

Calendar No. 492112TH CONGRESS
2^D SESSION**S. 772****[Report No. 112-202]**

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

APRIL 8, 2011

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

AUGUST 2, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Insert the part printed in *italic*]

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 2012” or the “SECURE Facilities Act
5 of 2012”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

6 (A) the Committee on Homeland Security
7 and Governmental Affairs of the Senate;

8 (B) the Committee on Appropriations of
9 the Senate;

10 (C) the Committee on Homeland Security
11 of the House of Representatives;

12 (D) the Committee on Transportation and
13 Infrastructure of the House of Representatives;
14 and

15 (E) the Committee on Appropriations of
16 the House of Representatives.

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

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

23 (A) the Albuquerque National Nuclear Se-
24 curity Administration Service Center;

25 (B) the Brookhaven National Laboratory
26 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 eral protective service officer authorized to
2 carry firearms and make arrests by the Sec-
3 retary.

4 (6) QUALIFIED CONSULTANT.—The term
5 “qualified consultant” means a non-Federal entity
6 with experience in homeland security, infrastructure
7 protection and physical security, Government work-
8 force issues, and Federal human capital policies.

9 (7) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 **SEC. 3. FEDERAL PROTECTIVE SERVICE.**

12 (a) IN GENERAL.—Title II of the Homeland Security
13 Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding
14 at the end the following:

15 **“Subtitle E—Federal Protective**
16 **Service**

17 **“SEC. 241. DEFINITIONS.**

18 “In this subtitle:

19 “(1) AGENCY.—The term ‘agency’ means an
20 executive agency.

21 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term ‘appropriate congressional com-
23 mittees’ means—

24 “(A) the Committee on Homeland Security
25 and Governmental Affairs of the Senate;

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 “(c) *OFFSET REDUCTIONS.*—*In carrying out this sec-*
15 *tion, the Secretary shall ensure that the hiring of each full-*
16 *time equivalent employee is offset by a reduction of 1 full-*
17 *time equivalent employee in the Department.*

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

19 “(a) ARMED GUARD TRAINING REQUIREMENTS.—

20 “(1) ESTABLISHMENT.—Not later than 180
21 days after the date of enactment of the Supporting
22 Employee Competency and Updating Readiness En-
23 hancements for Facilities Act of 2012, the Director
24 shall establish minimum training requirements for

1 all armed guards procured by the Federal Protective
2 Service.

3 “(2) REQUIREMENTS.—Training requirements
4 under this subsection shall include—

5 “(A) at least 80 hours of instruction before
6 a guard may be deployed, and at least 16 hours
7 of recurrent training on an annual basis there-
8 after; and

9 “(B) Federal Protective Service monitoring
10 or provision of the initial training of armed
11 guards procured by the Federal Protective
12 Service of—

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

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

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

19 and

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

22 and each fiscal year thereafter.

23 “(b) TRAINING AND SECURITY ASSESSMENT PRO-
24 GRAM.—

1 “(1) ESTABLISHMENT.—Not later than 180
2 days after the date of enactment of the Supporting
3 Employee Competency and Updating Readiness En-
4 hancements for Facilities Act of 2012, the Director
5 shall establish a program to periodically assess—

6 “(A) the training of guards for the security
7 and protection of Federal facilities protected by
8 the Federal Protective Service; and

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

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

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

15 “(B) a remedial training program for
16 guards;

17 “(C) procedures for taking personnel ac-
18 tions, including processes for removing individ-
19 uals who fail to conform to the training or per-
20 formance requirements of the contract; and

21 “(D) an overt and covert testing program
22 for the purposes of assessing guard perform-
23 ance and other facility security counter-
24 measures.

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

6 “(c) REVISION OF GUARD MANUAL AND POST OR-
7 DERS.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the Supporting Em-
10 ployee Competency and Updating Readiness En-
11 hancements for Facilities Act of 2012, the Director,
12 in consultation with the Administrator of General
13 Services, shall—

14 “(A) update the Security Guard Informa-
15 tion Manual and post orders for each guard
16 post overseen by the Federal Protective Service;
17 or

18 “(B) certify to the Secretary that the Se-
19 curity Guard Information Manual and post or-
20 ders described under subparagraph (A) have
21 been updated during the 1-year period pre-
22 ceding the date of enactment of the Supporting
23 Employee Competency and Updating Readiness
24 Enhancements for Facilities Act of 2012.

1 “(2) REVIEW AND UPDATE.—Beginning with
2 the first calendar year following the date of enact-
3 ment of the Supporting Employee Competency and
4 Updating Readiness Enhancements for Facilities Act
5 of 2012, and every 2 years thereafter, the Director
6 shall review and update the Security Guard Informa-
7 tion Manual and post orders for each guard post
8 overseen by the Federal Protective Service.

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

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

14 “(a) IN GENERAL.—

15 “(1) INCREASED CAPACITY.—Not later than
16 180 days after the date of enactment of the Sup-
17 porting Employee Competency and Updating Readiness
18 Enhancements for Facilities Act of 2012, the
19 Director shall—

20 “(A) begin to increase the number of infra-
21 structure security canine teams certified by the
22 Federal Protective Service for the purposes of
23 infrastructure-related security by up to 15 ca-
24 nine teams in each of fiscal years 2012 through
25 2015; and

1 “(B) encourage State and local govern-
2 ments and private owners of high-risk facilities
3 to strengthen security through the use of highly
4 trained infrastructure security canine teams.

5 “(2) INFRASTRUCTURE SECURITY CANINE
6 TEAMS.—To the extent practicable, the Director
7 shall increase the number of infrastructure security
8 canine teams by—

9 “(A) partnering with the Customs and
10 Border Protection Canine Enforcement Pro-
11 gram and the Canine Training Center Front
12 Royal, the Transportation Security Administra-
13 tion’s National Explosives Detection Canine
14 Team Training Center, or other offices or agen-
15 cies within the Department with established ca-
16 nine training programs;

17 “(B) partnering with agencies, State or
18 local government agencies, nonprofit organiza-
19 tions, universities, or the private sector to in-
20 crease the training capacity for canine detection
21 teams; or

22 “(C) procuring explosives detection canines
23 trained by nonprofit organizations, universities,
24 or the private sector, if the canines are trained
25 in a manner consistent with the standards and

1 requirements developed under subsection (b) or
2 other criteria developed by the Secretary.

3 “(b) STANDARDS FOR INFRASTRUCTURE SECURITY
4 CANINE TEAMS.—

5 “(1) IN GENERAL.—The Director, in coordina-
6 tion with the Office of Infrastructure Protection,
7 shall establish criteria, including canine training cur-
8 ricula, performance standards, and other require-
9 ments, necessary to ensure that infrastructure secu-
10 rity canine teams trained by nonprofit organizations,
11 universities, and private sector entities are ade-
12 quately trained and maintained.

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

15 “(A) coordinate with key stakeholders, in-
16 cluding international, Federal, State, and local
17 government officials, and private sector and
18 academic entities to develop best practice guide-
19 lines;

20 “(B) require that canine teams trained by
21 nonprofit organizations, universities, or private
22 sector entities that are used or made available
23 by the Secretary be trained consistent with the
24 criteria; and

1 “(C) review the status of the private sector
2 programs on at least an annual basis to ensure
3 compliance with the criteria.

4 “(c) DEPLOYMENT.—The Director—

5 “(1) shall use the additional canine teams in-
6 creased under subsection (a) to enhance security at
7 Federal facilities;

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

11 “(3) may request canine teams from other
12 agencies within the Department—

13 “(A) for high-risk areas;

14 “(B) to address specific threats; or

15 “(C) on an as-needed basis.

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

20 **“SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STAND-**
21 **ARDS.**

22 “The Secretary, in coordination with the Interagency
23 Security Committee, shall develop performance-based
24 standards for checkpoint detection technologies for explo-

1 sives and other threats at Federal facilities protected by
2 the Federal Protective Service.

3 **“SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH**
4 **FEDERAL SECURITY STANDARDS.**

5 “(a) IN GENERAL.—The Secretary may assess secu-
6 rity charges to an agency that is the owner or the tenant
7 of a Federal facility protected by the Federal Protective
8 Service in addition to any security charge assessed under
9 section 248 for the costs of necessary security counter-
10 measures if—

11 “(1) the Secretary, in coordination with the
12 Interagency Security Committee, determines a Fed-
13 eral facility to be in noncompliance with Federal se-
14 curity standards established by the Interagency Se-
15 curity Committee or a final determination regarding
16 countermeasures made by the appeals board estab-
17 lished under section 262(h); and

18 “(2) the Interagency Security Committee or the
19 Director—

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

22 “(i) the noncompliance;

23 “(ii) the actions necessary to be in
24 compliance; and

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

3 “(B) the agency is not in compliance by
4 that date.

5 “(b) REPORT ON NONCOMPLIANT FACILITIES.—The
6 Secretary shall submit a report to the appropriate congres-
7 sional committees, in a classified manner if necessary, of
8 any facility determined to be in noncompliance with the
9 Federal security standards established by the Interagency
10 Security Committee.

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

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

15 “(b) DEPOSIT OF FEES.—Any fees or security
16 charges paid under this section shall be deposited in the
17 appropriations account under the heading ‘FEDERAL PRO-
18 TECTIVE SERVICES’ under the heading ‘NATIONAL PRO-
19 TECTION AND PROGRAMS DIRECTORATE’ of the Depart-
20 ment.

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

1 **“Subtitle F—Interagency Security**
2 **Committee**

3 **“SEC. 261. DEFINITIONS.**

4 “In this subtitle, the definitions under section 241
5 shall apply.

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

7 “(a) ESTABLISHMENT.—There is established within
8 the executive branch the Interagency Security Committee
9 (in this subtitle referred to as the ‘Committee’) responsible
10 for the development of safety and security standards and
11 best practices to mitigate the effects of natural and man-
12 made hazards in Federal facilities.

13 “(b) CHAIRPERSON.—The Committee shall be
14 chaired by the Secretary, or the designee of the Secretary.
15 The chairperson shall be responsible for the daily oper-
16 ations of the Committee and appeals board, final approval
17 and enforcement of Committee standards, and the promul-
18 gation of regulations related to Federal facility security
19 prescribed by the Committee.

20 “(c) MEMBERSHIP.—

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

23 “(A) AGENCY REPRESENTATIVES.—Rep-
24 resentatives from the following agencies, ap-
25 pointed by the agency heads:

- 1 “(i) Department of Homeland Secu-
2 rity.
- 3 “(ii) Department of State.
- 4 “(iii) Department of the Treasury.
- 5 “(iv) Department of Defense.
- 6 “(v) Department of Justice.
- 7 “(vi) Department of the Interior.
- 8 “(vii) Department of Agriculture.
- 9 “(viii) Department of Commerce.
- 10 “(ix) Department of Labor.
- 11 “(x) Department of Health and
12 Human Services.
- 13 “(xi) Department of Housing and
14 Urban Development.
- 15 “(xii) Department of Transportation.
- 16 “(xiii) Department of Energy.
- 17 “(xiv) Department of Education.
- 18 “(xv) Department of Veterans Affairs.
- 19 “(xvi) Environmental Protection
20 Agency.
- 21 “(xvii) Central Intelligence Agency.
- 22 “(xviii) Office of Management and
23 Budget.
- 24 “(xix) General Services Administra-
25 tion.

1 “(B) OTHER OFFICERS.—The following
2 Federal officers or the designees of those offi-
3 cers:

4 “(i) The Director of the United States
5 Marshals Service.

6 “(ii) The Director.

7 “(iii) The Assistant to the President
8 for National Security Affairs.

9 “(C) JUDICIAL BRANCH REPRESENTA-
10 TIVES.—A representative from the judicial
11 branch appointed by the Chief Justice of the
12 United States.

13 “(2) ASSOCIATE MEMBERS.—The Committee
14 shall include as associate members who shall be non-
15 voting members, representatives from the following
16 agencies, appointed by the agency heads:

17 “(A) Federal Aviation Administration.

18 “(B) Federal Bureau of Investigation.

19 “(C) Federal Deposit Insurance Corpora-
20 tion.

21 “(D) Federal Emergency Management
22 Agency.

23 “(E) Federal Reserve Board.

24 “(F) Internal Revenue Service.

1 “(G) National Aeronautics and Space Ad-
2 ministration.

3 “(H) National Capital Planning Commis-
4 sion.

5 “(I) National Institute of Standards &
6 Technology.

7 “(J) Nuclear Regulatory Commission.

8 “(K) Office of Personnel Management.

9 “(L) Securities and Exchange Commission.

10 “(M) Social Security Administration.

11 “(N) United States Coast Guard.

12 “(O) United States Postal Service.

13 “(P) United States Army Corps of Engi-
14 neers.

15 “(Q) Court Services and Offender Super-
16 vision Agency.

17 “(R) Any other Federal officers as the
18 President shall appoint.

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

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

1 “(e) CONSULTATION.—The Committee shall consult
2 with other parties, including the Administrative Office of
3 the United States Courts, to perform its responsibilities,
4 and, at the discretion of the Chairperson of the Com-
5 mittee, such other parties may participate in the working
6 groups.

7 “(f) MEETINGS.—The Committee shall at a minimum
8 meet quarterly.

9 “(g) RESPONSIBILITIES.—The Committee shall—
10 “(1) not later than 1 year after the date of en-
11 actment of the Supporting Employee Competency
12 and Updating Readiness Enhancements for Facili-
13 ties Act of 2012, propose regulations to the Sec-
14 retary for promulgation under section 1315(c)(1) of
15 title 40, United States Code—

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

20 “(B) to establish risk-based performance
21 standards for the security of Federal facilities,
22 unless the Committee determines that similar
23 regulations are issued by the Secretary before
24 the end of that 1-year period;

1 “(2) establish protocols for the testing of the
2 compliance of Federal facilities with Federal security
3 standards, including a mechanism for the initial and
4 recurrent testing of Federal facilities;

5 “(3) prescribe regulations to determine min-
6 imum levels of training and certification of contract
7 guards;

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

10 “(5) establish minimum requirements and a
11 process for providing basic security training for
12 members of Facility Security Committees; and

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

16 “(A) encouraging agencies with security
17 responsibilities to share security-related intel-
18 ligence in a timely and cooperative manner;

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

22 “(C) developing long-term construction
23 standards for those locations with threat levels
24 or missions that require blast resistant struc-
25 tures or other specialized security requirements;

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

4 “(E) assisting the Secretary in developing
5 and maintaining a secure centralized security
6 database of all Federal facilities; and

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

9 “(h) APPEALS BOARD.—

10 “(1) ESTABLISHMENT.—The Committee shall
11 establish an appeals board to consider appeals from
12 any Facility Security Committee or the Director of
13 a—

14 “(A) facility security level determination;

15 “(B) Facility Security Committee decision
16 to disapprove a determination for necessary
17 countermeasures or physical security improve-
18 ments if the Director considered such a decision
19 a grave risk to the facility or its occupants; or

20 “(C) determination of noncompliance with
21 Federal facility security standards.

22 “(2) MEMBERSHIP.—

23 “(A) IN GENERAL.—The appeals board
24 shall consist of 7 members of the Committee, of
25 whom—

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

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

5 “(iii) 2 shall be selected by the voting
6 members of the Committee to serve as al-
7 ternates in the case of recusal by a mem-
8 ber of the appeals board.

9 “(B) RECUSAL.—An appeals board mem-
10 ber shall recuse himself or herself from any ap-
11 peal from an agency which that member rep-
12 resents.

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

16 “(i) AGENCY SUPPORT AND COOPERATION.—

17 “(1) ADMINISTRATIVE SUPPORT.—

18 “(A) IN GENERAL.—To the extent per-
19 mitted by law and subject to the availability of
20 appropriations, the Secretary shall provide the
21 Committee such administrative services, funds,
22 facilities, staff and other support services as
23 may be necessary for the performance of the
24 functions of the Committee under this subtitle.

1 “(B) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There are authorized to be appro-
3 priated to the Department such sums as nec-
4 essary to carry out the provisions of this para-
5 graph.

6 “(2) COOPERATION AND COMPLIANCE.—

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

10 “(B) SUPPORT.—To the extent permitted
11 by law and subject to the availability of appro-
12 priations, agencies shall provide such support as
13 may be necessary to enable the Committee to
14 perform the duties and responsibilities of the
15 Committee.

16 “(3) COMPLIANCE.—The Secretary shall be re-
17 sponsible for monitoring agency compliance with the
18 policies and determinations of the Committee.

19 “(j) AUTHORIZATION.—There are authorized to be
20 appropriated to the Department such sums as necessary
21 to carry out the provisions of this section.

22 **“SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE**
23 **PROTECTIVE SERVICES.**

24 “(a) IN GENERAL.—The Secretary, in consultation
25 with the Committee, shall establish a process to authorize

1 an agency to provide protective services for a Federal facil-
2 ity instead of the Federal Protective Service.

3 “(b) LAW ENFORCEMENT AUTHORITY.—The Federal
4 Protective Service shall retain the law enforcement au-
5 thorities of the Federal Protective Service at any Federal
6 facilities where an exemption is approved under subsection
7 (a).

8 “(c) REQUIREMENTS.—Except as provided under
9 subsection (d), the process under subsection (a) shall—
10 “(1) provide that—

11 “(A) an agency may submit an application
12 to the Secretary for an authorization;

13 “(B) an authorization shall be for a 2-year
14 period;

15 “(C) an authorization may be renewed;
16 and

17 “(D) not later than 60 days after an agen-
18 cy submits an application to the Secretary for
19 an authorization, the Secretary shall respond to
20 the agency; and

21 “(2) require an agency to—

22 “(A) demonstrate security expertise;

23 “(B) possess law enforcement authority;

24 “(C) provide sufficient information through
25 a security plan that the agency shall be in com-

1 pliance with the Federal security standards of
2 the Committee; and

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

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

7 “(1) alter authorizations in effect as of the date
8 of enactment of the Supporting Employee Com-
9 petency and Updating Readiness Enhancements for
10 Facilities Act of 2012 that have been provided to the
11 Department of Energy for headquarters facilities lo-
12 cated in Washington, DC, and Germantown, Mary-
13 land; or

14 “(2) preclude the Secretary and the Secretary
15 of Energy from renegotiating the terms of the au-
16 thorizations for the Department of Energy head-
17 quarters facilities located in Washington, DC, and
18 Germantown, Maryland, without regard to the re-
19 quirements of subsection (c).

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

21 “(a) IN GENERAL.—

22 “(1) MAINTENANCE OF FACILITY SECURITY
23 COMMITTEES.—Except as provided under paragraph
24 (2), the agencies that are tenants at each Federal
25 facility shall maintain a Facility Security Committee

1 for that Federal facility. Each agency that is a ten-
2 ant at a Federal facility shall provide 1 employee to
3 serve as a member of the Facility Security Com-
4 mittee.

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

9 “(b) CHAIRPERSON.—

10 “(1) IN GENERAL.—Each Facility Security
11 Committee shall be headed by a chairperson, elected
12 by a majority of the members of the Facility Secu-
13 rity Committee.

14 “(2) RESPONSIBILITIES.—The chairperson shall
15 be responsible for—

16 “(A) maintaining accurate contact infor-
17 mation for agency tenants and providing that
18 information, including any updates, to the Fed-
19 eral Protective Service or designated security
20 organization;

21 “(B) setting the agenda for Facility Secu-
22 rity Committee meetings;

23 “(C) referring Facility Security Committee
24 member questions to Federal Protective Service

1 or designated security organization for re-
2 sponse;

3 “(D) reviewing a security assessment com-
4 pleted by the Federal Protective Service or des-
5 igned security organization representatives
6 and, if requested by the Federal Protective
7 Service or designated security organization, ac-
8 companying the representatives during on-site
9 facility security assessments;

10 “(E) maintaining an official record of each
11 meeting;

12 “(F) acknowledging receipt of the facility
13 security assessment from Federal Protective
14 Service or designated security organization;

15 “(G) maintaining records of training of or
16 waivers for members of the Facility Security
17 Committee; and

18 “(H) any other duties as determined by
19 the Interagency Security Committee.

20 “(c) TRAINING FOR MEMBERS.—

21 “(1) IN GENERAL.—Except as provided under
22 paragraphs (3) and (4), before serving as a member
23 of a Facility Security Committee, an employee shall
24 successfully complete a training course that meets a

1 minimum standard of training as established by the
2 Interagency Security Committee.

3 “(2) TRAINING.—Training under this sub-
4 section shall—

5 “(A) be provided by the Federal Protective
6 Service or designated security organization, in
7 accordance with standards established by the
8 Interagency Security Committee;

9 “(B) be commensurate with the security
10 level of the facility; and

11 “(C) include training relating to—

12 “(i) familiarity with published stand-
13 ards of the Interagency Security Com-
14 mittee;

15 “(ii) physical security criteria for Fed-
16 eral facilities;

17 “(iii) use of physical security perform-
18 ance measures;

19 “(iv) facility security levels determina-
20 tions;

21 “(v) best practices for safe mail han-
22 dling;

23 “(vi) knowledge of an occupant emer-
24 gency plan, the facility security assessment

1 process, and the facility countermeasures
2 plan; and

3 “(vii) the role of the Federal Protec-
4 tive Service or designated security organi-
5 zation and the General Services Adminis-
6 tration.

7 “(3) WAIVERS.—The training requirement
8 under this subsection may be waived by the Direc-
9 tor, the head of a designated security organization,
10 or the Chairperson of the Interagency Security Com-
11 mittee if the Director, the head of the designated se-
12 curity organization, or the Chairperson determines
13 that an employee has related experience in physical
14 security, law enforcement, or infrastructure security
15 disciplines.

16 “(4) INCUMBENT MEMBERS.—

17 “(A) IN GENERAL.—This subsection shall
18 apply to any Facility Security Committee estab-
19 lished before, on, or after the date of enactment
20 of the Supporting Employee Competency and
21 Updating Readiness Enhancements for Facili-
22 ties Act of 2012, except that any member of a
23 Facility Security Committee serving on that
24 date shall during the 1-year period following
25 that date—

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

3 “(ii) obtain a waiver under paragraph
4 (3).

5 “(B) COMPLIANCE.—Any member of a Fa-
6 cility Security Committee described under sub-
7 paragraph (A) who does not comply with that
8 subparagraph may not serve on that Facility
9 Security Committee.

10 “(d) MEETINGS AND QUORUM.—

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

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

18 “(e) APPEAL.—

19 “(1) IN GENERAL.—If a Facility Security Com-
20 mittee disagrees with a determination of a facility
21 security level or a determination of noncompliance
22 with Federal security standards, the Chairperson of
23 a Facility Security Committee may file an appeal of
24 the determination with the Interagency Security
25 Committee appeals board.

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

4 “(3) MATTERS SUBJECT TO APPEAL.—A deter-
5 mination of the Federal Protective Service may be
6 appealed under this subsection, including any deter-
7 mination relating to—

8 “(A) countermeasure improvements;

9 “(B) facility security assessment findings;

10 and

11 “(C) facility security levels.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—

13 The table of contents for the Homeland Security Act of
14 2002 is amended by inserting after the matter relating
15 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.”.

1 **SEC. 4. FEDERAL PROTECTIVE SERVICE OFFICERS OFF-**
 2 **DUTY CARRYING OF FIREARMS.**

3 (a) LAW ENFORCEMENT AUTHORITY OF SECRETARY
 4 OF HOMELAND SECURITY.—Section 1315(b)(2) of title
 5 40, United States Code, is amended—

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

9 (2) in subparagraph (B), by striking “carry
 10 firearms;” and inserting “carry firearms on or off
 11 duty;”.

12 (b) CARRYING CONCEALED FIREARMS.—Section
 13 926B(f) of title 18, United States Code, is amended by
 14 inserting “, a law enforcement officer of the Federal Pro-
 15 tective Service” after “Federal Reserve,”.

16 **SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FED-**
 17 **ERAL EMPLOYEES RETIREMENT SYSTEM.**

18 (a) CIVIL SERVICE RETIREMENT SYSTEM.—

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

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

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

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

1 “(32) ‘Federal protective service officer’ means
2 an employee in the Federal Protective Service of the
3 Department of Homeland Security—

4 “(A) who holds a position within the GS–
5 0083, GS–0080, GS–1801, or GS–1811 job se-
6 ries (determined applying the criteria in effect
7 as of September 1, 2007) or any successor posi-
8 tion; and

9 “(B) who are authorized to carry firearms
10 and empowered to make arrests in the perform-
11 ance of duties related to the protection of build-
12 ings, grounds and property that are owned, oc-
13 cupied, or secured by the Federal Government
14 (including any agency, instrumentality or wholly
15 owned or mixed-ownership corporation thereof)
16 and the persons on the property, including any
17 such employee who is transferred directly to a
18 supervisory or administrative position in the
19 Department of Homeland Security after per-
20 forming such duties in 1 or more positions (as
21 described under subparagraph (A)) for at least
22 3 years.”.

23 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
24 ITS.—Section 8334 of title 5, United States Code, is
25 amended—

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

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

“Federal Protective Service Officer	7.5	On and after the effective date under section 5(e)(1) of the SECURE Facilities Act of 2012.”.
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6 (3) MANDATORY SEPARATION.—The first sen-
 7 tence of section 8335(b)(1) of title 5, United States
 8 Code, is amended by inserting “Federal protective
 9 service officer,” before “or customs and border pro-
 10 tection officer,”.

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

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

16 (B) in subsections (m) and (n), by insert-
 17 ing “as a Federal protective service officer,” be-
 18 fore “or as a customs and border protection of-
 19 ficer,”.

20 (b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

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

1 (A) in paragraph (36), by striking “and”
2 at the end;

3 (B) in paragraph (37), by striking the pe-
4 riod and inserting “; and”; and

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

6 “(38) ‘Federal protective service officer’ means
7 an employee in the Federal Protective Service of the
8 Department of Homeland Security—

9 “(A) who holds a position within the GS–
10 0083, GS–0080, GS–1801, or GS–1811 job se-
11 ries (determined applying the criteria in effect
12 as of September 1, 2007) or any successor posi-
13 tion; and

14 “(B) who are authorized to carry firearms
15 and empowered to make arrests in the perform-
16 ance of duties related to the protection of build-
17 ings, grounds and property that are owned, oc-
18 cupied, or secured by the Federal Government
19 (including any agency, instrumentality or wholly
20 owned or mixed-ownership corporation thereof)
21 and the persons on the property, including any
22 such employee who is transferred directly to a
23 supervisory or administrative position in the
24 Department of Homeland Security after per-
25 forming such duties in 1 or more positions (as

1 described under subparagraph (A)) for at least
2 3 years.”.

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

8 (3) COMPUTATION OF BASIC ANNUITY.—Section
9 8415(i)(2) of title 5, United States Code, is amend-
10 ed by inserting “Federal protective service officer,”
11 before “or customs and border protection officer,”.

12 (4) DEDUCTIONS FROM PAY.—Section
13 8422(a)(3) of title 5, United States Code, is amend-
14 ed—

15 (A) in the table contained in subparagraph
16 (A), by adding at the end the following:

“Federal Protective Service Officer	7.5	On and after the effective date under section 5(e)(1) of the SECURE Facilities Act of 2012.”; and
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17 (B) in the table contained in subparagraph
18 (B), by adding at the end the following:

“Federal Protective Service Officer	9.8	On and after the effective date under section 5(e)(1) of the SECURE Facilities Act of 2012.”.
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19 (5) GOVERNMENT CONTRIBUTIONS.—Para-
20 graphs (1)(B)(i) and (3) of section 8423(a) of title
21 5, United States Code, are amended by inserting

1 “Federal protective service officers,” before “cus-
2 toms and border protection officers,” each place that
3 term appears.

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

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

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

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

18 “(h) The Secretary of Homeland Security may deter-
19 mine and fix the maximum age limit for an original ap-
20 pointment to a position as a Federal protective service of-
21 ficer, as defined by section 8401(38).”.

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

1 (e) EFFECTIVE DATE; TRANSITION RULES; FUND-
2 ING.—

3 (1) EFFECTIVE DATE.—The amendments made
4 by this section shall become effective on the later of
5 December 31, 2012 or the first day of the first pay
6 period beginning at least 6 months after the date of
7 enactment of this Act.

8 (2) TRANSITION RULES.—

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

16 (B) TREATMENT OF PRIOR FEDERAL PRO-
17 TECTIVE SERVICE OFFICER SERVICE.—

18 (i) GENERAL RULE.—Except as pro-
19 vided in clause (ii), nothing in this section
20 shall be considered to apply with respect to
21 any service performed as a Federal protec-
22 tive service officer before the effective date
23 under paragraph (1).

24 (ii) EXCEPTION.—Service described in
25 section 8331(32) and 8401(38) of title 5,

1 United States Code (as amended by this
2 section) rendered before the effective date
3 under paragraph (1) may be taken into ac-
4 count to determine if an individual who is
5 serving on or after such effective date then
6 qualifies as a Federal protective service of-
7 ficer by virtue of holding a supervisory or
8 administrative position in the Department
9 of Homeland Security.

10 (C) MINIMUM ANNUITY AMOUNT.—The an-
11 nuity of an individual serving as a Federal pro-
12 tective service officer on the effective date
13 under paragraph (1) pursuant to an appoint-
14 ment made before that date shall, to the extent
15 that its computation is based on service ren-
16 dered as a Federal protective service officer on
17 or after that date, be at least equal to the
18 amount that would be payable to the extent
19 that such service is subject to the Civil Service
20 Retirement System or Federal Employees Re-
21 tirement System, as appropriate, by applying
22 section 8339(d) of title 5, United States Code,
23 with respect to such service.

24 (D) RULE OF CONSTRUCTION.—Nothing in
25 the amendment made by subsection (c) shall be

1 considered to apply with respect to any appoint-
2 ment made before the effective date under para-
3 graph (1).

4 (3) FEES AND AUTHORIZATIONS OF APPROPRIA-
5 TIONS.—

6 (A) FEES.—The Director of the Office of
7 Management and Budget shall adjust fees as
8 necessary to ensure collections are sufficient to
9 carry out amendments made in this section.

10 (B) AUTHORIZATION OF APPROPRIA-
11 TIONS.—There are authorized to be appro-
12 priated such sums as are necessary to carry out
13 this section.

14 (4) ELECTION.—

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

20 (B) NOTICE REQUIREMENT.—Not later
21 than 30 days after the date of enactment of
22 this Act, the Director of the Office of Personnel
23 Management shall take measures reasonably de-
24 signed to ensure that incumbents are notified
25 as to their election rights under this paragraph,

1 and the effect of making or not making a time-
2 ly election.

3 (C) ELECTION AVAILABLE TO INCUM-
4 BENTS.—

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

7 (I) to be treated in accordance
8 with the amendments made by sub-
9 section (a) or (b), as applicable; or

10 (II) to be treated as if sub-
11 sections (a) and (b) had never been
12 enacted.

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

19 (iii) DEADLINE.—An election under
20 this subparagraph shall not be effective
21 unless it is made at least 14 days before
22 the effective date under paragraph (1).

23 (5) DEFINITION.—For the purposes of this sub-
24 section, the term “Federal protective service officer”
25 has the meaning given such term by section

1 8331(32) or 8401(38) of title 5, United States Code
2 (as amended by this section).

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

8 (A) holds a position within the Federal
9 Protective Service; and

10 (B) is considered a law enforcement officer
11 for purposes of subchapter III of chapter 83 or
12 chapter 84 of title 5, United States Code, by
13 virtue of such position.

14 **SEC. 6. REPORT ON FEDERAL PROTECTIVE SERVICE PER-**
15 **SONNEL NEEDS.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Secretary shall submit
18 a report to the appropriate congressional committees on
19 the personnel needs of the Federal Protective Service that
20 includes recommendations on the numbers of Federal pro-
21 tective service officers and the workforce composition of
22 the Federal Protective Service needed to carry out the
23 mission of the Federal Protective Service during the 10-
24 fiscal year period beginning after the date of enactment
25 of this Act.

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

8 **SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTEC-**
9 **TIVE SERVICE CONTRACT GUARD WORK-**
10 **FORCE.**

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

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

16 (2) how the retention rate affects the costs and
17 operations of the Federal Protective Service and the
18 security of Federal facilities.

19 **SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING**
20 **THE FEDERAL PROTECTIVE SERVICE CON-**
21 **TRACT GUARD WORKFORCE.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary shall submit
24 to the appropriate congressional committees a report on

1 the feasibility of federalizing the Federal Protective Serv-
2 ice contract guard workforce.

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

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

12 (1) converting in its entirety, or in part, the
13 Federal Protective Service contract workforce into
14 full-time Federal employees, including an option to
15 post a full-time equivalent Federal protective service
16 officer at each Federal facility that on the date of
17 enactment of this Act has a contract guard stationed
18 at that facility;

19 (2) the immediate and projected costs of the
20 conversion;

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

24 (4) the potential increase in security if con-
25 verted, including an analysis of using either a Fed-

1 eral security guard, Federal police officer, or Fed-
2 eral protective service officer instead of a contract
3 guard;

4 (5) the hourly and annual costs of contract
5 guards and the Federal counterparts of those
6 guards, including an assessment of costs associated
7 with all benefits provided to the Federal counter-
8 parts; and
9 (6) a comparison of similar conversions of large
10 groups of contracted workers and potential benefits
11 and challenges.

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

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

22 **SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM EN-**
23 **TERING FEDERAL FACILITIES.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Secretary shall submit a report to the ap-

1 appropriate congressional committees on the feasibility, ef-
2 fectiveness, safety and privacy implications of the use or
3 potential use of available methods to detect or prevent ex-
4 plosives from entering Federal facilities, including the use
5 of additional canine teams, advanced imaging technology,
6 or other technology or methods for detecting explosives.

7 **SEC. 11. SAVINGS CLAUSE.**

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

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

12 (2) the authority of any Federal law enforce-
13 ment agency other than the Federal Protective Serv-
14 ice; or

15 (3) any authority of the Federal Protective
16 Service not specifically enumerated by this Act that
17 is in effect on the day before the date of enactment
18 of this Act.

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112TH CONGRESS
2^D SESSION

S. 772

[Report No. 112-202]

A BILL

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

August 2, 2012

Reported with an amendment