

**Statement of
The Honorable Eleanor Holmes Norton
Subcommittee on Economic Development, Public Buildings, and
Emergency Management
Hearing On
“Federal Protective Service: An Agency In Need Of Rebuilding”
June 18, 2008**

We welcome today's witnesses from the Government Accountability Office (GAO), the Federal Protective Service (FPS) and the FPS Union. GAO has completed its much anticipated report on the condition of the Federal Protective Service (FPS).

At our February 8, 2008, hearing on GAO's preliminary findings, the Subcommittee heard chilling testimony from the GAO that FPS had deteriorated so substantially that its difficulties “may expose Federal facilities to a greater risk of crime or terrorist attack.” The subcommittee has not forgotten that Federal facilities where Federal employees work, in particular the Pentagon and the Alfred P. Murrah Oklahoma City Federal building, have been the choice targets of major terrorist attacks in this country -- clearly because Federal facilities are symbols of the United States Government.

The documented history of terrorist assaults on Federal assets and consistent threats since 9/11 have required continuing high levels of vigilance to protect both employees and the visitors who use Federal facilities. In the post-9/11 and Oklahoma City world, Congress recognized the need for bolstering police protection in and around the White House and the Capitol Complex, and one surely would not want to underestimate the importance of increased protection for the other Federal workforce, as well.

When the Department of Homeland Security was formed in 2002, the FPS was transferred from GSA to the newly created department and placed within Immigration and Customs Enforcement (ICE). The Committee expressed its strong support for the transfer but insisted that FPS officers and guards be used exclusively for and by the FPS. Starting in February 2005, the Chairman and I have sent a series of letters to the DHS and held hearings questioning the use of funds, the placement of FPS within the ICE and the major shift from a protection based workforce to an inspection workforce have supported an increase in the number of FPS employees. These concerns have strong bi-partisan support. Both Chairman Oberstar and Ranking Member Mica have expressed their own views about the gravity of the FPS situation.

The final GAO report confirms in stark terms GAO's preliminary findings reported at our February 2008 hearing. The report says that the FPS has seen its budget decimated, morale and staff plummet, and attrition skyrocket. The final report confirms the bi-partisan concern that the effectiveness of the FPS has been compromised since its placement in Immigration and Customs Enforcement inside the Department of Homeland Security. A February 18, 2008, editorial in the *Federal Times* calls on Congress to consider moving FPS out of ICE.

Our Subcommittee carefully tracked the downward trajectory of the agency until it became clear that deeper investigation than hearings were necessary and we requested the

GAO report before us today. Among the many signs that an investigation was in order was an ICE-endorsed proposal last year to substantially reduce FPS officers across the nation, including providing no FPS officers in almost 50 U.S. cities. Memoranda of Understanding (MOU), we were told, would be developed, with cities to make up for the absence of Federal police officers. The GAO, in its preliminary review, found that not one MOU had been signed and found numerous instances in which the local jurisdictions had no knowledge at all of these supposed memoranda.

During our April 2007 hearing, when this proposal was first discussed, I voiced my concern that local police have little reason to volunteer to assume unfunded mandates to protect Federal sites, particularly at the same time that local police are facing cuts in their own budgets and in Federal programs. In GAO's final report, we learn that the ICE management has abandoned the idea of MOU'S and will now rely on "informal relationships" between FPS and local law enforcement entities. It is fair to ask if this is any way to protect Federal employees across the nation in post 9/11 America? Is this any way to ensure the protection and security of an inventory that has a replacement value at \$41 billion?

The GAO report leaves no doubt that the FPS, the nation's first Federal police force and established in 1790, has been rocked by inadequate funding and staffing, leading to the inability to complete its core mission of facility protection -- to complete building security assessments in a timely and professional manner and to monitor and oversee the contract guards. We learn from the report, ominously, that proactive patrols have been eliminated at many GSA facilities. This decision was made in spite of the fact the GAO reports that "multiple governmental entities acknowledge the importance of proactive patrol in detecting and preventing criminal incidents and terrorism-related activities."

It appears the ICE/FPS answer to funding problems and management problems has been to change the nature of the workforce from a protection based police force to an inspection based workforce. In addition to this baffling decision, ICE/FPS decided to add contracting duties to the already over stretched inspector position.

As I reviewed the final report, I was struck by the similarities between the demise of the Federal Emergency Management Administrations (FEMA) and the ongoing destruction of this once highly regarded police force. Both experienced a sharp decline once they were transferred to DHS. Upon transfer, each entity suffered from a blurring of their mission's oversight by a DHS entity with almost no programmatic or organizational similarities; leadership by management without the necessary expertise, and, in the case of the FPS, paperwork used in place of police work. The irony is too striking to be missed. Both FEMA and FPS were moved to DHS to enhance their mission capacity for protection only to suffer devastating decline inside a homeland security agency.

The Subcommittee has witnessed the slow disintegration of a workforce that once had a reputation as a highly effective and motivated police force, providing an invaluable and necessary service to both Federal employees and taxpayers. According to the report, however, the FPS workforce has been reduced by approximately 20% during a time when the number of Federal buildings has increased from about 8,800 to over 9,000. Yet, the GAO reports that while the Service was hemorrhaging officers, ICE/FPS was actually hastening the reduction by offering "early retirement, detailed assignments, to other ICE and DHS components, and not filling vacant positions."

The Subcommittee commissioned the report to guide future action. Our major concern must now be moving to shore up the protection for hundreds of thousands of Federal employees and property. DHS and ICE appear to believe that without statutory authorization, they can unilaterally change the core mission of the FPS so that it is no longer a police force by any accepted definition of the term. However, no one has told Federal employees and visitors not to expect routine patrols and protection from the FPS. If the FPS is no longer a primarily protective police force, someone should inform Federal employees and visitors throughout the United States who make 10 million law enforcement calls each year to the FPS -- particularly considering that the 15,000 security guards on duty must remain stationary, while FPS no longer patrols. FPS must tell us all how it will be possible to continue to make 4000 arrests annually on charges of committing crimes on Federal property.

These are not rhetorical questions or matters. We have been prepared to work with the FPS on corrective action since our hearings first identified serious problems several years ago. We have had every desire to be partners, not adversaries, but despite our hearings and the oversight on the Homeland Security Committee on which I also sit, Congress has been ignored -- even defied.

This Subcommittee -- and now our full Committee -- are on notice. We ignore this report at our peril and may put hundreds of thousands of Federal employees at risk. The report mandates immediate action and response unless FPS can show otherwise. We will listen carefully to the agency's response. We welcome all the witnesses. Each of you is essential to this hearing. We appreciate your time and effort in preparing testimony.