



**United States Senate**  
**Committee on Homeland Security and Governmental Affairs**  
Chairman Joseph I. Lieberman, ID-Conn.

Opening Statement for Chairman Joseph Lieberman  
Markup  
Homeland Security and Governmental Affairs Committee  
Sept. 29, 2010  
**As Prepared for Delivery**

The first item on our agenda today is S. 3806, a bipartisan bill sponsored by Senators Collins, Akaka, Voinovich and I, for the purpose of securing federal facilities across the United States. This legislation would modernize and reform an important but often overlooked agency within the Department of Homeland Security (DHS): the Federal Protective Service (FPS).

The FPS – with just 1,200 full time employees and approximately 15,000 contract guards - is responsible for the security of employees and visitors at 9,000 federal buildings across the country. That mission is now in grave peril due to severe budget shortfalls, mismanagement, and multiple operational challenges.

In February 2007, the Committee asked the Government Accountability Office (GAO) 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.

The GAO found a seriously dysfunctional agency that lacked much, if any, focus or strategy for accomplishing its mission. GAO investigators found guards sleeping on the job, and investigators successfully smuggled bomb-making ingredients past security to build an explosive device and move about the building undetected. GAO concluded that contract guards lacked adequate training, FPS personnel suffered from low morale, oversight of the contract guards was poor, and many of the standards that guide federal building security and guard behavior were outdated.

In the last two years, DHS has moved forward to correct some of FPS's problems, and many of GAO's recommendations have been adopted. But the agency remains troubled and needs help to keep it from failing. Our bill would provide that help.

The SECURE Facilities Act of 2010 addresses four major challenges:

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

Second, our legislation tackles deficiencies within the contract guard program. FPS contract guards are the first line of defense at federal facilities, so they must be held to high standards, and they must be well prepared and equipped to face the variety of threats to which federal buildings are vulnerable.

Third, the bill would ensure the FPS is focused and prepared to address the threat of explosives. Fifteen years after the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City, which killed 167 people, FPS still has not deployed sufficient countermeasures to detect and deter explosives and explosive attacks.

Fourth, we understand the delicate balance between public access and security. We have drafted this bill to emphasize the security of federal facilities but we also support avenues of appeal if a building tenant thinks certain security countermeasure unduly hinder public access.

Our hope is that this comprehensive, bipartisan legislation will lead to meaningful reform and modernization of FPS so that the thousands of workers and visitors to federal building across the nation are kept safe.

Senator Collins, Senator Akaka, Senator Voinovich and I have a substitute amendment – which incorporates suggestions we received from the Department of Homeland Security, the General Services Administration, the Courts, federal employees groups, representatives of the companies that provide contract security guards to the FPS and privacy and civil liberties advocates – that I would like to introduce at this time. The substitute makes a number of technical and clarifying edits to the underlying bill, such as clarifying the role the U.S. Marshals will continue to have in securing federal courthouses.

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 mark up this bill today.