



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**

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Washington, DC 20515

**John L. Mica**  
Ranking Republican Member

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February 7, 2008

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**SUMMARY OF SUBJECT MATTER**

**TO:** Members of the Transportation and Infrastructure Committee

**FROM:** Subcommittee on Economic Development, Public Buildings, and Emergency Management Staff and the Oversight and Investigations Subcommittee

**SUBJECT:** Hearing on "Government Accountability Office's Review of the Federal Protective Service: Preliminary Findings"

**PURPOSE OF THE HEARING**

On Friday, February 8, 2008, at 9:00 a.m., in room 2167 Rayburn House Office Building, the Subcommittee on Economic Development, Public Buildings, and Emergency Management will examine the preliminary findings of the Government Accountability Office's ("GAO") review of the Federal Protective Service ("FPS"). On February 13, 2007, Chairman James L. Oberstar and Subcommittee Chair Eleanor Holmes Norton wrote to the Government Accountability Office to request an examination of whether the FPS budget and personnel were adequate to support the "new" FPS mission, which was grounded in an inspector-based workforce rather than a protection-based workforce. The request called for a comparison of current experience, workforce size, retention rates, and salaries to those areas prior to FPS's transfer to Department of Homeland Security ("DHS"). The hearing will focus on the GAO's preliminary findings regarding these issues.

**History of FPS**

The Federal Protective Service dates back to 1790, with the enactment of legislation authorizing President George Washington to appoint three commissioners to establish a federal territory for a permanent seat of Federal Government. Prior to the formal establishment of the seat of government, the commissioners hired six night watchmen to protect the designated buildings the government was intended to occupy. The FPS traces its origins to the appointment of these six night watchmen.

The FPS has resided in a number of different agencies over the years. The Act of June 1, 1948, authorized the Administrator to appoint special policemen for duty in connection with the

policing of all buildings owned and occupied by the United States. In 1949, Congress enacted the Federal Property and Administrative Services Act of 1949, which consolidated real property functions within the newly created General Services Administration ("GSA"). The FPS force, known at the time as the United States Special Police, came under the supervision of the Protection Division of the Public Building Service ("PBS"). In 1971, the Administrator of GSA signed an order formally establishing the Federal Protective Force, later known as the FPS and the Civil Service Commission authorized the special classification title of Federal Protective Officer ("FPO").

Initially the main function of the FPS was protection, as an integral part of building operations. For the most part, the force held fixed posts and performed duties that would be considered safety functions today, such as: eliminating fire and safety hazards, patrolling buildings, detecting fires, and providing the first line of defense in fighting fires; and answering visitor questions, assisting citizens, rendering first aid, and directing traffic when necessary. The Civil Service Commission developed standards for applicants, which included a written examination, background investigations and physical examinations. By 1960, the FPS mission became the first line of defense against bomb threats, bombings, vandalism, mass demonstrations and violence against Federal buildings.

The Federal Protective Service delivers integrated security and law enforcement services to all Federal buildings, including office buildings, courthouses, border stations and warehouses, that GSA owns, controls, or leases. FPS customers reimburse them for these services through direct billing. FPS services include providing a visible uniformed presence in our major Federal buildings, responding to criminal incidents and other emergencies, installing and monitoring security devices and systems, investigating criminal incidents, conducting physical security surveys, coordinating a comprehensive program for occupants' emergency plans, presenting formal crime prevention and security awareness programs, providing police emergency and special security services during natural disasters such as earthquakes, hurricanes, major civil disturbances, and man-made disasters, such as bomb explosions and riots.

In the wake of the 1995 Oklahoma City Federal Building bombing, the Department of Justice ("DOJ") assessed the vulnerability of Federal office buildings in the United States, particularly to acts of terrorism and other forms of violence. The United States Marshals Service coordinated the study. GSA participated, as did the FBI, DOD, Secret Service, Department of State, Social Security Administration, and Administrative Office of the U.S. Courts.

The DOJ report made several recommendations to bring each Federal facility up to minimum standards recommended for its security level. The recommendations reemphasized GSA's primary responsibility for implementing Federal building security.

### **Current placement and status of FPS**

Today, FPS is a division within the Immigration, Customs, and Enforcement ("ICE") agency of the Department of Homeland Security ("DHS"). The DHS Federal Protective Service provides law enforcement and security services to over one million tenants and daily visitors to federally owned and leased facilities nationwide. FPS is a full service agency with a comprehensive HAZMAT, Weapons of Mass Destruction ("WMD"), Canine, and emergency response programs, as well as state-of-the-art communication and dispatch Mega centers.

The FPS protects all federal agencies housed in nearly 9,000 federally owned and leased facilities throughout the United States and its territories. On an annual basis, the FPS handles 10 million law enforcement calls for service, including 3.8 million radio calls, 2.4 million telephone calls, and 3.8 million alarm responses; conducts more than 1,000 criminal investigations for crimes against government facilities and employees; arrests more than 4,000 people for committing crimes on Federal property; and guards more than 500 facilities 24 hours per day, 7 days a week.

The current FPS force is composed of both uniformed and non-uniformed officers, including criminal investigators and law enforcement and security specialists. Training for FPS officers includes eight weeks of instruction at the Federal Law Enforcement Training Center ("FLETC") in Glynco, Georgia, with additional periodic in-service and refresher training courses. FPS supervisors without military or local police training participate in a Leadership Academy Law Enforcement Course held at FLETC, which consists of two, two-week sessions. More recently, the role of the FPS officer has undergone further changes. The FPS has shifted its emphasis from the fixed guard post concept of security to a mobile police patrol and response. FPS officers perform all duties attendant to the normal interpretation of a police officer function including maintaining law and order, and preventing or deterring disturbances; in addition to investigating both felonies and misdemeanors.

However, as the federal inventory of buildings has increased steadily over the last 30 years, the number of Federal Protective Service officers has steadily declined. The Committee is concerned about these trends and will scrutinize whether the Federal Protective Services has the resources and personnel to continue to provide top flight protection for federal workers and federal buildings.

### **Recent Administration Proposals**

In FY 2008, the Bush administration proposed to severely cut the number of FPS officers across the nation. According to the GAO, at the end of FY 2007, there were about 756 FPS inspectors and police officers responsible for law enforcement, and an additional 344 operational and support employees. The administration proposed to cut the number of FPS employees from 1,100 to 950. Congress rejected the administration's request. The administration renews its request in FY 2009.

Under the current administration proposal, there would be no FPS presence in 50 cities that currently have FPS officers. There would be no night or weekend FPS response or service anywhere in the country. The largest proposed reduction is planned in New York and Washington, DC. In addition, the proposal eliminated proactive patrols to deter attack planning. Under the proposal, FPS officers will not respond to calls for police service to protect Federal employees and visitors and investigate crimes in areas where FPS no longer has a presence. According to DHS, FPS will seek Memorandums of Understanding ("MOUs") with local police departments to backstop police services typically provided by FPS. It remained unclear how FPS would entice local police departments to take on this added responsibility.

## RECENT LEGISLATIVE HISTORY AND OVERSIGHT

On February 11, 2005, then-Ranking Member James L. Oberstar and then-Subcommittee Ranking Member Eleanor Holmes Norton wrote to the DHS Inspector General requesting an audit of the use of FPS funds. On June 14, 2005, Ranking Member Oberstar and Subcommittee Ranking Member Norton wrote to DHS expressing concern about the placement of FPS within DHS' ICE.

In the 110<sup>th</sup> Congress, on February 13, 2007, Chairman Oberstar and Subcommittee Chair Norton requested that the Government Accountability Office review FPS's budget and personnel, focusing on FPS workforce size, experience, retention rates, and salaries.

On April 18, 2007, the Subcommittee held a hearing on whether the administration's FY 2008 budget proposal to reduce the number of Federal Protective Service officers and presence nationally will adversely affect the Federal Government's efforts to protect the thousands of Federal workers and visitors to Federal buildings every day across the country.

On June 21, 2007, the Subcommittee held a hearing on weaknesses in FPS' oversight of its contract guard program. As a result of the hearing, Subcommittee Chair Norton introduced H.R. 3068, which banned felons from receiving contracts to provide security for Federal buildings. The Committee reported H.R. 3068 on September 14, 2007. On October 2, 2007, the House passed H.R. 3068 by voice vote. To date, the Senate has taken no action on the bill.

On November 2, 2007, Chairman Oberstar and Subcommittee Chair Norton wrote to the House Appropriations Committee supporting FPS staffing levels of no less than 1,200 law enforcement personnel.

The Consolidated Appropriations Act, 2008 (P.L. 110-161) requires the Secretary of Homeland Security and the Director of the Office of Management and Budget to certify in writing to the Appropriations Committees that operations of the Federal Protective Service will be fully funded in fiscal year 2008 and to ensure that fee collections are sufficient for FPS to maintain, by July 31, 2008, at least 1,200 staff, including 900 police officers, inspectors, area commanders, and special agents who are directly engaged on a daily basis protecting and enforcing laws at Federal buildings.

WITNESSES

**Mr. Mark Goldstein**  
Director, Physical Infrastructure Issues  
Government Accountability Office