an FPS or a U.S. Marshals Service. It would be an integrated effort for all Federal and State and local law enforcement.

Mr. OLSON. Thank you for the answer to those questions. Again, I encourage you to start thinking about that now, because it is something that is going to be coming down the pike when he stands in that courtroom.

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

Chairman THOMPSON. Thank you.

The gentlelady from New York, Ms. Clarke, for 5 minutes.

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

I think my colleagues today have raised some very important issues with regards to the Federal Protective Service. We certainly see the nearly 9,000 buildings throughout our Nation as an impor-

tant asset to us. Your Department plays an important role in our Nation's homeland security, with the mission of keeping all Americans safe.

Although small in size, with approximately 1,200 employees, evidence of the hard work done by your employees can be seen any time someone walks into any Federal building administered either through GSA or DHS. So, I would like to say that from the outset.

Our committee held a hearing in May 2007, about the challenges that plagued the service at the time. During that hearing, I was extremely dismayed at the service's low staffing levels and dependence on poorly trained contract guards.

That, I think, is one of the biggest sticking points, given the expanded role that people are going to actually see you in, once this trial does come to the city of New York. I think we have pretty much driven that point home.

Mr. Chairman, I am kind of shocked that after 2 years, you know, the FPS has not become more robust. I think that is part of the conversation that we are having here today. I have heard about the study that is going to take place with regards to staffing and the commensurate risk assessment tool that will be applied to the staffing requirement of FPS.

But what do we expect the outcome will be? What can we do in anticipation of that?

I think that, Mr. Schenkel, you have certainly—Director Schenkel—you have certainly witnessed the strain on your employees and the challenges that it has faced. Are there some recommendations that you are giving to the Secretary, given this heavy mandate now before you, which will mean a shifting of resources, a pulling of CERTs, the opening of vulnerabilities in other parts of the Nation, because of the constraints that you are under?

Have you begun having those conversations?

Mr. SCHENKEL. Ma'am, what we are trying to do is look for the most effective and efficient use of the resources we have.

When you talked about our contract guards—and we are certainly proud of 99.9 percent of them and their activities—that is one of the avenues that we are exploring, is those gaps in training that perhaps could enhance the guard force, as opposed to some of the things that we are dependent on contractors to provide.

That, weighed against our resources, our Federal resources, are some of the answers that we are looking for. It is a proactive process. It is not something that we take lightly. It is certainly something that we are making strides in on the positive side in enhancing the guards' training and abilities, but it is also giving us pictures, if you will, or a view into what the most effective and efficient use of what our inspectors are doing and should be doing.

Ms. CLARKE. Director Schenkel, you do not, then, anticipate any increase in the level of your staffing, given the expansion of the mandate of the work that you do? You just do not anticipate that. You are basically reconciled to a doing-more-with-less mentality?

Mr. SCHENKEL. I think that is part of the process. To say that we need a definite number of additional employees right now, would not be the most effective and efficient use of our resources.

I think that once we determine what they actually should be doing, how much time it takes them to do that, especially with the

advance of these new technologies that will time stamp and also develop other efficiencies, we may provide—may be able to provide—more time in some areas than we had before.

I think those are the answers that need to be given before we actually come up with a specific number.

Ms. CLARKE. So, are you just saying—because I am running out of time—that you are going to be working to craft out specifically the role of the FPS in this unique situation, in collaboration with other law enforcement entities that will be operating simultaneously during this period?

Because I think that it is important for people to know that there is this immediate sort of focus on FPS, because we know of your role, the important pieces to understand specifically, what that role would be, and what the chain of command would be in an environment such as the courthouse protection, that brings in other law enforcement entities. Would you speak to that?

Mr. SCHENKEL. Yes, ma'am. We have enjoyed a very positive relationship with State and local law enforcement, I think, ever since the existence of our service.

As Mr. Peck spoke to earlier, we cannot staff for every event in every location. So, consequently, we are very dependent, and work very well with the State and local law enforcement.

If it is an event that is on Federal property that we are responsible for, we take command and control. If it is an event that happens near our property, but could affect our property, we support that local law enforcement or Federal agency that has the lead on those instances.

Mr. BEERS. If I might add to that, I would just say, first of all, do not—with respect to the larger question of the staffing size for FPS—do not walk away with the assumption that we have ruled out increasing the size of FPS. We have absolutely not ruled that out.

We just want to make sure, as Director Schenkel just indicated, that, with the onslaught of new technology and new procedures, that will increase the productivity of the current workforce. Then, what other requirements are there on top of that?

Second, with respect to—and this is with respect to the New York City issue. Please understand, as I know you must, the New York City Police Department has the strongest counterterrorism activity of any police force in the country, which is undoubtedly one of the major reasons that led to Attorney General Holder's decision to place that in New York City.

It is not just the Marshals. It is not just FPS. It is that whole, total package put together that is going to provide the security. Thank you.

Mr. PECK. Mr. Chairman, if I may? I mean, I do not know how you want to allocate the time. But if I could put one other thing on the table, I wanted to reinforce what Secretary Beers said, which is that I think we all think that—I do not think we think that FPS's current staffing level is sacrosanct, that if they need more resources, that they should get it.

But before we do that, we really do need to do a better job of assessing the threat and what other means we have to mitigate the threats.

But the other point I wanted to add is this. It is important for you to know that the Federal Protective Service is mostly funded by security fee payments by Federal agencies in Federal buildings. It does not get a separate appropriation.

There is an interesting conversation, I will just say, that goes on when we ask Federal—when we tell Federal agencies about the security they need. While I cannot say that anyone has ever balked at a security measure that we or FPS recommend, on the other hand, the charge is made per square foot, and we do get questions sometimes from the central finance people in Washington about how much they are paying, and what they are getting for it, as they should question.

But it raises questions, just as the way we work with the Facility Security Committees and what their role is. I think the role of the security fee and how it is assessed, and whether that is the only way to fund FPS, is something that at some point ought to be on the table.

Chairman THOMPSON. One of the comments that come to mind, Mr. Schenkel, how problematic is it that contract guards have no arrest power?

Mr. SCHENKEL. It is not problematic, sir, because they enjoy—if that is the correct term—the extension of our authority in being able to detain individuals and/or exert deadly force in the event that either their or someone else's life is threatened.

The working relationships that we have in large Federal facilities where we have FPS presence on hand, where they can actually effect the arrest, works extremely well, and, plus, our relationships with State and local law enforcement in all of our other areas that we are responsible for.

Chairman THOMPSON. So, now, your testimony is that they have the power to detain, but not the power to arrest.

Mr. SCHENKEL. That is correct, sir.

Chairman THOMPSON. Is that your understanding, Mr. Goldstein?

Mr. GOLDSTEIN. It is my understanding, sir, yes. The problem arises, though—and we have reported this previously—is that there is a great variety of instruction by the contract guard companies to their guards about what kinds of actions they should be taking.

We have done many interviews with the guards themselves. We have interviewed hundreds of them over the course of the last year-and-a-half. In talking to them, their understanding of what their role is, even within an individual company, differs greatly.

We know of certain instances and have reported them, where, in fact, there was, at one Level four facility—and we reported this not that long ago—where an individual who was being detained by the Federal Protective Service, escaped from the officers, ran through the building wearing just one handcuff, had had his shirt ripped off when running out the front lobby of—this is a Level four building.

All of the contract guards who were in the lobby, all of whom were armed, simply stepped away. The FPS officers went running after him and did not catch him. The individual was actually ap-

prehended by an FPS officer several blocks away, who happened to be in a vehicle.

So, there is a great variety of response that the contract guards actually provide, because there is not uniform training, sir.

Chairman THOMPSON. Mr. Schenkel, is there a written policy directive on detention and arrest?

Mr. SCHENKEL. Yes, sir. It is in our security guard information manual. To agree with Mr. Goldstein, as I most often do, that is one of the areas that we have really drilled down into over this past year. That is the consistency and standardization of guard training.

That is also one of the areas that would affect staffing. We have to determine the appropriate number of guard—inherently governmental guard training hours that we would need to provide to all contract guards.

We have already assumed 16 additional hours from what we had previously had, because that certainly is an area of concern.

Chairman THOMPSON. Can you provide the committee with the written detention policy that FPS provides for the contract guards, with respect to both detention and arrest?

Mr. SCHENKEL. Yes, sir.

Chairman THOMPSON. Thank you.

Next is the gentleman from Louisiana, Mr. Cao, for 5 minutes.

Mr. CAO. Thank you, Mr. Chairman.

I have a question for Mr. Schenkel. In the GAO report made September 23, 2009, the GAO found that FPS does not have a fully reliable system for monitoring, and there find whether guards have the training and certification which are required.

How far are you in addressing the need to implement this system to monitor and verify whether or not the guards have the requisite training?

Mr. SCHENKEL. Yes, sir. We have already institutionalized that by placing that piece into RAMP. We recognized that there was a failing in that area, approximately a year ago, and had incorporated that into phase one of our Risk Assessment Management Program.

All of our guards are in that system. In the event that there is—and the way this system works, I should provide that first. The way this system works is, if a guard certification is due on 1 July, that guard, that guard company and the region will receive a notice 30 days prior to that. That individual will be notified to have to go regain his or her certification prior to that time.

In the event that we have conducted guard post inspection after the 1st, and that individual is not certified, he or she will be immediately removed from post, because that is built into the automated system.

Mr. CAO. Now, in your training and certifications, do you make sure that these contracting companies, these training facilities, do they provide training to the guards to make sure that they recognize new techniques, new equipment that are being used by terrorist groups around the world?

Mr. SCHENKEL. Yes, sir. As a matter of fact, our threat management division publishes regular training bulletins, and our training division has produced specific training bulletins in regard to the

penetration. We have also produced a training video. We have completed about 99.4 percent of all of the 15,000 guards have completed that training, as well, sir.

Mr. CAO. Okay.

Also, in April of this year, the inspector general concluded that FPS did not use consistent selection practices to award guard contracts. In addition to these problems with awarding contracts, the IG noted a significant lack of oversight of the contractors once they are posted to security details.

What have you done to address this issue?

Mr. SCHENKEL. We work hand-in-hand with our consolidated contracting groups, currently under the leadership of the Office of Procurement Operations at DHS. But they are technically FPS employees.

So, what we have done is promulgated specific directives addressing this consistency. Again, this is a consistency requirement across all 11 regions that was done, basically, 11 different ways several years ago.

As a result of these policy changes, we have also incorporated a project management office that reviews the performance, and we have incorporated a semiannual performance review of each individual guard contract company. Subsequent to that review, we will make the determination as whether or not to reward that contract or to terminate that contract.

Mr. CAO. In 2009, the ISC published the use of physical security performance measures, which requires assessing the effectiveness of security procedures through performance measures and testing.

What is the status of this implementation? Do you know?

Mr. SCHENKEL. Again, part of that is incorporated into RAMP, where we have all the countermeasures that are in a specific building are now incorporated into that system, where we can not only identify the necessity for a replacement, repair, et cetera, but it also provides the visibility across all 9,000 buildings to give us the comparison necessary.

Mr. CAO. So, can you assure us that we are safer now in these Federal buildings than we were 4 months ago?

Mr. SCHENKEL. I would say yes. Mr. Thompson had asked me that 2 years ago. I said I think they were safer then. I think they are safer now, 2 years, because we—2 years even later—because we have focused on our core mission, on our core competencies, and really have made tremendous strides across the board, not only on the mission support side, but certainly on the inspector side. Our uniformed operations and our investigators are totally dedicated to the protection mission.

Mr. CAO. Thank you very much.

Chairman THOMPSON. Thank you very much.

For the committee's information, Mr. Schenkel, where are we from FPS's training of contractors, in terms of what FPS requires? Do we have a backlog?

Mr. SCHENKEL. We do not have a backlog now. All of our contractors have been trained to the adequate levels for the magnetometer and X-ray training, which is our part of it.

We have additionally institutionalized what we call a National weapons training program, which provides an additional 16 hours of magnetometer and X-ray training.

Chairman THOMPSON. So, your testimony is that there is no backlog on any of the training of the contractors.

Mr. SCHENKEL. If there is a backlog, it is not dependent on the FPS training.

Chairman THOMPSON. Is there a backlog of contractor training of its employees?

Mr. SCHENKEL. Sir, I am sorry, but I would not know that, because those employees would be prevented from standing post.

Chairman THOMPSON. But that is not the case. Mr. Goldstein just said that they checked records of people who were working, whose credentials had expired.

Mr. SCHENKEL. That is absolutely correct, sir. That was prior to the outset of RAMP and the 100 percent scrub of all the certifications.

Chairman THOMPSON. Mr. Goldstein, do you agree with that?

Mr. GOLDSTEIN. I cannot answer that question specifically, however, something quite related, which is when FPS recently did the scrub that Director Schenkel is mentioning. This was just a couple of months ago. To prepare for RAMP and after our recent report, they found themselves that upwards of 50 percent of the guards did not have adequate certifications in place. At least one whole region was unable to provide information to the system, because it simply was not adequate.

So, I know that that is certainly a goal of the Federal Protective Service to achieve, but we have not gone back in to check. Based on the kind of information that we are gathering to complete the report that we are doing for this committee, we are still concerned that that is not the case.

Chairman THOMPSON. So, Mr. Schenkel, your testimony now is, all that is done, it is correct, and that we are 100 percent.

Mr. SCHENKEL. We are 100 percent of guards in our system. If they have guards on the contract that are not working on a FPS contract, we have no control over that. Nor would they be allowed to stand in a FPS post.

Chairman THOMPSON. I do not want us to get into semantics, but if we have contract guards at any Federal building, your testimony is that those guards have met the requisite training that FPS requires.

Mr. SCHENKEL. I will give you a 99 percent qualification of yes, sir.

Chairman THOMPSON. Well, I am going to allow you to provide that to the committee in writing, based on your review, and taking into consideration what Mr. Goldstein just shared with the committee.

You are aware of the FDA situation with the guards, right?

Mr. SCHENKEL. Was that the Chenega situation, sir?

Chairman THOMPSON. Yes.

Mr. SCHENKEL. Yes, sir. That contract was terminated 30 September.

Chairman THOMPSON. Did FPS find that out? Or somebody else found that out?

Mr. SCHENKEL. It was found out on an Operation Shield conducted by the National Capital Region of the Federal Protective Service, at which time they conducted the guard post inspection and discovered, I believe it was 58 guards, that did not have certifications in the system. That does not necessarily mean that they were not certified. It is just that they were not in the system. That is that very difficult and challenging three-piece system that we used to operate under.

Chairman THOMPSON. So, RAMP has replaced it?

Mr. SCHENKEL. I am not positive which company has taken over that—

Chairman THOMPSON. No, no. I am not—

Mr. SCHENKEL. Oh, RAMP. I am sorry, sir. Yes, sir, RAMP is the new—

Chairman THOMPSON. Okay.

Mr. SCHENKEL. RAMP has replaced the old CERTS system. Yes, sir.

Chairman THOMPSON. Okay, well, the gentleman from Texas, Mr. Cuellar.

Mr. CUELLAR. Thank you, Mr. Chairman. I want to thank the witnesses for being here with us.

Let me go ahead and go and talk about contract oversight. Since 1995, the number of contract guards have gone up to about 13,000. The number of uniformed Federal officers has gone down to roughly about 600 individuals.

Let me go back to the issue that I believe the Chairman brought up on power of arrest. As an attorney, I will tell you that—and I think we all know this—that the contract guards do not have the power to arrest. If you put me—and I am not a peace officer, not certified by any law enforcement entity—if I stood next to one of those contract officers, we both have the same power.

Is that correct, Mr. Schenkel?

Mr. SCHENKEL. Basically, that is. Yes, sir. The same as a citizen arrest.

Mr. CUELLAR. Right. If you put any individual member of the public out there next to one of those contract officers, that individual has the same power as that guard.

Is that correct?

Mr. SCHENKEL. Technically, yes, sir.

Mr. CUELLAR. Okay. When you say “technically,” legally? I would say, “yes.” I mean, I would say, yes, technically. You are trying to say, technically, there is a difference. I am talking about legally.

What is the technical part of it?

Mr. SCHENKEL. Well, the technical part would be that they are trained individuals in the use of force. They have a minimal protection, as opposed to a standard citizen.

Mr. CUELLAR. Okay. Now, I understand that the inspector general, GAO also, that there have been different reviews that have come out on the operations of FPS. I believe, October 2006, the Department of Homeland, Office of Inspector General, the OIG audited the operations, and found that the agency was not performing effective oversight over the contract guard program.

Is that correct?

Mr. SCHENKEL. Yes, sir.

Mr. CUELLAR. I believe that on April 2009, the OIG report again concluded that the FPS was not performing adequate contract oversight of its guards. Is that correct?

Mr. SCHENKEL. That is correct, sir.

Mr. CUELLAR. All right. June 2008, GAO report also identified inadequate oversight of the contract program as, you know, one of the key challenges in order to give protection. Is that correct?

Mr. SCHENKEL. Yes, sir.

Mr. CUELLAR. All right. When do you start implementing the recommendations that the OIG or the audit, or the GAO provided? I mean, I would assume—I mean, if I was you, or I was in your place, I would assume that, if somebody gave me some recommendation, I would sit down with that agency who were trying to implement this. It was not only one time, but I see three different types.

When do we start implementing those recommendations?

Mr. SCHENKEL. We started in 2006 and 2007, when we made the determination to go to an inspector-based force and concentrate on our core mission of protection, as opposed to some of the other distracting law enforcement missions.

Since that time, we have had to standardize the policies and procedures for the Federal Protective Service.

Mr. CUELLAR. Do you all have a—I am sorry—do you have a strategic plan?

Mr. SCHENKEL. Yes, we do, sir.

Mr. CUELLAR. Okay. Mr. Chairman, could I ask for a copy of that?

I would ask you if you could send that within 3 days, if you do not mind. I am sure you have it available, handy.

Now, GAO found different issues, first of all, qualifications and certifications. The large number of contract guards who do not have training and certification required to be deployed at a Federal facility, has that been addressed?

Mr. SCHENKEL. Yes, sir, it has.

Mr. CUELLAR. Okay.

GAO, is that correct? Mr. Goldstein?

Mr. GOLDSTEIN. At this point in time, we are not certain. We have not gone back and retested to determine whether or not the new system in place is adequate. It is something we certainly could do for the committee. But we cannot answer that question today.

Mr. CUELLAR. Mr. Chairman, could I request that answer for the committee?

Compliance with post orders.

GAO found that the agency was inconsistent in its inspection of guard compliance with post orders. Has that been complied with? Have the post orders been complied with?

Mr. SCHENKEL. FPS provides the template for post orders. The Facility Security Committees actually write the post orders.

Mr. CUELLAR. All right.

Mr. SCHENKEL. We have standardized the template, but we do not have the authority to standardize the procedures.

Mr. CUELLAR. GAO, any response on that, on the post order compliance?

Mr. GOLDSTEIN. I think the post orders really come down to a question of adherence by the contract guard companies, ensuring that the contract guards are trained properly, but also oversight from FPS. As Director Schenkel mentioned, one of the biggest challenges they have is having sufficient staff to really oversee the contract guard program, which is challenging.

Mr. CUELLAR. Right. Well, let me ask, because my time is up, on the covert testing problems that we had on the allocation of resources using risk management, and some of the issues that were brought up on the management of human capital deficiencies, on the difficulty of meeting mandated staffing levels, on a lack of human capital plan.

By the way, a capital plan should be part of the strategic plan also, Mr. Schenkel.

On those issues, could I—Mr. Chairman, I am going to ask the GAO and Mr. Schenkel if they can provide that information to the committee.

One last question, and I will close, Mr. Chairman, on the GAO. Has any of the customers, tenants ever complained about paying a higher fee for more security, that you know of?

Mr. GOLDSTEIN. We have talked to many tenants in the course of our work, and we have had a little variety of responses. Many tenants are concerned. Our report on human capital in July 2009, has a survey of many of the tenants.

Many of the tenants have been concerned that their fees are going up, but their services may not be going up with it, you know, at the same time. In other words, because of the challenges FPS has faced and the lack of officers in many places, there have been concerns that the security is not what it was, that there are not officers present at all at times, and the way it used to be.

The FPS is challenged by the staffing situation, sir.

Mr. CUELLAR. If the Chairman allows me, if I could, on those responses. Strategic plan, within 3 days that should be available. The other one, I assume, maybe 30 days from both of you, or if that would be an adequate timetable.

Chairman THOMPSON. Three days for both is fine with me.

Is that a problem?

Beg your pardon?

Mr. SCHENKEL. I am sorry. I do not believe so.

Chairman THOMPSON. Okay.

Mr. CUELLAR. Thank you, Mr. Chairman.

Chairman THOMPSON. Thank you.

The gentlelady from California for 5 minutes.

Ms. RICHARDSON. Yes, thank you, Mr. Chairman.

First of all, hopefully, Mr. Beers, has the question been asked to you about the payment during the transition period of collecting fees? Have we already—did anyone do that question yet?

Mr. BEERS. About the level of fees for—

Ms. RICHARDSON. During the transition period?

Mr. BEERS. Yes. It was brought up by Director Schenkel in the transition briefings that we received as part of the transition team.

Ms. RICHARDSON. Okay.

Mr. BEERS. These issues have all come up during that period.

Ms. RICHARDSON. But it is my understanding that the NPPD requires the FPS to pay the transition costs. Is that correct?

Mr. BEERS. That is correct. There are services rendered on behalf of them. We would be out of compliance if we used other monies to pay for our servicing of FPS.

Ms. RICHARDSON. Okay. But has that cost us anything in terms of our current staffing levels?

Mr. BEERS. The cost of the transition is—we have some estimates. It is not finally determined. We are working with FPS to determine precisely what those costs will be.

This is an additional cost, quite frankly, over and above the cost, the services that ICE has been providing, or that FPS will provide when this transition is complete, which will be by the—by no later than the end of fiscal year 2010. But our effort is to have that completed earlier than that time.

Ms. RICHARDSON. So, if it is in addition to what has been done before, have you considered increasing the building security fee to cover—

Mr. BEERS. We are trying to make this transition not cause an increase in the overall fees.

Ms. RICHARDSON. Then who is going to pay for it?

Mr. BEERS. FPS.

Ms. RICHARDSON. Do you feel that they have the sufficient budget to do so?

Mr. BEERS. We are working on that.

Ms. RICHARDSON. What do you mean by that?

Mr. BEERS. I mean we are in discussion about where the funding would come from within the FPS budget in order to pay for those costs. At this particular point in time, that is a subject that is still under discussion, so I am not in a position to tell you precisely where that money will come from in the FPS budget.

Ms. RICHARDSON. Mr. Goldstein, is that something you are privy to? Do you have an opinion on that, of whether you feel they would be able to absorb that in their budget?

Mr. GOLDSTEIN. We have not looked at it specifically. They are clearly hamstrung with respect to their budget in many ways today.

Our concern is one of transparency for the agencies who pay their security fees. They do not have the understanding that it is going to pay for administrative costs in transitioning an agency from one part of the Department to another. They believe it is going to pay for enhancing the security of their facility. So, that is a concern that we have.

Ms. RICHARDSON. So, then, you would be of the mind that the costs would not be increased, or that would be your recommendation.

Mr. GOLDSTEIN. I do not have a recommendation at this point. We have not sat down with DHS to discuss this specifically.

Ms. RICHARDSON. Okay. Do you have any intentions to do so?

Mr. GOLDSTEIN. We certainly can. We have not done so at this point.

Ms. RICHARDSON. Okay. My last question is for Mr. Peck.

The GAO recommends that the FPS and the GSA make improvements to facilitate information sharing. If would say anything

across the board, you know, what this committee talks a lot about is information sharing and communication.

How would the GSA collaborate with the NPPD and the FPS during the transition to address any information-sharing issues?

Mr. PECK. Like I say, I have been in this job for 3 months. I think my first week on the job, because I had done it before, I had a conversation with the security people we have at GSA, because we have certain National security responsibilities aside from just protecting our buildings, about intelligence and security information sharing with FPS, other agencies of the Federal Government.

I do not think that the transition—specifically on the question of FPS and GSA—I do not think that the transition will affect our information sharing. I do believe that we have a good channel of communication between us and the DHS and the Federal Protective Service on the information sharing that we need.

There are certain things that could happen that would require that we take certain actions at a Federal building on the management side, that we depend on DHS and other agencies of the Government to tell us. I think we have pretty good channels.

I am not going to tell you, however, that I believe that all of the information sharing in the Government, some of the information that they may need from time to time, I would not guarantee that we have fixed that problem totally inside the Government.

But I must say, we believe we have the channels. We have the security clearance, if necessary, the handling of classified documents and information that we need to do that.

Ms. RICHARDSON. Do you anticipate figuring out whether it is fixed? Well, not necessarily whether it is fixed, but whether it is working?

Mr. PECK. I mean, we run exercises. We do all those sorts of things you do to see if things are working well.

I am confident that we, as I say, that we have the information we need with DHS on those threats that are specific to Federal facilities. Yes, we do.

Ms. RICHARDSON. Mr. Chairman, could I have another 20 seconds? I think he wanted to respond.

Thank you.

Chairman THOMPSON. Mr. Schenkel.

Mr. SCHENKEL. I just wanted to help Mr. Peck out here, because the most contentious issue was the sharing of the full facility security assessment. Under our new program of RAMP, we have provided—we will be providing, I should say—the fully disclosed facility security assessment.

You know, we have enjoyed an ever increasing, positive relationship with the GSA over the last several years. This is a giant step forward. That was the issue in particular that came up under Mr. Goldstein's audit.

Mr. PECK. With respect to that, may I say that, if I can, Mr. Chairman—

Chairman THOMPSON. Go ahead.

Mr. PECK [continuing]. That is really important, what underlies an awful lot of the questions here and that we really need to talk about is, it is one thing for us to establish uniform standards with respect to security in facilities, which we do for how much of a

blast resistance they should have, for example, or what the overall training for guards should be.

But as I started out by saying, that each facility is unique in the kinds of agencies it houses, the accessibility we need from the public, how far they are from a curb, or whether they are in a threatened geography in this country or not, that it makes this job much more complicated.

I will just say with respect to our question about security guards and overseeing them, this is something that I have seen over some 15 years being associated with GSA and FPS, if you go back to my first term in GSA. That FPS has transitioned, I would not say, though, all the way, but from a force where many of the members of FPS regarded themselves primarily as uniformed police officers, to an organization where they are doing security.

So, I think that shift of resources has happened. Clearly, we all need to keep working on it.

But it is because security guards get hired, and then they have to adapt to specific circumstances in a building, that the training is even more complicated, and overseeing them is more complicated.

Chairman THOMPSON. Thank you very much.

Ms. RICHARDSON. Thank you, Mr. Chairman.

Chairman THOMPSON. I am happy to see that GSA and FPS are talking, because at some point, GAO said, that was not the case. But we now have it before this committee that you are doing that. We thank you.

The gentlelady from Texas for 5 minutes.

Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I thank the witnesses for their presence here today, and the witnesses of the second panel.

I think we have to direct questions in the backdrop of an enormous number that is really shocking to me. I recognize that Federal Government has a large number of Federal buildings. I will find the number here in a moment.

But what shocks me is that we are talking about 5,000 contractual companies or contracts dealing with the security of Federal buildings post-9/11.

I find that both disturbing in terms of the ability for oversight and the carefulness in which the personnel are actually trained, the certification, and the Federal Government even knowing what the level of security is for the thousands upon thousands of Federal employees and individuals who have to go into Federal buildings on Federal business.

So, Secretary Beers, if I can, can you give any explanation as to what happened in the video that Chairman Thompson showed?

Mr. BEERS. Yes, ma'am. As we have indicated in a variety of fora, the issues at hand involve several aspects, the first of which is, were the guards at the facilities that the GAO looked at adequately trained and certified in order to be able to perform the job that should be expected of them to do that?

That particular issue was addressed by Director Schenkel and his staff in terms of an immediate audit of all the contract guards, to make sure that their certifications were up-to-date. Now, this

past week, the initiation of the Risk Assessment Management Program, RAMP, which they now have an automated, uniform, national system—

Ms. JACKSON LEE. When do you think that program—forgive me for doing an intervention here. When will the RAMP program be fully operational?

Mr. BEERS. Fully operational, it will be 2011. But the initial point, and the point of Mr. Goldstein's investigation, that is the first part of the program, which is the listing of all the contract guards and their certification status, so that Director Schenkel and his staff will know when they need to have that updated, will provide indications to the company that they have got a 30-day window to finish that and get it done, or they will not be allowed to stay on post.

Ms. JACKSON LEE. Let me just say that, if this was not a play game, if you will, lives would have been lost. I am taken aback by the answers—and this is on-going. This is, obviously, preceding this administration. So, you are now having to be the problem-solvers, and I acknowledge that.

But I need to be pointed in the fact that this could have resulted in massive loss of life.

The question is, have we changed the mindset—again, 5,000 outside contractors. What is the present position on increasing the number of those who are under the Federal Protective Service as employees?

Mr. BEERS. We have, at the direction of Secretary Napolitano, undertaken a review of the staff size of the Federal Protective Service. We have had two data calls and meetings to discuss that information. We have asked for more information. We owe her, as soon as possible, the results of that, in order both to provide that to her, but also to provide that to you, so that you know what we think the optimal resource and personnel—

Ms. JACKSON LEE. Well, what do you think that—if Mr. Chairman would indulge me, I see my seconds are running out.

What is your perception of 5,000? What do you think you would need to increase it by to have a balance of the huge number of outside contractors, which I can imagine you can get your hands around in training, no matter what kind of system you put in place?

Mr. BEERS. Let me let Director Schenkel answer the specific question, because I am not aware that, under his responsibilities, he has 5,000 contracts. That would be one for every three guards. I do not think we are—I think that is for all Federal facilities, and not what FPS is responsible for protecting.

Mr. SCHENKEL. Yes, ma'am. There are 372,000, I think, Federal facilities. We are only responsible for the 9,000 GSA owned or leased, of which we have approximately 52, 53 contractors, and approximately 126 contracts.

Ms. JACKSON LEE. Well, let me move quickly to the General Accountability Office, please, and Mr. Peck. What is your assessment of what they have?

Mr. PECK. The number of contracts? It has got to be much more like what they are discussing. We have 1,500 Government-owned buildings, about 8,000 that are leased facilities, some of which—

many of which we have contract guards for. So, it is 15,000 guards in GSA facilities. It would be much more like a smaller number of contracts.

Ms. JACKSON LEE. A small number of contracts?

Mr. PECK. I mean a smaller number of contracts than—I would be inclined to think the number that Mr. Schenkel cites is probably closer—I do not know specifically—than anything like 5,000. That may refer to contracts at Department of Defense installations, and all those other Government agencies.

Mr. GOLDSTEIN. If I may, ma'am. Director Schenkel is basically right. There are 300-and-some-odd contracts covering—

Ms. JACKSON LEE. Are the 5,000 covering all the other buildings?

Mr. GOLDSTEIN. That I do not know. We have not looked at—we have only looked at the 9,000 Federal buildings under GSA—

Ms. JACKSON LEE. Let me just get this to this final question.

In our report it says that GSA, that FPS, provides regular briefings on building security, performs security assessments and makes recommendations on security countermeasures to GSA and tenants. However, GSA and tenant agencies ultimately decide whether to sign onto the recommended countermeasures.

So, to GSA, which is Mr. Peck, I would just like to get in writing the FPS recommendations for the last year—if we have to go back further—and then, the response of GSA in terms of funding or complying with those recommendations.

Mr. PECK. Okay. I would like to be clear. The decisions on those recommendations—it goes back to something we said before—the decisions on what to do in specific buildings is made by something called the Facility Security Committee, which is not a GSA committee. It is chaired by the largest—the head of the largest—tenant in a Federal building.

Having said that, I will go back and see what—I will go back and get you the documentation that you asked for.

Ms. JACKSON LEE. Thank you, Mr. Chairman. I would only say that there is a lot of confusion. There seems to be one hand not knowing what the other hand is doing. But I would hope that, at some point, we can balance contracts with hired personnel, trained by the Federal Government, and being under the auspices of the Federal Protective Service, National Protection Programs Directorate.

Thank you very much. I yield back.

Chairman THOMPSON. Thank you very much.

I would like to thank our panel of witnesses for their valuable testimony, and the Members for their questions, likewise.

Secretary Beers, the facilities committee is troubling. I think I do not have to say anything else. I would suggest that you have to look at it. Whatever we need to do—if there is legislation, or whatever—from a security perspective, to have people with no security training making security decisions is a no-brainer, in my estimation, and, I think, based on GAO's situation.

The other issue is the 2010 transition plan. Committee staff has been working with your staff on making sure that we are kept up with what is going on.

We need your word that we will not be impeded from doing our work by your staff, by a lack of information.

Mr. BEERS. Yes, sir. With respect to the first issue, we are in total agreement with respect to dealing with the Facility Security Committees. That is why—and this is one of the values as a marriage of FPS and NPPD.

We had always in NPPD been responsible for the Interagency Security Committee, which is the oversight body of this larger process. That is why we had this summit meeting this week that Mr. Peck and I both attended, and that our leader, Austin Smith, ran.

We are expecting a number of solid recommendations coming out of that. I gave you some indication of what they—the direction that we are going.

But I can tell you that Secretary Napolitano is personally interested in this. I have had at least two conversations with her specifically on this point after she became aware of this challenge that Director Schenkel and Mr. Goldstein, as well, have pointed to. So, we really are focused on that.

With respect to the provision of information, we owe you a report, I believe by the end of this calendar year, on the status of the transition. That is not to say that we will not talk or provide information in between. But we owe you, as we owe ourselves, a constant monitoring of this process. We will keep you informed, sir.

Chairman THOMPSON. Thank you very much. We look forward to it.

Before being dismissed, I would remind our first panel of witnesses that the Members of the committee may have additional questions for you. We will ask you to respond expeditiously in writing to those questions.

Thank you again. It was a good hearing.

I would now ask the clerk to please prepare the witness table for our second panel.

I would like to thank the panel again.

Welcome to the second panel of witnesses.

Our first witness is Mr. David Wright, president of the AFGE, Local 918. Mr. Wright is a 23-year veteran of the Federal Protective Service. During his tenure at AFGE Local 918 as president, he sought to expose management problems at ICE and FPS.

Welcome, Mr. Wright.

Our second witness is Mr. Stephen Amitay. He is the Federal legislative counsel for the National Association of Security Companies, the Nation's largest contract security association. Its member companies employ over 400,000 security officers throughout the United States in the commercial and governmental sections.

Welcome.

I would once again like to thank all our witnesses for being here today. As previously stated, the witnesses' full statement will be inserted in the record. I would now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Wright.

**STATEMENT OF DAVID L. WRIGHT, PRESIDENT, AMERICAN
FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 918**

Mr. WRIGHT. Thank you, Mr. Chairman.

Chairman Thompson, Ranking Member King and Members of the committee. My name is David Wright. I am president of AFGE Local 918, the FPS union.

Since the 9/11 attacks, I have watched with growing frustration and outrage as the FPS was allowed to deteriorate. Despite intervention by Congress to establish minimum staffing levels, FPS still has less boots on the ground than when it joined DHS. With our move to NPPD, I am hopeful that DHS can finally get the vital mission of protecting Federal employees and facilities right.

The FPS faces daunting challenges, and its officers and inspectors have been shocked and dismayed by the recent GAO reports and vulnerabilities that continue to exist. Every day, they put their lives on the line to accomplish the DHS mission, and have sacrificed their family time to work the many hours of overtime to ensure that facilities are protected.

While we are finally confident that DHS leadership wants FPS to succeed, we need your help to make sure the embedded, intransigent and unaccountable bureaucrats at OMB cooperate to provide the resources necessary to accomplish our mission.

One glaring example is the monitoring and training of FPS contract guards. In 2001, there were 5,000 contract guards and 1,450 total FPS personnel. By 2009, there were 15,000 contract guards, but only 1,225 total FPS personnel.

That threefold increase in guards, coupled with a 16 percent cut in FPS staff, was a recipe for failure. No one should have been surprised to discover the deficiencies in contract guard management, performance and guards' abilities to detect weapons and explosives.

Despite this critical shortfall, OMB actually decreased security charges collected to monitor and administer contract guards by 25 percent this year.

When GAO covertly entered FPS jurisdictions with explosives, FPS over-reliance on contract guards was exposed. Security has clearly been reduced. Staggering lapses by GAO make in-sourcing of contract guards at high-risk buildings an important component of any overall reform effort for FPS.

Among the other challenges faced by FPS is a funding structure that has resulted in cuts of \$700 million since 9/11.

We have FPS law enforcement officers that do not have Federal law enforcement retirement or benefits. FPS operates only during normal business hours in New York and other major cities. Criminals and terrorists do not work business hours, and neither should FPS.

Building security committees have failed to approve critical security countermeasures. There is a case going on right now of an FPS recommendation for a night-time guard at a courthouse in a western State. That guard countermeasure has been declined for years by the non-security professionals of the FSC, and very recently, there were gunshots directed into that Congressional office window.

We also face field law enforcement staff that is significantly below Congressionally mandated minimums, and lastly, a critical manpower shortage in New York City.

We need your help to remedy these challenges by: No. 1, mandating sufficient FPS staff to protect Federal employees and facilities; No. 2, recognize FPS dedicated law enforcement officers with appropriate law enforcement benefits and pay; No. 3, in-source contract guard positions at high-risk facilities by replacing them with

Federal police officers; and No. 4, remedy the FPS manpower crisis in New York.

A trial of Khalid Sheikh Mohammed at the New York City Federal courthouse will present a security risk that FPS is ill-equipped to handle with depleting security to other Federal buildings in the country.

Since 2001, while FPS has decreased and the risk of attack on Federal facilities has increased, the number of non-DOD and non-FPS security specialists and police officers has increased by over 3,200 positions. The V.A. police, which protects 154 medical centers Nation-wide is twice the size of FPS in manpower.

The sole Federal agency charged with the critical mission of protecting thousands of Federal buildings and millions of Federal employees and visitors from terrorist and criminal attack, the Federal Protective Service is now within NPPD, but remains an agency in crisis.

I believe the state of the FPS right now is little different than that of the airline industry's security prior to 9/11. Then, a reliance on poorly trained, unmonitored contract guards with no law enforcement authority, security implementation by conflicting entities, an unworkable funding structure, and a perception of security through inspections instead of protection by boots-on-the-ground Federal officers proved disastrous.

Mr. Chairman, Ranking Member King, Members of the committee, when America demanded professional security at airports in the wake of 9/11, Congress and the administration responded by hiring over 20,000 Federal officers to staff the TSA. Now is the time to do the same for FPS. The dedicated men and women of FPS need your help to enable our success and to protect Federal employees and properties across the Nation.

Thank you for the opportunity to testify.

[The statement of Mr. Wright follows:]

PREPARED STATEMENT OF DAVID L. WRIGHT

NOVEMBER 18, 2009

Chairman Thompson, Ranking Member King and Members of the committee: My name is David Wright. I am President of AFGE Local 918, which represents the dedicated men and women of the Federal Protective Service. I have been an FPS Law Enforcement Officer for the past 23 years. In the 8 years since the September 11 attacks, I watched with growing frustration and outrage, as the Federal Protective Service was allowed to deteriorate and drift like a rudderless, sinking ship. Despite intervention by Congress to establish minimum staffing levels, FPS still has significantly less boots-on-the-ground in-service field staff than when it joined DHS. The transition to the National Protection Programs Directorate is clearly a welcome change in the right direction. I am hopeful that under the leadership of Secretary Napolitano and Under Secretary Beers, DHS can finally get the vital mission of protecting the over 1 million dedicated civil servants who work in the 9,000 FPS secured facilities located in over 2,100 American communities right.

The Federal Protective Service indeed faces daunting challenges, and its officers and inspectors have been shocked and dismayed by the recent GAO reports and vulnerabilities that continue to exist. Every day, they put their lives on the line to accomplish the DHS mission and have willingly sacrificed their leisure and family time to work the many hours of overtime required to make sure facilities are protected and contract guards are correctly trained and proficient in their duties. Despite these yeoman efforts, FPS does not have sufficient staff to accomplish these vital tasks. While we are finally confident the Department leadership wants FPS to succeed, we need your help to make sure the embedded, intransigent, and unac-

countable bureaucrats at OMB cooperate to provide the minimum resources necessary to accomplish our mission.

One glaring example is the monitoring and training of contract guards. In 2001 there were 5,000 contract guards and FPS was authorized over 1,450 total personnel. By 2009 there were 15,000 contract guards, but FPS was authorized only 1,225 total personnel. A three-fold increase in guards coupled with a 16 percent cut in FPS staff was a recipe for failure. No one should have been surprised to discover shortfalls in contract guard management, performance, and ability to detect weapons and explosives. Clearly OMB should have increased the resources available for monitoring, rather than imposing a cut.

Based in the GAO test, where without detection, they entered facilities with explosives; the overreliance on contract guards—particularly at the highest security level buildings—has clearly reduced the effectiveness of security provided around these facilities. The staggering lapses found by the GAO make insourcing of contract guards at high risk buildings an important component of any overall reform effort for FPS.

We do not dispute GAO findings that FPS could better manage its roles, and are encouraged that implementation of the long planned Risk Assessment Management Program (RAMP) is a major step forward to provide a viable tool that will assist our officers and inspectors to manage defined risks at the facility and local levels. While will apply GAO key practices to facility protection, the additional workload and tracking of field staff actions will result in increased time to complete assessments. Since the overall mission will not change RAMP could add to the real root cause of most FPS failures and the largest impediment to progress, which is a lack of sufficient field staff.

Major challenges that hamper the protection of Government employees and members of the public who work in and visit Federal facilities include:

- Diminished security and increased the risk of crime or terrorist attacks to facilities as a result of decreased or eliminated law enforcement services such as proactive patrol in many locations.
- Contract guards that lack law enforcement authority, and are not adequately monitored or trained.
- An unworkable and inefficient funding structure that has resulted in funding being cut by \$700 million since 9/11, employee pay reduced by 10 percent, and unbudgeted transition costs.
- The fiscal year 2010 appropriations act requires FPS to pay the costs of transition to NPPD from its revenues, but OMB has not yet raised security charges to provide any increased revenue.
- FPS consistently loses high performing employees because our law enforcement officers are not recognized as such and do not have the same benefits as other agencies with equivalent missions.
- Limited service hours in major cities impact critical monitoring tasks.
- Inadequate time to complete necessary tasks, including security assessments.
- Building Security Committees that fail to understand or approve critical security measures.
- ISC guidance interpreted by tenant and GSA security staff that could result in hiding rather than accepting or mitigating risk.
- Coordination with other agencies security personnel who frequently attempt to ineffectively duplicate FPS provided services and hamper consistent application of risk-based security measures.
- In-service field staff below Congressionally mandated levels.
- FPS lacks membership on the interagency security committee and no longer has a role as an honest broker to ensure compliance with security standards.
- FPS field managers need to build a labor management partnership to establish one team dedicated to the critical Federal facilities protection mission.

To meet these challenges and to achieve the promise of one Department responsible for securing the Homeland, including Federal employees and facilities, an effective long and short-term strategy is necessary. Congress should take these critical initial steps:

1. Immediately mandate sufficient FPS staff to meet mission requirements.
2. Recognize FPS's dedicated law enforcement officers as such with appropriate pay and benefits.
3. Stop the fee-funding scheme that forces agencies to choose between adequate protection for their employees and service to the public, by proposing direct appropriation of essential basic and mandated security measures.
4. In-source contract guard positions at high-risk facilities, by replacing them with Federal Police Officers.

5. Give DHS the tools to protect Federal facilities by codifying the role of the Interagency Security Committee; and restoring FPS Committee membership as its honest broker.

CONTINUING CHALLENGES TO EFFECTIVE PROTECTION

1. Diminished security and increased the risk of crime or terrorist attacks in many facilities as a result of decreased or eliminated law enforcement services such as proactive patrol in many locations.

The GAO has pointed to the importance of a uniformed, Federal law enforcement presence surrounding Federal buildings as an essential security requirement to detect and deter attack. It is an approach embraced by virtually all law enforcement agencies across the country. A properly staffed FPS would function as a community police organization where security and law enforcement tasks are integrated. The focus would be proactive and designed to prevent criminal and terrorist attack, rather than the traditional police model of merely responding to reports of crime, determining if a law was violated, initiating action through the criminal justice system and cleaning up the resulting mess. FPS' protection mission will be best accomplished by using inspectors, augmented by Federal Police Officers (series 083) in the largest cities, and at the highest risk facilities. Inspectors would be assigned as the designated service provider for a mix of high and lower risk facilities to conduct facility security assessments, support facility security committees, assist facility emergency planning, train facility tenants on security topics, assist with facility emergency plans, train contract guards, and verify functionality of most security countermeasures. Both police officers and inspectors would provide law enforcement response, proactive patrol, guard performance inspections, verification of guard certifications, and guard training monitoring.

2. Contract guards that lack law enforcement authority and are not adequately monitored or trained.

The GAO has documented the risks inherent in depending on contract guards as a force multiplier without adequate Government inspection, performance monitoring, and training. Contract guards lack the authority to arrest. With additional staff, FPS would have significantly higher assurance guards are performing and are trained to the specifications of the contract, through robust inspection and monitoring protocols. Contract guards should not have the responsibility for all dedicated facility patrol, access control, CCTV monitoring, and weapons detection at all facilities, including complex buildings with established high and very high risks. Roving patrol and weapons detection positions at the highest risk facilities should be performed by Federal police officers, just as they are at the White House, the Capitol and Congressional office buildings, and the Pentagon. In-sourcing these positions at select facilities to use FPS police officers would materially reduce the risk of successful attack using tactics similar to those used by the GAO. The use of contract guards can continue for monitoring functions, for agency specific requirements, and at lower risk facilities with guard requirements, such as Social Security offices. Additionally, these police officers would have a natural career path, building on their experience as Federal officers, to the inspector position, thus creating an initial accession position within FPS.

3. An unworkable and inefficient funding structure that has resulted in funding being cut by \$700 million since 9/11, employee pay reduced by 10 percent, and unbudgeted transition costs.

The history of the unworkable FPS funding method has been well documented. Congress created DHS to prioritize risk mitigation strategies based on threat, vulnerability, and consequence of attack. DHS cannot perform this function for the Federal facilities it is charged with protecting under the current security charge FPS funding scheme.

In the post-9/11 world of today, it makes virtually no sense to rely upon a square footage based fee to entirely determine funding for the FPS. While State and local taxes are used to fund basic police and security functions, no Government collects fees from other Government budget accounts for these essential services. Relying only on increased basic fees, as OMB has done, ultimately reduces the basic security services agencies can afford and increases the risk of their employees and facilities to attack. Prior to its transfer to DHS, GSA subsidized the FPS by \$139 million above security fee collections and paid FPS overhead and other costs from its appropriated base. DHS however, has relied only on security fee collections, resulting in a net cut of \$700 million (including inflation adjustments of 2.5%) between 2003 and 2008, despite increases in the fees charged to agencies for their protection.

4. The fiscal year 2010 appropriations act requires FPS to pay transition costs from its revenues but OMB has not raised security charges to provide any increased revenue.

Without increased security charges, particularly after this year's 25 percent cut in the FPS charge to administer and monitor contract guards, to cover FPS support costs which were previously provided without charge by ICE, FPS will likely be forced to cancel procurement of critical capital items and may have to curtail operations or hiring of replacement staff.

5. FPS consistently loses high performing employees because our law enforcement officers are not recognized as such and do not have the same benefits as other agencies with equivalent missions.

FPS officers have been denied the same benefits many other officers with equivalent missions receive including the Capitol Police and the Secret Service Uniformed Division. This results in excessive attrition, and impedes recruitment of many superbly qualified law enforcement candidates.

6. Limited service hours in major cities that impact critical monitoring tasks.

The GAO found that in most regions FPS is only on duty during regular business hours. Guards are not routinely monitored at night and on weekends. FPS does not even have 24-hour staffing in New York City. Criminals and terrorists don't work business hours and neither should FPS. Night and weekend staffing should be established in the 18 to 20 major metropolitan areas with the greatest number of high-risk and total facilities.

7. Inadequate time to complete critical tasks, including security assessments.

The GAO has reported FPS inspectors do not have enough time to complete Facility Security Assessments. Some only have 10 percent of the time required to complete quality assessments to established standards. In the last 2 years, as FPS attempted to reduce the various increased risks reported by the GAO without increased FTE, our inspectors and police officers had to rob Peter to pay Paul to get the job done. In some cases this had the effect of reducing risk in one area by adding it in another. Additional staffing, including police officers, coupled with a reduction in the number and mix of facilities assigned to each inspector is critical to the success of a viable community policing model.

8. Building Security Committees that fail to approve critical security measures.

The GAO reported Building Security Committees (BSC), which are not composed of security professionals, have responsibility for approving security countermeasures to reduce that facilities vulnerability to attack. Additionally, due to budget pressures agencies had competing uses, in addition to security, for their funds. Recently at an unguarded courthouse in a western State, there were gunshots directed into a congressional office window. FPS has proposed a nighttime guard for that facility each year since initial building planning in 2002, but it has not been implemented by the BSC. Action to place DHS in charge of this process is necessary to ensure facilities are properly protected.

9. ISC guidance interpreted by tenant and GSA security staff that could result in hiding rather than accepting or mitigating risk.

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

10. Coordination with other agencies security personnel who frequently attempt to ineffectively duplicate FPS provided services and hamper consistent application of risk-based security measures.

Since 2001 the number of non-DOD security specialists and police officers has increased by over 3,200 positions. Many of these security positions appear to duplicate functions and services provided by FPS, and may represent inefficient empire building. Some agencies have even claimed that since they have security specialists they should not have to pay security charges. This is like a homeowner buying a shotgun and garden hose, then claiming he should be exempt from paying taxes for police and fire protection. Ad hoc security staff and procedures can create additional vulnerabilities and make coordination of Government-wide standards difficult. It was even reported that the DHS Office of Security attempted to create its own law enforcement agency to protect its GSA owned space, rather than use FPS for the service. The "I will take care of my agency and everyone else be damned" attitude prevalent in some of these uncoordinated security staffs increase the risk that we

may fail to put the pieces together to prevent an attack. These separate organizations each build their own supervisory and overhead staff and in total cost more than placing the responsibility with a single agency. A single provider like FPS can achieve Nation-wide economies of scale that elude most non-DOD security staffs.

11. In-service field staff below Congressionally-mandated levels.

The fiscal year 2010 DHS Appropriations Act mandates that OMB and DHS shall ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent police officers, inspectors, area commanders, and special agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as "in-service field staff"). Based on ICE and OMB guidance the FPS in-service field staff has been interpreted as including all personnel assigned to FPS law enforcement positions. Thus the 900 minimum includes recruits who have not even attended FLETC Uniformed Police training, personnel on long-term restricted duty that prevents service as a law enforcement officer, regional office GS-14 and -15 managers, regional intelligence and JTTF Agents, and staff assigned to the FPS National headquarters. This appears to be at variance with the very specific language of the act. The committee should clarify to the DHS Secretary and Director of OMB, that in-service means in-service, and FPS should be immediately funded to recruit sufficient staff to ensure compliance.

12. FPS is not a member of the interagency security committee and no longer has a role as an honest broker to ensure compliance with security standards.

When President Clinton issued Executive Order 12977 in 1995 he specified that the Director (then Assistant Commissioner) of FPS was a member of the ISC. He also made the Director of FPS responsible for monitoring Federal agency compliance with the policies and recommendations of the ISC. When the Bush administration revised the order upon the creation of DHS, these critical roles were eliminated.

13. FPS field managers need to build a labor management partnership to establish one team dedicated to the critical Federal facilities protection mission.

In some regions managers attempt to manage workload by imposing impossible deadlines rather than working together with employees to set achievable goals. We have inspectors and police officers who work up to 60 hours a week to meet management demands for National and regional goals, but in some locations these dedicated officers work the extra hours without overtime pay because they cannot do all that is necessary in the time allowed by their management. Officers also report that administrative contracting tasks detract from essential protective activities, while other regions get these tasks done at the region headquarters. Better partnering can build a cohesive team where goals can be accomplished without fear as a primary motivation.

14. With the potential terrorist trials in New York likely requiring significant augmentation of the FPS NYC staff, more staff is required to prevent diversion of staff from other areas.

ACTIONS TO MEET CHALLENGES AND ENSURE PROGRESS

To meet these challenges and to achieve the promise of one Department responsible for securing the homeland, including Federal employees and facilities, an effective long- and short-term strategy is necessary. Congress should take these critical initial steps:

1. Provide sufficient FPS staff to meet mission requirements.
 - In fiscal year 2010 FPS is projected to have 1,225 personnel and approximately \$240 million to protect 9,000 facilities and over 1 million employees Nation-wide.
 - There are over 1,600 Capitol Police with \$292 million, to protect the Capitol and Congressional offices in a 12-block area of Washington, DC.
 - The Secret Service has over 1,300 officers in its Uniformed Division, to protect its assigned facilities in Washington, DC.
 - The Veterans Health Administration has over 2,500 police officers to protect their 154 medical centers Nation-wide.
 - Clearly FPS is not adequately staffed to accomplish its mission.
 - Immediately establish a minimum requirement of 1,200 field law enforcement staff (in-service field staff as defined in the DHS Appropriations Act) to protect buildings, including effective monitoring of contract guard performance and training.
 - Mandate night and weekend service in the largest cities with the highest number of high-risk facilities, using police officers to augment the inspector force.

- Notify DHS and OMB that in-service field staff as defined in the fiscal year 2010 appropriations act means in-service staff in the field, not merely any position categorized as law enforcement.
 - Additional resources may be required after receipt of a budget request that reflects an output driven staff allocation model.
2. Recognize FPS' dedicated law enforcement officers as such with appropriate pay and benefits.
 - FPS officers should be granted the same authority given to all other Federal law enforcement officers to carry their service weapons on a 24/7 basis. Not only does this provide an additional police presence in communities where these officers reside, it also gives the officers protection against retribution from persons they have arrested and others who might wish to do them harm.
 - FPS police officers and inspectors are treated as second-class citizens in regards to the Federal law enforcement status. They should be granted the same retirement benefits afforded to other law enforcement personnel with virtually the same mission.
 - FPS police officers and inspectors received a retention allowance and were placed on special pay tables until 2007. These initiatives significantly slowed attrition and retained highly qualified employees. When these were eliminated, many of the most qualified and experienced employees moved to other law enforcement and security positions with higher pay rates. FPS law enforcement personnel should receive Administratively Uncontrollable Overtime (AUO) at an initial rate of 25 percent. This will enhance overall facility security and guard monitoring by ensuring officers can accomplish all assigned tasks. Chemical inspectors and Protective Service Advisors within NPPD currently receive AUO to improve their ability to accomplish the myriad of tasks they are assigned, thus showing two situations in NPPD where this proposal works to improve mission performance.
 3. Stop the fee-funding scheme that forces agencies to choose between adequate protection for their employees and service to the public, by proposing direct appropriation of essential basic and mandated security measures. All basic, building-specific and security fixture security costs should be authorized and directly appropriated to FPS to implement an integrated risk-based strategy to protect Federal facilities.
 - Direct appropriation for basic operations could be achieved through a transfer of funds by the Office of Management and Budget to the FPS of \$0.66 for each square foot assigned to each Department and agency occupying GSA space (excluding facilities protected by the Secret Service Uniformed Division) from the agencies appropriation, with unoccupied and out-leased space considered as assigned to the GSA.
 - Direct appropriation for Building Specific Security Services, can also be achieved through a transfer of the costs paid by each agency, plus the charge paid for FPS program administration.
 - Optional security services to meet agency standards, such as guards at SSA Service Offices, should continue to be provided through the existing Security Work Authorization process.
 4. In-source contract guard positions at high-risk facilities, by replacing them with Federal police officers.
 - Just as Congress and the White House use Federal police officers for dedicated patrol and weapons detection positions, all high-risk Federal facilities should use these highly qualified law enforcement personnel rather than depending entirely on contract guards to perform these functions.
 - Direct the Department to in-source these positions.
 - Implement the transition at the rate of 300 officers a year.
 5. Give DHS the tools to protect Federal facilities by codifying the role of the Interagency Security Committee; and restoring FPS Committee membership and its honest broker.
 - With the mandate of section 1315 of title 40 USC that the DHS protect all Federal facilities, the ISC should be codified as well.
 - FPS should be restored to its roles in the original directive.
 - Clear guidance should be provided that DHS is in charge of security standards for Federal facilities. Federal facility security standards are too important to be left to a consensus decision by ad hoc committee members.
 6. Recognize the FPS manpower crisis in New York City—particularly in relation to upcoming terrorist trials.
 - Obtain an immediate assessment of present law enforcement and support staffing in NYC.
 - Obtain an immediate status of present management challenges.

- Mandate FPS to correct management deficiencies and hire personnel sufficient to ensure 24/7 law enforcement coverage and to staff security for the upcoming terrorist trials.

SUMMARY

Mr. Chairman, the sole Federal agency charged with the critical mission of protecting thousands of Federal buildings and millions of people from terrorist and criminal attack is on a path to mission success within NPPD. However, it is faced with significant challenges that if not remedied will impede progress. I believe the state of the FPS right now is little different from that of the airline industry security prior to 9/11. There, a reliance on poorly trained, unmonitored contract guards with no law enforcement authority; security implementation by conflicting entities; an unworkable funding structure; and a perception of security through inspections, instead of protection by boots-on-the-ground Federal officers proved disastrous.

It should not have happened then, and it should not be allowed to happen now. The dedicated men and women of FPS need your help to enable our success and to protect Federal employees across the country. Again, thank you for the opportunity to testify at this important hearing.

Chairman THOMPSON. Thank you very much for your testimony.

I now recognize Mr. Amitay to summarize his statement for 5 minutes.

STATEMENT OF STEPHEN D. AMITAY, FEDERAL LEGISLATIVE COUNSEL, NATIONAL ASSOCIATION OF SECURITY COMPANIES

Mr. AMITAY. Thank you, Mr. Chairman and distinguished Members of the committee. Thank you for the opportunity to appear here today to discuss the continuing challenges of FPS as they transition from ICE to NPPD.

I am Federal legislative counsel to the National Association of Security Companies, NASCO. NASCO is the largest contract security trade association, as you said, representing private security companies that employ more than 400,000 security officers across the United States of America.

Private security officers protect Federal facilities, businesses, public areas, and critical infrastructure, and they are often the first responder on the scene of a security or terrorism incident.

NASCO member companies employ many former law enforcement and military personnel as both security officers and in their management.

Sadly, the death of private security Officer Stephen Johns earlier this year at the Holocaust Museum was a tragic reminder of the vital role that private security officers play every day in protecting the public.

NASCO firmly believes that Federal facilities can be sufficiently protected, and in a cost-efficient manner, through the utilization of private security officers. However, the recent findings of the GAO in its study of the FPS contract guard program were troubling, and the problems identified need to be addressed by both FPS and contractors.

On the operational level, the impending roll-out of RAMP, a centralized, interactive database management system, should provide for a significant improvement over the current unreliable, decentralized system for collecting and monitoring security officer training and certification data.

FPS is also updating and planning to provide more, and more frequent, X-ray and magnetometer training. Given the security officer's primary role of building access control, deficiencies in this

critical training were understandably highlighted by the GAO. NASCO members have also called for improvements to be made to current FPS firearms training for security officers.

NASCO strongly agrees with the GAO recommendation for better building-specific and scenario-specific training.

One long-standing issue that has already been discussed today has caused much confusion among FPS contract security officers, and where better or clearer guidance is needed, is on the subject of what actions constitute detention of a person, which can be lawful, and what actions constitute an arrest, which usually is unlawful, and can give rise to a lawsuit.

NASCO is also hopeful that efforts to improve program management and increase oversight will lead to better communication between FPS offices and between FPS and contractors. At certain levels, the communication between FPS and contractors is excellent, but in others it is not so good, which has resulted in delays and added expenses in the hiring and processing of officers.

However, in the final analysis, the flaws and weaknesses in contractor and security officer performance found by the GAO expose a more fundamental issue at hand: Quality versus cost.

It is NASCO's position—and we think the public agrees—that quality should always play a primary role when selecting a private security company, particularly when the protection of Federal employees, visitors, and facilities is involved.

There are tangible reasons why higher quality security costs more. Higher salaries attract higher caliber officers; internal company training, screening, and operational procedures will be better; and internal company management oversight will be stronger.

The FPS contract award process needs to be adjusted to ensure that quality service and performance is properly considered in relation to cost. NASCO is not alone in believing that FPS security contracts, awarded based on best value, are often realistically awarded based on lowest cost. Technical capability and past performance of a company are not being valued as they should.

As for the impending transfer of FPS from under ICE to NPPD, we believe it is a very positive move. As many have already pointed out, the Federal infrastructure protection mission of FPS aligns with NPPD's mission to protect all critical infrastructure.

In closing, while work needs to be done to address and resolve the current problems in the contract guard program, NASCO believes that, with a greater regard to quality in the procurement process, and with improvements in contract and data management, oversight and training, the performance of FPS contractors and security officers will increase, and thus, so too, will the level of security at Federal facilities.

NASCO stands ready to work with the committee and its staff on any and all efforts to improve the standards and quality of contract security at FPS and elsewhere.

Thank you.

[The statement of Mr. Amitay follows:]

PREPARED STATEMENT OF STEPHEN D. AMITAY

NOVEMBER 18, 2009

BACKGROUND ON NASCO AND PRIVATE SECURITY

NASCO is the Nation's largest contract security trade association, representing private security companies that employ more than 400,000 security officers across the Nation who are servicing commercial and Governmental clients including the Federal Protective Service (FPS). Formed in 1972, NASCO has strived to increase awareness and understanding among policy-makers, consumers, the media, and the general public of the important role of private security in safeguarding persons and property. NASCO also has been a leading advocate for raising standards at the Federal, State, and local level for the licensing of private security firms and the registration, screening, and training of security officers.

Nearly 2 million people are employed in private security domestically compared to fewer than 700,000 public law enforcement personnel. Approximately 75 percent of private security personnel work for contract security companies, with the balance serving as proprietary or "in-house" security. The vast majority of contract security firms employ many former law enforcement and military personnel in senior management.

Private security officers are guarding Federal facilities, businesses, public areas, and critical infrastructure sites (of which 85 percent are owned by the private sector) and they are often the "first" responders on the scene of any security or terrorism-related incident. Sadly, the death of private security officer Stephen Johns earlier this year at the Holocaust museum, killed in the line of duty protecting museum patrons, was a tragic reminder of the vital role that private security officers play every day in protecting the public.

As mentioned, raising standards for the industry and security officers is a core NASCO mission. In recent years, NASCO and its member companies have worked to pass licensing and training legislation in States such as Mississippi, Alabama, Colorado, and California. Earlier this year, Alabama enacted a law to set up a State board to regulate and oversee the licensing of private security companies and set training for security officers. In California, over the past several years, laws have been enacted to increase training requirements for security officers and to include weapons of mass destruction and terrorism awareness courses. In addition, with NASCO support, California has led the way in bringing "in-house" security officers and employers into compliance with existing security licensing and training requirements.

On the Federal level, NASCO is currently working with Congress and the Justice Department to provide for the effective implementation of the "Private Security Officers Employment Authorization Act of 2004" (PSOEAA) that provides Federal authorization to employers of private security officers to request a limited FBI criminal history check.

The principal role of private security officers is to protect people and property from accidents and crime, control access to a facility or location, and observe and report suspicious activities. They serve as the "eyes and ears" of public law enforcement and play an important supporting role to law enforcement. They conduct incident interviews, prepare incident reports and provide legal testimony. Private security officers may be armed pursuant to State and Federal laws, and in certain jurisdictions armed security officers are granted police powers. Generally though, private security officers do not have police powers and their powers correspond to those of private citizens. Overall, private security provides businesses, organizations, and Governmental entities with a readily available efficient proven layer of security and deterrence.

CONTRACT SECURITY AND THE FEDERAL PROTECTIVE SERVICE

There are approximately 13,000 contract security officers—working for 67 contractors—at facilities under the jurisdiction of Federal Protective Service (FPS). FPS contract security officers are primarily responsible for controlling access to Federal facilities by checking identifications and operating screening equipment, such as X-ray machines and magnetometers. In most instances, security officers do not have arrest authority but can detain individuals who are being disruptive or pose a danger to public safety until the arrival of law enforcement.

Before being assigned to a post or an area of responsibility at a Federal facility, FPS requires that all security officers undergo background suitability checks and complete approximately 128 hours of training provided by the contractor and FPS, including 8 hours of FPS provided X-ray and magnetometer training. Security offi-

cers must also pass an FPS-administered written examination and possess the necessary certificates, licenses, and permits as required by the contract. Each security officer's required qualifications, certifications, and other requirements are tracked through the FPS Contract Guard Employment Requirements Tracking System (CERTS) and by the contract security company.

FPS CONTRACT GUARD PROGRAM ISSUES

NASCO firmly believes that Federal facilities can be effectively protected—and in a cost-efficient manner—through the utilization of private security officers. However, there is no question that the recent findings of the GAO in its study of the FPS Contract Guard Program were troubling and the problems identified need to be addressed by both FPS and contractors. NASCO has maintained a good working relationship with FPS officials involved with the Contract Guard Program, and we appreciate that FPS leadership has encouraged a strong partnership between contractors and FPS. We believe that efforts underway at FPS to address problems identified by GAO with the Contract Guard Program can be successful, and that there are other means also that can lead to better performance and greater security all around.

On the operational level, the impending roll-out of the Risk Assessment Management Program (RAMP)—a centralized interactive database management system—should provide for a big improvement over the current unreliable de-centralized CERTS system for collecting and monitoring training and certification data. RAMP should make the input of data more efficient and provide FPS with access to more up-to-date and reliable data in one location. More so, it should enable FPS to manage and control contractor data better, which has been a real problem for contractors. It is envisioned that one day RAMP will even be able to provide notices to contractors when a security officer's certification is about to expire. FPS is also upgrading its post-tracking system which should allow for quicker reconciliation of invoices and allow for more prompt contractor payment. NASCO also supports FPS' on-going effort to standardize and professionalize the contract security officer force.

The GAO report was particularly critical of lapses and weaknesses in the FPS's X-ray and magnetometer training. Given the contract security officer's primary role as one of access control, adequate training in this area is crucial. The GAO noted that in some cases the required training was simply not provided to the contract security officers by FPS and in other cases it was inadequate. NASCO member companies with FPS contracts have encountered such difficulties with X-ray and magnetometer training. FPS has reported that it has moved to update the X-ray and magnetometer training, as well as provide it more frequently, and we applaud this action.

The GAO also noted that improvements in building-specific and scenario-specific training are needed and we strongly believe improvements in these areas could be very beneficial. One long-standing area of confusion for contract security officers is the line between detaining an individual (lawful) and arresting an individual (usually unlawful and subject to a lawsuit). If a security officer has reason to believe an individual is committing or about to commit an unlawful act and he stops and handcuffs that individual and calls the police, is that an arrest or detention? Better training and better contractual guidance is needed to address this important issue.

Another area where some contractors believe better training and additional contractual requirements are needed is in the area of firearms training. FPS mandates that all contract security officers pass a rigorous firearms course which is very commendable, but only requires one firearms qualification a year (FPS officers, who fire the same firearms course, train and qualify four times a year). Without a corresponding contract requirement for sufficient training and qualifications for contract security officers to stay proficient, there could be dangerous ramifications in a scenario like the one that unfolded at the Holocaust museum.

NASCO also supports the GAO's call for better management and oversight of Contract Guard Program contracts and the need for more and better trained Contracting Officer Technical Representatives (COTRs) and efforts are underway to assign more COTRs. Nonetheless, underlying the issue of better management and oversight is need for better communication between FPS offices, and between FPS and contractors. The results of such communication problems were pervasive in the GAO's findings. At certain levels the communication between FPS and contractors is excellent, and FPS is working hard to ascertain the problems and concerns of contractors. But regular instances of information and documents not flowing from one area of FPS to another—resulting in multiple requests for the same information—have caused delays and added expenses in the hiring and processing of officers. There have also been problems that have resulted from inconsistent or inadequate

notification and administrative procedures involved in the officer application process, as well as in the process for submitting officer certifications. The conduct of certain training has also been affected by a lack of communication between FPS headquarters and the field.

In the final analysis though, while improvements in contract oversight and management, data automation, communication, and training will improve the Contract Guard Program, the flaws and weaknesses in contractor performance found by the GAO expose a more fundamental issue, "quality versus cost." It is NASCO's position, and we think the public agrees, that quality should always play a primary role when selecting a private security company, particularly when the protection of Federal employees, visitors, and facilities is involved. There are tangible reasons why higher quality security costs more. Higher salaries attract higher caliber officers; training and screening will be better; and management oversight will be stronger. The FPS contract award process must be altered to ensure that quality service and performance, in relation to cost, is properly considered. FPS efforts to improve training and oversight can lead to improved contractor and officer performance, but until procurers of contract security services effectively put quality ahead of cost, problems with contractors such as those that the GAO report highlighted will persist.

Currently, FPS Contract Guard Program contract awards are not bound by lowest bid requirements, and all eligible bidders must meet an acceptable qualifying standard. However, NASCO is not alone in believing that awards allegedly based on "best value" are more realistically based on lowest cost, and technical capability and past performance are not being valued as they should. NASCO supports the inclusion of higher performance related standards in contracts, as well as taking steps to ensure that the quality of a company's training, personnel, management, and operational procedures—which result in a higher bid—are adequately considered during the procurement process.

Some have speculated that bringing FPS security "in-house" through the creation of a federalized FPS security force could be a solution to the current challenges in the Contract Guard Program. NASCO contends that the cost of an in-house force (let alone the issues and costs involved in creating such a force), versus the current cost of contract security officers will reveal that there is a great deal of room to increase compensation, selection, and training standards for FPS contract security officers to provide better security at Federal facilities, while at the same time remaining at a much lower cost per officer than "in-house" security officers.

THE TRANSFER OF FPS FROM ICE TO NPPD

We believe the impending transfer of FPS from under ICE to NPPD is a very positive move. It has already been pointed out by many observers that the Federal infrastructure protection mission of FPS aligns with NPPD's mission to protect all critical infrastructure (of which Federal buildings is an important element). This alignment should lead to greater effectiveness for both NPPD and FPS. NPPD also chairs the operations of the Interagency Security Committee, which not only is the lead in the Federal Government for setting Government-wide security policies for Federal facilities, but the committee has also been working with FPS in its effort to bring better standardization to Federal contract security officers.

CONCLUDING REMARKS

When FPS was taken out from GSA and put under ICE in 2003, FPS faced significant challenges and difficulties, some old and some new. Combined with subsequent significant reductions in the FPS inspector and law enforcement officer force, those difficulties contributed to serious flaws and deficiencies in the Contract Guard Program. However, NASCO believes that under the leadership of Director Schenkel, FPS is making considerable strides to rectify the problems with the program. While there is still much work to be done, with FPS (now better situated under NPPD), security contractors, and Congress all working together, the shared goal to provide for better safety and protection of Federal employees, Federal contractors and visitors in at Federal facilities protected by FPS can be attained. As it has for the past several years, NASCO stands ready to work with the committee and its staff on any and all efforts to improve the standards and quality of contract security within and outside the Federal Government.

Chairman THOMPSON. I would like to thank the witnesses for their testimony. I remind each Member that he or she will have 5 minutes to question the panel.

I will now recognize myself for the first questions.

Let me again thank both of you for your testimony.

Every now and then we get labor and contract people together on the same panel. One of the things I want to assure both of you, is that this committee is looking at, how can we keep the security at those Federal buildings the best that we can. The options are either ramp up the Federal employment aspect, look at the contracting, ramp that up.

But one of the issues that both of you gentlemen talked about, spoke of training. We are really concerned about it.

If you heard the testimony and questions from the committee on the first panel, we kind of burrowed down. We just want to make sure that it is done right.

That facilities committee caused us real heartburn, because you have some people in those buildings making security decisions in many instances that do not know anything about security. They just happen to be the largest tenant, or something like that.

With respect to the FPS training, Mr. Wright, are you satisfied with the training that the officers in your local receive on the full-time side?

Mr. WRIGHT. I will take a little bit of credit for opening this can of worms. Since the whistle blowing in 2006, the exposure of the FPS deficit—I think we all recall accounts of between \$40 million and \$80 million in deficit—there were huge cost-cutting measures undertaken. Part of those cost-cutting measures was a reduction in training for Federal officers.

We have had very few what we call LERTs, or law enforcement refresher training, at the Federal Law Enforcement Training Center. So, security has definitely suffered in the times of what was described as a deficit.

Prior to that, FPS had excellent training and pretty much the funds to accomplish that training. But as it stands today, I think there is a deficiency in Federal officer training in FPS.

Chairman THOMPSON. Thank you.

Mr. Amitay, with respect to FPS's requirements for contract security personnel, what has been the position of your trade group with respect to their training requirement?

Mr. AMITAY. Well, contractors are required to provide 128 hours of training. In addition, and then there is also FPS-provided training.

We think the amount of training is sufficient, with certain exceptions. As has been noted, the FPS provided X-ray and magnetometer training. There have been problems with that. This has been related to NASCO from contractors with FPS contracts.

But FPS, we have been working with FPS. So, the contractors—and they have seen that FPS is trying to beef up that X-ray and magnetometer training, to provide it more, to do updated and to provide more of it.

In other areas, for instance, firearms training, some have said that, whereas law enforcement FPS officers qualify four times a year for the firearm training, the contract security officers only qualify once a year. It is a very rigorous firearms training, which is to be commended. But we feel that the proficiency level could be lacking without the proper amount of qualifications per year.

But we have noticed that FPS has really started to work on improving the training that it currently has.

Chairman THOMPSON. Without getting too deep in the weeds, there was a question about arrest power. What has your membership said about arrest powers?

Mr. AMITAY. Yes, it has been—this is a big issue.

Normally, private security officers do not have arrest power. However, there are some exceptions. For instance, in Virginia, a licensed, armed security officer does have arrest power at the facility where he is protecting. Also, in the District of Columbia, there is a class of officer called a “special police officer,” who has arrest authority.

But primarily, contract security officers—

Chairman THOMPSON. Now, is this with FPS?

Mr. AMITAY. Well, if FPS made it a requirement of the contracts that the contract security officer be a special police officer, then, yes, it could be incorporated into the contract.

Chairman THOMPSON. So, do you know of any?

Mr. AMITAY. Excuse me, sir.

Yes. Very few contracts require SPO training as of now, but more could.

Chairman THOMPSON. So, the answer is yes or no?

Mr. AMITAY. The answer is “yes.”

Chairman THOMPSON. That you know of contracts that FPS has in force that allows arrest powers for the private security.

Mr. AMITAY. Right. Yes. Again, it is based on the local jurisdiction.

But if the local jurisdiction does allow for a class of private security officer to have arrest powers, it is the local law, then, yes, then those types of officers with arrest powers can be included—you know, can be guarding FPS facilities—if the contract says that for these facilities, for this contract, the security officers need to be special police officers.

Chairman THOMPSON. I would love for you to provide the committee with a list of those contracts.

Mr. Wright, has the mix between full-time Federal and contract employees provided any tensions in the workplace, to your knowledge?

Mr. WRIGHT. Yes, and very timely to this discussion here today. We have instances of, since the July 8 hearing, the increased oversight and increased contract guard monitoring. This results in tensions between Federal officers and private guards.

One tactic that I have noticed in one region in particular, is a propensity to allege harassment by private guards alleging harassment towards Federal officers. In those cases, we have very definite problems getting our officers into these facilities, getting them protected and shielded from these, what I consider malicious charges by private guards.

There are tensions. I mean, we are the monitors. We are the ones that find the wrongdoing. We are—our Federal officers are the ones that find individuals sleeping, or without proper commissions. So, yes, there is absolutely tension.

Chairman THOMPSON. Thank you.

I yield 5 minutes to the gentlelady from California.

Ms. RICHARDSON. Yes. Thank you, Mr. Chairman. I also want to thank you for holding this hearing, because as we are hearing now on both sides, and information, clearly, you know, this information needs to be had.

Mr. Chairman, I would like to ask, could we get a clarification from the folks who spoke in the first panel, if, in fact, as Mr. Wright has just presented, that the staffing costs have been decreased by 25 percent?

Chairman THOMPSON. Without objection.

Ms. RICHARDSON. Okay.

My second thing is, Mr. Wright, do you guys have an on-going contract? Your local, do you guys have an on-going contract?

Mr. WRIGHT. No. No, we do not.

Ms. RICHARDSON. Okay. I am new on the committee. I know with transportation, for example—and I am, actually, fairly new to Congress—a year or so ago there was the whole thing of TSA was not, you know, under contracting.

Is that the same with the FPS, with the officers, that they are not?

Mr. WRIGHT. What has happened is, we all know we were formerly GSA. We had GSA contracts. In December 2005, we were certified by FLRA as AFGE.

At that point, in December 2005, FPS was placed under a year 2000 labor contract. Once we were inside of ICE, we started our labor contract negotiations in February 2007 were the preliminaries. June 2007, we started actual negotiations. To this day, that contract has not been signed—not even close to being signed.

The one complication now—and certainly, I do not view it as a complication—is that we are now under NPPD and no longer subject to those ICE contract negotiations.

So, very technically, we are tied to a year 2000 labor agreement, originally under the Immigration and Naturalization Service—

Ms. RICHARDSON. Okay. Let me stop you there, because there is only so far we are actually able to delve into this.

Mr. Chairman, might I also suggest that, being on the Transportation Committee, I know there was a long time that our contract has been left out. Secretary LaHood has made a commitment to get to the table and address some of these issues.

I might also suggest that we request of Secretary Napolitano any outstanding things that might be hanging, that have not been resolved, that they go to the table and do them—or whoever the appropriate people—

Chairman THOMPSON. If the gentlelady would yield.

This committee has a longstanding commitment to giving workers the right to choose representation. I do not see why your suggestion is not consistent with that longstanding commitment.

Ms. RICHARDSON. Okay.

Then, Mr. Amitay, could you describe for me what are the qualifications for—do you have a list of standard qualifications that the contract officers must meet? Is there a standard?

Mr. AMITAY. That standard is set completely by FPS. I know that they do have—I recently saw a brochure that—it was titled “Standards for the FPS Contract Guard Program.” All the standards for the guards are set by FPS.

Ms. RICHARDSON. To your knowledge with your association, how much auditing actually goes on to determine if what the contractor says that they are meeting, in terms of who they are bringing forward, is, in fact, correct information?

Mr. AMITAY. We do not do any studies of that.

But I would like to say, though, that we welcome more oversight of the program. We welcome more oversight of contractors. There have been problems with contractors. If there are problems with certain contractors, then maybe they should not continue to have those contracts.

NASCO has always stood for raising the standards in the industry. We fully believe that when you have raised standards and you base your contracts based on quality as opposed to cost, you will be able to get that sufficient level of protection that is required, and at a much lower and more efficient rate than hiring full-time Federal police officers.

In some instances, you just do not need a full-time law enforcement officer monitoring X-rays and magnetometer machines, you know.

Ms. RICHARDSON. Well, my time is about to expire. Let me just say this.

Mr. Chairman, I think, in light of some of the things that have happened, you know, even on full military bases very recently, and with what we have dealt with in the last few years, and certainly, probably what is ahead, I would venture to say, we have to be very careful. We do not know what we are going to expect, that any person might walk into any building on any given day to do something that is inappropriate.

So, I would actually say that, I would prefer, particularly in a Federal building, where there is a public expectation that appropriate security does exist, that all efforts are made to do that.

I will not get into the nuts and bolts of whether it is one or whether it is the other. But I think we have an obligation. The public expects us, that we are providing a certain level of service. Unfortunately, there have been a couple of instances where that probably has not been the case.

So, I look forward to working with the Chairman. I thank you for having this hearing, and I look forward to all of the follow-up to ensure that we can create that within our buildings. Thank you.

Chairman THOMPSON. Now, I would like to thank the gentlelady from California, as well as our witnesses, for their valuable testimony, and the Members for their questions.

Before concluding, however, I would like to remind our panel of witnesses that the Members of the committee may have additional questions for you, over and above what we have already laid out. We ask that you respond expeditiously in writing to those questions.

Now, the other commitment I give to both witnesses is from an oversight standpoint. Our job is to see that any of those DHS-related components do the best job possible. If there is anything going on that you do not see consistent with established policies, please let us know.

I know staff loves to hear me give them work, but one mistake and we are in trouble. We do not want any of that to ever happen.

So, that is a standing offer to anybody. If the policies are inconsistent, whatever, the regulations, be they contract security as well as Federal employees, please let us know.

Hearing no further business, however, and a vote has been called, the committee stands adjourned.

[Whereupon, at 12:17 p.m., the committee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR RAND BEERS,
UNDER SECRETARY, NATIONAL PROTECTION PROGRAMS DIRECTORATE, DEPARTMENT
OF HOMELAND SECURITY

Question 1. GAO's investigation revealed glaring gaps in the security capability of the FPS contract guard force. GAO found that contract guards failed to conduct adequate screening to detect improvised explosive devices and other prohibited weapons. In addition, GAO observed security breaches during evacuations and emergencies caused by the guards' lack of familiarity with the specific buildings they were guarding.

Answer. To ensure that guards are properly trained and familiar with the facilities they protect, the National Protection and Programs Directorate (NPPD) recognizes that it is essential to collect and continually manage a wide range of information on both the guards used by the Federal Protective Service (FPS) and the facilities FPS protects. This includes the certifications of guard training provided by the guard companies to FPS, as well as detailed facility and countermeasure information necessary to appropriately mitigate risk for the facility. FPS has greatly enhanced its capabilities to collect and manage this range of information through the Risk Assessment and Management Program (RAMP), which began operations in November 2009. With the implementation of RAMP as a centralized tool for managing facility risk, FPS has initiated electronic tracking of certification records by all contractors. This allows FPS to rectify the deficiencies that existed in legacy systems and provides real-time, up-to-date information on guard certifications in two ways:

1. The certification information comes directly from the source (e.g., the contract companies that are responsible for maintaining records on the training their employees have received); and
2. FPS receives regular updates from certifications that are uploaded and verified within the centralized RAMP system. This allows for improved tracking of certifications and directly supports the regular audits of contractor records.

The FPS Risk Management Division is currently revising the FPS policy (09-001) that details the site inspection and audit procedures of contractors. This policy will increase the requirement for audits from 10 percent of the files quarterly to 10 percent of the files monthly. The revised policy will also provide prescriptive instructions on specific record-auditing methods. As a result, the frequency and scope of guard certification audits will be greatly increased. This will provide FPS with increased assurance the contract guards performing on FPS contracts possess the appropriate training and certification.

In addition to the increased oversight of the contractor-provided training and inspection of the guard posts within the Federal buildings, FPS has developed a National Weapons Detection Program (NWDP) to increase the guard's awareness and detection capabilities. The NWDP requires 16 hours of additional training on the newly purchased magnetometers and X-ray machines. This training addresses the proper use of screening equipment, screening procedures, and overall education on potential threats. FPS has published three additional, specific training bulletins, produced a training video, and modified guard contracts to ensure 100 percent compliance with this essential guard training.

FPS provides guard post orders for each specific guard post within a Federal building. These post orders are coordinated with the tenant agencies and describe the exact functions the guards are to perform at their posts. The guards are trained on the post orders and rehearse the emergency response portion of the orders during annual exercises, including fire drills, occupant emergency plan exercises, and shelter-in-place exercises.

Question 1b. How does NPPD plan to improve security at Federal buildings?

Answer. As stated above, the Federal Protective Service (FPS) increased the required number of hours of training and developed the National Weapons Detection

Program (NWDP), which requires additional training on the proper use and overall education on the newly purchased magnetometers and X-ray machines. In addition, FPS is in the final stages of implementing a Covert Security Testing Program to test the effectiveness of security countermeasures as part of its multifaceted strategy to achieve its core mission: Secure facilities and provide safety to occupants within those facilities. The Covert Security Testing Program is designed to assess countermeasure (e.g., contract security guards) effectiveness, identify policy and training deficiencies, ensure immediate corrective action, and document, analyze, and archive results. Each covert security test will be followed immediately by a corrective action briefing, which will be used to inform regional management officials and the Contracting Officer's Technical Representative (COTR) that they have been the subject of a covert security test. The test team will share the results of the testing and recommend remedies for any identified control weaknesses, deficiencies, or security vulnerabilities, if necessary. Finally, regional directors will be responsible for ensuring the submission of accurate and complete contractor performance evaluations that include deficiencies identified during covert security testing when appropriate.

Question 1c. Who will be responsible for carrying out NPPD's plans for improving security?

Answer. The National Protection and Programs Directorate's (NPPD's) Office of Infrastructure Protection (IP) and FPS will be responsible for carrying out NPPD's plans on facility security improvements. The ISC has the responsibility for determining the direction of security for all Federal facilities and has already begun to take on some of the hardest questions concerning the appropriate Federal building security standards. Although FPS has responsibility for only 9,000 of the more than 350,000 Federal facilities that fall under the ISC responsibility, the ISC has recognized the unique position of the General Services Administration (GSA) facilities. They represent the facilities that house the preponderance of Federal employees and visitors to those facilities. Therefore such facilities may need to be addressed in a special manner. FPS and GSA have already begun drafting minimum security standards for GSA properties. FPS will receive direct oversight from the Under Secretary of NPPD and will continue its effort in the positive direction it has taken over these past several years.

Question 1d. What has NPPD done to consider reducing the reliance on contract guards, given their shortcomings?

Answer. FPS has initially explored several operational options including the conversion of some or all of the nearly 15,000 contract guards to Federal positions. Currently, FPS uses a hybrid model in which FPS inspectors are assigned to directly oversee the contract guard force at specific facilities. NPPD has not had an opportunity to fully review and evaluate all the challenges related to federalizing or partially federalizing the guard workforce. Full analysis of these challenges would need to evaluate the security benefits of a very complex transition effort, average costs, and the logistical management of new hires. NPPD and Department leadership will work together to review the recommendations of previous studies conducted for FPS. NPPD will also reach out to the Transportation Security Administration to gain the benefits of their experience.

Question 2. The FPS transition plan describes a transition process that will take about 20 months. The first briefing to Congress is scheduled to occur in April 2010. Can you give me your commitment that we will receive an update prior to that time? I would hope that we would receive a progress report no later than February 2010.

Answer. The Federal Protective Service (FPS) Transition Plan submitted to Congress in August 2009 included structured reporting requirements and proposed two Congressional briefings during the 20-month period. The plan recommended that these briefings take place in April 2010 and December 2010. The submitted plan was premised on an effective transition date of October 1, 2009. The FPS plan was transmitted later than planned, on October 28, 2009, so the transition date was adjusted accordingly in the plan's milestones outlining the detailed phases for the transition. The FPS Transition Senior Working Group has met regularly since June 1 and will continue to meet until the transition is complete. This group consists of the Deputy Assistant Secretary for Management at Immigration and Customs Enforcement (ICE), the Chief Operating Officer of the National Protection and Programs Directorate (NPPD), and the Director of FPS as co-chairs with reporting staff-level working groups including an Operations Working Group and an Acquisitions Working Group. We intend to keep Congress informed of our progress throughout this process and expect to provide additional information before the end of February 2010.

Question 3. According to the transition plan, FPS is working with NPPD and DHS leadership to create a workforce staffing model that is based on changes to risk, threat, and consequence. Please explain the expertise that NPPD brings to bear in helping FPS refine its risk-based staffing model to focus on high- and very high-level risk facilities and how this approach will address the limitations in the current risk assessment and countermeasure acquisition programs which have been raised by GAO.

Answer. As noted in the Federal Protective Service (FPS) Transition Plan, FPS is refining its staffing model focusing threats, vulnerabilities, and consequences at high- and very high-risk facilities. The model is expected to project workforce needs based on identified risk consistent with a high concentration of Federal facilities, large populations, and designation as an Urban Areas Security Initiative city. As noted in the plan, the National Protection and Programs Directorate (NPPD), the Department of Homeland Security (DHS), and FPS leadership will review the final results of the analysis and will forward any appropriate recommendations in subsequent budget requests. Through this transition period, NPPD and FPS will work together on new Government Accountability Office (GAO) and DHS Office of the Inspector General (OIG) engagements and also review recommendations that remain open after the effective date of FPS transitioning from the U.S. Immigration and Customs Enforcement (ICE) to NPPD.

FPS has already prepared a workforce study based on identifiable risks to ensure the maximum risk mitigation at the National level. The workforce study is a fluid, living collection of data and observations that need to be adjusted continuously based upon mission assignments, GAO or OIG recommendations and findings, changes in Interagency Security Committee requirements, and a host of other National security and regulatory recommendations. Although the document remains a draft and does not necessarily reflect the DHS or administration position, it will serve as a starting point for continued review within NPPD. As part of NPPD, FPS can avail itself of a full range of risk-management tools and practices available throughout the NPPD components, including the Office of Risk Management and Analysis and the Office of Infrastructure Protection with its Homeland Infrastructure Threat and Risk Analysis Center. These risk-oriented tool kits offer bona fide threat data and provide professionally trained analysts and potentially alternative risk models.

Question 4. FPS is constrained to influence the allocation of resources based on the results of its risk assessment because FPS does not own the buildings it protects. Tenant agencies are free to reject the security measures recommended by FPS. Without a change in this situation, little will be accomplished. What do you believe can be done to assure that tenant agencies and GSA will implement FPS's security recommendations?

Answer. The Federal Protective Service (FPS) is professionalizing its work force and customer service and introducing the Risk Assessment Management Program (RAMP). These activities increase FPS's credibility and ability to work with the Facility Security Committees (FSC) to determine appropriate and timely implementation of countermeasures. FPS has made strong recommendations to the Interagency Security Committee (ISC) on strengthening the position of security professionals and ensuring that security expertise is part of the FSC makeup. To enhance the ISC's efforts to provide guidance to the operation of FSCs, FPS has petitioned the ISC for a full, voting-member position. In addition, because FPS is responsible for providing law enforcement and security services for approximately 9,000 buildings under the control and custody of the General Services Administration (GSA), FPS is working in step with GSA to provide portfolio-specific solutions. Consequently, FPS and GSA have engaged in conversations to establish a working group to address minimal security standards for GSA owned and leased properties that FPS is charged with protecting. In addition, FPS and GSA are in the midst of rewriting the FPS/GSA Memorandum of Agreement, which will continue to move our two organizations in the right direction of consistency and standardization of security of the GSA properties.

Question 5. You testified that a summit was held to discuss plans to ensure that each facility security committee with authority to approve or deny FPS security recommendations has at least one voting member who is a security provider, and that all committee members are trained on security issues. Please provide the committee with a narrative description of this summit, a copy of the agenda, and minutes or other contemporaneous recordings of this meeting.

Answer. The Interagency Security Committee (ISC) held a summit on November 16, 2009, to bring together thought leaders from throughout the Federal Government with differing perspectives on how security decisions should be made, to review and discuss the questions and comments that correspond with the four feed-

back themes. The Hon. Rand Beers, Under Secretary, Department of Homeland Security (DHS) and Robert Peck, Commissioner, Public Buildings, General Services Administration (GSA) addressed the Summit participants and encouraged a united Federal front. Eighty leaders from 30 agencies and departments spent the day together and presented an outline for how the ISC should move forward to address how to make security decisions in Federal facilities.

Expectations are for the ISC Working Group to reconcile the Summit participants' comments, and develop a new draft to release for comment in mid-2010. If necessary, the ISC will hold another Summit to determine if follow-up, testing, and/or validation are required. The ISC will closely monitor and support the progress of the Working Group.

A draft of guidelines for Facility Security Committees (FSC) was released for comment in the summer of 2009 and the feedback was then categorized into four overarching themes:

1. Who are the decisionmakers and what are their roles?
2. What information do decisionmakers need and how is voting weighed?
3. How is security funded?
4. How is risk accepted?

Please find attached the agenda from this meeting.

ISC Security Summit Agenda

Date & Time

November 16, 2009

8:00 a.m. - 2:30 p.m.

Location

FDIC - 3501 Fairfax Drive, Arlington, VA

Across the Street from Virginia Square – GMU Orange Line

The Agenda

8:00 a.m. - 8:30 a.m.	Registration & Continental Breakfast
8:30 a.m. - 9:00 a.m.	Welcoming Comments Rand Beers, Undersecretary Department of Homeland Security Robert Peck, Commissioner of Public Buildings, General Services Administration
9:00 a.m. - 9:10 a.m.	Historical Synopsis and Goals for Today Austin Smith, Executive Director, Interagency Security Committee - Perspective on Summit - Options and Challenges Facing Decision Makers in Federal Facilities
9:10 a.m. - 9:20 a.m.	FSC Working Group Overview: Mark Strickland - Approach for Development of Facility Security Committee Draft
9:20 a.m. - 9:40 a.m.	New Concepts: ISC Members
9:45 a.m. - 10:10 a.m.	Calibrations and Where We Are Georgia Patrick, Facilitator Anna Rubin, Facilitator
10:10 a.m. - 10:20 a.m.	BREAK
10:20 a.m. - 11:45 p.m.	Brainstorming Sessions - Generate Solutions to Overarching Questions Identified During the Feedback Process
<div style="background-color: black; color: white; padding: 5px;"> <ol style="list-style-type: none"> 1. Who are the decision makers and what are their roles? 2. What Information do decision makers need? 3. How is security funded? 4. How is risk accepted? </div>	
11:45 p.m. - 12:30 p.m.	LUNCH
12:30 p.m. - 2:00 p.m.	Creation of Security Decision Map - Present and Prioritize Potential Solutions to the Overarching Questions
	A United Federal Front - Buy-in and Implementation
2:00 p.m. - 2:30 p.m.	Summit Closure - Executive Summary
2:30 p.m.	ADJOURN

Question 6. GAO recommends that FPS develop a comprehensive plan for sharing and safeguarding information with GSA. How will NPPD assist FPS in developing this comprehensive plan on information sharing?

Answer. As the Government Accountability Office's report findings and recommendations noted, the General Services Administration (GSA) experienced difficulties with getting requested information from the Federal Protective Service (FPS) because of information dissemination restrictions on the FPS-generated reports. The inability to share the reports with GSA's non-law enforcement security personnel presented a major obstacle. These law enforcement-sensitive reports included on-going investigations and other law enforcement activities, and the information GSA needed was difficult to extract for release to GSA. FPS recently implemented a new program initiative known as the Risk Assessment and Management Program (RAMP), which is designed to more easily facilitate conducting comprehensive risk assessments and provide those results to applicable stakeholders. The Facility Security Assessment report produced by RAMP includes sensitive-but-unclassified information that is For Official Use Only, but segregates the law enforcement

information. As a result, while there remain specific constraints on sharing that information per Department of Homeland Security (DHS) policy, these restrictions do not include those placed on law enforcement information. FPS has evaluated this policy and is pleased to share information with GSA while meeting the necessary requirements to protect sensitive information. The reports produced from RAMP include this detailed information on safeguarding For Official Use Only information and state that it must be provided only to those with a valid need to know and who have the ability to secure the information either electronically or physically. The National Protection and Programs Directorate, FPS and DHS leadership will continue to monitor report-user stakeholders such as GSA to ensure that such information is made accessible while safeguarding information marked accordingly.

Question 7. Please provide an update on the status of labor contract negotiations between DHS and FPS. Specify when DHS expects to finalize FPS labor agreements, and who has responsibility for ensuring that this process is completed in a timely manner.

Answer. National Protection and Programs Directorate (NPPD) management looks forward to developing a strong and productive working relationship with the Federal Protective Service's (FPS) exclusive union representative. NPPD management received notification that the American Federation of Government Employees filed a certification of the unit petition with the Federal Labor Relations Authority (FLRA) to seek representation of the FPS workforce eligible to be in a bargaining unit. Once the FLRA makes a determination as to the exclusive representative of the appropriate bargaining unit, NPPD and the exclusive representatives will begin negotiating a new collective bargaining agreement. A time frame to complete negotiations will be established at that time. NPPD's Office of Resources Administration will be responsible for ensuring that the process is completed in a timely manner.

QUESTIONS FROM HONORABLE CHARLES W. DENT OF PENNSYLVANIA FOR RAND BEERS, UNDER SECRETARY, NATIONAL PROTECTION PROGRAMS DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY

Question 1. Given recent FPS contractor force failure highlighted by various GAO reports, is the Federal Protective Service's contractor force adequately trained to secure the buildings and facilities that will be used during the trials of detainees?

Answer. FPS will collaborate with other Federal, State, and local law enforcement agencies, under the USMS lead, to provide an appropriate law enforcement presence at the trials.

Question 2a. Does the FPS have adequate resources in New York City to meet its existing security responsibilities?

Answer. FPS will collaborate with other Federal, State, and local law enforcement agencies, under the USMS lead, to provide an appropriate law enforcement presence at the trials.

Question 2b. Would the existing resources (as of November 18, 2009) need to be augmented to meet the demands associated with transferring detainees into New York City for the purposes of prosecution?

Answer. FPS will collaborate with other Federal, State, and local law enforcement agencies, under the USMS lead, to provide an appropriate law enforcement presence at the trials.

Question 2c. If so, how does DHS plan to augment those forces, and by how many additional personnel?

Answer. FPS will collaborate with other Federal, State, and local law enforcement agencies, under the USMS lead, to provide an appropriate law enforcement presence at the trials.

Question 3. To what degree was DHS and specifically FPS consulted prior to the decision to transfer these detainees to New York City?

Answer. FPS was not notified prior to the announcement.

Question 4a. How often are security assessments conducted by FPS on these types of facilities?

Answer. Facilities such as the primary U.S. Courthouses in New York City are rated as Facility Security Level (FSL) IV and are assessed every 3 years.

In February 2008, the Interagency Security Committee (ISC) issued a standard titled, "Facility Security Level Determinations for Federal Facilities." This standard provides the criteria for determining the facility security level for Federal facilities and establishes a minimum standard for how often facilities at each level need to have a risk assessment performed. The schedule is once every 5 years for Level I and II facilities and once every 3 years for Level III, IV, and V facilities. FPS will adhere to this schedule; however, assessments can be completed before their established minimum schedule, and FPS will retain the capacity to conduct assessments

earlier than required in certain circumstances that present a substantial change to the operating state of the facility under consideration.

Question 4b. Is there a standard?

Answer. Yes. Following the bombing of the Alfred P. Murrah Federal Facility in Oklahoma City, Oklahoma, on April 19, 1995, the President directed the Department of Justice to assess the vulnerability of Federal office facilities to terrorism and other acts of violence. The report that resulted, the 1995 Vulnerability Assessment of Federal Facilities, established criteria for categorizing Federal office facilities into five security levels and served as the foundation for current ISC standards.

In 2006, ISC established a working group to review and update the content of the 1995 report. The review of that report resulted in the development of the ISC Standard Facility Security Level Determinations for Federal Facilities, which redefines the criteria and process used to determine the FSL of a Federal facility.

Specifically, it provides a risk-based approach to determining the FSL that is consistent with the National Infrastructure Protection Plan. It considers mission criticality, symbolism, facility population, facility size, threat to tenant agencies, and intangible factors. In addition, it discusses special considerations for Level V facilities; campuses, complexes, and Federal centers; changes in the FSL; and co-location of tenants with similar security needs.

This standard also changes the frequency for conducting recurring building security assessments. The new frequency is:

Every 5 years: Level I and II facilities;

Every 3 years: Level III, IV, and V facilities.

Question 5. One of the problems identified by GAO and previous inspector general reports is inadequate staffing of FPS. Although the number of contract guards has increased three-fold since 9/11, the number of FPS inspectors has decreased. Has the Department conducted a staffing needs analysis to improve the coverage of oversight over contract guards?

If so, could you please provide the most recent report to the committee?

Answer. The Department of Homeland Security (DHS) is currently reviewing the staffing levels of the Federal Protective Service (FPS). This is, in part, a response to the July 2009 Government Accountability Office (GAO) report entitled "Preliminary Results Show Federal Protective Service's Ability to Protect Federal Facilities Is Hampered By Weaknesses in Its Contract Security Guard Program." The review is being conducted under the guidance of the Under Secretary for the National Protection and Programs Directorate and in response to the Secretary of Homeland Security's direction for a thorough review of FPS's operations and staffing levels following the July 2009 GAO report. Once that review is finalized, DHS will engage, as appropriate, with Congress, including the House Committee on Homeland Security. It should be noted, though, that FPS has previously conducted staffing-level reviews and human capital planning efforts, including an analysis conducted in 2009. This analysis document is in draft form and is currently being reviewed within the Department; thus, it is not appropriate at this point to share the document outside of the Department.

Question 6. Should the FPS contracted guard force be federalized, as was done with TSA screeners in 2001? If so, why? If not, why not?

Answer. The Federal Protective Service (FPS) has initially explored several operational options including the conversion of some or all of the nearly 15,000 contract guards to Federal positions. Currently, FPS uses a hybrid model in which FPS inspectors are assigned to directly oversee the contract guard force at specific facilities. The National Protection and Programs Directorate (NPPD) has not had an opportunity to fully review and evaluate all the challenges related to federalizing or partially federalizing the guard workforce. An analysis of these challenges would need to evaluate the security benefits of a very complex transition effort, average costs, and the logistical management of new hires. NPPD and Department leadership will work together to review the recommendations of previous studies conducted for FPS. NPPD will also reach out to the Transportation Security Administration to gain the benefits of its experience.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR GARY W. SCHENKEL, DIRECTOR, FEDERAL PROTECTIVE SERVICE, NATIONAL PROTECTION PROGRAMS DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY

Question 1. Please provide the committee with the written arrest and detention policy that FPS provides to contract guards.

Answer. Please see Attachment 12 entitled “Federal Protective Service (FPS) Security Guard Information Manual.”*

Question 2. You testified that you are 99 percent certain that all contract guards at Federal buildings have met FPS training and certification requirements. Please provide the committee with documentation demonstrating that all guards standing post at Federal buildings have completed requisite trainings and certifications.

Answer. On July 7, 2009, each Federal Protective Service (FPS) Regional Director was tasked to provide FPS Headquarters with up-to-date and accurate information on all active contract security guards. As stipulated in contracts with contract guard companies, contractors maintain the systems of records. The records are maintained at the contractor’s business location and are audited by FPS. Through a physical inspection of all active guard employee folders, it was determined whether required records were present, current, and valid. The outcome of this 100 percent review of records netted these results: Guards were found to be disqualified and removed from post; deductions were made from contracts for disqualified guards; and several criminal investigations stemmed from fraudulent certification records identified.

By September 14, 2009, individual guard records were uploaded in the Contract Guard Employment Requirements Tracking System based on information received from the FPS Regions. This information then underwent a data-level quality assurance review to ensure that required information was present so that it could be migrated into the Risk Assessment Management Program (RAMP), which will provide a near-time reflection of the contractor guard records. For example, by November 5, 2009, this process corrected 75 percent of guard records that were found not to have a company association. Any remaining records that could not be associated with a guard company—and thus validated through the 100 percent review—were not migrated into RAMP.

FPS put all contract guard companies on notice that substandard performance by contract guards is unacceptable and will not be tolerated and informed them that the number and frequency of inspections of guard post and certifications will increase. All regions were required to continue their enhanced oversight of guard certification compliance through an increased number of post inspections, operation shields, and administrative audits and to report the specific actions they would take to address and correct contract guard performance issues directly to FPS Headquarters. Operation Shield activities test contract guard proficiency and compliance with post orders, policies, and procedures. This additional scrutiny resulted in a drop in the percentage of certified guards between September and October.

Data was migrated into RAMP and on November 16, 2009, FPS provided each guard company with reports of employment and certification data for each of their employees. Companies were asked to review, validate, and provide any additional updates for their employees to ensure that the information held by FPS in RAMP is consistent with their records. Based on information provided by guard companies on their employees, the number of certified guards available to work on FPS posts has already begun to increase because of continued updates and validation of guard certification records by FPS Regions. FPS confirms that all FPS guards at Federal buildings have met FPS training and certification requirements through post inspections.

Question 3a. GAO reported that FPS no longer has officers patrol buildings to prevent or detect criminal activity. As a result, criminals could freely conduct surveillance of a Federal building without the agency’s knowledge.

Why has FPS eliminated proactive building patrols?

Answer. The Federal Protective Service (FPS) has adopted a risk-based approach to providing effective security for all facilities it protects. In doing so, FPS leverages Federal and contract personnel, as well as technology, to provide integrated security and law enforcement services. With the current funding provided for FPS’s basic operations, a workforce of approximately 1,225 full-time equivalents can be supported. Given that constraint, FPS has to effectively leverage those personnel to provide the maximum risk mitigation to Federal facilities across the Nation. Because Federal facilities do not experience uniform levels of risk, FPS allocates its resources based on where its work will provide the greatest security and risk reduction. Additionally, FPS uses a variety of countermeasures in Federal facilities that serve as a force multiplier, allowing the agency to accomplish its risk mitigation goals while maximizing the time available for personnel to conduct the varied activities for which FPS is responsible. These countermeasures range from contracted protective security officers to electronic systems such as closed-circuit video to intrusion-detection systems. By leveraging technology and adopting a risk-based approach to protection,

*The information has been retained in committee files.

FPS provides efficient security and law enforcement services while adhering to key practices for risk management identified by the Government Accountability Office.

Question 3b. How will FPS work with NPPD to ensure that FPS devotes adequate resources to patrolling Federal buildings?

Answer. FPS and the National Protection and Programs Directorate (NPPD) are working closely together to ensure that all Federal buildings are safe. This responsibility encompasses numerous aspects of physical security and protective countermeasures to protect the Federal employees who serve in these facilities and the millions of visitors who visit these facilities each year. NPPD and the FPS achieve these goals through a risk-based approach to conducting security assessments, offering emergency planning services and providing physical security to these Federal facilities. NPPD and FPS take these responsibilities seriously and are continuously developing new methods and incorporating new technologies to enhance the security of these facilities and better equip and train the FPS personnel who perform or support the performance of these tasks.

Question 4a. GAO reported that in rural areas where FPS does not have a field office, FPS rarely monitors contract guards.

How many field offices does FPS have in rural areas?

Answer. The Federal Protective Service (FPS) has 125 field office locations in rural areas.

Question 4b. How many FPS officers are stationed in rural field offices?

Answer. FPS has 203 officers in rural areas.

Question 4c. For each FPS officer in a rural field office, how many facilities is the FPS officer responsible for monitoring?

Answer. FPS does not track facilities per field office, but, with approximately 9,000 facilities and at our current manning of 1225, each Law Enforcement Security Officer (LESO) is responsible for monitoring on average 12 buildings.

Question 4d. Will FPS and NPPD work on a solution for ensuring that Federal buildings in rural areas are safe?

Answer. FPS and the National Protection and Programs Directorate (NPPD) are working closely together to ensure that all Federal buildings are safe. NPPD and FPS achieve these goals through a risk-based approach to conducting security assessments, offering emergency planning services, and providing physical security to these Federal facilities. NPPD and FPS take these responsibilities seriously and are continuously developing new methods and incorporating new technologies to enhance the security of these facilities and better equip and train the FPS personnel who perform or support these tasks.

Question 5a. In response to GAO recommendations to improve FPS building inspections, in March 2009, FPS issued a policy directive to standardize inspections across all FPS regions.

When will FPS complete the implementation of this directive?

Answer. The FPS Director implemented directive number FPS-09-001, Guard Contract Performance Monitoring Program, in March 2009. This directive established policy for FPS performance monitoring of contract security guards, guard forces, and contractor management functions. It also assigned organizational responsibilities for post, site, and administrative inspections and annual contractor performance evaluations.

To further our efforts to improve operations, business practices, and overall standardization, FPS established the position of Assistant Director for Compliance in August 2009, based upon the identified need to integrate formerly unsystematic efforts to manage and address FPS weaknesses in compliance and oversight. The coordinated activities of the Directorate will enable FPS to adhere to a planned approach to risk management and internal control by documenting and evaluating risk and controls at the process level through compliance investigations, program reviews, self-inspection cycles, data analyses, proactive corrective action, policy oversight, and continuous quality improvement.

In fiscal year 2009, FPS completed a gap analysis that identified policy requirements to standardize operations and business practices. FPS identified and initiated development of 48 priority policy requirements by establishing a goal of 20 policies to be developed in fiscal year 2009. Fiscal year 2009 success resulted in the implementation of 26 policies that have standardized operations and business practices. We made an effort to prioritize fiscal year 2009 policies to support or assist in achieving milestones toward resolving open recommendations from the Government Accountability Office and DHS Office of the Inspector General reports. In addition, FPS conducted training for Headquarters Division Directors and key staff to implement the directive development process and system. As part of the directive development process and system, FPS implemented the Standard Subject Identification Se-

ries, which provides the framework for a subject-based, future-state policy manual that we are currently populating as policy directives are implemented.

FPS will continue to remain flexible and responsive to the changing needs of the organization while continuing to improve the quality and clarity of policy directives. We have 27 policy directives currently in the draft development stage that we will endeavor to implement during fiscal year 2010.

Question 5b. Who is responsible for ensuring that the policy directive is a success?

Answer. The FPS Director is ultimately responsible for ensuring implementation and compliance with all policy directives. FPS-09-001, Guard Contract Performance Monitoring Program, outlines roles and responsibilities throughout the organizational structure of FPS. However, Regional Directors are responsible for implementation and adherence at the field level.

Prior to March 2009, FPS recognized the need for developing policy directives throughout the organization. We have since undertaken a comprehensive program by which we have developed and issued National policy directives that have led to the standardization of business practices, which includes the implementation of 29 policy directives. Of these 29 policy directives, eight have impacted the improvement of contract guard oversight:

07-005, Agency Technical Representative Program, 4/30/07.—This directive establishes the roles and responsibilities for the assignment and use of agency technical representatives (ATR) to provide limited, on-site, contract, and operational oversight for the contract guard program.

ATRs are appointed by the FPS Contracting Officer's Technical Representative providing limited on-site contract and operational oversight. Upon appointment of an ATR, the COTR provides the appointment documentation to the Contracting Officer for record keeping and auditing purposes.

08-003, Contract Guard Post Desk Book Program, 10/10/08.—This directive establishes the FPS contract guard post desk book program and assigns organizational responsibilities for the development, management, and administration of standardized post desk books for all contract security guard force activities.

08-007, Oversight of Contractor-Provided Training, 11/12/08.—This directive establishes policy and procedures for FPS monitoring and oversight of contractor performance in providing contract-required security guard training.

08-008, Contract Guard Written Examination Program, 11/17/08.—This directive establishes the policy and procedures requiring contract security guards to pass a written examination to work on an FPS contract.

09-001, Guard Contract Performance Monitoring Program, 3/11/09.—This directive establishes policy for FPS performance monitoring of contract security guards, guard forces, and contractor management functions. It also assigns organizational responsibilities for post, site, and administrative inspections and annual contractor performance evaluations.

15.7.2.5, Operation Shield, 6/5/09.—This directive establishes FPS policy, standards, responsibilities, and implementation procedures for Operation Shield. Operation Shield activities test contract guard proficiency and compliance with post orders, policies, and procedures.

15.9.1.1, Security Guard Acquisition Planning and Pre-Award, 9/23/09.—This directive establishes standardized requirements for, and organizational responsibilities of, the FPS Security Guard Acquisition Planning and Pre-Award process. This directive improves oversight by standardizing roles and responsibilities of employees engaged in acquisition planning for contract security guard services.

15.5.1.5, Initial Offense and Incident Case Reporting, 9/30/09.—This directive establishes the requirements for incident reporting by FPS law enforcement officers and security guards. This directive improves oversight by standardizing contract security guard reporting of Part III offenses, which include security, assistance, and miscellaneous incidents of a non-criminal nature.

FPS has also established a Covert Testing Working Group (CTWG), whose membership includes supervisory and non-supervisory employees from Headquarters and field offices. The purpose of the CTWG is to enhance and complement on-going efforts to improve operational oversight of the Contract Guard Program. The working group will contribute to the overall approach to effect cultural change, both inside and outside the organization, to effectively and efficiently achieve the FPS Strategic Goals and ensure secure facilities and safe occupants.

Specifically, the CTWG will:

- Develop a covert testing program with Headquarters leadership and oversight;
- Draft National policy to address covert testing operations (Complete);
- Determine training requirements and equipment needs (e.g., standard covert testing kits), estimate cost and complete procurement (Completion NLT 1/25/10, On Track); and

- Deploy covert test teams and document results (First deployment no later than April 1, 2010, On Track).

To complement the previous milestones, the CTWG will also:

- Review existing resources on covert testing operations to maximize policy development time frames and capitalize on existing Government resources;
- Determine additional human resource needs to ensure that covert testing operations have the desired impact;
- Develop a National schedule for the conduct of covert testing operations at Federal facilities;
- Consider counter-surveillance as part of pre-operational planning for covert testing operations;
- Develop standardized case management documentation, reporting, and data management; and
- Develop procedures for integration with the program review process to manage data analysis and proper follow-up to ensure that corrective actions and identified policy and training deficiencies are adequately addressed.

Question 6. Please provide this committee with copies of all current Memoranda of Understanding between FPS and local police departments in the areas where FPS operates.

Answer. The Federal Protective Service (FPS) provides integrated security and law enforcement services to nearly 9,000 Federal facilities Nation-wide. Because FPS is a relatively small agency, it is not possible to have personnel in all places at all times. Accordingly, strong relationships with State and local law enforcement are essential to accomplishing the FPS mission. Through information sharing initiatives, joint training, exercises, and regular response activities, FPS has always worked well with State and local law enforcement partners. Given that there are approximately 17,000 law enforcement organizations across the country, the time and cost involved in initiating, negotiating, and maintaining formal Memoranda of Understanding with this large variety of law enforcement agencies make this an unfeasible arrangement. The question of financial responsibility and liability prevents many local governments from entering into formal written agreements. Additionally, depending on the State or locality, existing local laws often prescribe the relationship between Federal officers and their State and local counterparts. Working within these existing legal frameworks and maintaining strong relationships with partner law enforcement agencies allows FPS to work well with other law enforcement agencies while focusing its efforts on the protection of Federal facilities.

Question 7. Please provide a narrative of all security countermeasure recommendations FPS issued to GSA or GSA tenants in the past year, and the corresponding GSA or tenant agency response to each FPS recommendation. For instances in which GSA or the tenant agency declined to implement the recommended security countermeasure, specify the basis for this decision.

Answer. Currently, the Federal Protective Service (FPS) is dependant on six disparate systems to conclude a Facility Security Assessment (FSA). Consequently, FPS will have to review each of the 9,000 existing FSAs separately and make comparisons with each Facility Security Committee (FSC). However, FPS's new Risk Assessment and Management Program (RAMP) system, introduced November 2009, will provide a comprehensive picture and analysis of all General Services Administration (GSA) facilities under FPS control and will be able to document those countermeasures that are recommended against those countermeasures that are implemented. This process will be completed in accordance with the Interagency Security Committee (ISC) Facility Security Level (FSL) schedule.

FPS works in conjunction with the GSA. FPS recommends countermeasures for each building within the GSA inventory on a risk-based approach. Based on that risk, specific countermeasures are recommended that are either fixtures or features (i.e., considered permanent alterations to the building or grounds) or categorized as countermeasure equipment and guards. Examples of a fixture or feature are bollards, structural hardening of a facility, or a device embedded in the ground to prevent vehicle access. If the fixed countermeasure recommendations are accepted by the FSC, GSA funds the purchase and installation and amortizes the costs into the tenants' rent bill. The countermeasure equipment and guards are also recommended based on the comprehensive risk-based assessment and are the direct responsibility of the tenants; thus, the FSC either accepts or rejects the FPS recommendation for implementation. Examples of these are X-ray machines, metal detectors, closed-circuit television cameras, perimeter lighting, and contract security guards. The FSC does not produce a document to reject the implementation of recommended countermeasures formally and is not required to document those recommendations that were not accepted or declined. For the most part, the FSC mere-

ly fails to sign off on the FSA. There are no penalties or fines associated with not complying with the recommendation to implement recommended countermeasures.

FPS uses countermeasures from seven basic systems to enhance security and mitigate risk for Federal facilities: Access control, alarms, barriers, communications, guard forces, screening, and surveillance. To determine the appropriate countermeasures to employ for a particular facility, FPS conducts comprehensive risk assessments that gather and analyze detailed information on likely threats, vulnerabilities, and potential consequences. Along with this information, FPS also used standards issued by the ISC to ensure that countermeasures required by standards are present in Federal facilities. The applicable countermeasure standards depend on the FSL of the building under consideration. For instance, the use of physical barriers is not applicable for Level I and Level II facilities (the lowest of 5 levels), is desirable for Level III facilities, and is a minimum standard for Level IV and Level V facilities. Using a comprehensive risk analysis, FPS makes appropriate recommendations to facility tenants for countermeasures to mitigate applicable risks. These recommendations are presented to the FSC at the facility, and the FSC determines which recommended countermeasures to implement. Given this model for security decisions, the facility tenants, as represented on an FSC, often may not move forward with implementing countermeasures. FPS does not have the authority to mandate implementation of recommended countermeasures. In the past year, FPS conducted more than 2,400 facility security assessments. In some cases, the existing level of risk mitigation was functioning well, and no additional countermeasures were necessary beyond regular training for facility tenants. In others, extensive countermeasure projects were recommended. In some of these cases, implementing these countermeasures entails extensive coordination with the tenants, GSA, and other stakeholders (such as city planners, engineers, or preservation groups). For example, barrier projects in the National Capital Area have to be coordinated with the National Capital Planning Commission to ensure that they adhere to the guidelines for designing security in the Nation's Capital as issued by that organization. Accordingly, countermeasure projects for FPS range from simple, low-cost items that can be easily implemented to multi-year projects that require advanced budgeting and extensive coordination.

Question 8a. At the hearing, David Wright of AFGE testified that as of this year, FPS has reduced security charges used to pay for monitoring and administrative activities related to contract guard oversight by 25 percent.

Please explain whether FPS has decreased its security charges, and if so, the reason for this reduction.

Answer. FPS has not reduced security charges; however, FPS reduced its administrative surcharge. The surcharge reduction was made as a result of an analysis of resource needs. As a result, FPS reduced its overhead charge by 25 percent, from an 8 percent charge in fiscal year 2009 to a 6 percent charge in fiscal year 2010 (\$15 million). Since this time, FPS has developed a full costing of the funding needs arising from the FPS transition to NPPD and for future fiscal years the surcharge will be reevaluated.

Question 8b. Having reduced its security charges, how will FPS ensure that it has adequate resources to conduct monitoring and administrative activity related to contract guards?

Answer. As part of the National Protection and Programs Directorate (NPPD) Transition Plan, FPS is working diligently with Immigration and Customs Enforcement (ICE) and NPPD to maximize efficiencies for FPS. FPS's dependency on ICE for many of its required services has been defined in a series of agreements between NPPD and ICE to continue, alter, or discontinue many of these services. With regards to requirements that will be more cost-effective by absorbing or creating services within FPS or NPPD, monies previously paid to ICE will be recouped and redirected as appropriate. Examples of these are Fleet Management, Facilities Management, and Services. In circumstances where continuation of service with ICE makes better fiscal and operational sense, FPS will continue to pay its appropriate share to ICE. An example of this is a continuation of service with the National Firearms Tactical Training Unit. Only in extreme circumstances will FPS either delay or defray resources from forthcoming projects to meet immediate requirements.

As indicated above, FPS has deferred certain capital investments to ensure that funds are available to continue the increased levels of contract guard monitoring and oversight initiated in fiscal year 2009. Additionally, since 2008, FPS has invested in technology upgrades that will substantially improve the way the contract guard force is monitored and supervised. With rugged, mobile laptops and the Risk Assessment and Management Program (RAMP), FPS inspectors will have immediate access to a contract guard's training and certification status. Time saved completing written forms and running computer checks at the office will allow inspec-

tors to spend more time servicing Federal facilities and monitoring guard performance.

In addition to RAMP, in fiscal year 2010, FPS will procure a Post Tracking System that will ensure that security posts are adequately staffed and that disqualified guards do not stand post. The system will alert if an unqualified guard seeks to enter on duty. If there is a lapse, the guard company will be electronically notified that the guard may not perform work on the contract. At present, contract guards sign in on paper sheets at each Federal facility. Until those are collected, reviewed, and assessed, the sheets are of little value. FPS aggressively deducts fees when contract companies fail to provide the service FPS expects. The automated system is a significant step forward, removes delay, and provides automatic safeguards.

Question 9a. Please identify all companies holding current contracts to provide guard services on behalf of FPS. For each contract, indicate the term of the contract, the annual cost of each contract, and whether the contract requires any contract guards to be qualified or trained as special police officers, or requires any contract guards to have arrest authority.

Answer. Attachment 20 to this response provides a listing of companies that provide guard services on behalf of the Federal Protective Service (FPS). Additionally, it includes the term of contracts (remaining contract options) and estimated annual costs. Two FPS contracts in the National Capital Region include a requirement for special police officers:

Contract.—HSCEEC-08-D-00005.

Contractor.—Jenkins Security Consultants.

Awarded.—5/22/2008.

Period of Performance.—08/01/2008–7/31/2013.

Contract.—HSCEEC-09-D-00013.

Contractor.—Knight Protective Service.

Awarded.—7/31/2009.

Period of Performance.—11/01/2009–10/31/2014.

Question 9b. Has FPS or DHS analyzed the labor and overhead costs associated with these contracts? If so, please provide contract guard costs, separately delineating labor and overhead costs.

Answer. FPS guard service contracts are considered commercial services under FAR 2.101 (see paragraph 6 of Commercial Item definition), and, therefore, are exempt from certified cost or pricing data requirements under FAR 15.403–1(c)(3). Accordingly, FPS acquires guard services under FAR Part 12, Commercial Item Acquisitions, or under FAR 8.4, Federal Supply Schedule procedures, which do not require the contractor to delineate the separate components of its price, such as labor and overhead. However, we recently have required the guard service contractors to provide a price element breakdown of their quoted/proposed rate to evaluate price realism, as provided by FAR 15.404–1(d)(3). The purpose of our price realism reviews is limited to assessing the contractor's understanding of the solicitation requirements and assessing performance risk. While such analysis may include reviewing the proposed labor and components of overhead pricing, these amounts are based on commercial pricing and, therefore, may not be representative of the contractor's actual costs. To determine the actual labor and overhead costs incurred by the contractor in performing FPS guard services contracts, an audit of the contractor's books and records would be necessary, which is not permitted under commercially priced contracts.

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
1	HSCEE1-08-D-00002.	C&D Security MGMT INC.	Guard Services/MA, RI.	\$17,722,240	\$3,544,448	10/1/2009 thru 9/30/2010 10/1/2010 thru 9/30/2011 10/1/2011 thru 9/30/2012 10/1/2012 thru 9/30/2013
1	HSCEE1-08-D-00001.	C&D Security MGMT INC.	Guard Services CT	\$19,663,853	\$3,932,771	10/1/2009 thru 9/30/2010 10/1/2010 thru 9/30/2011 10/1/2011 thru 9/30/2012 10/1/2012 thru 9/30/2013
1	HSCEE1-08-A-00001.	MVM, INC.	Guard Services/New England.	\$60,000,000	\$12,000,000	8/18/2009 thru 8/17/2010 8/18/2010 thru 8/17/2011 8/18/2011 thru 8/17/2012 8/18/2012 thru 8/17/2013
2	HSCEE2-09-A-00005.	Wackenhut Ser- vices, Inc. (WSI).	Guard Services— Upstate NY.	\$55,000,000	\$11,000,000	Option 1 10/01/09-9/30/10 Option 2 10/01/10-9/30/11 Option 3 10/01/11-9/30/12 Option 4 10/01/12-9/30/13
2	HSCEE2-08-Q-00003.	FJC Security	Guard Services	\$28,000,000	\$5,600,000	Initial yr: 10/01/08-9/30/09 Option 1 10/01/09-9/30/10 Option 2 10/01/10-9/30/11 Option 3 10/01/11-9/30/12 Option 4 10/01/12-9/30/13
2	GS-07F-0504N	Alante Security Group.	Guard Services (Queens, NY).	\$24,000,000	\$4,800,000	Initial yr: 12/01/08-11/30/09 Option 1 12/01/09-11/30/10 Option 2 12/01/10-11/30/11 Option 3 12/01/11-11/30/12 Option 4 12/01/12-11/30/13
2	HSCEE2-09-A-00006.	Wackenhut Corp	Guard Services FBI Facilities in up- state NY.	\$4,500,000	\$900,000	Option 1 10/01/09-9/30/10 Option 2 10/01/10-9/30/11 Option 3 10/01/11-9/30/12 Option 4 10/01/12-9/30/13

2	.....	HSCEE2-08-R-0001.	MVM, INC.	Guard Services	\$30,000,000	\$6,000,000	Option 1 7/01/09-6/30/10 Option 2 7/01/10-6/30/11 Option 3 7/01/11-6/30/12 Option 4 7/01/12-6/30/13
2	.....	HSCEE2-08-R-00005.	FJC Security	Guard service (Brooklyn, NY).	\$12,000,000	\$2,400,000	Initial yr: 12/01/08-11/30/09 Option 1 12/01/09-11/30/10 Option 2 12/01/10-11/30/11 Option 3 12/01/11-11/30/12 Option 4 12/01/12-11/30/13
2	.....	HSCEE2-08-R-00001.	Alutiq, Inc.	Guard Services	\$10,586,000	\$2,117,200	Initial yr: 1/01/09-12/31/10 Option 1 1/01/11-12/31/11 Option 2 1/01/12-12/31/12 Option 3 1/01/13-12/31/13 Option 4 1/01/14-12/31/14
3	.....	HSCEGI-05-CF00004.	BSA/LB&B	Guard Services for CMS, Baltimore, MD.	\$25,606,626	\$5,121,325	Contract expires 3/31/10
3	.....	HSCEGI-07-A-00006.	C & D Security	Guard Svc./Metro. Phila.	\$42,226,387	\$8,445,277	Option 2 (4/1/09-3/31/10) Option 3 (4/1/10-3/31/11) Option 4 (4/1/11-3/31/12)
3	.....	HSCEGI-07-D-00006.	T & W Company, Inc.	Guard Services WV Panhandle.	\$32,854,663	\$6,570,933	Option 3 (11/1/10-10/30/11) Option 4 (11/1/11-10/30/12)
3	.....	HSCEE3-09-A-00005.	DECO	Guard Services Delaware State.	\$3,252,244	\$650,449	Award (12/1/08-11/30/09) Option 1 (12/1/09-11/30/10) Option 2 (12/1/10-11/30/11) Option 3 (12/1/11-11/30/12) Option 4 (12/1/12-11/30/13)
3	.....	HSCEE3-08-A-00003.	ARES	Guard Services New Jersey State.	\$11,106,450	\$2,221,290	Award (12/1/08-11/30/09) Option 1 (12/1/09-11/30/10) Option 2 (12/1/10-11/30/11) Option 3 (12/1/11-11/30/12) Option 4 (12/1/12-11/30/13)
3	.....	HSCEE3-08-A-00002.	Paragon Systems	Guard Services Vir- ginia.	\$42,388,500	\$8,477,700	Award (4-1-2009-3-31-2010) Option 1 (4-1-2010-3-31-2011) Option 2 (4-1-2011-3-31-2012) Option 3 (4-1-2012-32-31-2013) Option 4 (4-1-2013-3-31-2014)

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
3	HSCEE3-08-A-00001.	Knight Protective Services.	Guard Services/PA	\$25,563,532	\$5,112,706	Option 1 (10/1/09-9/30/10) Option 2 (10/1/10-9/30/11) Option 3 (10/1/11-9/30/12) Option 4 (10/1/12-9/30/13) Contract expires 3/31/10
3	HSCEGI-05-CF00005.	SANTE FE	Guard Services/ NDIC.	\$3,260,218	\$652,044	Contract expires 3/31/10
3	GS-07F-02676L	Security Consultants Group.	Guard Services West Virginia.	\$15,858,609	\$3,171,722	Contract expires 3/31/10
3	HSCEGI-05-D-F00006.	ARES	Guard Services Maryland State.	\$49,731,853	\$9,946,371	Option 4 (7/1/09-5/31/10)
3	HSCEE3-09-A-00006.	Eagle Technologies Inc.	Guard Services Ft Detrick, MD.	\$11,197,548	\$2,239,510	Award (4-8-2009-4-7-2010) Option 1 (4-8-2010-4-7-2011) Option 2 (4-8-2011-4-7-2012) Option 3 (4-8-2012-4-7-2013) Option 4 (2-8-2013-4-7-2014)
3	HSCEE3-09-D-00001.	Action Facilities Mgmt.	CBP, Harpers Ferry WV.	\$6,869,630	\$1,373,926	Award (3-1-09-2-28-2010) Option 1 (3-1-2010-2-28-2011) Option 2 (3-1-2011-2-28-2012) Option 3 (3-1-2012-2-28-2013) Option 4 (3-1-2013-2-28-2014)
4	HSCEGI-07-A-00010.	SCG, INC	Guard Services State of Alabama.	\$42,980,920	\$8,596,184	Opt 3 10/1/2010-9/30/2011 Opt 4 10/1/2011-9/30/2012
4	HSCEGI-07-A-00009.	SCG, INC	GUARD SERVICES STATE OF TEN- NESSEE.	\$41,949,771	\$8,389,954	Opt 3 8/1/2010-7/31/2011 Opt 4 8/1/2011-7/31/2012
4	HSCEGI-07-A-00013.	Paragon Systems, Inc.	Guard Svc.—SC	\$29,465,229	\$5,893,046	Opt 2 11/1/2009-10/31/2010 Opt 3 11/1/2010-10/31/2011 Opt 4 11/1/2011-10/31/2012

4	.....	HSCEE4-08-A-0001.	PARAGON SYSTEMS.	Guard Service	\$87,871,580	\$17,574,316	Opt 2 4/1/2010-3/31/2011 Opt 3 4/1/2011-3/31/2012 Opt 4 4/1/2012-3/31/2013
4	.....	HSCEE4-08-a-00008.	SCG	SECURITY GUARD SVC-KEN-TUCKY.	\$29,460,845	\$5,892,169	Opt 2 10/1/2010-9/30/2011 Opt 3 10/1/2011-9/30/2012 Opt 4 10/1/2012-9/30/2013
4	.....	HSCEE4-08-A-00002.	SCG	GUARD SERV-ICES, MS.	\$19,656,437	\$3,931,287	4/1/2010-3/31/2011 4/1/2011-3/31/2012 4/1/2012-3/31/2013
4	.....	HSCEE4-08-A-0004.	SCG	GUARD SERV-ICES, NC.	\$18,249,165	\$3,649,833	Opt 2 8/1/2010-7/31/2011 Opt 3 8/1/2011-7/31/2012 Opt 4 8/1/2012-7/31/2013
4	.....	HSCEE4-09-D-00001.	ALUTHIQ-MELE, LLC.	SECURITY GUARD SVC, Southern FL.	\$75,000,000	\$15,000,000	10/1/09-9/30-2014
4	.....	HSCEGI-07-A-00012.	ARES GROUP	GUARD SERVICE	\$62,099,576	\$12,419,915	Opt 3 10/1/2010-9/30/2011 Opt 4 10/1/2011-9/30/2012
4	.....	HSCEE4-08-A-00007.	SCG	GUARD SERVICE	\$7,987,200	\$1,597,440	Opt 2 10/1/2010-9/30/2011 Opt 3 10/1/2011-9/30/2012 Opt 4 10/1/2012-9/30/2013
5	.....	HSCEC509A00005	DECO Security Svcs	Two State (2) State Armed Security Guard Services for MN & WI.	\$61,433,991	\$12,286,798	Base 9/1/09-8/31/10 Option 1 9/1/10-8/31/11 Option 2 9/1/11-8/31/12 Option 3 9/1/12-8/31/13 Option 4 9/1/13-8/31/14
5	.....	HSCEC509A00004	DECO Security Svcs	Armed Security Guard Services for State of MI.	\$57,656,711	\$11,531,342	Base 7/1/09-3/31/10 Option 1 4/1/10-3/31/11 Option 2 4/1/11-3/31/12 Option 3 4/1/12-3/31/13 Option 4 4/1/13-3/31/14
5	.....	HSCEC509A00002	DECO Security Svcs	Armed Security Guard Services for State of OH.	\$60,970,831	\$12,194,166	Base 4/1/09-3/31/10 Option 1 4/1/10-3/31/11 Option 2 4/1/11-3/31/12 Option 3 4/1/12-3/31/13 Option 4 4/1/13-3/31/14

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
5	HSCEC509A00006	Security Consultants Group (SCG).	Armed Security Guard Services for State of IL.	\$79,715,583	\$15,943,117	Base 7/1/09–6/30/10 Option 1 7/1/10–6/30/11 Option 2 7/1/11–6/30/12 Option 3 7/1/12–6/30/13 Option 4 7/1/13–6/30/14
5	HSCEC509A00003	DECO Security Svcs	Armed Security Guard Services for State of IN.	\$37,633,216	\$7,526,643	Base 6/1/09–5/31/10 Option 1 6/1/10–5/31/11 Option 2 6/1/11–5/31/12 Option 3 6/1/12–5/31/13 Option 4 6/1/13–5/31/14
6	HSCEC608D00001	MVM	Guard Services	\$224,000,000	\$44,800,000	Base Year 3/1/09–9/30/09 1st yr option 10/1/09–9/30/10 2nd yr option 10/1/10–9/30/11 3rd yr option 10/1/11–9/30/12 4th yr option 10/1/12–9/30/13 Contract Expires 2/28/10
7	GS-07F-0306L HSCEC7-08-F-00082.	Southwestern Security Services, Inc.	Tyler, Texas Area ...	\$462,356	\$92,471	Contract Expires 2/28/10
7	GS-07F-0306L HSCEC7-08-F-00088.	Southwestern Security Services, Inc.	West Texas, Lubbock, Permian Basin, Big Springs, etc.	\$901,192	\$180,238	Contract Expires 2/28/10
7	GS-07F-0305L HSCEC7-08-F-00081.	The J Diamond Group, Inc.	New Mexico—Texas Cities Only.	\$8,920,693	\$1,784,139	Contract Expires 2/28/10
7	GS-07F-0305L HSCEC7-08-00084	The J Diamond Group, Inc.	Denton, Texas Area	\$2,453,084	\$490,617	Contract Expires 2/28/10
7	GS-07F-0306L HSCEC7-08-F-00079.	Southwestern Security Services, Inc.	Northern Louisiana—Texas Cities Only.	\$2,249,745	\$449,949	Contract Expires 2/28/10

7	.....	GS-07F-5426R HSECE7-08-F-00085.	Mike Garcia Merchant Security.	El Paso Bridges, TX	\$3,280,334	\$656,067	Contract Expires 2/28/10
7	.....	GS-07F-0306L HSECE7-08-F-00043.	Southwestern Security Services, Inc.	Brownsville, Harlingen, Laredo, Texas.	\$2,686,850	\$537,370	Contract Expires 2/28/10
7	.....	GS-07F-0266K HSECE7-08-F-00078.	Knight Protective Services, Inc.	Oklahoma State	\$11,186,496	\$2,237,299	Contract Expires 1/31/10
7	.....	GS-07F-0266K HSECE7-08-F-00075.	Knight Protective Services, Inc.	Houston, Texas	\$6,840,400	\$1,368,080	Contract Expires 2/28/10
7	.....	GS-07F-0305L HSECE7-08-F-00041.	The J Diamond Group, Inc.	Corpus Christi/Victoria, TX.	\$1,473,684	\$294,737	Contract Expires 2/28/10
7	.....	GS-07F-0267L HSECE7-08-F-00086.	Security Consultants Group.	Dallas, Texas	\$16,488,320	\$3,297,664	Contract Expires 2/28/10
7	.....	GS-07F-0305L HSECE7-08-F-00040.	The J Diamond Group, Inc.	San Antonio/Kerrville, TX.	\$3,442,318	\$688,464	Contract Expires 2/28/10
7	.....	GS-07F-0305L HSECE7-08-F-00076.	The J Diamond Group, Inc.	El Paso-FOB, TX ...	\$3,909,159	\$781,832	Contract Expires 2/28/10
7	.....	GS-07F-0306L HSECE7-08-F-00048.	Southwestern Security Services, Inc.	Guard Services	\$504,584	\$100,917	Contract Expires 2/28/10
7	.....	GS-07F-0605N HSECE7-08-F-00120.	Superior Protection Services, Inc.	Brownsville, Harlingen, McAllen, Texas.	\$2,916,477	\$583,295	Contract Expires 12/28/10
7	.....	GS-07F-0363M HSECE7-09-A-00001.	ARES Group Inc	State of Arkansas ...	\$14,174,484	\$2,834,897	Base 09/01/09-09/30/10 Option I 10/01/10-09/30/11 Option II 10/01/11-09/30/12 Option III 10/01/12-09/30/13 Option IV 10/01/13-09/30/14

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
7	GS-07F-0305L HSECE7-09-A- 00002.	The J Diamond Group, Inc.	State of New Mexico	\$26,630,140	\$5,326,028	Base 10/01/09-09/30/10 Option I 10/01/10-09/30/11 Option II 10/01/11-09/30/12 Option III 10/01/12-09/30/13 Option IV 10/01/13-09/30/14
7	GS-07F-0305L HSECE7-10-A- 00001.	The J Diamond Group, Inc.	Fort Worth/Austin, Texas.	\$33,182,677	\$6,636,535	Base 12/01/09-11/30/10 Option I 12/01/10-11/30/11 Option II 12/01/11-11/30/12 Option III 12/01/12-11/30/13 Option IV 12/01/13-11/30/14
7	GS-07F-5576R HSECE7-10-A- 00002.	Inter-Con	State of Louisiana ..	\$49,104,558	\$9,820,912	Base 12/01/09-11/30/10 Option I 12/01/10-11/30/11 Option II 12/01/11-11/30/12 Option III 12/01/12-11/30/13 Option IV 12/01/13-11/30/14
7	GS-07F-0103M HSECE7-09-A- 00003.	DECO	State of Oklahoma	\$36,809,787	\$7,361,957	Base 2/01/10-1/31/11 Option I 2/01/11-1/31/12 Option II 2/01/12-1/30/13 Option III 2/01/13-01/31/14 Option IV 2/01/14-1/31/15
8	HSECEW8-09-A- 00001.	DECO, Inc	Guard Services Col- orado.	\$57,094,725	\$11,418,945	Option 1 (01/01/2010-12/31/2010) Option 2 (01/01/2011-12/31/2011) Option 3 (01/01/2012-12/31/2012) Option 4 (01/01/2013-12/31/2013)
8	HSECEA-07-A- 70006.	SCG, INC	GUARD SVC SOUTH DAKOTA.	\$2,932,916	\$586,583	Option 2 (04/01/2009-03/31/2010) Option 3 (04/01/2011-03/31/2012) Option 4 (04/01/2012-03/31/2013)
8	HSECEA-07-A- 70008.	SCG, INC	GUARD SVC WYO- MING.	\$3,824,187	\$764,837	Option 2 (04/01/2009-03/31/2010) Option 3 (04/01/2011-03/31/2012) Option 4 (04/01/2012-03/31/2013)

8	.....	HSCECA-07-A-70004.	SCG, INC	.....	GUARD SVC MON-TANA.	\$8,658,009	\$1,731,602	Option 2 (04/01/2009-03/31/2010) Option 3 (04/01/2011-03/31/2012) Option 4 (04/01/2012-03/31/2013)
8	.....	HSCECA-07-A-70005.	SCG, INC	.....	GUARD SVC NORTH DAKOTA.	\$2,479,996	\$495,999	Option 2 (04/01/2009-03/31/2010) Option 3 (04/01/2011-03/31/2012) Option 4 (04/01/2012-03/31/2013)
8	.....	HSCECA-07-A-70007.	SCG, INC	.....	GUARD SVC UTAH	\$15,189,018	\$3,037,804	Option 2 (04/01/2009-03/31/2010) Option 3 (04/01/2011-03/31/2012) Option 4 (04/01/2012-03/31/2013)
9	.....	HSCECA-07-F-00046.	TRINITY PROTECTION SERVICES, INC.		Guard Services< Northern CA.	\$58,998,706	\$11,799,741	Option 3 10/1/09-9/30-10 Option 4 10/1/2010-9/30/2011
9	.....	HSCECA-07-F-00047.	SECURITY CONSULTANTS GROUP INC.		Guard Services< Central CA.	\$55,220,811	\$11,044,162	Option 3 10/1/09-9/30/10 Option 4 10/1/2010-9/30/2011
9	.....	HSCEW9-08-F-00002. (FSS No. GS07F0267L).	SECURITY CONSULTANTS GROUP.		Guard Services, NV	\$19,753,663	\$3,950,733	Option 3-10/1/10-9/30/11 Option 4-10/1/11-9/30/12
9	.....	HSCEW9-09-A-00002.	Security Consultants Group.		Arizona Guard Contract.	\$24,962,312	\$4,992,462	Option 2 (10/1/10-09/30/11) Option 3 (10/1/11-09/30/12) Option 4 (10/1/12-09/30/13)
9	.....	BPA No. HSCEW9-09-A-00003. (FSS No. GS07F0418K).	Paragon Systems, Inc.		Armed Guard Service-Los Angeles, CA.	\$99,396,497	\$19,879,299	Option 1 (10/1/09-09/30/10) Option 2 (10/1/10-09/30/11) Option 3 (10/1/11-09/30/12) Option 4 (10/1/12-09/30/13)
9	.....	BPA No. HSCEW9-09-A-00004. (FSS No. GS07F0418K).	Paragon Systems, Inc.		Armed Guard Service-San Diego, CA.	\$49,205,673	\$9,841,135	Option 1 (10/1/09-09/30/10) Option 2 (10/1/10-09/30/11) Option 3 (10/1/11-09/30/12) Option 4 (10/1/12-09/30/13)
10	....	HSCECA-07-A-70010.	PARAGON SYSTEMS.		ARMED GUARD SERVICES FOR NORTHERN WASHINGTON.	\$28,698,099	\$5,739,620	Option 4 (5/16/2010-5/15/2011) Option 5 (5/16/2011-5/15/2012)

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
10 ...	HSCECA-07-A-70009.	PARAGON SYSTEMS.	ARMED GUARD SERVICES FOR OREGON STATEWIDE AND SOUTH WASHINGTON.	\$20,133,234	\$4,026,647	Option 4 (7/1/2010–6/30/2011) Option 5 (7/1/2011–6/30/2012)
10 ...	HSCEXP06CF00004	PARAGON SYSTEMS.	ARMED GUARD SERVICES FOR SOUTH-WESTERN WASHINGTON.	\$5,284,105	\$1,056,821	Option 4 (4/1/2010–3/31/2011)
10 ...	HSCECA07A70000	GUARDIAN SECURITY SYSTEMS, INC.	ARMED GUARD SERVICES FOR KETCHIKAN.	\$238,907	\$47,781	Option 3 (10/1/2009–9/30/2010) Option 4 (10/1/2010–9/30/2011)
10 ...	HSCEWA09A00003	SCG	ARMED GUARD SERVICES FOR IDAHO AND EASTERN WASHINGTON.	\$2,945,145	\$2,945,145	Contract Expires 2/28/10
11 ...	HSCEEC-10-A-00001.	Coastal International Security.	Guard Services, NCR.	\$116,000,000	\$23,200,000	BPA through 12/3/2014
11 ...	GS11P04MPC0037	Kingdom Security Services.	Guard Services, NCR.	\$1,516,933	\$303,387	Expires 2/28/10
11 ...	HSCEEC08A00001	USEC Services Corp	Guard Services, NCR.	\$19,000,000	\$3,800,000	BPA through 11/30/2012
11 ...	HSCEEC08A00004	SecTek	Guard Services, NCR.	\$7,324,629	\$1,464,926	BPA through 1/3/2012
11 ...	HSCEEC08A00005	DTM Corporation ...	Guard Services, NCR.	\$21,700,000	\$4,340,000	BPA through 1/3/2012

11	...	HSCEEC08A00006	Allied Barton Security.	Guard Services, NCR.	\$11,196,000	\$2,239,200	BPA through 1/13/13
11	...	HSCEEC08A00007	Ares Protective Service.	Guard Services, NCR.	\$2,093,000	\$418,600	BPA through 01/11/113
11	...	HSCEEC08A00008	DTM Corporation	Guard Services, NCR.	\$2,700,000	\$540,000	BPA through 1/11/2013
11	...	HSCEEC08A00009	SecTek	Guard Services, NCR.	\$29,200,000	\$5,840,000	BPA through 3/31/2013
11	...	HSCEEC08A00015	Paragon Systems	Guard Services, NCR.	\$52,000,000	\$10,400,000	BPA through 5/31/2013
11	...	HSCEEC08A00016	Coastal International Security.	Guard Services, NCR.	\$32,000,000	\$6,400,000	BPA through 5/31/2013
11	...	HSCEEC08A00017	Jenkins Security Consultants.	Guard Services, NCR.	\$5,000,000	\$1,000,000	BPA through 5/31/2013
11	...	HSCEEC08A00019	MVM	Guard Services, NCR.	\$41,500,000	\$8,300,000	BPA through 9/30/2014
11	...	HSCEEC08A00020	Elite Protective Services.	Guard Services, NCR.	\$43,000,000	\$8,600,000	BPA through 5/31/2013
11	...	HSCEEC08A00021	Frontier Systems Integrators.	Guard Services, NCR.	\$7,898,216	\$1,579,643	BPA through 8/17/2013
11	...	HSCEEC08A00022	Coastal International Security.	Guard Services, NCR.	\$14,628,434	\$2,925,687	BPA through 9/30/2013
11	...	HSCEEC08C00001	Jenkins Security Consultants.	Guard Services, NCR.	\$5,811,748	\$1,162,350	Option II 10/1/2009-9/30/2010 Option III 10/1/2010-9/30/2011 Option IV 10/1/2011-9/30/2012 Option V 10/1/2012-7/31/2013
11	...	HSCEEC08D00001	DTM Corporation	Guard Services, NCR.	\$481,632	\$96,326	Option I 12/1/2008-11/30/2009 Option II 12/1/2009-11/30/2010 Option III 12/1/2010-11/30/2011
11	...	HSCEEC08D00002	Special Operations Group.	Guard Services, NCR.	\$6,623,493	\$1,324,699	Option I 12/1/2008-11/30/2009 Option II 12/1/2009-11/30/2010 Option III 12/1/2010-11/30/2011 Option IV 12/1/2011-11/30/2012

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
11 ...	HSCEEC08D00003	Jenkins Security Consultants.	Guard Services, NCR.	\$8,227,876	\$1,645,575	Option I 12/1/2008–11/30/2009 Option II 12/1/2009–11/30/2010 Option III 12/1/2010–11/30/2011 Option IV 12/1/2011–11/30/2012
11 ...	HSCEEC08D00004	Master Security	Guard Services, NCR.	\$21,155,585	\$4,231,117	Option I 12/1/2008–11/30/2009 Option II 12/1/2009–11/30/2010 Option III 12/1/2010–11/30/2011 Option IV 12/1/2011–11/30/2012
11 ...	HSCEEC08D00005	Jenkins Security Consultants.	Guard Services, NCR.	\$23,889,389	\$4,777,878	Base Period 8/1/2008–7/31/2009 Option I 8/1/2009–7/31/2010 Option II 8/1/2010–7/31/2011 Option III 8/1/2011–7/31/2012 Option IV 8/1/2012–7/31/2013
11 ...	HSCEEC08D00006	DTM Corporation ...	Guard Services, NCR.	\$3,489,230	\$697,846	Base Period 9/1/2008–8/31/2009 Option I 9/1/2009–8/31/2010 Option II 9/1/2010–8/31/2011 Option III 9/1/2011–8/31/2012 Option IV 9/1/2012–8/31/2013
11 ...	HSCEEC08D00007	Jenkins Security Consultants.	Guard Services, NCR.	\$10,324,000	\$2,064,800	Base Period 11/1/2008–10/31/2009 Option I 11/1/2009–10/31/2010 Option II 11/1/2010–10/31/2011 Option III 11/1/2011–10/31/2012 Option IV 11/1/2012–10/31/2013
11 ...	HSCEEC08D00008	Jenkins Security Consultants.	Guard Services, NCR.	\$7,873,830	\$1,574,766	Base Period 10/1/2008–9/30/2009 Option I 10/1/2009–9/30/2010 Option II 10/1/2010–9/30/2011 Option III 10/1/2011–9/30/2012 Option IV 10/1/2012–9/30/2013
11 ...	HSCEEC09A00001	Coastal Inter- national Security.	Guard Services, NCR.	\$34,533,841	\$6,906,768	BPA through 9/30/2013

11	HSCEEC09A00002	Master Security	Guard Services, NCR.	\$872,445	\$174,489	BPA through 12/31/2009
11	HSCEEC09A00004	Sectek	Guard Services, NCR.	\$15,300,000	\$3,060,000	BPA through 3/31/2014
11	HSCEEC09A00005	Coastal Inter- national Security.	Guard Services, NCR.	\$9,637,499	\$1,927,500	BPA through 8/31/2014
11	HSCEEC09A00006	Elite Protective Services.	Guard Services, NCR.	\$10,559,593	\$2,111,919	BPA through 11/30/2014
11	HSCEEC09D00004	Jenkins Security	Guard Services, NCR.	\$13,387,895	\$2,677,579	Base Period 12/1/08-11/30/09 Option 1 12/1/09-11/30/10 Option 2 12/1/10-11/30/11 Option 3 12/1/11-11/30/12 Option 4 12/1/12-11/30/13
11	HSCEEC09D00005	AmPro Inter- national.	Guard Services, NCR.	\$10,295,260	\$2,059,052	Base Period 1/1/2009-12/31/2009 Option Period I 1/1/2010-12/31/ 2010 Option Period II 1/1/2011-12/31/ 2011 Option Period III 1/1/2012-12/31/ 2012 Option Period IV 1/1/2013-12/31/ 2013
11	HSCEEC09D00006	The Whitestone Group.	Guard Services, NCR.	\$13,709,585	\$2,741,917	Base Period 2/1/2009-1/31/2010 Option Period I 2/1/2010-1/31/ 2011 Option Period II 2/1/2011-1/31/ 2012 Option Period III 2/1/2012-1/31/ 2013 Option Period IV 2/1/2013-1/31/ 2014

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
11	HSCEEC09D000007	Knight Protective Service.	Guard Services, NCR.	\$49,573,882	\$9,914,776	Base Period 4/1/2009–11/30/2009 Option Period I 12/1/2009–11/30/ 2010 Option Period II 12/1/2010–11/30/ 2011 Option Period III 12/1/2011–11/30/ 2012 Option Period IV 12/1/2012–11/30/ 2013
11	HSCEEC09D000008	American Security Programs.	Guard Services, NCR.	\$17,070,918	\$3,414,184	Base Period 2/1/2009–1/31/2010 Option Period I 2/1/2010–1/31/ 2011 Option Period II 2/1/2011–1/31/ 2012 Option Period III 2/1/2012–1/31/ 2013 Option Period IV 2/1/2013–1/31/ 2014
11	HSCEEC09D000009	C&D Security	Guard Services, NCR.	\$24,539,905	\$4,907,981	Base Period 6/1/2009–5/31/2010 Option Period I 6/1/2010–5/31/ 2011 Option Period II 6/1/2011–5/30/ 2012 Option Period III 6/1/2012–5/31/ 2013 Option Period IV 6/1/2013–5/30/ 2014

11	HSCEEC09D00010	Master Security	Guard Services, NCR.	\$3,212,715	\$642,543	Base Period 5/1/2009-4/30/2010 Option Period I 5/1/2010-4/30/ 2011 Option Period II 5/1/2011-4/30/ 2012 Option Period III 5/1/2012-4/30/ 2013 Option Period IV 5/1/2013-4/30/ 2014
11	HSCEEC09D00011	Master Security	Guard Services, NCR.	\$3,707,607	\$741,521	Base Period 5/1/2009-4/30/2010 Option Period I 5/1/2010-4/30/ 2011 Option Period II 5/1/2011-4/30/ 2012 Option Period III 5/1/2012-4/30/ 2013 Option Period IV 5/1/2013-4/30/ 2014
11	HSCEEC09D00012	C&D Security	Guard Services, NCR.	\$12,816,165	\$2,563,233	Base Period 6/1/2009-5/31/2010 Option Period I 6/1/2010-5/31/ 2011 Option Period II 6/1/2011-5/30/ 2012 Option Period III 6/1/2012-5/31/ 2013 Option Period IV 6/1/2013-5/30/ 2014
11	HSCEEC09D00013	Knight Protective Service.	Guard Services, NCR.	\$34,720,713	\$6,944,143	Base Period 12/1/08-11/30/09 Option 1 12/1/09-11/30/10 Option 2 12/1/10-11/30/11 Option 3 12/1/11-11/30/12 Option 4 12/1/12-11/30/13
11	HSCEEC10A00001	Coastal Inter- national Security.	Guard Services, NCR.	\$65,410,402	\$13,082,080	BPA Through 9/30/2014

DETAILED BREAKOUT OF FPS CONTRACTS REPORTED BY REGIONAL CONTRACT GUARD PROGRAMS—Continued

FPS Re- gion	Contract No.	Contractor	Description of Services	Estimated Total Contract Value	Estimated Annual Value	Term/Options Remaining
11	HSCEEC10D00001	Master Security	Guard Services, NCR.	\$3,738,474	\$747,695	Base Period 1/1/10–12/31/10 Option 1 1/1/11–12/31/11 Option 2 1/1/12–12/31/12 Option 3 1/1/13–12/31/13 Option 4 1/1/14–12/31/14

Question 10a. GAO has provided the committee a list of all recommendations GAO has made to FPS since FPS was transferred to DHS. For each recommendation, GAO noted whether FPS has fully addressed the issue, or whether the issue remains open. For each open GAO recommendation, please provide the following information:

Where the agency concurs with the recommendation, but has not completed actions to address the recommendation, please provide a listing of tasks remaining, the title of the individual overseeing completion of the recommendation and the expected completion date.

Question 10b. Where the agency does not concur with the recommendation, please provide a narrative explanation stating the reasons for the failure to concur.

Answer. Please see the attached spreadsheet, GAO/OIG Status Report.

GAO/OIG STATUS REPORT

Recommended Performance Reporting for Period [Enter Current Period's Dates Here]

Report Number OIG 09-51 Milestones	Report Title				Schedule Status	
	Federal Protective Service Contract Guard Procurement and Oversight Process				On Track	
	Description	FPS Est. Start Date	FPS Est. Due Date	Percent Complete		Assignee
1.0	Refine and complete standardized procedures and templates to ensure that the Federal Protective Service consistently solicits and awards guard contracts in the Government's best interests.	6/12/2008	4/30/2009	100	Division Director	
2.0	Allocate sufficient Consolidated Contracting Group and regional program office staff to perform thorough technical evaluations and award timely follow-on guard contracts that are in the Government's best interests.	6/5/2008	9/22/2009	100	Division Director	
3.0	Provide training to the regional program office personnel who participate in technical evaluations so that they can successfully evaluate contractor technical proposals to award best value guard contracts.	2/5/2009	4/30/2009	100	Division Director	
4.0	Develop standardized policies and procedures to ensure that FPS personnel provide effective contract oversight. At a minimum, policies and procedures need to include performing and documenting inspections, reviewing invoices, assessing monetary deductions, evaluating contractor performance, and testing quality control plans.	4/30/2009	10/1/2009	100	Division Directors	
5.0	Develop an agency-wide information system to collect and report the frequency of all inspections and their results to provide Nation-wide FPS managers with the necessary information to evaluate building security and contractor performance.	8/1/2008	11/16/2009	100	Division Director	

6.0	Increase staffing and resources at the regional program offices to perform the necessary contract administration and oversight function over guard services.	3/10/2008	12/30/2009	97	Asst. Director
6.1	Increase the number of Law Enforcement personnel to the 900 level to increase oversight of the contract guard services.	3/10/2008	5/1/2009	100	Division Director
6.2	Increase the number of Mission Support personnel to 300 to assist in the administration of guard support services.	3/10/2008	5/1/2009	100	Division Director
6.3	Establish a Level III Program Manager in the FPS Operations Directorate.	1/14/2009	4/29/2009	100	Asst. Director
6.4	Establish positions for, and hire, Program Managers within each region and at the FPS HQ for guard contract administrative expertise.	1/14/2009	12/30/2009	80	Asst. Director
6.5	Increase the number of trained Contracting Officer Technical Representatives (COTRs) to ensure qualified guard contract oversight.	3/10/2008	12/30/2009	100	Asst. Director
6.6	Implement FPS Policy to ensure the proper resourcing of Technical evaluation teams. Note: Addressed in section 6.6a of the Security Guard Acquisition Planning and Pre-Award policy.	10/1/2008	8/1/2009	100	Division Director/Regional Directors

QUESTIONS FROM HONORABLE CHARLES W. DENT OF PENNSYLVANIA FOR GARY W. SCHENKEL, DIRECTOR, FEDERAL PROTECTIVE SERVICE, NATIONAL PROTECTION PROGRAMS DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY

Question 1. Some have proposed moving away from a system where FPS is reliant on funding from other agencies to support its staff. Have you looked at the fee-funding system and are you satisfied that it best supports FPS's needs?

Answer. The Federal Protective Service (FPS) continues to be funded through revenues and collections in the same manner that existed when FPS was under the General Services Administration (GSA) prior to its transfer to the Department of Homeland Security (DHS).

FPS has initiated a study of funding strategies that will support the security and protection mission of FPS within DHS using the preliminary data being obtained from the recently deployed ABC Model and risk-based workforce performance metrics obtained from FPS subject-matter experts. A preliminary report will be completed in the first quarter of fiscal year 2010. Based on the preliminary findings, the most promising fee methodologies, along with options that include combinations of different fees with other funding sources, will be presented to departmental management for further consideration.

Question 2. What is the benefit of a universal per square foot approach, as opposed to a fee for service per building approach?

Answer. The method to assess and collect the basic security charge is similar to a flat tax based on square feet, while the overhead charges for building-specific and SWA services are based on the additional security services delivered at the specific building or requested by a specific tenant agency in the building.

This approach is not very different from the property taxes assessed by State, local, and municipal authorities to establish adequate levels of public safety services to protect the residents that they serve. The majority of taxpayers will not require public safety services during a tax year, but the jurisdiction must still maintain sufficient resources to respond to all emergencies. Likewise, FPS is required to maintain a sufficient force to provide law enforcement and security services across the entire GSA real property inventory.

FPS will be looking at alternative funding methodologies that may better support the FPS law enforcement and security mission.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR ROBERT A. PECK, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Question 1. What role did GSA play in transition planning? What input did you provide to NPPD to facilitate a successful transition?

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

Question 2. GAO reported that GSA and FPS have not completed renegotiating the Memorandum of Agreement that governs the agencies' relationship. This agreement also addresses information sharing. How will you work with NPPD and FPS during the transition to ensure that this renegotiation is completed in a timely manner?

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

Question 3. Please provide a narrative of all security countermeasure recommendations FPS issued to GSA or GSA tenants in the past year, and the corresponding GSA or tenant agency response to each FPS recommendation. For instances in which GSA or the tenant agency declined to implement the recommended security countermeasure, specify the basis for this decision.

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

QUESTION FROM HONORABLE CHARLES W. DENT OF PENNSYLVANIA FOR ROBERT A. PECK, COMMISSIONER, PUBLIC BUILDINGS SERVICE, GENERAL SERVICES ADMINISTRATION

Question. Has GSA examined altering the process by which FPS recommendations are reviewed, appropriated and implemented?

Should building security committees be making security-related decisions?

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

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR MARK L. GOLDSTEIN, DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GOVERNMENT ACCOUNTABILITY ISSUES

Question 1. You recommended that FPS and GSA coordinate better on sharing security and threat information. What steps should NPPD take during the transition to improve information sharing between FPS and GSA?

Answer. NPPD should ensure that FPS reaches consensus with GSA on what information contained in facility security assessments are needed for GSA to fulfill its responsibilities related to the protection of Federal buildings and its occupants. In addition, NPPD should require that FPS and GSA establish internal controls to ensure that shared information is adequately safeguarded.

Question 2. In your opinion, how can NPPD best contribute its knowledge and expertise to improve FPS physical protection of Federal facilities?

Answer. While we have not conducted any reviews of NPPD, we think that NPPD's knowledge and experience in securing the Nation's critical infrastructure should help improve FPS's ability to protect Federal facilities.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR DAVID L. WRIGHT, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES—LOCAL 918

Question 1. In your testimony, you recommend that FPS federalize contract guard positions at high-risk facilities. How would this improve the safety of Federal buildings?

Answer. A properly trained Federal Police Officer has a higher level of qualifications and training than a contract security guard, is held to a higher level of responsibility, is supervised by other trained law enforcement officers, and typically has a lower turnover rate than a contract guard. This substantially increases the likelihood that they will recognize a threat and take appropriate enforcement action when compared to a contract guard. Additionally, their basic training is standardized through the Federal Law Enforcement Training Center (FLETC) and the FPS National training staff, where contractor basic training is taught by each guard company and often has an undue focus on avoiding liability to the company. Just as the use of Federal Police Officers has improved the safety of Congressional facilities, the White House, and the Pentagon, their use at our highest risk GSA facilities would have the same result.

Question 2a. How much training do FPS inspectors receive on risk assessment?

Answer. With the implementation of the new Risk Assessment Management Program (RAMP) the assessment training has changed. Prior to RAMP, all inspectors have received 4 weeks of Physical Security Training, including the assessment process. Now inspectors and police officers Nation-wide are receiving 2 weeks of instruction on RAMP and all are expected to complete this training by the end of March. New inspectors will now complete a 6-week initial Security Academy. Additionally, one of the 30 areas trained and evaluated during the 12-week field training and evaluation program is the risk assessment process.

Question 2b. How much law enforcement training do FPS inspectors receive?

Answer. New inspectors must successfully complete the 12-week Uniformed Police Training Program at FLETC, 3 weeks of FPS orientation/advanced FPS specific training, and a 12-week field training and evaluation program.

Question 2c. What percentage of an FPS inspector's time is spent performing risk assessment duties?

Answer. The percentage varies based on the number of inspectors and the number and mix of facilities assigned to each. Many of our inspectors have reported it was not unusual to spend 18 to 20 weeks of the year (38 percent) conducting assessments.

This year the ISC changed the interval between assessments for high-risk (Level 4) buildings from every 2 to every 3 years; and low-risk (Level 1 & 2) buildings from every 4 years to every 5 years, reducing the number of assessments required each year. However, with the advent of RAMP and its highly detailed risk evaluation process, the time required to complete the average assessment will increase. Our inspectors estimate at the current staffing level they will spend an average of 13 to 15 weeks a year (25 percent) conducting assessments.

On average an inspector should spend no more than 6 weeks (12 percent) spread over the year on assessments, which is ultimately only a planning document. In order to implement the security plan from the assessment, provide law enforcement response and proactive patrol; ensure human, electronic, physical, and procedural countermeasures work as intended; and monitor and mentor contract guard performance, significant proactive time and effort is absolutely necessary for success.

As GAO has reported FPS does not have sufficient inspectors and police officers to provide proactive patrol, ensure its countermeasures are working, and monitor to ensure guards and guard companies are complying with their contractual obligations.

Question 2d. How does this compare to the amount of time spent on law enforcement duties?

Answer. At current inadequate staffing levels, our inspectors are severely challenged to allocate sufficient time for law enforcement duties, including proactive patrol, while meeting mandates for assessments and guard monitoring. Estimates on the amount of time spent on law enforcement duties from our field staff in many locations range from 10 percent to 25 percent, even with overtime use for some guard training monitoring and off-hour inspections.

Question 2e. Since FPS inspectors are primarily trained in law enforcement, what steps would you recommend NPPD take to ensure inspectors are able to devote more time to law enforcement duties?

Answer. First, recognize that inspectors are essentially community police officers by increasing FPS field staff so sufficient inspectors and police officers are available, to provide necessary service. This increase in staff will reduce the number of buildings assigned to each inspector to a level where they can successfully complete their duties while reducing the documented risk to facilities inherent in an understaffed FPS. Recommend Congress confer law enforcement retirement benefits on FPS law enforcement personnel on the same basis as Customs and Border Protection officers.

Second, extend service hours in the largest cities to include night and weekend service—criminals and terrorists don't work only during business hours, and neither should FPS. Authorize administratively uncontrollable overtime for inspectors and officers to ensure they accomplish the myriad of tasks inherent in their community police officer role.

Third, increase staffing in smaller cities to provide minimum service to urban communities and border stations. These three steps would increase resources in our highest-risk cities and provide minimal service coincident to risk for facilities located in lower-risk cities/rural areas.

In order to accomplish these steps Congressional mandates will be necessary to encourage OMB approval of the necessary funding, when requested by DHS.

Question 3. NPPD chairs the operations of the Interagency Security Committee, which has responsibility for establishing Government-wide security policies for Federal facilities. In your opinion, how will FPS benefit from becoming a part of the agency that chairs this committee?

Answer. FPS will undoubtedly benefit from the synergy of being in the same organization as the ISC Secretariat. However, FPS is still not a member of the committee as they were prior to transfer to DHS, nor do they have the honest broker compliance monitoring role they had prior to the 2003 revisions to the ISC Executive Order. Additionally, the ISC was formed by an Executive Order that predates the establishment of DHS and the Secretary's mandate to be primarily responsible for the protection of Federal facilities. The overall security of all facilities will be improved if Congress codifies the role, functions, and mission of the ISC as part of DHS under the supervision of the Secretary, to help her accomplish the facilities protection mission mandated by the Homeland Security Act. The ISC as currently managed and structured, has in some ways increased risk to Federal facilities through its practice of placing the non-professional Facility Security Committees in charge of determining which security measures, weapons screening and access control measures they will accept. Additionally, the ISC promulgates standards and guidelines based on the consensus of its members. Under this concept neither the DHS Secretary nor FPS can even mandate minimum access control and weapons screening standards for any facilities. The ISC, as presently constituted, is broken and needs to be fixed by Congress.

Question 4. FPS is developing a new risk assessment tool called the Risk Assessment Management Program (RAMP). In your opinion, will RAMP streamline and improve the risk assessment process?

Answer. RAMP improves the risk assessment process by considering all aspects of the facility and its buffer zone to determine threats, vulnerability, and consequence. It will streamline the management of countermeasures, the overall assessment process, and bring together legacy GSA systems. RAMP will not save time since it incorporates many assessment best practices that require additional effort by our inspectors to properly conduct assessments and validate countermeasure effectiveness. While RAMP may greatly improve our ability to standardize and document risks to each facility, right now FPS simply does not have enough inspectors to do this critical job right, without creating vulnerabilities in other areas.

Question 5. Did NPPD consult with AFGE when preparing its transition plan, specifically with regard to their plans for managing human capital at FPS?

Answer. Neither ICE nor NPPD consulted with AFGE while preparing its transition plan, and did not share any element of the plan with AFGE. I became aware of the “plans” for managing human capital when they were publically announced after the transfer. Additionally, we understand the transition plan requires FPS to pay NPPD over \$25 million, from its security charge revenue, for services previously provided by ICE from its appropriation without cost to FPS. It seems to me that if ICE paid for the service from its appropriation the Secretary should be directed to reprogram these oversight and administration funds from ICE to NPPD. Paying these costs from FPS security collections effectively reduces FPS direct services and capital investment to the detriment of the security of Federal employees and facilities, as well as the FPS field force.

QUESTIONS FROM HONORABLE CHARLES W. DENT OF PENNSYLVANIA FOR DAVID L. WRIGHT, PRESIDENT, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES—LOCAL 918

Question 1. In your testimony you cite inadequate staffing levels as a reason for some of the problems we discussed. Please estimate how many additional FPS staff would be needed to meet its current mandates?

Answer. To meet the current FPS mandate to protect only GSA owned and leased facilities (about half of the Non-DOD Federal facilities) at least 490 additional non-supervisory inspectors and police officers are required. I estimate this increase in direct service staff would also require about 120 more supervisors, managers, and mission support staff. The total additional staff requirement would be approximately 610. Under the current security charge funding scheme, this could be achieved while maintaining only a pennies basic per square foot law enforcement and security charge of .88, coupled with an administrative charge of 10 percent (which was 8 percent in 2009 and 15 percent in 2007) on guard services to pay for the contract guard monitoring functions.

A total Nation-wide FPS staff of 1,860 would still be less than 75 percent of the 2,500 police officers the VA uses to police and secure its medical centers, and barely 200 more than the Capitol Police use to secure Congressional facilities in Washington, DC. With a total staff of 1,860 there would be sufficient officers and inspectors in all major cities with significant concentrations of Federal employees and high-risk buildings, and minimal effective service for facilities in lower risk rural communities.

Question 2. In your testimony you also raise the specter of abolishing the fee-funding system, in which FPS charges tenant agencies a flat rate of .66/square foot to protect buildings. What system would you propose to generate revenues for FPS to adequately protect these tenant agencies other than appropriations?

Answer. Security at GSA buildings is funded through four sources, all of which are funds already appropriated to other Federal agencies, so we really are not “fee-funded”. Funding is currently billed on a monthly basis based on annual security charges.

The .66/square foot is only for basic services. Those facilities with complex security needs often pay an additional \$3 to \$4/square foot for the cost of guards and other security countermeasures. Many also pay additional square foot charges to GSA to amortize the cost of security fixtures like vehicle barriers and window protection.

One simple alternative would be to transfer the basic, building specific, and fixture charges to create a FPS appropriation, thus providing Congress ready visibility on facility security costs and allowing DHS to prioritize security measures where there is the highest risk. Optional security services that are not required by an ISC standard, such as guards at each Social Security Office, would continue to be funded by agencies on a reimbursable basis through Security Work Authorizations.

Other alternatives that maintain the fee-funded myth could include an annual technical transfer of projected costs by OMB so FPS does not have to bill each agency on a monthly basis; or a transfer from GSA at the beginning of each year of all projected security costs with GSA collecting the costs, as necessary, from their tenants. Both these and other similar alternatives would require legislative direction.

Question 3. GAO has cited a lack of training and recertification by FPS contract guards. Short of federalizing the FPS, what are ways to improve security at Federal buildings, or is it possible to improve oversight and training alone?

Answer. If Congress chooses to accept the inherent risks of using a mix of 15,000 contract guards and approximately 1,250 Federal employees in FPS, there are several ways to improve security. While contract guards will never achieve the same

effectiveness as the Federal Police Officers used to protect the Capitol, White House, and Pentagon, rigorous performance and training monitoring coupled with consistent observation and mentoring by FPS inspectors and police officers can mitigate some of this risk. However, there was no real mitigation of these inherent risks when the number of guards increased from 5,000 to 15,000 while FPS was forced to significantly decrease its inspectors and officers. Also there are numerous facilities where agencies procure their own contract guards who do not operate under any FPS supervision. DHS should revoke the delegations of authority for these facilities and bring them fully under the FPS protective mantle. Additionally, Congress could provide statutory procurement authorizations to ensure guard companies are held accountable for their performance and to streamline the acquisition process for these critical services. If FPS is to continue using contract guards in their current roles a separate part of the Federal Acquisition Regulation for FPS procured guard services to implement the statutory procurement guidance would be necessary.

The improvement of oversight, training, and acquisition procedures are only a viable alternative with significant increases in FPS law enforcement staff to function in a true community police role to protect Federal facilities while using properly trained and monitored contract guards as a force multiplier.

QUESTIONS FROM CHAIRMAN BENNIE G. THOMPSON OF MISSISSIPPI FOR STEPHEN D. AMITAY, FEDERAL LEGISLATIVE COUNSEL, NATIONAL ASSOCIATION OF SECURITY COMPANIES

Question 1. Given the systemic problems GAO uncovered, are companies changing their approach to hiring or oversight of contract guards? Are companies working together to make industry-wide improvements?

Answer. NASCO fully believes that FPS and contract security companies with FPS contracts must address the hiring, certification, and oversight problems uncovered by the GAO and make changes and improvements where necessary. It is a core mission of NASCO and its member companies to work together industry-wide to improve the hiring and performance of contract security officers including efforts to enact better licensing, training, and background checks standards. NASCO has proactively discussed with FPS and made suggestions on possible ways to improve FPS guard training and performance, as mentioned in the written testimony.

Question 2. You testified that you are aware of FPS contracts that require security guards to be trained as special police officers (SPOs), and that SPOs have arrest power, unlike other security guards. Please identify which FPS security guard contracts require contract guards to be qualified or trained as SPOs. Include the name of the company that holds each contract, and the locations where the guards stand post.

Answer. NASCO does not have access to FPS contracting records that would provide information on which FPS security guard contracts require contract guards to be qualified or trained as SPO's. FPS has indicated that SPO's currently are, or have been in the past, required in FPS guard contracts. The committee should contact FPS for more information on this issue.

Question 3. According to news reports, contract security guards at private facilities have staged walk-outs to protest unfair pay. How have contract guard companies resolved these labor issues?

Answer. NASCO does not monitor or involve itself in the resolution of labor-management issues at contract security companies. Each contract security company handles labor issues on their own and NASCO is not in a position to generally characterize how companies have resolved certain labor issues such as "unfair pay."

QUESTIONS FROM HONORABLE CHARLES W. DENT OF PENNSYLVANIA FOR STEPHEN D. AMITAY, FEDERAL LEGISLATIVE COUNSEL, NATIONAL ASSOCIATION OF SECURITY COMPANIES

Question 1. What additional steps would improve security at FPS buildings? What are some of the challenges associated with doing so?

Answer. In the NASCO written testimony, several current efforts underway at FPS to improve the contract guard program were highlighted that NASCO believes can improve security at FPS building. In terms of additional steps that could be taken to improve security, again, the written testimony mentions better firearms training, better communication between FPS offices and contractors, and the inclusion of higher performance-related standards in contracts. One security-related issue that remains problematic and requires attention and improvement on the part of FPS is the need for written guidelines or standard operating procedures providing security guards with clear instructions and guidance regarding detention authority and related procedures. NASCO also believes that steps should be taken to ensure

that the quality of a company's training, personnel, management, and operational procedures—which result in a higher bid—are adequately considered during the procurement process. The challenge is for FPS to be able to have the resources to spend more money for better security officer services.

Question 2. In your testimony you cite significant reductions in the FPS inspector and law enforcement officer force having exacerbated problems at FPS. Going forward, do you believe FPS has the resources it needs to make strides and rectify the agency's problems?

If not, what increase in resources would you recommend?

Answer. NASCO does believe that the current initiatives under way at FPS, in combination with the Congressionally-mandated FPS personnel levels, can help to rectify the agency's problems. As mentioned above, more resources could be utilized to provide for higher performance standards in FPS security guard contracts and to account for better management, training, and other company qualifications in the contract award process. Resources are needed so that FPS contracts to be truly awarded based on "best value" and not solely "lowest cost", which would lead to better performance by security contractors and could resolve problems in the FPS Contract Guard Program.

