

114TH CONGRESS
1ST SESSION

H. R. 3418

To enhance homeland security, including domestic preparedness and the collective response to terrorism, by improving the Federal Protective Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. THOMPSON of Mississippi introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance homeland security, including domestic preparedness and the collective response to terrorism, by improving the Federal Protective Service, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Protective
5 Service Improvement and Accountability Act of 2015”.

1 **SEC. 2. FEDERAL PROTECTIVE SERVICE INSPECTORS AND**
2 **CONTRACT OVERSIGHT FORCE.**

3 (a) IN GENERAL.—Section 1315 of title 40, United
4 States Code, is amended by—

5 (1) redesignating subsections (c) through (g) as
6 subsections (h) through (l), respectively; and

7 (2) by inserting after subsection (b) the fol-
8 lowing new subsections:

9 “(c) INSPECTORS.—

10 “(1) IN GENERAL.—The Secretary, acting
11 through the Director of the Federal Protective Serv-
12 ice, shall maintain not fewer than 1,870 full-time
13 equivalent positions in the Federal Protective Serv-
14 ice, with not fewer than 1,350 of such positions des-
15 ignated for fully trained Federal law enforcement of-
16 ficers.

17 “(2) CLASSIFICATION.—Positions in the Fed-
18 eral Protective Service inspector force may be des-
19 ignated as one of two functional categories:

20 “(A) FACILITY SECURITY ASSESSMENT.—

21 Federal Facility Security Officers, who shall be
22 responsible for—

23 “(i) performing facility security as-
24 sessments at facilities protected by the
25 Federal Protective Service, including con-
26 tract guard post inspections;

1 “(ii) making security countermeasure
2 recommendations for such facilities;

3 “(iii) participating in security training
4 and disseminating homeland security infor-
5 mation, consistent with applicable protocols
6 and protections, to occupants and security
7 guards, including contract guards, of such
8 facilities; and

9 “(iv) assessing, on an ongoing basis,
10 the security of such facilities and the ex-
11 tent to which security countermeasure rec-
12 ommendations have been implemented for
13 such facilities.

14 “(B) SECURITY ENFORCEMENT AND IN-
15 VESTIGATIONS.—Law enforcement officers, who
16 shall be responsible for—

17 “(i) patrolling and on-site monitoring
18 of the physical security, including perim-
19 eter security, of facilities protected by the
20 Federal Protective Service;

21 “(ii) investigations at such facilities;
22 and

23 “(iii) physical law enforcement at
24 such facilities in the event of a terrorist at-
25 tack, security incident, or other incident.

1 “(d) CONTRACT OVERSIGHT.—

2 “(1) IN GENERAL.—The Secretary, acting
3 through the Director of the Federal Protective Serv-
4 ice, shall establish the Federal Protective Service
5 contract oversight force, which shall consist of full-
6 time equivalent positions and who shall be respon-
7 sible for, in coordination with the Federal Protective
8 Service inspector force—

9 “(A) monitoring contracts, contractors,
10 and contract guards provided by contractors;

11 “(B) carrying out annual evaluations of
12 performance by contractors that provide con-
13 tract guard services to the Federal Protective
14 Service; and

15 “(C) verifying that contract guards have
16 necessary training and certification.

17 “(2) LIMITATION ON PERFORMANCE OF FUNC-
18 TIONS.—The contract oversight functions described
19 in paragraph (1) may not be performed by law en-
20 forcement officers or other individuals employed pur-
21 suant to subsection (c).

22 “(e) UNIFORM MINIMUM STANDARDS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this subsection, the
25 Secretary, acting through the Director of the Fed-

1 eral Protective Service, shall establish uniform min-
2 imum training and certification standards for secu-
3 rity guard services at facilities protected by the Fed-
4 eral Protective Service.

5 “(2) LIMITATION.—Upon establishment of min-
6 imum training and certification standards pursuant
7 to paragraph (1), the Secretary, acting through the
8 Director of the Federal Protective Service, shall re-
9 quire that all contracts for security guard services
10 comply with such standards.

11 “(f) VERIFICATION.—Not later than 180 days after
12 the establishment of minimum training and certification
13 standards for security services pursuant to subsection (e),
14 the Secretary, acting through the Director of the Federal
15 Protective Service, shall establish a process to verify the
16 accuracy of training and certification data maintained by
17 the Federal Protective Service.

18 “(g) COVERT TESTING.—The Secretary shall develop
19 and implement a strategy for using covert-testing data
20 and data on prohibited items to improve screening at fa-
21 cilities protected by the Federal Protective Service. Such
22 strategy should, at a minimum, require that—

23 “(1) covert-testing data is used to monitor, re-
24 view, and improve performance nationwide;

1 “(2) covert-testing data is used to determine
2 which testing scenarios will be implemented or rein-
3 stated; and

4 “(3) data on prohibited items are analyzed to
5 determine the reasons for wide variations in the
6 number of reported prohibited-items detected across
7 such facilities and to assist with managing the
8 screening process and informing policy.”.

9 (b) **SCREENER AND ACTIVE SHOOTER TRAINING.**—
10 Not later than 120 days after the date of the enactment
11 of this Act, the Director of the Federal Protective Service
12 shall, on an ongoing basis, determine which individuals in
13 guard positions have not successfully completed—

14 (1) training on the effective utilization of
15 screening equipment, such as x-ray and magne-
16 tometer equipment, and

17 (2) active shooter scenario-based training, and
18 provide such training to such individuals.

19 **SEC. 3. COMPLIANCE WITH INTERAGENCY SECURITY COM-**
20 **MITTEE MINIMUM SECURITY STANDARDS.**

21 (a) **FINDINGS.**—Congress finds the following:

22 (1) On October 19, 1995, six months after the
23 Oklahoma City bombing of the Alfred P. Murrah
24 Federal Building, President Clinton issued Executive
25 Order 12977, creating the Interagency Security

1 Committee to address continuing Government-wide
2 security for Federal facilities. The Committee’s man-
3 date is to enhance the quality and effectiveness of
4 physical security in, and the protection of, non-mili-
5 tary Federal facilities in the United States, whether
6 Government-owned, -leased, or -managed. Today, the
7 Committee is comprised of chief security officers and
8 other senior executives from 54 Federal agencies
9 and departments.

10 (2) On September 7, 2012, the primary mem-
11 bers of the Interagency Security Committee ap-
12 proved “The Risk Management Process: An Inter-
13 agency Security Committee Standard”, which was
14 issued in August 2013.

15 (3) Consistent with Executive Order 12977,
16 “The Risk Management Process: An Interagency Se-
17 curity Committee Standard” is intended to be ap-
18 plied to all facilities in the United States occupied
19 by Federal employees for non-military activities.
20 This standard defines the criteria and processes that
21 those individuals responsible for the security of such
22 a facility should use to determine such a facility’s
23 security level, and provides an integrated, single
24 source of physical security countermeasures for all
25 such non-military Federal facilities.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Interagency Security Committee standards
3 for Federal facilities established by the Interagency Secu-
4 rity Committee in the document entitled “The Risk Man-
5 agement Process: An Interagency Security Committee
6 Standard” published in August 2013 and successor docu-
7 ments should be utilized, as appropriate, to protect all
8 non-military Federal facilities.

9 (c) ASSESSMENT.—The Secretary of Homeland Secu-
10 rity shall submit to the Committee on Homeland Security
11 of the House of Representatives and the Committee on
12 Homeland Security and Governmental Affairs of the Sen-
13 ate an assessment of the degree to which the standards
14 specified in the “The Risk Management Process: An Inter-
15 agency Security Committee Standard”, approved by the
16 Interagency Security Committee, is utilized by all non-
17 military Federal facilities and what, if any, barriers exist
18 to utilization of such standards.

19 **SEC. 4. RESEARCH.**

20 (a) IN GENERAL.—Not later than six months after
21 the date of the enactment of this Act, the Secretary of
22 Homeland Security, acting through the Director of the
23 Federal Protective Service, shall commence a one-year
24 pilot program to research the advantages of converting
25 guard positions at the highest-risk Federal facilities pro-

1 tected by the Federal Protective Service from contract
2 guard positions to positions held by Federal employees.

3 (b) REQUIREMENTS.—At a minimum, the Secretary
4 of Homeland Security shall conduct the pilot program de-
5 scribed in subsection (a) at one level III facility and one
6 level IV facility in each of Federal Protective Service re-
7 gions I, III, V, and VII, by hiring individuals to fill guard
8 positions at each facility that participates in such pilot
9 program in accordance with subsection (c).

10 (c) FEDERAL FACILITY SECURITY GUARD POSI-
11 TION.—

12 (1) IN GENERAL.—For purposes of this section,
13 and subject to the availability of appropriations for
14 such purpose, the Secretary of Homeland Security,
15 acting through the Director of the Federal Protec-
16 tive Service, shall establish and hire individuals for
17 a Federal facility security guard position.

18 (2) TRAINING.—The Secretary of Homeland
19 Security, acting through the Director of the Federal
20 Protective Service, shall provide to individuals hired
21 pursuant to paragraph (1) training in—

22 (A) performing the physical security for a
23 Federal facility, including access point controls
24 and security countermeasure operations;

1 (B) participating in information sharing
2 and dissemination of homeland security infor-
3 mation, consistent with applicable protocols and
4 protections; and

5 (C) responding to specific security inci-
6 dents, including preparing for and responding
7 to an act of terrorism, that can occur at a Fed-
8 eral facility, including response with force if
9 necessary.

10 (3) LIMITATION.—Individuals hired pursuant to
11 paragraph (1) may not be Federal law enforcement
12 officers.

13 (d) TEMPORARY ASSIGNMENTS.—The Secretary of
14 Homeland Security may assign, on a temporary basis, ex-
15 isting personnel employed by the Federal Protective Serv-
16 ice, on a temporary basis, to facilities that participate in
17 the pilot program described in subsection (a) to perform
18 security guard services under subsection (c) in furtherance
19 of the such program, if the Secretary determines that indi-
20 viduals cannot be hired and trained pursuant to such sub-
21 section in a timely manner.

22 (e) MAINTENANCE OF LAW ENFORCEMENT PER-
23 SONNEL.—Notwithstanding any other provision of this
24 section, the Secretary of Homeland Security, acting
25 through the Director of the Federal Protective Service,

1 shall maintain at each level III and level IV Federal facil-
2 ity protected by the Federal Protective Service such num-
3 ber of Federal law enforcement officers as is necessary to
4 provide arrest authority and law enforcement support at
5 each such facility, including support for Federal facility
6 security guards hired pursuant to subsection (c) at each
7 such facility, in the event of a terrorist attack, security
8 incident, or other incident.

9 (f) DEPARTMENTAL EVALUATION.—Not later than
10 120 days after the completion of the pilot program de-
11 scribed in subsection (a), the Secretary of Homeland Secu-
12 rity shall submit to the Committee on Homeland Security
13 of the House of Representatives, the Committee on Home-
14 land Security and Governmental Affairs of the Senate,
15 and the Comptroller General of the United States a report
16 on such program that includes information on perform-
17 ance, including screener performance, of individuals par-
18 ticipating in such program, and presented in a format that
19 is able to be compared to prior covert testing data col-
20 lected by the Comptroller General regarding contract
21 guard performance.

22 (g) COMPTROLLER GENERAL REPORT.—Not later
23 than 120 days after the receipt of the departmental eval-
24 uation under subsection (f), the Comptroller General of
25 the United States shall submit to the Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Homeland Security and Governmental
3 Affairs of the Senate a report that evaluates how the De-
4 partment of Homeland Security carried out such pilot pro-
5 gram, reviews the Secretary of Homeland Security's eval-
6 uation of performance under such subsection, and, to the
7 degree practicable, compares the Secretary's evaluation
8 with the results of previous Comptroller General reports
9 evaluating the performance and oversight of the Federal
10 Protective Service's contract guard program.

11 (h) IMPLEMENTATION.—Unless the Secretary of
12 Homeland Security determines in the evaluation required
13 under subsection (f) that overall performance was not ac-
14 ceptable of the individuals participating in the pilot pro-
15 gram described in subsection (a), the Secretary, acting
16 through the Director of the Federal Protective Service,
17 shall, to the degree practicable, maintain Federal employ-
18 ees as Federal facility security guards at all level III and
19 level IV Federal facilities protected by the Federal Protec-
20 tive Service.

21 (i) FUNDING ASSESSMENT.—The Secretary of Home-
22 land Security shall submit to the Committee on Homeland
23 Security of the House of Representatives and the Com-
24 mittee on Homeland Security and Governmental Affairs
25 of the Senate an assessment that shall include—

1 (1) an assessment of the extent to which the
2 current fee-based system adequately funds the Fed-
3 eral Protective Service’s programs and activities;

4 (2) an assessment of the appropriateness and
5 adaptability of the structure of the fees charged to
6 occupants of Federal facilities protected by the Fed-
7 eral Protective Service, and the degree to which such
8 structure takes into account the actual costs in-
9 curred by the Federal Protective Service, particu-
10 larly with respect to those instances in which the
11 Federal Protective Service provides heightened secu-
12 rity in response to information on current threats;

13 (3) an assessment of the extent to which such
14 fee-based system impedes the Federal Protective
15 Service from executing its operations and imple-
16 menting oversight, inspections, and security en-
17 hancements;

18 (4) recommendations, as appropriate, for alter-
19 ations to the current system and alternative funding
20 approaches (including a mix of fees and appropria-
21 tions); and

22 (5) options to mitigate challenges in budgeting,
23 such as an alternative account structure to increase
24 flexibility, while maintaining accountability and
25 transparency.

1 (j) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for each of fiscal years
3 2016, 2017, and 2018 such sums as may be necessary
4 to carry out this section.

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