

**STATEMENT OF SENATOR JOSEPH LIEBERMAN ON INTRODUCTION OF
THE SECURE FACILITIES ACT OF 2010**

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators Collins, Akaka, and Voinovich today to introduce the bipartisan SECURE Facilities Act of 2010 – legislation that would modernize and reform an important but often overlooked agency within the Department of Homeland Security (DHS): the Federal Protective Service (FPS).

FPS – with just 1,200 full time employees and approximately 15,000 contract guards - is responsible for security at 9,000 federal buildings across the land. That mission, unfortunately, is in grave peril –due to severe budget shortfalls, mismanagement, and multiple operational challenges. That’s why we are introducing legislation today to reform the agency, provide it with adequate resources, strengthen its management capabilities, and help it function at a higher level so it can protect visitors and employees at federal buildings across this country more effectively.

Let me provide some background. When FPS was folded into DHS in 2003, it lost access to supplemental funding from its previous parent agency – the General Services Administration. FPS immediately ran into trouble. It had difficulty paying its bills, budget cuts hurt employee training and other important functions, and personnel cuts negatively affected the agency’s performance. All this occurred even as the agency was given more responsibilities, and the Administration was trying to downsize the FPS workforce by one-third.

To assist us in our oversight of the agency, Senators Collins, Akaka, Voinovich, and I asked the Government Accountability Office (GAO) in February 2007 to initiate a comprehensive review of the FPS. GAO reported to Congress eight times between 2004 and 2010 on the financial and management challenges at FPS, and made 32 recommendations for improvement, some of which FPS adopted.

What did GAO find? Unfortunately, it found a seriously dysfunctional agency that lacked much, if any, focus or strategy for accomplishing its mission- where guards were caught sleeping on the job, and GAO investigators were able to successfully smuggle bomb-making ingredients past security to build an explosive device in a restroom and then stroll around the building undetected. GAO's review concluded that contract guards lacked adequate training, FPS personnel suffered from low morale, oversight of the contract guards was poor, and that many of the standards that guide federal building security and guard behavior are outdated.

The SECURE Facilities Act of 2010 addresses these shortcomings and incorporates recommendations from GAO. For the first time, we would formally authorize the Federal Protective Service and the interagency government body responsible for establishing security standards for all federal facilities, the Interagency Security Committee. Our legislation also addresses four major challenges:

First, the bill ensures that FPS has sufficient personnel to carry out its mission. Though the agency has assumed increased responsibilities since it joined DHS, it has done so with fewer personnel.

Second, our legislation tackles deficiencies within the contract guard program. FPS contract guards are the first line of defense at federal facilities, so we must ensure they are held to a high standard and are prepared and equipped to face the many different kinds of threats federal buildings are vulnerable to.

Third, the bill ensures the FPS is focused and prepared to address the threat of explosives. The 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City drew our attention to this threat, but FPS has been slow to deploy sufficient countermeasures to detect and deter this type of attack.

Fourth, our bill is mindful of the delicate balance between public access and security. We have worked to ensure that the emphasis on securing federal facilities remains on security but we also support avenues of appeal if a building tenant believes a security countermeasure unduly hinders public access. If the Federal Protective Service is to be held accountable – by Congress, the Administration, and the American people – it should no longer be forced to defend federal agencies that choose to implement less costly and potentially less effective security countermeasures for buildings.

Our bill would provide additional funding for the agency by directing OMB to adjust the building security fees paid by other agencies to ensure adequate funding for FPS. We would provide sufficient resources so that FPS can hire 500 full time employees over the next four years. We would also ensure that FPS never employs fewer than 1,200 full time employees at any point - a conservative number that may well require an increase over time.

While many of those additional 500 new employees will be law enforcement officers, the legislation also provides FPS with the flexibility to hire additional administrative and support personnel, allowing it to improve its overall management, strengthen its oversight of contract guards, monitor contractor performance, and share contract assessments throughout the agency. The legislation also provides federal law enforcement retirement benefits to FPS officers, to help the agency recruit and retain quality personnel.

The bill further would require the FPS to maintain overt and covert testing programs to assess the training of guards, the security of federal facilities, and to establish procedures for retraining or terminating ineffective guards. The bill ensures the basic documents outlining a security guard's general and specific responsibilities, the Security Guard Information Manual, and their post orders, are up to date and periodically reviewed.

We would require DHS to establish performance-based standards for checkpoint detection technologies for explosives and other threats at federal facilities. It would allow FPS officers to carry firearms off duty, as most other federal law enforcement officers can, allowing them to respond to incidents more quickly. Finally, the bill includes several reporting requirements, including one on agency personnel needs, one on retention rates of contract guards, and another looking at the feasibility of federalizing the contract guard workforce.

We are deeply indebted to the excellent work of GAO which we highlighted in a July 8, 2009, Homeland Security and Governmental Affairs Committee hearing. At the hearing, GAO unveiled the results of its year-long investigation conducted at the Committee's request. GAO visited six of 11 FPS regions throughout the country and observed the guard inspection process; interviewed regional managers, inspectors, guards and contract guard managers; met with representatives from security guard companies; analyzed guard contract requirements, guard training and certification requirements, and guard instruction documents.

GAO found that the security provided at federal buildings by FPS personnel and contract security guards fell well short of what we expect of them. Some guards lacked basic security or x-ray machine training. The FPS was hard pressed to identify which guards were qualified or effective, leading to several embarrassing incidents. One guard used a government computer to run an adult website during his shift, while another inattentive guard allowed a baby in a carrier to pass through an X-ray machine. A third guard was photographed asleep at his station.

GAO's special investigations unit conducted its own covert tests at ten high security federal facilities in several different cities. Using readily available components to make a liquid-based improvised explosive device, they smuggled the components through security, manufactured a bomb in a public restroom, and then moved throughout the federal building

undetected. Some of the buildings tested by GAO investigators house district offices for our colleagues right here in the House and Senate. I note, however, that while the components were real, the actual explosive liquids were diluted to ensure the bomb was not functional.

Based on the Committee's and GAO's oversight work over the past several years, it is clear that Congress must move quickly to address the remaining security vulnerabilities associated with our federal buildings.

I am confident that this comprehensive, bipartisan legislation will foster meaningful reform, modernize the Federal Protective Service, and improve the security of our federal facilities across the country. I urge my colleagues to support the bill and I thank Senator Collins, Senator Akaka, Senator Voinovich and their hardworking staffs for all that they've done on this issue so we could introduce this bill today. Thank you.

I ask unanimous consent that the full text of the bill be printed in the record.