

**Hearing: “The Navy Yard Tragedy:
Examining Physical Security at Federal Facilities”**

Opening Statement of Dr. Tom A. Coburn, Ranking Member

Thank you Chairman Carper for continuing this series of important hearings in wake of the Washington Navy Yard shooting, today our focus is on Physical Security at Federal Facilities. Good morning to you witnesses and thank you for being here today. Assistant Secretary Durkovich and Director Patterson, it is very good to have you here and I look forward to hearing your perspective on the security of our Federal Facilities. Director Lewis, welcome back to our committee. Your testimony at our first Navy Yard hearing was appreciated and I look forward to hearing about how your agency has responded since you were last here.

We have to remember the families, co-workers and friends of the innocent men and women were lost during the Navy Yard shooting and the many tragedies before it. What happened here, back in September was a tragedy and we must learn from it. It highlights the need to be ever-vigilant in ensuring that we have effective policies and procedures in place, to ensure individuals at federal facilities are indeed safe. The first hearing in this series exposed several shortcomings in the existing security clearance process and how government agencies and Congress can work together to be more effective. I anticipate this will be the case today, and by working together we have the ability to enhance the security of all of our Federal facilities.

On April 19, 1995, we learned just how vulnerable our federal facilities are when the Murrah Building in Oklahoma City when a truck bomb killed 168 innocent people and injured more than 600. That terrible attack was the catalyst for the federal government to begin looking more closely at the need to secure our federal facilities. Following the 1995 bombing, the Clinton administration established the Interagency Security Committee with a mission of enhancing the quality and effectiveness of physical security at non-military federal facilities. In 2003, this responsibility was transferred to the Department of Homeland Security. And DHS’s component, the Federal Protective Service (FPS), took the lead for the protection and security of federally-owned and leased facilities.

After 10 years, it is clear that FPS is not achieving its mission effectively—and our federal facilities in danger as a result. The Government Accountability Office has identified numerous problems in FPS. According to 2010 and 2013 GAO reports, FPS has struggled to ensure that its contracted security officers have necessary training and certifications. For example, GAO found that one contact security company that FPS uses reported that 38 percent of its guards never received their initial X-ray and magnetometer training from FPS, and some of these contracted security officers were working at screening posts. In September, GAO reported that FPS is not providing all of its officers with training for active shooter incidents. That is to say, FPS’s contracted security officers are not prepared for the worst-case-scenario events like the Navy Yard tragedy that we are focusing on today. In all, GAO has made 26 recommendations for FPS

since 2010, and only four have been acted on (not yet implemented). I look forward to hearing from GAO today and from the agency about how we can get these recommendations implemented.

The most alarming example of the FPS' problems comes from the DHS inspector general's office. In August 2012, the DHS OIG issued a report on an incident that occurred at the Patrick V. McNamara Federal Building in Detroit, Michigan. FPS' contracted security officers found a bag outside of the federal building and brought it inside. The bag contained an Improvised Explosive Device (IED). The contracted security officers put the bag through the X-ray machine—which they apparently didn't know how to use—and also examined the bag's contents. And they could not discover the IED. It was only identified after the bag was stored under a security console for 21 days. Thankfully, during those three weeks, the IED did not go off. And it is unclear this incident was a malicious attack that failed or a test to show the problem. Either way, it is alarming. If this kind of incident can happen, can we really be 100 percent confident that our federal buildings are safe when FPS is in charge of securing them?

We recognize that securing federal buildings is a responsibility that is spread across the federal government. The responsibility for the security of federal facilities is shared by numerous agencies, they include: CIA, DOD, FPS, State Department, Security Protective Service and uniformed law enforcement officers. We know that our DoD facilities are under the threat of attack—from the Navy Yard Incident to the Fort Hood attack in 2009—as are our embassies and State Department facilities overseas. We should be working together, using the same security standards, accessing the same training and using similar mechanisms for oversight. For example, I have a question about our current policies for combating an active shooter in a Federal facility:

1. Is it consistent among all Federal Agencies?
2. Are we using the “Best Practices” from the private sector?
3. Are these Federal Agencies, who use some of the same contracted security companies, sharing information with each other?

I will focus my attention on DHS and the Federal Protective Service, because that is a focus of our Committee's jurisdiction and we need to hold the Department accountable. This year, our Committee has held hearings looking at key areas of the DHS mission and it seems that wherever we look in DHS we identify big problems and challenges that the Department needs to fix. We know that the overwhelming majority of DHS's employees are dedicated public servants, trying to do a good job. Many of them are putting their lives on the line each day to keep us safe. So we don't say this to unfairly criticize them. While we have seen some areas of improvement in DHS, all-too-often we see that DHS is failing to accomplish many of its core missions.

For DHS to be a successful department, it needs to effectively carry-out its core responsibilities, like protecting non-military federal facilities through the FPS. After a decade, the Department continues to struggle to excel in areas where it has a clear responsibility. We have spent some of

the past year discussing new responsibilities that the Department and Administration want to give to DHS. For example, we know they want more responsibility for cyber security including becoming the lead on cyber security for FISMA for the whole federal government. However, we continue to see including from a recent DHS OIG report that the Department struggles with its own cyber security and information security practices. We know that the administration is working to give DHS more responsibility for cyber security and critical infrastructure, but we continue to see DHS struggle with other missions to oversee and protect critical infrastructure. For example, despite spending a half a billion on the CFATS program since 2007, DHS has not succeeded in making our nation's chemical facilities measurably more secure. The best way that DHS can earn the American people's confidence is by succeeding with the responsibilities that they have already been given, like securing federal facilities.

I know that it's the Secretary's first day on the job today, but if Secretary Johnson is following this hearing today, I hope he will recognize the need to fix programs like the Federal Protective Service. I was proud to support his nomination and think he will be a great Secretary. I know that there is a lot of work on his plate, but I really hope that he is following this hearing today and that he will make strengthening the Federal Protective Service a priority for his tenure. The American people and our federal workforce are counting on DHS and the FPS to make us safe.

Again, I'd like to thank our witnesses for being here today and look forward to this important discussion.