

112TH CONGRESS
1ST SESSION

S. _____

To protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service.

IN THE SENATE OF THE UNITED STATES

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service.

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Supporting Employee
3 Competency and Updating Readiness Enhancements for
4 Facilities Act of 2011” or the “SECURE Facilities Act
5 of 2011”.

6 SEC. 2. DEFINITIONS.

7 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate;

6 (B) the Committee on Appropriations of
7 the Senate;

8 (C) the Committee on Homeland Security
9 of the House of Representatives;

10 (D) the Committee on Transportation and
11 Infrastructure of the House of Representatives;
12 and

13 (E) the Committee on Appropriations of
14 the House of Representatives.

15 (2) DIRECTOR.—The term “Director” means
16 the Director of the Federal Protective Service.

17 (3) FACILITY USED FOR ACTIVITIES COVERED
18 UNDER THE ATOMIC ENERGY ACT OF 1954.—The
19 term “facility used for activities covered under the
20 Atomic Energy Act of 1954” means—

21 (A) the Albuquerque National Nuclear Se-
22 curity Administration Service Center;

23 (B) the Brookhaven National Laboratory
24 and Brookhaven Site Office;

1 (C) the Argonne National Laboratory, the
2 Argonne Site Office and the Chicago Service
3 Center;

4 (D) the Department of Energy Office of
5 Secure Transportation, and associated field lo-
6 cations;

7 (E) the Idaho National Laboratory and the
8 Idaho Site Office;

9 (F) the Kansas City Plant and the Kansas
10 City Site Office;

11 (G) the Pittsburgh Naval Reactors Office,
12 Bettis Atomic Power Laboratory, Idaho Naval
13 Reactors Facility, and the Knolls Atomic Power
14 Laboratory;

15 (H) the Nevada Site Office and the Ne-
16 vada National Security Site;

17 (I) the Los Alamos National Laboratory
18 and the Los Alamos Site Office;

19 (J) the Lawrence Livermore National Lab-
20 oratory and Lawrence Livermore Site Office;

21 (K) the National Energy Technology Lab-
22 oratory;

23 (L) the Oak Ridge National Laboratory,
24 Department of Energy Oak Ridge Office, and

1 the Department of Energy East Tennessee
2 Technology Park;

3 (M) the Pantex Plant and Pantex Site Of-
4 fice;

5 (N) the Portsmouth Gaseous Diffusion
6 Plant and Paducah Gaseous Diffusion Plant;

7 (O) the Richland Operations Office and
8 Hanford Site;

9 (P) the Sandia National Laboratories and
10 Sandia Site Office;

11 (Q) the Strategic Petroleum Reserve
12 Project Office and the Strategic Petroleum Re-
13 serve Sites;

14 (R) the Savannah River Plant and the De-
15 partment of Energy Office of Environmental
16 Management's Savannah River Site Office;

17 (S) the Savannah River National Labora-
18 tory;

19 (T) the National Nuclear Security Admin-
20 istration's National Savannah River Site Office,
21 the Tritium Extraction Facility and Mixed
22 Oxide Fuel Fabrication Facility;

23 (U) the Waste Isolation Pilot Plant; and

1 (V) the National Nuclear Security Admin-
2 istration’s Y-12 Site Office and the Y-12 Na-
3 tional Security Complex.

4 (4) FEDERAL FACILITY.—The term “Federal
5 facility”—

6 (A) means any building and grounds and
7 all property located in or on that building and
8 grounds, that are owned, occupied or secured by
9 the Federal Government, including any agency,
10 instrumentality or wholly owned or mixed-own-
11 ership corporation of the Federal Government;
12 and

13 (B) does not include—

14 (i) any building, grounds, or property
15 used for military activities; or

16 (ii) any facility used for activities cov-
17 ered under the Atomic Energy Act of 1954
18 (42 U.S.C. 2011 et seq.).

19 (5) FEDERAL PROTECTIVE SERVICE OFFICER.—
20 The term “Federal protective service officer”—

21 (A) has the meaning given under sections
22 8331 and 8401 of title 5, United States Code;
23 and

24 (B) includes any other employee of the
25 Federal Protective Service designated as a Fed-

1 “(B) the Committee on Appropriations of
2 the Senate;

3 “(C) the Committee on Homeland Security
4 of the House of Representatives;

5 “(D) the Committee on Transportation
6 and Infrastructure of the House of Representa-
7 tives; and

8 “(E) the Committee on Appropriations of
9 the House of Representatives.

10 “(3) DIRECTOR.—The term ‘Director’ means
11 the Director of the Federal Protective Service.

12 “(4) FACILITY SECURITY LEVEL.—The term
13 ‘facility security level’—

14 “(A) means a rating of each Federal facil-
15 ity based on the analysis of several facility fac-
16 tors that provides a basis for that facility’s
17 attractiveness as a target and potential effects
18 or consequences of a criminal or terrorist at-
19 tack, which then serves as a basis for the imple-
20 mentation of certain levels of security protec-
21 tion; and

22 “(B) is determined by the Federal Protec-
23 tive Service, the United States Marshals Service
24 under section 566 of title 28, United States
25 Code, or another agency authorized to provide

1 all protective services for a facility under the
2 provisions of section 263 and guided by Inter-
3 agency Security Committee standards.

4 “(5) FACILITY USED FOR ACTIVITIES COVERED
5 UNDER THE ATOMIC ENERGY ACT OF 1954.—The
6 term ‘facility used for activities covered under the
7 Atomic Energy Act of 1954’ means—

8 “(A) the Albuquerque National Nuclear
9 Security Administration Service Center;

10 “(B) the Brookhaven National Laboratory
11 and Brookhaven Site Office;

12 “(C) the Argonne National Laboratory, the
13 Argonne Site Office and the Chicago Service
14 Center;

15 “(D) the Department of Energy Office of
16 Secure Transportation, and associated field lo-
17 cations;

18 “(E) the Idaho National Laboratory and
19 the Idaho Site Office;

20 “(F) the Kansas City Plant and the Kan-
21 sas City Site Office;

22 “(G) the Pittsburgh Naval Reactors Office,
23 Bettis Atomic Power Laboratory, Idaho Naval
24 Reactors Facility, and the Knolls Atomic Power
25 Laboratory;

1 “(H) the Nevada Site Office and the Ne-
2 vada National Security Site;

3 “(I) the Los Alamos National Laboratory
4 and the Los Alamos Site Office;

5 “(J) the Lawrence Livermore National
6 Laboratory and Lawrence Livermore Site Of-
7 fice;

8 “(K) the National Energy Technology
9 Laboratory;

10 “(L) the Oak Ridge National Laboratory,
11 Department of Energy Oak Ridge Office, and
12 the Department of Energy East Tennessee
13 Technology Park;

14 “(M) the Pantex Plant and Pantex Site
15 Office;

16 “(N) the Portsmouth Gaseous Diffusion
17 Plant and Paducah Gaseous Diffusion Plant;

18 “(O) the Richland Operations Office and
19 Hanford Site;

20 “(P) the Sandia National Laboratories and
21 Sandia Site Office;

22 “(Q) the Strategic Petroleum Reserve
23 Project Office and the Strategic Petroleum Re-
24 serve Sites;

1 “(R) the Savannah River Plant and the
2 Department of Energy Office of Environmental
3 Management’s Savannah River Site Office;

4 “(S) the Savannah River National Labora-
5 tory;

6 “(T) the National Nuclear Security Ad-
7 ministration’s National Savannah River Site
8 Office, the Tritium Extraction Facility and
9 Mixed Oxide Fuel Fabrication Facility;

10 “(U) the Waste Isolation Pilot Plant; and

11 “(V) the National Nuclear Security Ad-
12 ministration’s Y-12 Site Office and the Y-12
13 National Security Complex.

14 “(6) FEDERAL FACILITY.—The term ‘Federal
15 facility’—

16 “(A) means any building and grounds and
17 all property located in or on that building and
18 grounds, that are owned, occupied or secured by
19 the Federal Government, including any agency,
20 instrumentality or wholly owned or mixed-own-
21 ership corporation of the Federal Government;
22 and

23 “(B) does not include—

24 “(i) any building, grounds, or prop-
25 erty used for military activities; or

1 “(ii) any facility used for activities
2 covered under the Atomic Energy Act of
3 1954 (42 U.S.C. 2011 et seq.).

4 “(7) FEDERAL FACILITY PROTECTED BY THE
5 FEDERAL PROTECTIVE SERVICE.—The term ‘Federal
6 facility protected by the Federal Protective Serv-
7 ice’—

8 “(A) means those facilities owned or leased
9 by the General Services Administration, and
10 other facilities at the discretion of the Sec-
11 retary; and

12 “(B) does not include any facility, or por-
13 tion thereof, which the United States Marshals
14 Service is responsible for under section 566 of
15 title 28, United States Code.

16 “(8) FEDERAL PROTECTIVE SERVICE OFFI-
17 CER.—The term ‘Federal protective service offi-
18 cer’—

19 “(A) has the meaning given under sections
20 8331 and 8401 of title 5, United States Code;
21 and

22 “(B) includes any other employee of the
23 Federal Protective Service designated as a Fed-
24 eral protective service officer authorized to

1 carry firearms and make arrests by the Sec-
2 retary.

3 “(9) INFRASTRUCTURE SECURITY CANINE
4 TEAM.—The term ‘infrastructure security canine
5 team’ means a certified canine and a Federal protec-
6 tive service officer that are trained to detect explo-
7 sives or other threats as defined by the Secretary.

8 “(10) IN-SERVICE FIELD STAFF.—The term ‘in-
9 service field staff’ means Federal Protective Service
10 law enforcement officers who, while working, are di-
11 rectly engaged on a daily basis protecting and en-
12 forcing law at Federal facilities, including police offi-
13 cers, inspectors, area commanders and special
14 agents, and such other equivalent positions as des-
15 ignated by the Secretary.

16 “(11) SECURITY ORGANIZATION.—The term
17 ‘security organization’ means an agency or an inter-
18 nal agency component responsible for security at a
19 specific Federal facility.

20 **“SEC. 242. ESTABLISHMENT.**

21 “(a) ESTABLISHMENT.—There is established the
22 Federal Protective Service within the Department.

23 “(b) MISSION.—The mission of the Federal Protec-
24 tive Service is to render Federal facilities protected by the

1 Federal Protective Service safe and secure for Federal em-
2 ployees, contract employees, officers, and visitors.

3 “(c) DIRECTOR.—The head of the Federal Protective
4 Service shall be the Director of the Federal Protective
5 Service. The Director shall report to the Under Secretary
6 for the National Protection and Programs Directorate.

7 “(d) DUTIES AND POWERS OF THE DIRECTOR.—

8 “(1) IN GENERAL.—Subject to the supervision
9 and direction of the Secretary, the Director shall be
10 responsible for the management and administration
11 of the Federal Protective Service and the employees
12 and programs of the Federal Protective Service.

13 “(2) PROTECTION.—The Director shall secure
14 Federal facilities which are protected by the Federal
15 Protective Service, and safeguard all occupants, in-
16 cluding Federal employees, contract employees, offi-
17 cers, and visitors.

18 “(3) ENFORCEMENT POLICY.—The Director
19 shall establish and direct the policies of the Federal
20 Protective Service, and advise the Under Secretary
21 for the National Protection and Programs Direc-
22 torate on policy matters relating to the protection of
23 Federal facilities.

24 “(4) TRAINING.—The Director shall—

1 “(A) determine the minimum level of train-
2 ing or certification for—

3 “(i) employees of the Federal Protec-
4 tive Service; and

5 “(ii) armed contract security guards
6 at Federal facilities protected by the Fed-
7 eral Protective Service; and

8 “(B) provide training, to members of a Fa-
9 cility Security Committee that meets the stand-
10 ards established by the Interagency Security
11 Committee.

12 “(5) INVESTIGATIONS.—The Director shall en-
13 sure violations of any Federal law affecting the secu-
14 rity of Federal facilities protected by the Federal
15 Protective Service are investigated and referred for
16 prosecution as appropriate.

17 “(6) INSPECTIONS.—The Director shall inspect
18 Federal facilities protected by the Federal Protective
19 Service for the purpose of determining compliance
20 with Federal security standards and making appro-
21 priate risk mitigation recommendations.

22 “(7) PERSONNEL.—The Director shall provide
23 adequate numbers of trained personnel to ensure
24 Federal security standards are met.

1 “(8) INFORMATION SHARING.—The Director
2 shall provide crime prevention, threat awareness,
3 and intelligence information to the Administrator of
4 General Services and tenants of Federal facilities.
5 The Director shall ensure effective coordination and
6 liaison with other Federal law enforcement agencies
7 and State and local law enforcement agencies.

8 “(9) PATROL.—The Director shall ensure areas
9 in and around Federal facilities protected by the
10 Federal Protective Service are patrolled by Federal
11 Protective Service officers.

12 “(10) SECURITY ASSESSMENT.—The Director
13 shall ensure a security risk assessment is conducted
14 for each Federal facility protected by the Federal
15 Protective Service on a recurring basis and in ac-
16 cordance with standards established by the Inter-
17 agency Security Committee.

18 “(11) EMERGENCY PLAN ASSISTANCE.—The
19 Director shall—

20 “(A) ensure each Federal facility protected
21 by the Federal Protective Service has adequate
22 plans for emergency situations;

23 “(B) provide technical assistance to agen-
24 cies that are the tenant of a Federal facility
25 protected by the Federal Protective Service in

1 developing plans described in subparagraph (A);
2 and

3 “(C) ensure plans described in subpara-
4 graph (A) are exercised in accordance with
5 standards established by the Interagency Secu-
6 rity Committee.

7 “(12) SECURITY COUNTERMEASURES.—The Di-
8 rector shall ensure and supervise the effective de-
9 sign, procurement, installation, maintenance, and
10 operation of security countermeasures (including
11 armed contract guards, electronic physical security
12 systems, and weapons and explosives screening de-
13 vices) for Federal facilities protected by the Federal
14 Protective Service.

15 “(13) SUITABILITY ADJUDICATION OF GUARDS
16 AND BUILDING SERVICE CONTRACTORS.—The Direc-
17 tor shall ensure that—

18 “(A) background investigations are con-
19 ducted for contract guards and building service
20 contractors; and

21 “(B) each contract guard and building
22 service contractor is suitable for work in a Fed-
23 eral facility protected by the Federal Protective
24 Service before being granted unescorted or re-
25 curring access.

1 “(14) PROTECTIVE SERVICE GUARD CON-
2 TRACTING.—The Director shall be responsible for all
3 protective service guard contracting requirements for
4 those facilities owned or leased by the General Serv-
5 ices Administration, and other facilities at the dis-
6 cretion of the Secretary.

7 “(15) ASSISTANCE TO FACILITY SECURITY COM-
8 MITTEES.—The Director shall ensure coordination
9 with and provide assistance to Facility Security
10 Committees on matters relating to facilities, facility
11 vulnerabilities, and potential consequences of an in-
12 cident.

13 **“SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIRE-**
14 **MENTS.**

15 “(a) IN GENERAL.—The Secretary shall ensure that
16 the Federal Protective Service maintains not fewer than
17 1,371 full-time equivalent employees, including not fewer
18 than 950 in-service field staff in fiscal year 2012.

19 “(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE
20 LEVEL.—

21 “(1) IN GENERAL.—The Secretary shall ensure
22 that the Federal Protective Service shall maintain at
23 any time not fewer than 1,200 full-time equivalent
24 employees, including not fewer than 900 in-service
25 field staff.

1 “(2) REPORT.—In any fiscal year after fiscal
2 year 2012 in which the number of full-time equiva-
3 lent employees of the Federal Protective Service is
4 fewer than the number of full-time equivalent em-
5 ployees of the Federal Protective Service in the pre-
6 vious fiscal year, the Secretary shall submit a report
7 to the appropriate congressional committees that
8 provides—

9 “(A) an explanation of the decrease in full-
10 time equivalent employees; and

11 “(B) a revised model of the number of full-
12 time equivalent employees projected for future
13 fiscal years.

14 **“SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.**

15 “(a) ARMED GUARD TRAINING REQUIREMENTS.—

16 “(1) ESTABLISHMENT.—Not later than 180
17 days after the date of enactment of the Supporting
18 Employee Competency and Updating Readiness En-
19 hancements for Facilities Act of 2011, the Director
20 shall establish minimum training requirements for
21 all armed guards procured by the Federal Protective
22 Service.

23 “(2) REQUIREMENTS.—Training requirements
24 under this subsection shall include—

1 “(A) at least 80 hours of instruction before
2 a guard may be deployed, and at least 16 hours
3 of recurrent training on an annual basis there-
4 after; and

5 “(B) Federal Protective Service monitoring
6 or provision of the initial training of armed
7 guards procured by the Federal Protective
8 Service of —

9 “(i) at least 10 percent of the hours
10 of required instruction in fiscal year 2011;

11 “(ii) at least 15 percent of the hours
12 of required instruction in fiscal year 2012;

13 “(iii) at least 20 percent of the hours
14 of required instruction in fiscal year 2013;

15 and

16 “(iv) at least 25 percent of the hours
17 of required instruction in fiscal year 2014

18 and each fiscal year thereafter.

19 “(b) TRAINING AND SECURITY ASSESSMENT PRO-
20 GRAM.—

21 “(1) ESTABLISHMENT.—Not later than 180
22 days after the date of enactment of the Supporting
23 Employee Competency and Updating Readiness En-
24 hancements for Facilities Act of 2011, the Director
25 shall establish a program to periodically assess—

1 “(A) the training of guards for the security
2 and protection of Federal facilities protected by
3 the Federal Protective Service; and

4 “(B) the security of Federal facilities pro-
5 tected by the Federal Protective Service.

6 “(2) PROGRAM.—The program under this sub-
7 section shall include an assessment of—

8 “(A) methods to test the training and cer-
9 tifications of guards;

10 “(B) a remedial training program for
11 guards;

12 “(C) procedures for taking personnel ac-
13 tions, including processes for removing individ-
14 uals who fail to conform to the training or per-
15 formance requirements of the contract; and

16 “(D) an overt and covert testing program
17 for the purposes of assessing guard perform-
18 ance and other facility security counter-
19 measures.

20 “(3) REPORTS.—The Secretary shall annually
21 submit a report to the appropriate congressional
22 committees, in a classified manner, if necessary, on
23 the results of the assessment of the overt and covert
24 testing program of the Federal Protective Service.

1 “(c) REVISION OF GUARD MANUAL AND POST OR-
2 DERS.—

3 “(1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of the Supporting Em-
5 ployee Competency and Updating Readiness En-
6 hancements for Facilities Act of 2011, the Director,
7 in consultation with the Administrator of General
8 Services, shall—

9 “(A) update the Security Guard Informa-
10 tion Manual and post orders for each guard
11 post overseen by the Federal Protective Service;
12 or

13 “(B) certify to the Secretary that the Se-
14 curity Guard Information Manual and post or-
15 ders described under subparagraph (A) have
16 been updated during the 1-year period pre-
17 ceding the date of enactment of the Supporting
18 Employee Competency and Updating Readiness
19 Enhancements for Facilities Act of 2011.

20 “(2) REVIEW AND UPDATE.—Beginning with
21 the first calendar year following the date of enact-
22 ment of the Supporting Employee Competency and
23 Updating Readiness Enhancements for Facilities Act
24 of 2011, and every 2 years thereafter, the Director
25 shall review and update the Security Guard Informa-

1 tion Manual and post orders for each guard post
2 overseen by the Federal Protective Service.

3 “(d) DATABASE OF GUARD SERVICE CONTRACTS.—
4 The Director shall establish a database to monitor all con-
5 tracts for guard services. The database shall include infor-
6 mation relating to contract performance.

7 **“SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.**

8 “(a) IN GENERAL.—

9 “(1) INCREASED CAPACITY.—Not later than
10 180 days after the date of enactment of the Sup-
11 porting Employee Competency and Updating Readiness
12 Enhancements for Facilities Act of 2011, the
13 Director shall—

14 “(A) begin to increase the number of infra-
15 structure security canine teams certified by the
16 Federal Protective Service for the purposes of
17 infrastructure-related security by up to 15 ca-
18 nine teams in each of fiscal years 2012 through
19 2015; and

20 “(B) encourage State and local govern-
21 ments and private owners of high-risk facilities
22 to strengthen security through the use of highly
23 trained infrastructure security canine teams.

24 “(2) INFRASTRUCTURE SECURITY CANINE
25 TEAMS.—To the extent practicable, the Director

1 shall increase the number of infrastructure security
2 canine teams by—

3 “(A) partnering with the Customs and
4 Border Protection Canine Enforcement Pro-
5 gram and the Canine Training Center Front
6 Royal, the Transportation Security Administra-
7 tion’s National Explosives Detection Canine
8 Team Training Center, or other offices or agen-
9 cies within the Department with established ca-
10 nine training programs;

11 “(B) partnering with agencies, State or
12 local government agencies, nonprofit organiza-
13 tions, universities, or the private sector to in-
14 crease the training capacity for canine detection
15 teams; or

16 “(C) procuring explosives detection canines
17 trained by nonprofit organizations, universities,
18 or the private sector, if the canines are trained
19 in a manner consistent with the standards and
20 requirements developed under subsection (b) or
21 other criteria developed by the Secretary.

22 “(b) STANDARDS FOR INFRASTRUCTURE SECURITY
23 CANINE TEAMS.—

24 “(1) IN GENERAL.—The Director, in coordina-
25 tion with the Office of Infrastructure Protection,

1 shall establish criteria, including canine training cur-
2 ricula, performance standards, and other require-
3 ments, necessary to ensure that infrastructure secu-
4 rity canine teams trained by nonprofit organizations,
5 universities, and private sector entities are ade-
6 quately trained and maintained.

7 “(2) EXPANSION.—In developing and imple-
8 menting the criteria, the Director shall—

9 “(A) coordinate with key stakeholders, in-
10 cluding international, Federal, State, and local
11 government officials, and private sector and
12 academic entities to develop best practice guide-
13 lines;

14 “(B) require that canine teams trained by
15 nonprofit organizations, universities, or private
16 sector entities that are used or made available
17 by the Secretary be trained consistent with the
18 criteria; and

19 “(C) review the status of the private sector
20 programs on at least an annual basis to ensure
21 compliance with the criteria.

22 “(c) DEPLOYMENT.—The Director—

23 “(1) shall use the additional canine teams in-
24 creased under subsection (a) to enhance security at
25 Federal facilities;

1 “(2) may use the additional canine teams in-
2 creased under subsection (a) on a more limited basis
3 to support other homeland security missions; and

4 “(3) may request canine teams from other
5 agencies within the Department—

6 “(A) for high-risk areas;

7 “(B) to address specific threats; or

8 “(C) on an as-needed basis.

9 “(d) CANINE PROCUREMENT.—The Director, shall
10 ensure that infrastructure security canine teams are pro-
11 cured as efficiently as possible and at the lowest cost,
12 while maintaining the needed level of quality.

13 **“SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STAND-**
14 **ARDS.**

15 “The Secretary, in coordination with the Interagency
16 Security Committee, shall develop performance-based
17 standards for checkpoint detection technologies for explo-
18 sives and other threats at Federal facilities protected by
19 the Federal Protective Service.

20 **“SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH**
21 **FEDERAL SECURITY STANDARDS.**

22 “(a) IN GENERAL.—The Secretary may assess secu-
23 rity charges to an agency that is the owner or the tenant
24 of a Federal facility protected by the Federal Protective
25 Service in addition to any security charge assessed under

1 section 248 for the costs of necessary security counter-
2 measures if—

3 “(1) the Secretary, in coordination with the
4 Interagency Security Committee, determines a Fed-
5 eral facility to be in noncompliance with Federal se-
6 curity standards established by the Interagency Se-
7 curity Committee or a final determination regarding
8 countermeasures made by the appeals board estab-
9 lished under section 262(h); and

10 “(2) the Interagency Security Committee or the
11 Director—

12 “(A) provided notice to that agency and
13 the Facility Security Committee of—

14 “(i) the noncompliance;

15 “(ii) the actions necessary to be in
16 compliance; and

17 “(iii) the latest date on which such ac-
18 tions need to be taken; and

19 “(B) the agency is not in compliance by
20 that date.

21 “(b) REPORT ON NONCOMPLIANT FACILITIES.—The
22 Secretary shall submit a report to the appropriate congres-
23 sional committees, in a classified manner if necessary, of
24 any facility determined to be in noncompliance with the

1 Federal security standards established by the Interagency
2 Security Committee.

3 **“SEC. 248. FEES FOR PROTECTIVE SERVICES.**

4 “(a) IN GENERAL.—The Secretary may assess and
5 collect fees and security charges from agencies for the
6 costs of providing protective services.

7 “(b) DEPOSIT OF FEES.—Any fees or security
8 charges paid under this section shall be deposited in the
9 appropriations account under the heading ‘FEDERAL PRO-
10 TECTIVE SERVICES’ under the heading ‘NATIONAL PRO-
11 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-
12 ment.

13 “(c) ADJUSTMENT OF FEES.—The Director of the
14 Office of Management and Budget shall adjust fees as
15 necessary to carry out this subtitle.

16 **“Subtitle F—Interagency Security**
17 **Committee**

18 **“SEC. 261. DEFINITIONS.**

19 “In this subtitle, the definitions under section 241
20 shall apply.

21 **“SEC. 262. INTERAGENCY SECURITY COMMITTEE.**

22 “(a) ESTABLISHMENT.—There is established within
23 the executive branch the Interagency Security Committee
24 (in this subtitle referred to as the ‘Committee’) responsible
25 for the development of safety and security standards and

1 best practices to mitigate the effects of natural and man-
2 made hazards in Federal facilities.

3 “(b) CHAIRPERSON.—The Committee shall be
4 chaired by the Secretary, or the designee of the Secretary.
5 The chairperson shall be responsible for the daily oper-
6 ations of the Committee and appeals board, final approval
7 and enforcement of Committee standards, and the promul-
8 gation of regulations related to Federal facility security
9 prescribed by the Committee.

10 “(c) MEMBERSHIP.—

11 “(1) VOTING MEMBERS.—The Committee shall
12 consist of the following voting members:

13 “(A) AGENCY REPRESENTATIVES.—Rep-
14 resentatives from the following agencies, ap-
15 pointed by the agency heads:

16 “(i) Department of Homeland Secu-
17 rity.

18 “(ii) Department of State.

19 “(iii) Department of the Treasury.

20 “(iv) Department of Defense.

21 “(v) Department of Justice.

22 “(vi) Department of the Interior.

23 “(vii) Department of Agriculture.

24 “(viii) Department of Commerce.

25 “(ix) Department of Labor.

1 “(x) Department of Health and
2 Human Services.

3 “(xi) Department of Housing and
4 Urban Development.

5 “(xii) Department of Transportation.

6 “(xiii) Department of Energy.

7 “(xiv) Department of Education.

8 “(xv) Department of Veterans Affairs.

9 “(xvi) Environmental Protection
10 Agency.

11 “(xvii) Central Intelligence Agency.

12 “(xviii) Office of Management and
13 Budget.

14 “(xix) General Services Administra-
15 tion.

16 “(B) OTHER OFFICERS.—The following
17 Federal officers or the designees of those offi-
18 cers:

19 “(i) The Director of the United States
20 Marshals Service.

21 “(ii) The Director.

22 “(iii) The Assistant to the President
23 for National Security Affairs.

24 “(C) JUDICIAL BRANCH REPRESENTA-
25 TIVES.—A representative from the judicial

1 branch appointed by the Chief Justice of the
2 United States.

3 “(2) ASSOCIATE MEMBERS.—The Committee
4 shall include as associate members who shall be non-
5 voting members, representatives from the following
6 agencies, appointed by the agency heads:

7 “(A) Federal Aviation Administration.

8 “(B) Federal Bureau of Investigation.

9 “(C) Federal Deposit Insurance Corpora-
10 tion.

11 “(D) Federal Emergency Management
12 Agency.

13 “(E) Federal Reserve Board.

14 “(F) Internal Revenue Service.

15 “(G) National Aeronautics and Space Ad-
16 ministration.

17 “(H) National Capital Planning Commis-
18 sion.

19 “(I) National Institute of Standards &
20 Technology.

21 “(J) Nuclear Regulatory Commission.

22 “(K) Office of Personnel Management.

23 “(L) Securities and Exchange Commission.

24 “(M) Social Security Administration.

25 “(N) United States Coast Guard.

1 “(O) United States Postal Service.

2 “(P) United States Army Corps of Engi-
3 neers.

4 “(Q) Court Services and Offender Super-
5 vision Agency.

6 “(R) Any other Federal officers as the
7 President shall appoint.

8 “(3) GOVERNMENT ACCOUNTABILITY OFFICE.—
9 The Comptroller General shall designate a represent-
10 ative to act as a liaison to the Committee.

11 “(d) WORKING GROUPS.—The Committee may estab-
12 lish interagency working groups to perform such tasks as
13 may be directed by the Committee.

14 “(e) CONSULTATION.—The Committee shall consult
15 with other parties, including the Administrative Office of
16 the United States Courts, to perform its responsibilities,
17 and, at the discretion of the Chairperson of the Com-
18 mittee, such other parties may participate in the working
19 groups.

20 “(f) MEETINGS.—The Committee shall at a minimum
21 meet quarterly.

22 “(g) RESPONSIBILITIES.—The Committee shall—

23 “(1) not later than 1 year after the date of en-
24 actment of the Supporting Employee Competency
25 and Updating Readiness Enhancements for Facili-

1 ties Act of 2011, propose regulations to the Sec-
2 retary for promulgation under section 1315(c)(1) of
3 title 40, United States Code—

4 “(A) for determining facility security lev-
5 els, unless the Committee determines that simi-
6 lar regulations are issued by the Secretary be-
7 fore the end of that 180-day period; and

8 “(B) to establish risk-based performance
9 standards for the security of Federal facilities,
10 unless the Committee determines that similar
11 regulations are issued by the Secretary before
12 the end of that 1-year period;

13 “(2) establish protocols for the testing of the
14 compliance of Federal facilities with Federal security
15 standards, including a mechanism for the initial and
16 recurrent testing of Federal facilities;

17 “(3) prescribe regulations to determine min-
18 imum levels of training and certification of contract
19 guards;

20 “(4) prescribe regulations to establish a list of
21 prohibited items for entry into Federal facilities;

22 “(5) establish minimum requirements and a
23 process for providing basic security training for
24 members of Facility Security Committees; and

1 “(6) take such actions as may be necessary to
2 enhance the quality and effectiveness of security and
3 protection of Federal facilities, including—

4 “(A) encouraging agencies with security
5 responsibilities to share security-related intel-
6 ligence in a timely and cooperative manner;

7 “(B) assessing technology and information
8 systems as a means of providing cost-effective
9 improvements to security in Federal facilities;

10 “(C) developing long-term construction
11 standards for those locations with threat levels
12 or missions that require blast resistant struc-
13 tures or other specialized security requirements;

14 “(D) evaluating standards for the location
15 of, and special security related to, day care cen-
16 ters in Federal facilities; and

17 “(E) assisting the Secretary in developing
18 and maintaining a secure centralized security
19 database of all Federal facilities; and

20 “(7) carry out such other duties as assigned by
21 the President.

22 “(h) APPEALS BOARD.—

23 “(1) ESTABLISHMENT.—The Committee shall
24 establish an appeals board to consider appeals from

1 any Facility Security Committee or the Director of
2 a—

3 “(A) facility security level determination;

4 “(B) Facility Security Committee decision
5 to disapprove a determination for necessary
6 countermeasures or physical security improve-
7 ments if the Director considered such a decision
8 a grave risk to the facility or its occupants; or

9 “(C) determination of noncompliance with
10 Federal facility security standards.

11 “(2) MEMBERSHIP.—

12 “(A) IN GENERAL.—The appeals board
13 shall consist of 7 members of the Committee, of
14 whom—

15 “(i) 1 shall be designated by the Sec-
16 retary;

17 “(ii) 4 shall be selected by the voting
18 members of the Committee; and

19 “(iii) 2 shall be selected by the voting
20 members of the Committee to serve as al-
21 ternates in the case of recusal by a mem-
22 ber of the appeals board.

23 “(B) RECUSAL.—An appeals board mem-
24 ber shall recuse himself or herself from any ap-

1 peal from an agency which that member rep-
2 resents.

3 “(3) FINAL APPEAL.—A decision of the appeals
4 board is final and shall not be subject to administra-
5 tive or judicial review.

6 “(i) AGENCY SUPPORT AND COOPERATION.—

7 “(1) ADMINISTRATIVE SUPPORT.—

8 “(A) IN GENERAL.—To the extent per-
9 mitted by law and subject to the availability of
10 appropriations, the Secretary shall provide the
11 Committee such administrative services, funds,
12 facilities, staff and other support services as
13 may be necessary for the performance of the
14 functions of the Committee under this subtitle.

15 “(B) AUTHORIZATION OF APPROPRIA-
16 TIONS.—There are authorized to be appro-
17 priated to the Department such sums as nec-
18 essary to carry out the provisions of this para-
19 graph.

20 “(2) COOPERATION AND COMPLIANCE.—

21 “(A) IN GENERAL.—Each agency shall co-
22 operate and comply with the policies, standards,
23 and determinations of the Committee.

24 “(B) SUPPORT.—To the extent permitted
25 by law and subject to the availability of appro-

1 “(A) an agency may submit an application
2 to the Secretary for an authorization;

3 “(B) an authorization shall be for a 2-year
4 period;

5 “(C) an authorization may be renewed;
6 and

7 “(D) not later than 60 days after an agen-
8 cy submits an application to the Secretary for
9 an authorization, the Secretary shall respond to
10 the agency; and

11 “(2) require an agency to—

12 “(A) demonstrate security expertise;

13 “(B) possess law enforcement authority;

14 “(C) provide sufficient information through
15 a security plan that the agency shall be in com-
16 pliance with the Federal security standards of
17 the Committee; and

18 “(D) submit a cost benefit analysis dem-
19 onstrating savings to be realized.

20 “(d) AUTHORIZATION FOR CERTAIN DEPARTMENT
21 OF ENERGY FACILITIES.—Nothing in this section shall—

22 “(1) alter authorizations in effect as of the date
23 of enactment of the Supporting Employee Com-
24 petency and Updating Readiness Enhancements for
25 Facilities Act of 2011 that have been provided to the

1 Department of Energy for headquarters facilities lo-
2 cated in Washington, D.C. and Germantown, Mary-
3 land; or

4 “(2) preclude the Secretary and the Secretary
5 of Energy from renegotiating the terms of the au-
6 thorizations for the Department of Energy head-
7 quarters facilities located in Washington, D.C. and
8 Germantown, Maryland without regard to the re-
9 quirements of subsection (c).

10 **“SEC. 264. FACILITY SECURITY COMMITTEES.**

11 “(a) IN GENERAL.—

12 “(1) MAINTENANCE OF FACILITY SECURITY
13 COMMITTEES.—Except as provided under paragraph
14 (2), the agencies that are tenants at each Federal
15 facility shall maintain a Facility Security Committee
16 for that Federal facility. Each agency that is a ten-
17 ant at a Federal facility shall provide 1 employee to
18 serve as a member of the Facility Security Com-
19 mittee.

20 “(2) EXEMPTIONS.—The Secretary may exempt
21 a Federal facility from the requirement under para-
22 graph (1), if that Federal facility is authorized
23 under section 263 to provide protective services.

24 “(b) CHAIRPERSON.—

1 “(1) IN GENERAL.—Each Facility Security
2 Committee shall be headed by a chairperson, elected
3 by a majority of the members of the Facility Security
4 Committee.

5 “(2) RESPONSIBILITIES.—The chairperson shall
6 be responsible for—

7 “(A) maintaining accurate contact information for agency tenants and providing that
8 information, including any updates, to the Federal Protective Service or designated security
9 organization, including any updates, to the Federal Protective Service or designated security
10 organization;
11 organization;

12 “(B) setting the agenda for Facility Security
13 Committee meetings;

14 “(C) referring Facility Security Committee
15 member questions to Federal Protective Service
16 or designated security organization for response;
17 response;

18 “(D) reviewing a security assessment completed by the Federal Protective Service or
19 designated security organization representatives
20 and, if requested by the Federal Protective
21 Service or designated security organization, accompanying the representatives during on-site
22 facility security assessments;
23 facility security assessments;
24 facility security assessments;

1 “(E) maintaining an official record of each
2 meeting;

3 “(F) acknowledging receipt of the facility
4 security assessment from Federal Protective
5 Service or designated security organization;

6 “(G) maintaining records of training of or
7 waivers for members of the Facility Security
8 Committee; and

9 “(H) any other duties as determined by
10 the Interagency Security Committee.

11 “(c) TRAINING FOR MEMBERS.—

12 “(1) IN GENERAL.—Except as provided under
13 paragraphs (3) and (4), before serving as a member
14 of a Facility Security Committee, an employee shall
15 successfully complete a training course that meets a
16 minimum standard of training as established by the
17 Interagency Security Committee.

18 “(2) TRAINING.—Training under this sub-
19 section shall—

20 “(A) be provided by the Federal Protective
21 Service or designated security organization, in
22 accordance with standards established by the
23 Interagency Security Committee;

24 “(B) be commensurate with the security
25 level of the facility; and

1 “(C) include training relating to—

2 “(i) familiarity with published stand-
3 ards of the Interagency Security Com-
4 mittee;

5 “(ii) physical security criteria for Fed-
6 eral facilities;

7 “(iii) use of physical security perform-
8 ance measures;

9 “(iv) facility security levels determina-
10 tions;

11 “(v) best practices for safe mail han-
12 dling;

13 “(vi) knowledge of an occupant emer-
14 gency plan, the facility security assessment
15 process, and the facility countermeasures
16 plan; and

17 “(vii) the role of the Federal Protec-
18 tive Service or designated security organi-
19 zation and the General Services Adminis-
20 tration.

21 “(3) WAIVERS.—The training requirement
22 under this subsection may be waived by the Direc-
23 tor, the head of a designated security organization,
24 or the Chairperson of the Interagency Security Com-
25 mittee if the Director, the head of the designated se-

1 security organization, or the Chairperson determines
2 that an employee has related experience in physical
3 security, law enforcement, or infrastructure security
4 disciplines.

5 “(4) INCUMBENT MEMBERS.—

6 “(A) IN GENERAL.—This subsection shall
7 apply to any Facility Security Committee estab-
8 lished before, on, or after the date of enactment
9 of the Supporting Employee Competency and
10 Updating Readiness Enhancements for Facili-
11 ties Act of 2011, except that any member of a
12 Facility Security Committee serving on that
13 date shall during the 1-year period following
14 that date—

15 “(i) successfully complete a training
16 course as required under paragraph (1); or

17 “(ii) obtain a waiver under paragraph
18 (3).

19 “(B) COMPLIANCE.—Any member of a Fa-
20 cility Security Committee described under sub-
21 paragraph (A) who does not comply with that
22 subparagraph may not serve on that Facility
23 Security Committee.

24 “(d) MEETINGS AND QUORUM.—

1 “(1) MEETINGS.—Each Facility Security Com-
2 mittee shall meet on a quarterly basis, or more fre-
3 quently if determined appropriate by the chair-
4 person.

5 “(2) QUORUM.—A majority of the members of
6 a Facility Security Committee shall be present for a
7 quorum to conduct business.

8 “(e) APPEAL.—

9 “(1) IN GENERAL.—If a Facility Security Com-
10 mittee disagrees with a determination of a facility
11 security level or a determination of noncompliance
12 with Federal security standards, the Chairperson of
13 a Facility Security Committee may file an appeal of
14 the determination with the Interagency Security
15 Committee appeals board.

16 “(2) DECISION TO APPEAL.—The decision to
17 file an appeal shall be agreed to by a majority of the
18 members of a Facility Security Committee

19 “(3) MATTERS SUBJECT TO APPEAL.—A deter-
20 mination of the Federal Protective Service may be
21 appealed under this subsection, including any deter-
22 mination relating to—

23 “(A) countermeasure improvements;

24 “(B) facility security assessment findings;

25 and

1 “(C) facility security levels.”.

2 (b) TECHNICAL AND CONFORMING AMENDMENT.—

3 The table of contents for the Homeland Security Act of

4 2002 is amended by inserting after the matter relating

5 to title II the following:

“Subtitle E—Federal Protective Service

“Sec. 241. Definitions.

“Sec. 242. Establishment.

“Sec. 243. Full-time equivalent employee requirements.

“Sec. 244. Oversight of contract guard services.

“Sec. 245. Infrastructure Security Canine Teams.

“Sec. 246. Checkpoint detection technology standards.

“Sec. 247. Compliance of Federal facilities with Federal security standards.

“Sec. 248. Fees for protective services.

“Subtitle F—Interagency Security Committee

“Sec. 261. Definitions.

“Sec. 262. Interagency Security Committee.

“Sec. 263. Authorization of agencies to provide protective services.

“Sec. 264. Facility security committees.”.

6 **SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-**
 7 **DUTY CARRYING OF FIREARMS.**

8 (a) LAW ENFORCEMENT AUTHORITY OF SECRETARY
 9 OF HOMELAND SECURITY.—Section 1315(b)(2) of title
 10 40, United States Code, is amended—

11 (1) in the matter preceding subparagraph (A),
 12 by striking “While engaged in the performance of of-
 13 ficial duties, an” and inserting “An”; and

14 (2) in subparagraph (B), by striking “carry
 15 firearms;” and inserting “carry firearms on or off
 16 duty;”.

17 (b) CARRYING CONCEALED FIREARMS.—Section
 18 926B(f) of title 18, United States Code, is amended by

1 inserting “, a law enforcement officer of the Federal Pro-
2 tective Service” after “Federal Reserve,”.

3 **SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FED-
4 ERAL EMPLOYEES RETIREMENT SYSTEM.**

5 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

6 (1) DEFINITION.—Section 8331 of title 5,
7 United States Code is amended—

8 (A) in paragraph (30), by striking “and”
9 at the end;

10 (B) in paragraph (31), by striking the pe-
11 riod and inserting “and”; and

12 (C) by adding at the end the following:

13 “(32) ‘Federal protective service officer’ means
14 an employee in the Federal Protective Service of the
15 Department of Homeland Security—

16 “(A) who holds a position within the GS-
17 0083, GS-0080, GS-1801, or GS-1811 job se-
18 ries (determined applying the criteria in effect
19 as of September 1, 2007 or any successor posi-
20 tion; and

21 “(B) who are authorized to carry firearms
22 and empowered to make arrests in the perform-
23 ance of duties related to the protection of build-
24 ings, grounds and property that are owned, oc-
25 cupied, or secured by the Federal Government

1 (including any agency, instrumentality or wholly
2 owned or mixed-ownership corporation thereof)
3 and the persons on the property, including any
4 such employee who is transferred directly to a
5 supervisory or administrative position in the
6 Department of Homeland Security after per-
7 forming such duties in 1 or more positions (as
8 described under subparagraph (A)) for at least
9 3 years.”.

10 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
11 ITS.—Section 8334 of title 5, United States Code, is
12 amended—

13 (A) in subsection (a)(1)(A), by inserting
14 “Federal protective service officer,” before “or
15 customs and border protection officer,”; and

16 (B) in the table contained in subsection
17 (c), by adding at the end the following:

“Federal Protective Service Officer 7.5 After June 29, 2011.”.

18 (3) MANDATORY SEPARATION.—The first sen-
19 tence of section 8335(b)(1) of title 5, United States
20 Code, is amended by inserting “Federal protective
21 service officer,” before “or customs and border pro-
22 tection officer,”.

23 (4) IMMEDIATE RETIREMENT.—Section 8336 of
24 title 5, United States Code, is amended—

1 (A) in subsection (c)(1), by inserting “Fed-
2 eral protective service officer,” before “or cus-
3 toms and border protection officer,”; and

4 (B) in subsections (m) and (n), by insert-
5 ing “as a Federal protective service officer,” be-
6 fore “or as a customs and border protection of-
7 ficer.”.

8 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

9 (1) DEFINITION.—Section 8401 of title 5,
10 United States Code, is amended—

11 (A) in paragraph (35), by striking “and”
12 at the end;

13 (B) in paragraph (36), by striking the pe-
14 riod and inserting “and”; and

15 (C) by adding at the end the following:

16 “(37) ‘Federal protective service officer’ means
17 an employee in the Federal Protective Service of the
18 Department of Homeland Security—

19 “(A) who holds a position within the GS-
20 0083, GS-0080, GS-1801, or GS-1811 job se-
21 ries (determined applying the criteria in effect
22 as of September 1, 2007) or any successor posi-
23 tion; and

24 “(B) who are authorized to carry firearms
25 and empowered to make arrests in the perform-

1 ance of duties related to the protection of build-
2 ings, grounds and property that are owned, oc-
3 cupied, or secured by the Federal Government
4 (including any agency, instrumentality or wholly
5 owned or mixed-ownership corporation thereof)
6 and the persons on the property, including any
7 such employee who is transferred directly to a
8 supervisory or administrative position in the
9 Department of Homeland Security after per-
10 forming such duties in 1 or more positions (as
11 described under subparagraph (A)) for at least
12 3 years.”.

13 (2) IMMEDIATE RETIREMENT.—Paragraphs (1)
14 and (2) of section 8412(d) of title 5, United States
15 Code, are amended by inserting “Federal protective
16 service officer,” before “or customs and border pro-
17 tection officer,”.

18 (3) COMPUTATION OF BASIC ANNUITY.—Section
19 8415(h)(2) of title 5, United States Code, is amend-
20 ed by inserting “Federal protective service officer,”
21 before “or customs and border protection officer,”.

22 (4) DEDUCTIONS FROM PAY.—The table con-
23 tained in section 8422(a)(3) of title 5, United States
24 Code, is amended by adding at the end the fol-
25 lowing:

“Federal Protective Service Officer 7.5 After June 29, 2011.”.

1 (5) GOVERNMENT CONTRIBUTIONS.—Para-
2 graphs (1)(B)(i) and (3) of section 8423(a) of title
3 5, United States Code, are amended by inserting
4 “Federal protective service officer,” before “customs
5 and border protection officer,” each place that term
6 appears.

7 (6) MANDATORY SEPARATION.—Section
8 8425(b)(1) of title 5, United States Code, is amend-
9 ed—

10 (A) by inserting “Federal protective service
11 officer,” before “or customs and border protec-
12 tion officer,” the first place that term appears;
13 and

14 (B) inserting “Federal protective service
15 officer,” before “or customs and border protec-
16 tion officer,” the second place that term ap-
17 pears.

18 (c) MAXIMUM AGE FOR ORIGINAL APPOINTMENT.—
19 Section 3307 of title 5, United States Code, is amended
20 by adding at the end the following:

21 “(h) The Secretary of Homeland Security may deter-
22 mine and fix the maximum age limit for an original ap-
23 pointment to a position as a Federal protective service of-
24 ficer, as defined by section 8401(37).”.

1 (d) REGULATIONS.—Any regulations necessary to
2 carry out the amendments made by this section shall be
3 prescribed by the Director of the Office of Personnel Man-
4 agement in consultation with the Secretary.

5 (e) EFFECTIVE DATE; TRANSITION RULES; FUND-
6 ING.—

7 (1) EFFECTIVE DATE.—The amendments made
8 by this section shall become effective on the later of
9 June 30, 2011 or the first day of the first pay pe-
10 riod beginning at least 6 months after the date of
11 enactment of this Act.

12 (2) TRANSITION RULES.—

13 (A) NONAPPLICABILITY OF MANDATORY
14 SEPARATION PROVISIONS TO CERTAIN INDIVID-
15 UALS.—The amendments made by subsections
16 (a)(3) and (b)(6), respectively, shall not apply
17 to an individual first appointed as a Federal
18 protective service officer before the effective
19 date under paragraph (1).

20 (B) TREATMENT OF PRIOR FEDERAL PRO-
21 TECTIVE SERVICE OFFICER SERVICE.—

22 (i) GENERAL RULE.—Except as pro-
23 vided in clause (ii), nothing in this section
24 shall be considered to apply with respect to
25 any service performed as a Federal protec-

1 tive service officer before the effective date
2 under paragraph (1).

3 (ii) EXCEPTION.—Service described in
4 section 8331(32) and 8401(37) of title 5,
5 United States Code (as amended by this
6 section) rendered before the effective date
7 under paragraph (1) may be taken into ac-
8 count to determine if an individual who is
9 serving on or after such effective date then
10 qualifies as a Federal protective service of-
11 ficer by virtue of holding a supervisory or
12 administrative position in the Department
13 of Homeland Security.

14 (C) MINIMUM ANNUITY AMOUNT.—The an-
15 nuity of an individual serving as a Federal pro-
16 tective service officer on the effective date
17 under paragraph (1) pursuant to an appoint-
18 ment made before that date shall, to the extent
19 that its computation is based on service ren-
20 dered as a Federal protective service officer on
21 or after that date, be at least equal to the
22 amount that would be payable to the extent
23 that such service is subject to the Civil Service
24 Retirement System or Federal Employees Re-
25 tirement System, as appropriate, by applying

1 section 8339(d) of title 5, United States Code,
2 with respect to such service.

3 (D) RULE OF CONSTRUCTION.—Nothing in
4 the amendment made by subsection (c) shall be
5 considered to apply with respect to any appoint-
6 ment made before the effective date under para-
7 graph (1).

8 (3) FEES AND AUTHORIZATIONS OF APPROPRIA-
9 TIONS.—

10 (A) FEES.—The Director of the Office of
11 Management and Budget shall adjust fees as
12 necessary to ensure collections are sufficient to
13 carry out amendments made in this section.

14 (B) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There are authorized to be appro-
16 priated such sums as are necessary to carry out
17 this section.

18 (4) ELECTION.—

19 (A) INCUMBENT DEFINED.—For purposes
20 of this paragraph, the term “incumbent” means
21 an individual who is serving as a Federal pro-
22 tective service officer on the date of the enact-
23 ment of this Act.

24 (B) NOTICE REQUIREMENT.—Not later
25 than 30 days after the date of enactment of

1 this Act, the Director of the Office of Personnel
2 Management shall take measures reasonably de-
3 signed to ensure that incumbents are notified
4 as to their election rights under this paragraph,
5 and the effect of making or not making a time-
6 ly election.

7 (C) ELECTION AVAILABLE TO INCUM-
8 BENTS.—

9 (i) IN GENERAL.—An incumbent may
10 elect, for all purposes, either—

11 (I) to be treated in accordance
12 with the amendments made by sub-
13 section (a) or (b), as applicable; or

14 (II) to be treated as if sub-
15 sections (a) and (b) had never been
16 enacted.

17 (ii) FAILURE TO MAKE A TIMELY
18 ELECTION.—Failure to make a timely elec-
19 tion under clause (i) shall be treated in the
20 same way as an election made under clause
21 (i)(I) on the last day allowable under
22 clause (iii).

23 (iii) DEADLINE.—An election under
24 this subparagraph shall not be effective

1 unless it is made at least 14 days before
2 the effective date under paragraph (1).

3 (5) DEFINITION.—For the purposes of this sub-
4 section, the term “Federal protective service officer”
5 has the meaning given such term by section
6 8331(32) or 8401(37) of title 5, United States Code
7 (as amended by this section).

8 (6) EXCLUSION.—Nothing in this section or
9 any amendment made by this section shall be consid-
10 ered to afford any election or to otherwise apply with
11 respect to any individual who, as of the day before
12 the date of the enactment of this Act—

13 (A) holds a positions within the Federal
14 Protective Service; and

15 (B) is considered a law enforcement offi-
16 cers for purposes of subchapter III of chapter
17 83 or chapter 84 of title 5, United States Code,
18 by virtue of such position.

19 **SEC. 6. REPORT ON FEDERAL PROTECTIVE SERVICE PER-**
20 **SONNEL NEEDS.**

21 (a) IN GENERAL.—Not later than 90 days after the
22 date of enactment of this Act, the Secretary shall submit
23 a report to the appropriate congressional committees on
24 the personnel needs of the Federal Protective Service that
25 includes recommendations on the numbers of Federal pro-

1 tective service officers and the workforce composition of
2 the Federal Protective Service needed to carry out the
3 mission of the Federal Protective Service during the 10-
4 fiscal year period beginning after the date of enactment
5 of this Act.

6 (b) REVIEW AND COMMENT.—The Secretary shall
7 provide the report prepared under this section to a quali-
8 fied consultant for review and comment, before submitting
9 the report to the appropriate congressional committees.
10 The Secretary shall provide the comments of the qualified
11 consultant to the appropriate congressional committee
12 with the report.

13 **SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTEC-**
14 **TIVE SERVICE CONTRACT GUARD WORK-**
15 **FORCE.**

16 Not later than 90 days after the date of enactment
17 of this Act, the Secretary shall submit a report to the ap-
18 propriate congressional committees on—

19 (1) retention rates within the Federal Protec-
20 tive Service contract guard workforce; and

21 (2) how the retention rate affects the costs and
22 operations of the Federal Protective Service and the
23 security of Federal facilities.

1 **SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING**
2 **THE FEDERAL PROTECTIVE SERVICE CON-**
3 **TRACT GUARD WORKFORCE.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Secretary shall submit
6 to the appropriate congressional committees a report on
7 the feasibility of federalizing the Federal Protective Serv-
8 ice contract guard workforce.

9 (b) REVIEW AND COMMENT.—The Secretary shall
10 provide the report prepared under this section to a quali-
11 fied consultant for review and comment, before submitting
12 the report to the appropriate congressional committees.
13 The Secretary shall provide the comments of the qualified
14 consultant to the appropriate congressional committee
15 with the report.

16 (c) CONTENTS.—The report under this section shall
17 include an evaluation of—

18 (1) converting in its entirety, or in part, the
19 Federal Protective Service contract workforce into
20 full-time Federal employees, including an option to
21 post a full-time equivalent Federal protective service
22 officer at each Federal facility that on the date of
23 enactment of this Act has a contract guard stationed
24 at that facility;

25 (2) the immediate and projected costs of the
26 conversion;

1 (3) the immediate and projected costs of main-
2 taining guards under contract status and of main-
3 taining full-time Federal employee guards;

4 (4) the potential increase in security if con-
5 verted, including an analysis of using either a Fed-
6 eral security guard, Federal police officer, or Fed-
7 eral protective service officer instead of a contract
8 guard;

9 (5) the hourly and annual costs of contract
10 guards and the Federal counterparts of those
11 guards, including an assessment of costs associated
12 with all benefits provided to the Federal counter-
13 parts; and

14 (6) a comparison of similar conversions of large
15 groups of contracted workers and potential benefits
16 and challenges.

17 **SEC. 9. REPORT ON AGENCY FUNDING.**

18 Not later than 180 days after the date of enactment
19 of this Act, the Secretary shall submit to the appropriate
20 congressional committees a report on the method of fund-
21 ing for the Federal Protective Service, which shall include
22 recommendations regarding whether the Federal Protec-
23 tive Service should continue to be funded by a collection
24 of fees and security charges, be funded by appropriations,

1 or be funded by a combination of fees, security charges,
2 and appropriations.

3 **SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM EN-**
4 **TERING FEDERAL FACILITIES.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Secretary shall submit a report to the ap-
7 propriate congressional committees on the feasibility, ef-
8 fectiveness, safety and privacy implications of the use or
9 potential use of available methods to detect or prevent ex-
10 plosives from entering Federal facilities, including the use
11 of additional canine teams, advanced imaging technology,
12 or other technology or methods for detecting explosives.

13 **SEC. 11. SAVINGS CLAUSE.**

14 Nothing in this Act, including the amendments made
15 by this Act, shall be construed to affect—

16 (1) the authorities under section 566 of title 28,
17 United States Code;

18 (2) the authority of any Federal law enforce-
19 ment agency other than the Federal Protective Serv-
20 ice; or

21 (3) any authority of the Federal Protective
22 Service not specifically enumerated by this Act that
23 is in effect on the day before the date of enactment
24 of this Act.