

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3116
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

At the appropriate place in title IX, insert the following:

1 **Subtitle _____—Federal Protective**
2 **Service**

3 **SEC. 9 ____ . SHORT TITLE.**

4 This subtitle may be cited as the “Federal Protective
5 Service Improvement and Accountability Act of 2011”.

6 **SEC. 9 ____ . FEDERAL PROTECTIVE SERVICE INSPECTORS**
7 **AND CONTRACT OVERSIGHT FORCE.**

8 Section 1315 of title 40, United States Code, is
9 amended by redesignating subsections (c) through (e) as
10 subsections (f) through (h), and by inserting after sub-
11 section (b) the following new subsections:

12 “(c) INSPECTORS.—

13 “(1) IN GENERAL.—The Secretary shall main-
14 tain no fewer than 1,350 full-time equivalent posi-
15 tions in the Federal Protective Service inspector
16 force, who shall be fully trained Federal law enforce-
17 ment officers.

1 “(2) CLASSIFICATION.—The Secretary shall
2 classify the positions in the inspector force in the
3 following 2 functional categories:

4 “(A) FACILITY SECURITY ASSESSMENT.—
5 Federal Facility Security Officers, who shall be
6 responsible for—

7 “(i) performing facility security as-
8 sessments, including contract guard post
9 inspections;

10 “(ii) making security countermeasure
11 recommendations for facilities;

12 “(iii) participating in security training
13 and disseminating homeland security infor-
14 mation, consistent with applicable protocols
15 and protections, to building occupants and
16 facility security guards, including contract
17 guards; and

18 “(iv) assessing, on an ongoing basis,
19 the security of each facility protected by
20 the Federal Protective Service and the ex-
21 tent to which security countermeasure rec-
22 ommendations have been implemented for
23 each such facility.

1 “(B) SECURITY ENFORCEMENT AND IN-
2 VESTIGATIONS.—Law enforcement officers, who
3 shall be responsible for—

4 “(i) patrolling and on-site monitoring
5 of the physical security, including perim-
6 eter security, of each facility;

7 “(ii) investigations; and

8 “(iii) physical law enforcement in the
9 event of a terrorist attack, security inci-
10 dent, or other incident.

11 “(d) CONTRACT OVERSIGHT.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish the Federal Protective Service contract oversight
14 force, which shall consist of full-time equivalent posi-
15 tions and who shall be responsible for, in coordina-
16 tion with the Federal Protective Service inspector
17 force—

18 “(A) monitoring contracts, contractors,
19 and contract guards provided by contractors;

20 “(B) performing annual evaluations of the
21 persons holding contracts for supplying contract
22 guards to the Federal Protective Service; and

23 “(C) verifying that contract guards have
24 necessary training and certification.

1 “(2) LIMITATION ON PERFORMANCE OF FUNC-
2 TIONS.—The contract oversight functions described
3 in paragraph (1) shall not be performed by law en-
4 forcement officers or individuals employed pursuant
5 to subsection (c).

6 “(e) UNIFORM MINIMUM STANDARDS.—

7 “(1) IN GENERAL.—Not later than one year
8 after the date of enactment of the Federal Protective
9 Service Improvement and Accountability Act of
10 2011, the Secretary shall establish minimum train-
11 ing and certification standards for security guard
12 services at facilities protected by the Federal Protec-
13 tive Service.

14 “(2) LIMITATION.—Upon establishment of min-
15 imum training and certification standards, the Sec-
16 retary, acting through the Director of the Federal
17 Protective Service, shall require that all contracts
18 for security guard services comply with these stand-
19 ards.”.

20 **SEC. 9___ . COMPLIANCE WITH INTERAGENCY SECURITY**
21 **COMMITTEE MINIMUM SECURITY STAND-**
22 **ARDS.**

23 It is the sense of Congress that the security standards
24 for Federal facilities established by the Interagency Secu-
25 rity Committee in the document entitled “Physical Secu-

1 rity Criteria for Federal Facilities: An Interagency Secu-
2 rity Committee Standard”, as approved by concurrence of
3 the Committee membership on April 12, 2010, should be
4 implemented for all Federal facilities for which they were
5 issued.

6 **SEC. 9 ____ . RESEARCH.**

7 (a) IN GENERAL.—Within 6 months after the date
8 of enactment of this Act, the Secretary of Homeland Secu-
9 rity, acting through the Director of the Federal Protective
10 Service, shall commence a 1-year pilot program to re-
11 search the advantages of converting guard positions at the
12 highest-risk Federal facilities protected by the Federal
13 Protective Service from contract guard positions to posi-
14 tions held by Federal employees.

15 (b) REQUIREMENTS.—At a minimum, the Secretary
16 shall conduct the research pilot program at one level III
17 facility and one level IV facility in each of Federal Protec-
18 tive Service regions I, III, V, and VII by hiring individuals
19 to fill guard positions at each facility that participates in
20 the research pilot in accordance with subsection (c).

21 (c) FEDERAL FACILITY SECURITY GUARD POSI-
22 TION.—

23 (1) IN GENERAL.—For purposes of this section,
24 and subject to the availability of appropriations, the
25 Secretary, acting through the Director, shall estab-

1 lish and hire individuals for a Federal facility secu-
2 rity guard position.

3 (2) TRAINING.—The Secretary shall provide to
4 individuals employed in that position training in—

5 (A) performing the physical security for a
6 Federal facility, including access point controls
7 and security countermeasure operations;

8 (B) participating in information sharing
9 and dissemination of homeland security infor-
10 mation, consistent with applicable protocols and
11 protections; and

12 (C) responding to specific security inci-
13 dents, including preparing for and responding
14 to an act of terrorism, that can occur at Fed-
15 eral facilities, including response with force if
16 necessary.

17 (3) LAW ENFORCEMENT OFFICERS NOT RE-
18 QUIRED.—The Secretary may not require that indi-
19 viduals employed in such position be Federal law en-
20 forcement officers.

21 (d) TEMPORARY ASSIGNMENTS.—The Secretary may
22 assign, on a temporary basis, existing personnel employed
23 by the Federal Protective Service, on a temporary basis,
24 to facilities that participate in the research pilot program
25 to perform security guard services in furtherance of the

1 pilot program, if the Secretary determines that individuals
2 cannot be hired and trained pursuant to subsection (e) in
3 a timely manner.

4 (e) MAINTENANCE OF LAW ENFORCEMENT PER-
5 SONNEL.—Notwithstanding any other provision of this
6 section, the Secretary shall maintain at each highest-risk
7 Federal facility protected by the Federal Protective Serv-
8 ice (level III and level IV facilities) such number of Fed-
9 eral law enforcement officers as is necessary to provide
10 arrest authority and law enforcement support at that facil-
11 ity, including support for the Federal facility security
12 guards employed under this section, in the event of a ter-
13 rorist attack, security incident or other incident.

14 (f) GAO REPORTS.—The Comptroller General of the
15 United States shall—

16 (1) periodically review and report to Congress
17 on the performance by Federal facility security
18 guards under the pilot program; and

19 (2) upon completion of the pilot program, sub-
20 mit a final report to the Committee on Homeland
21 Security of the House of Representatives and the
22 Committee on Homeland Security and Governmental
23 Affairs of the Senate evaluating whether or not the
24 performance of individuals in the Federal facility se-
25 curity guard positions was satisfactory, that—

1 (A) evaluates—

2 (i) the extent to which the Federal
3 Protective Service ensures that individuals
4 serving in the Federal facility security
5 guard capacity have the required training
6 and certifications before being deployed to
7 a Federal facility;

8 (ii) the extent to which the Federal
9 Protective Service ensures that individuals
10 in the Federal facility security guard ca-
11 pacity comply with post orders once they
12 are deployed at Federal facilities; and

13 (iii) the extent to which security
14 vulnerabilities exist that the Comptroller
15 General determines are related to the per-
16 formance of the functions of the Federal
17 security guard positions; and

18 (B) compares such evaluation results
19 against the results of previous Comptroller Gen-
20 eral reports evaluating the performance and
21 oversight of the Federal Protective Service's
22 contract guard program.

23 (g) IMPLEMENTATION.—If the Comptroller General
24 states in the final report under subsection (f)(2) that the
25 Federal facility security guards employed in the position

1 established under subsection (c) are performing satisfac-
2 torily, the Secretary shall replace contract guards at all
3 highest risk Federal facilities protected by the Federal
4 Protective Service (level III and level IV facilities) with
5 Federal employees hired as Federal facility security
6 guards.

7 (h) GAO EVALUATION OF THE FEDERAL PROTEC-
8 TIVE SERVICE FEE-BASED FUNDING SYSTEM.—The
9 Comptroller General of the United States shall submit to
10 the Committee on Homeland Security of the House of
11 Representatives and the Committee on Homeland Security
12 and Governmental Affairs of the Senate a review the fee-
13 based funding system in use by the Federal Protective
14 Service and, as appropriate, issue recommendations for al-
15 ternative approaches to fund the agency in furtherance of
16 the agency's operations, including the execution of its
17 homeland security and protection missions. The review
18 shall include—

19 (1) an assessment of the extent to which the
20 current fee-based system fully funds the agency's ac-
21 tivities;

22 (2) an assessment of the extent to which the
23 system is properly designed to ensure that the fees
24 charged to occupants of facilities guarded by the
25 agency are sufficient and appropriate;

1 (3) an assessment of the extent to which the
2 fee-based system impedes the agency from executing
3 its operations and implementing oversight, inspec-
4 tions, and security enhancements; and

5 (4) recommendations, as appropriate, for alter-
6 ations to the current system and alternative funding
7 approaches (including a mix of fees and appropria-
8 tions).

