the April 10, 2010, plane crash that claimed the lives of the President of Poland Lech Kaczynski, his wife, and 94 others, while they were en route to memorialize those Polish officers, officials, and civilians who were massacred by the Soviet Union in 1940.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. ISAKSON):

S. 769. A bill amend title 38, United States Code, to prevent the Secretary of Veterans Affairs from prohibiting the use of service dogs on Department of Veterans Affairs property; to the Committee on Veterans' Affairs.

Mr. HARKIN. Mr. President, along with Senator ISAKSON, today I am introducing a bill to allow veterans with disabilities who utilize service dogs the same access to VA health care and facilities as those using guide dogs. Right now, a vet who has a seeing-eye dog can go into any VA hospital to get services, but it is at the discretion of each facility whether or not to allow a vet to bring a service dog, which they use for mobility, assistance with living with hearing loss, comfort for those experiencing PTSD, and to alert others if they have a seizure.

This bill will provide for full access to all veterans at every VA facility, without exception. There should not be a variation in policy from one VA facility to another. It is a small but laudable goal to promote the access of persons with disabilities at VA facilities and guarantee all veterans, regardless of their disability, receive the care and services they need and are entitled to through their selfless service to our Nation.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 771. A bill to amend the Indian Gaming Regulatory Act to modify a provision relating to gaming on land acquired after October 17, 1988; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Tribal Gaming Eligibility Act with my friend and colleague from Arizona, Senator JON KYL.

This bill requires that Indian tribes demonstrate both an aboriginal and a modern connection to the land before it can be used for gaming.

The bill responds to growing concerns and frustrations about the number of ''off-reservation'' casinos proposals in California and across the nation.

As of May 2010, the U.S. Department of Interior was considering 35 of these proposals. Eleven of them are in my home State.

Casinos strain local governments, increase violent crime, and increase bankruptcies. Gambling regulations are poorly enforced, largely because deficit-plagued state governments have cut enforcement staff down to the bone. Even when enforcement officials are present, highly protective ''State Compacts,'' protect tribal casinos from true scrutiny and legitimate oversight.

The fact is that some tribes have abused their unique right to operate casinos by taking land into trust miles away from their historical lands and miles away from where any tribal member resides. This is done to produce the most profitable casino, often with little regard to what is most beneficial to tribal members.

This unbridled reservation shopping is occurring with little to no input from local governments or neighboring tribes.

The result: 58 casinos in California; 11 more in the approval process; and a very real potential for an additional 50 casinos in the coming years.

That is why I am introducing the Tribal Gaming Eligibility Act. This legislation addresses the problems that arise from off-reservation casinos by requiring that tribes meet two simple conditions if they wish to game on lands acquired after the passage of the 1988 Indian Gaming Regulatory Act.

First the tribe must demonstrate a ''substantial direct modern connection to the land.''

Second, the tribe must demonstrate a ''substantial direct aboriginal connection to the land.''

Simply put, tribes must demonstrate that both they and their ancestors have a connection to the land in question.

In 2000, California voters thought they settled the question of casino gaming when they passed Proposition 1A. This proposition authorized the governor to negotiate gambling compacts that would make Nevada-style casinos possible for ''federally recognized Indian tribes on Indian lands.''

The words ''on Indian lands'' were key to Proposition 1A. This made it clear that gaming is appropriate only on a tribe's historical lands, and voters endorsed this bargain with 65 percent of the vote.

But fast-forward 10 years and this agreement is being put to the test. In the last decade, the Department of the Interior has received dozens of gaming applications; some for casinos nowhere near a tribe's historic lands. Many of these requests have been granted and California has become ground zero for tribal casinos. We have 58 Las Vegas style casinos all across the State—from within miles of the Mexican border, to within miles of the Oregon border.

The problem is only going to get worse. There are 67 tribes currently seeking Federal recognition in California who will have the ability to take ''initial lands'' into trust for gaming. This ''initial lands'' exemption gives landless tribes carte blanche when it comes to picking a spot for their casino—urban areas, environmentally sensitive areas, you name it! That is a real concern to me and my constituents.

As of May 2010, there were 11 applications for off-reservation or restored lands casinos in California pending at the Department of the Interior. These include projects near San Francisco, Barstow, and Sacramento.

It also includes applications for casinos in San Diego and Riverside Counties, where there are already 21 existing casinos.

By seeking to open casinos in urban areas close to the greatest number of potential gamblers, instead of on historical lands, these tribes are ignoring the will of California voters and the intent of Congress when it passed the Indian Gaming Regulatory Act.

Unfortunately, without a legislative fix such as the Tribal Gaming Eligibility Act, Californians have no power to stop these tribes from opening unwanted casinos in their back yards.

But voters are still trying to make their voices heard, rejecting the idea of reservation shopping. At one location, in Richmond, CA, a city of nearly 100,000 in the middle of the Bay Area—a tribe proposed taking land into trust to open a 4,000-slot-machine casino. Proponents tout it as a major economic engine for a depressed area.

On November 2, Richmond voters made it clear how they feel: by a margin of 58 to 42 percent, voters overwhelmingly rejected the advisory Measure U on the Richmond casino and they elected two new city council members who strongly oppose the casino. It was an unambiguous rejection of this off-reservation gaming proposal.

Some people have tried to tell me that this is just a California problem, and that we just need a California-solution. I am afraid this is not the case.

The Department of the Interior is considering gaming applications for tribes in Washington, Oregon, Mississippi, Nevada, and Massachusetts just to name a few. I urge my colleagues to ask your constituents and your community leaders if they have were consulted about these proposals. Did they have any input? Were the needs of the cities, counties, and neighboring tribes considered?

As a former mayor, I know the financial pressures that local governments face, especially in these tough times. The temptation to support large casinos can be strong. But I also know the heavy price that society pays for the siren song of gambling. This price includes addiction and crime, strained public services and increased traffic congestion.

Some Indian gaming proponents, often backed by rich out-of-state investors and gambling syndicates, would have us believe that these off-reservation gaming establishments are a sign of growth and economic development.

In 2006 the California Research Bureau compiled research on the effects of casinos on communities, and they released a report entitled Gambling in the Golden State. The results were staggering.

The development of new casinos is associated with a 10 percent increase in violent crime and a 10 percent increase in bankruptcy rates.

New casinos are also associated with an increase in law enforcement expenditures of $15.34 per person.

California already spends an estimated $1 billion to deal with problem-gamblers and pathological-gamblers, 75 percent of which identify Indian casinos as their primary gambling preference.

This report confirmed what many local elected officials and community activists already knew: casinos may create a few jobs, but they come with a tremendous cost.

One reason for the high costs casinos is the woefully inadequate oversight at Indian gambling facilities.

In California, gaming oversight officials are responsible for over twice as much economic activity per inspector compared to their counterparts in states with legalized commercial gambling. Using the most recent data available from 2006:

California employed 180 gambling oversight officials to regulate $5.2 billion dollars in economic activity.

This means the State only employed 1 official for every $28.9 million dollars of economic activity in the gambling industry.

By comparison, the 11 States that had legalized commercial gambling averaged 1 oversight official per $12.1 million dollars of activity.

Furthermore, closed-door gaming compacts limit what little power these investigators actually have. They cannot conduct unannounced visits, they have little discretion on what penalties to enact, and they cannot enforce their punishments when they are handed down. Quite simply, it is a broken system.

I know that some may try to mischaracterize my legislation and say that I am trying to limit the sovereignty of Native American tribes or destroy their ability to undertake much needed economic development.

But I am here today to say that nothing could be farther from the truth.

The fact of the matter is that most casinos are appropriately placed—on historical tribal lands—and there is no need to argue about the legitimacy of these establishments.

My legislation only deals with those proposals that are truly beyond the scope of Congressional intent when the Indian Gaming Regulatory Act was passed in 1988.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tribal Gaming Eligibility Act''.

SEC. 2. GAMING ON LAND ACQUIRED AFTER OCTOBER 17, 1988.

Section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719) is amended—

(1) by striking the section designation and heading and all that follows through ''(a) Except'' and inserting the following:

''SEC. 20. GAMING ON LAND ACQUIRED AFTER OCTOBER 17, 1988.

''(a) IN GENERAL.—Except''; and

(2) in subsection (b)—

(A) in paragraph (1)(B), in the matter preceding clause (i), by inserting ''subject to paragraph (2),'' before ''lands are taken'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) APPLICABILITY TO CERTAIN LAND.—

''(A) IN GENERAL.—Except as provided in subparagraph (D), effective beginning on the date of enactment of the Tribal Gaming Eligibility Act, in addition to any other requirements under applicable Federal law, gaming conducted pursuant to an exception under paragraph (1)(B) shall not be conducted on land taken into trust after October 17, 1988, by the United States for the benefit of an Indian tribe unless the Secretary determines, on the date the land is taken into trust, that the Indian tribe—

''(i) has received a written determination by the Secretary that the land is eligible to be used for gaming under this section; and

''(ii) demonstrates—

''(I) in accordance with subparagraph (B), a substantial, direct, modern connection to the land taken into trust, as of October 17, 1988; and

''(II) in accordance with subparagraph (C), a substantial, direct, aboriginal connection to the land taken into trust.

''(B) SUBSTANTIAL, DIRECT, MODERN CONNECTION.—In making a determination under subparagraph (A)(ii)(I) that an Indian tribe demonstrates a substantial, direct, modern connection to land taken into trust as of October 17, 1988, the Secretary shall certify that—

''(i) if the Indian tribe has a reservation—

''(I) the land is located within a 25-mile radius of the tribal headquarters or other tribal governmental facilities of the Indian tribe on the reservation;

''(II) the Indian tribe has demonstrated a temporal connection to, or routine presence on, the land during the period beginning on October 17, 1988, and ending on the date of the certification; and

''(III) the Indian tribe has not been recognized or restored to Federal recognition status during the 5-year period preceding the date of the certification; or

''(ii) if the Indian tribe does not have a reservation—

''(I) the land is located within a 25-mile radius of an area in which a significant number of members of the Indian tribe reside;

''(II) the Indian tribe has demonstrated a temporal connection to, or routine presence on, the land during the period beginning on October 17, 1988, and ending on the date of the certification; and

''(III)(aa) the land was included in the first-submitted request of the Indian tribe for newly acquired land since the date on which the Indian tribe was recognized or restored to Federal recognition; or

''(bb)(AA) the application to take the land into trust was received by the Secretary during the 5-year period beginning on the date on which the Indian tribe was recognized or restored to Federal recognition; and

''(BB) the Indian tribe is not conducting any gaming activity on any other land.

''(C) SUBSTANTIAL, DIRECT, ABORIGINAL CONNECTION.—In making a determination under subparagraph (A)(ii)(II) that an Indian tribe demonstrates a substantial, direct, aboriginal connection to land, the Secretary shall take into consideration some or all of the following factors:

''(i) The historical presence of the Indian tribe on the land, including any land to which the Indian tribe was relocated pursuant to the forcible removal of tribal members from land as a result of acts of violence, an Act of Congress, a Federal or State administrative action, or a judicial order.

''(ii) Whether the membership of the tribe can demonstrate lineal descendent or cultural affiliation, in accordance with section 10.14 of title 43, Code of Federal Regulations (or a successor regulation).

''(iii) The area in which the unique language of the Indian tribe has been used.

''(iv) The proximity of the land to culturally significant sites of the Indian tribe.

''(v) The forcible removal of tribal members from land as a result of acts of violence, an Act of Congress, a Federal or State administrative action, or a judicial order.

''(vi) Other factors that demonstrate a temporal presence of the Indian tribe on the land prior to the first interactions of the Indian tribe with nonnative individuals, the Federal Government, or any other sovereign entity.

''(D) EXCEPTIONS.—

''(i) IN GENERAL.—Subparagraphs (A) through (C) shall not apply—

''(I) to any land on which gaming regulated by this Act will not take place;

''(II) to any land located within, or contiguous to, the boundaries of the reservation of an Indian tribe, as of October 17, 1988;

''(III) if—

''(aa) the relevant Indian tribe did not have a reservation on October 17, 1988; and

''(bb) the land is located—

''(AA) in the State of Oklahoma and within the boundaries of the former reservation of the Indian tribe, as defined by the Secretary, or contiguous to other land held in trust or restricted status by the United States for the Indian tribe in the State of Oklahoma; or

''(BB) in a State other than Oklahoma and within the last recognized reservation of the Indian tribe in any State in which the Indian tribe is presently located; or

''(IV) if the relevant Indian tribe has—

''(aa) taken land into trust during the period beginning on October 17, 1988, and ending on the date of enactment of the Tribal Gaming Eligibility Act; and

''(bb) has received a written determination by the Secretary that the land is eligible to be used for gaming under this section.

''(ii) CERTAIN DECISIONS.—

''(I) IN GENERAL.—Subject to subclause (II), subparagraphs (A) through (C) shall not apply to a final agency decision issued before the date of enactment of the Tribal Gaming Eligibility Act.

''(II) PENDING APPLICATIONS.—Subparagraphs (A) through (C) shall apply to an application that is pending, but for which a final agency decision has not been made, as of the date of enactment of the Tribal Gaming Eligibility Act.

''(E) ADMINISTRATION.—An action under this paragraph shall be considered a final administrative action for purposes of subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the 'Administrative Procedure Act').''; and

(D) in paragraph (4) (as redesignated by subparagraph (B)), by striking ''paragraph (2)(B)'' and inserting ''paragraph (3)(B),''.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 772. A bill to protect Federal employees and visitors, improve the security of Federal facilities and authorize and modernize the Federal Protective Service; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senators COLLINS and AKAKA today to introduce the bipartisan SECURE Facilities Act of 2011 to modernize and transform an important but often overlooked agency within the Department of Homeland Security, DHS, responsible for protecting 9,000 Federal buildings across the country.

The agency I refer to is the Federal Protective Service, FPS, where 1,200 full time employees and about 15,000 contract guards safeguard not just the buildings, but the one million people who work at and visit these buildings each year.

Unfortunately, the threat to government workers and property is all too real. In 1995, a massive bomb decimated the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people. The Pentagon was one of the targets of the 9/11 terrorists. A wing of the building was leveled and 184 people died. Last year, a man flew a small plane into a building in Austin, TX, that housed an IRS and other government offices. An IRS manager was killed. Earlier this year, our friend and colleague, Congresswoman GABRIELLE GIFFORDS was critically shot at a public forum. Most recently, a man planted an improvised explosive device outside the McNamara Federal building in Detroit. A dozen or so other violent incidents have occurred at federal buildings in the last 3 years. Protecting the people who work and visit federal buildings is critical to maintaining the integrity of our democracy.

Security at these buildings, however, is not where it should be. Poor management, serious budget shortfalls, and operational challenges have diminished FPS' effectiveness and undermined public trust. FPS guards were famously caught sleeping on the job, putting an infant in its carrier through an X-ray machine, and failing to detect bomb-making materials on investigators who passed through security.

The Federal Protective Service must be turned around, which is why we are introducing this legislation to strengthen the agency's management, provide it with the necessary resources to fulfill its mission, and help it function at a higher level.

I want to single out for praise the Government Accountability Office, GAO, whose excellent work has significantly informed our legislation.

At a July 8, 2009, hearing before the Homeland Security and Governmental Affairs Committee, GAO unveiled the results of a year-long investigation conducted at the Committee's request. GAO visited 6 of 11 FPS regions throughout the country and observed the guard inspection process; interviewed managers, inspectors, and guards; analyzed guard contracts, training and certification requirements, and instruction documents. GAO's special investigations unit conducted its own covert tests at 10 high security Federal facilities in several different cities, some of which house district offices of our House and Senate colleagues.

What did GAO find? A seriously dysfunctional agency. FPS lacks focus and strategies for accomplishing its mission; contract guards don't have adequate training; FPS personnel suffer from low morale; oversight of contract guards is poor; and many standards that guide federal building security are outdated.

GAO revealed that some guards lacked basic security or x-ray machine training. The FPS was hard pressed to identify which guards were qualified or effective. One guard used a government computer to run an adult website during his shift, while another allowed a baby in a carrier to pass through an x-ray machine. A third guard was photographed asleep at his station.

GAO investigators smuggled through security at one building readily available components to make a liquid-based improvised explosive device. The investigators then made a bomb in a public restroom and moved throughout the federal building undetected. I note that while the components of the IED were real, the actual explosive liquids were diluted to ensure the bomb was not functional.

FPS didn't come to this point overnight. In fact, its problems multiplied when it was folded into DHS in 2003. At that point, the agency lost access to supplemental funding from its previous parent agency—the General Services Administration, GSA, and because of that, immediately ran into trouble. FPS fell behind in paying its bills, budget cuts hurt employee training and other functions, and personnel cuts diminished the agency's overall performance. At the same time, FPS was given more responsibilities, and the previous administration was working to downsize the agency workforce by 1/3.

Reform legislation is very clearly needed, and the SECURE Facilities Act of 2011 addresses many of the shortcomings detailed by GAO.

In particular, our legislation addresses four major challenges:

First, the bill would help the FPS carry out its mission by adding almost 150 law enforcements and support personnel. The agency has assumed increased responsibilities since it joined DHS but has done so with fewer personnel, and that is unsustainable.

Second, our legislation would tackle deficiencies within the contract guard program. FPS contract guards are the first line of defense at Federal facilities, so we must ensure they are held to high standards and are prepared and equipped to face the varied threats to which federal buildings are vulnerable.

Third, the bill would ensure the FPS is prepared to address the threat of explosives. The bombing of the Alfred P. Murrah Federal Building in Oklahoma City occurred 16 years ago, but FPS has been slow to deploy sufficient countermeasures to detect and deter that type of attack.

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

On the question of resources, our bill, for the first time, would formally authorize the FPS and the interagency government body responsible for establishing security standards for all federal facilities, the Interagency Security Committee. We would provide additional funding for the agency by directing OMB to increase the building security fees paid by other agencies. We would provide resources for FPS to hire 146 full time employees. We would ensure that FPS employs 1,200 full time employees or more at all times—a conservative number that may require future increases.

Many of the additional employees would be law enforcement officers, but FPS would also have the flexibility to hire administrative and support personnel to improve its overall management, strengthen its oversight of contract guards, monitor contractor performance, and share contract assessments throughout the agency. The legislation also would provide retirement benefits to FPS officers to help the agency recruit and retain quality personnel.

Recognizing that the nation's fiscal health and our unsustainable deficits demand budget tightening, it is especially critical that we make wise budget decisions. I believe the evidence clearly demonstrates the need for additional spending for FPS.

With regard to improved standards, our legislation would require FPS to conduct overt and covert testing to assess guard training, test the security of Federal facilities, and establish procedures for retraining or terminating poor performing guards. The bill would also require that basic documents and manuals describing the responsibilities of security guards are up to date and periodically reviewed.

On explosives, we would require DHS to establish performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities. Our bill would also allow FPS officers to carry firearms off duty, as most other Federal law enforcement officers can, allowing them to respond to incidents more quickly. And, finally, the bill includes several reporting requirements—on agency personnel needs, retention rates of contract guards, the feasibility of federalizing the contract guard workforce, and additional methods for preventing and detecting explosives in federal facilities.

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

I am confident that this comprehensive, bipartisan legislation will foster meaningful reform, modernize the Federal Protective Service, and improve the security of our Federal facilities across the country. I urge my colleagues to support the bill and I thank Senator COLLINS, Senator AKAKA, former Senator Voinovich, and their dedicated staffs for helping to get this bill introduced today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 772

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011'' or the ''SECURE Facilities Act of 2011''.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

(B) the Committee on Appropriations of the Senate;

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

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

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

(2) DIRECTOR.—The term ''Director'' means the Director of the Federal Protective Service.

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

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

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

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

(D) the Department of Energy Office of Secure Transportation, and associated field locations;

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

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

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

(H) the Nevada Site Office and the Nevada National Security Site;

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

(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;

(K) the National Energy Technology Laboratory;

(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and the Department of Energy East Tennessee Technology Park;

(M) the Pantex Plant and Pantex Site Office;

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

(O) the Richland Operations Office and Hanford Site;

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

(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;

(R) the Savannah River Plant and the Department of Energy Office of Environmental Management's Savannah River Site Office;

(S) the Savannah River National Laboratory;

(T) the National Nuclear Security Administration's National Savannah River Site Office, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

(U) the Waste Isolation Pilot Plant; and

(V) the National Nuclear Security Administration's Y–12 Site Office and the Y–12 National Security Complex.

(4) FEDERAL FACILITY.—The term ''Federal facility''—

(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

(B) does not include—

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

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

(5) FEDERAL PROTECTIVE SERVICE OFFICER.—The term ''Federal protective service officer''—

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

(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer authorized to carry firearms and make arrests by the Secretary.

(6) QUALIFIED CONSULTANT.—The term ''qualified consultant'' means a non-Federal entity with experience in homeland security, infrastructure protection and physical security, Government workforce issues, and Federal human capital policies.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FEDERAL PROTECTIVE SERVICE.

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

''Subtitle E—Federal Protective Service

''SEC. 241. DEFINITIONS.

''In this subtitle:

''(1) AGENCY.—The term 'agency' means an executive agency.

''(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

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

''(B) the Committee on Appropriations of the Senate;

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

''(D) the Committee on Transportation and Infrastructure of the House of Representatives; and

''(E) the Committee on Appropriations of the House of Representatives.

''(3) DIRECTOR.—The term 'Director' means the Director of the Federal Protective Service.

''(4) FACILITY SECURITY LEVEL.—The term 'facility security level'—

''(A) means a rating of each Federal facility based on the analysis of several facility factors that provides a basis for that facility's attractiveness as a target and potential effects or consequences of a criminal or terrorist attack, which then serves as a basis for the implementation of certain levels of security protection; and

''(B) is determined by the Federal Protective Service, the United States Marshals Service under section 566 of title 28, United States Code, or another agency authorized to provide all protective services for a facility under the provisions of section 263 and guided by Interagency Security Committee standards.

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

''(A) the Albuquerque National Nuclear Security Administration Service Center;

''(B) the Brookhaven National Laboratory and Brookhaven Site Office;

''(C) the Argonne National Laboratory, the Argonne Site Office and the Chicago Service Center;

''(D) the Department of Energy Office of Secure Transportation, and associated field locations;

''(E) the Idaho National Laboratory and the Idaho Site Office;

''(F) the Kansas City Plant and the Kansas City Site Office;

''(G) the Pittsburgh Naval Reactors Office, Bettis Atomic Power Laboratory, Idaho Naval Reactors Facility, and the Knolls Atomic Power Laboratory;

''(H) the Nevada Site Office and the Nevada National Security Site;

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

''(J) the Lawrence Livermore National Laboratory and Lawrence Livermore Site Office;

''(K) the National Energy Technology Laboratory;

''(L) the Oak Ridge National Laboratory, Department of Energy Oak Ridge Office, and the Department of Energy East Tennessee Technology Park;

''(M) the Pantex Plant and Pantex Site Office;

''(N) the Portsmouth Gaseous Diffusion Plant and Paducah Gaseous Diffusion Plant;

''(O) the Richland Operations Office and Hanford Site;

''(P) the Sandia National Laboratories and Sandia Site Office;

''(Q) the Strategic Petroleum Reserve Project Office and the Strategic Petroleum Reserve Sites;

''(R) the Savannah River Plant and the Department of Energy Office of Environmental Management's Savannah River Site Office;

''(S) the Savannah River National Laboratory;

''(T) the National Nuclear Security Administration's National Savannah River Site Office, the Tritium Extraction Facility and Mixed Oxide Fuel Fabrication Facility;

''(U) the Waste Isolation Pilot Plant; and

''(V) the National Nuclear Security Administration's Y–12 Site Office and the Y–12 National Security Complex.

''(6) FEDERAL FACILITY.—The term 'Federal facility'—

''(A) means any building and grounds and all property located in or on that building and grounds, that are owned, occupied or secured by the Federal Government, including any agency, instrumentality or wholly owned or mixed-ownership corporation of the Federal Government; and

''(B) does not include—

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

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

''(7) FEDERAL FACILITY PROTECTED BY THE FEDERAL PROTECTIVE SERVICE.—The term 'Federal facility protected by the Federal Protective Service'—

''(A) means those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary; and

''(B) does not include any facility, or portion thereof, which the United States Marshals Service is responsible for under section 566 of title 28, United States Code.

''(8) FEDERAL PROTECTIVE SERVICE OFFICER.—The term 'Federal protective service officer'—

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

''(B) includes any other employee of the Federal Protective Service designated as a Federal protective service officer authorized to carry firearms and make arrests by the Secretary.

''(9) INFRASTRUCTURE SECURITY CANINE TEAM.—The term 'infrastructure security canine team' means a certified canine and a Federal protective service officer that are trained to detect explosives or other threats as defined by the Secretary.

''(10) IN-SERVICE FIELD STAFF.—The term 'in-service field staff' means Federal Protective Service law enforcement officers who, while working, are directly engaged on a daily basis protecting and enforcing law at Federal facilities, including police officers, inspectors, area commanders and special agents, and such other equivalent positions as designated by the Secretary.

''(11) SECURITY ORGANIZATION.—The term 'security organization' means an agency or an internal agency component responsible for security at a specific Federal facility.

''SEC. 242. ESTABLISHMENT.

''(a) ESTABLISHMENT.—There is established the Federal Protective Service within the Department.

''(b) MISSION.—The mission of the Federal Protective Service is to render Federal facilities protected by the Federal Protective Service safe and secure for Federal employees, contract employees, officers, and visitors.

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

''(d) DUTIES AND POWERS OF THE DIRECTOR.—

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

''(2) PROTECTION.—The Director shall secure Federal facilities which are protected by the Federal Protective Service, and safeguard all occupants, including Federal employees, contract employees, officers, and visitors.

''(3) ENFORCEMENT POLICY.—The Director shall establish and direct the policies of the Federal Protective Service, and advise the Under Secretary for the National Protection and Programs Directorate on policy matters relating to the protection of Federal facilities.

''(4) TRAINING.—The Director shall—

''(A) determine the minimum level of training or certification for—

''(i) employees of the Federal Protective Service; and

''(ii) armed contract security guards at Federal facilities protected by the Federal Protective Service; and

''(B) provide training, to members of a Facility Security Committee that meets the standards established by the Interagency Security Committee.

''(5) INVESTIGATIONS.—The Director shall ensure violations of any Federal law affecting the security of Federal facilities protected by the Federal Protective Service are investigated and referred for prosecution as appropriate.

''(6) INSPECTIONS.—The Director shall inspect Federal facilities protected by the Federal Protective Service for the purpose of determining compliance with Federal security standards and making appropriate risk mitigation recommendations.

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

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

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

''(10) SECURITY ASSESSMENT.—The Director shall ensure a security risk assessment is conducted for each Federal facility protected by the Federal Protective Service on a recurring basis and in accordance with standards established by the Interagency Security Committee.

''(11) EMERGENCY PLAN ASSISTANCE.—The Director shall—

''(A) ensure each Federal facility protected by the Federal Protective Service has adequate plans for emergency situations;

''(B) provide technical assistance to agencies that are the tenant of a Federal facility protected by the Federal Protective Service in developing plans described in subparagraph (A); and

''(C) ensure plans described in subparagraph (A) are exercised in accordance with standards established by the Interagency Security Committee.

''(12) SECURITY COUNTERMEASURES.—The Director shall ensure and supervise the effective design, procurement, installation, maintenance, and operation of security countermeasures (including armed contract guards, electronic physical security systems, and weapons and explosives screening devices) for Federal facilities protected by the Federal Protective Service.

''(13) SUITABILITY ADJUDICATION OF GUARDS AND BUILDING SERVICE CONTRACTORS.—The Director shall ensure that—

''(A) background investigations are conducted for contract guards and building service contractors; and

''(B) each contract guard and building service contractor is suitable for work in a Federal facility protected by the Federal Protective Service before being granted unescorted or recurring access.

''(14) PROTECTIVE SERVICE GUARD CONTRACTING.—The Director shall be responsible for all protective service guard contracting requirements for those facilities owned or leased by the General Services Administration, and other facilities at the discretion of the Secretary.

''(15) ASSISTANCE TO FACILITY SECURITY COMMITTEES.—The Director shall ensure coordination with and provide assistance to Facility Security Committees on matters relating to facilities, facility vulnerabilities, and potential consequences of an incident.

''SEC. 243. FULL-TIME EQUIVALENT EMPLOYEE REQUIREMENTS.

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

''(b) MINIMUM FULL-TIME EQUIVALENT EMPLOYEE LEVEL.—

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

''(2) REPORT.—In any fiscal year after fiscal year 2012 in which the number of full-time equivalent employees of the Federal Protective Service is fewer than the number of full-time equivalent employees of the Federal Protective Service in the previous fiscal year, the Secretary shall submit a report to the appropriate congressional committees that provides—

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

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

''SEC. 244. OVERSIGHT OF CONTRACT GUARD SERVICES.

''(a) ARMED GUARD TRAINING REQUIREMENTS.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall establish minimum training requirements for all armed guards procured by the Federal Protective Service.

''(2) REQUIREMENTS.—Training requirements under this subsection shall include—

''(A) at least 80 hours of instruction before a guard may be deployed, and at least 16 hours of recurrent training on an annual basis thereafter; and

''(B) Federal Protective Service monitoring or provision of the initial training of armed guards procured by the Federal Protective Service of —

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

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

''(iii) at least 20 percent of the hours of required instruction in fiscal year 2013; and

''(iv) at least 25 percent of the hours of required instruction in fiscal year 2014 and each fiscal year thereafter.

''(b) TRAINING AND SECURITY ASSESSMENT PROGRAM.—

''(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall establish a program to periodically assess—

''(A) the training of guards for the security and protection of Federal facilities protected by the Federal Protective Service; and

''(B) the security of Federal facilities protected by the Federal Protective Service.

''(2) PROGRAM.—The program under this subsection shall include an assessment of—

''(A) methods to test the training and certifications of guards;

''(B) a remedial training program for guards;

''(C) procedures for taking personnel actions, including processes for removing individuals who fail to conform to the training or performance requirements of the contract; and

''(D) an overt and covert testing program for the purposes of assessing guard performance and other facility security countermeasures.

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

''(c) REVISION OF GUARD MANUAL AND POST ORDERS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director, in consultation with the Administrator of General Services, shall—

''(A) update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service; or

''(B) certify to the Secretary that the Security Guard Information Manual and post orders described under subparagraph (A) have been updated during the 1-year period preceding the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011.

''(2) REVIEW AND UPDATE.—Beginning with the first calendar year following the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, and every 2 years thereafter, the Director shall review and update the Security Guard Information Manual and post orders for each guard post overseen by the Federal Protective Service.

''(d) DATABASE OF GUARD SERVICE CONTRACTS.—The Director shall establish a database to monitor all contracts for guard services. The database shall include information relating to contract performance.

''SEC. 245. INFRASTRUCTURE SECURITY CANINE TEAMS.

''(a) IN GENERAL.—

''(1) INCREASED CAPACITY.—Not later than 180 days after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, the Director shall—

''(A) begin to increase the number of infrastructure security canine teams certified by the Federal Protective Service for the purposes of infrastructure-related security by up to 15 canine teams in each of fiscal years 2012 through 2015; and

''(B) encourage State and local governments and private owners of high-risk facilities to strengthen security through the use of highly trained infrastructure security canine teams.

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

''(A) partnering with the Customs and Border Protection Canine Enforcement Program and the Canine Training Center Front Royal, the Transportation Security Administration's National Explosives Detection Canine Team Training Center, or other offices or agencies within the Department with established canine training programs;

''(B) partnering with agencies, State or local government agencies, nonprofit organizations, universities, or the private sector to increase the training capacity for canine detection teams; or

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

''(b) STANDARDS FOR INFRASTRUCTURE SECURITY CANINE TEAMS.—

''(1) IN GENERAL.—The Director, in coordination with the Office of Infrastructure Protection, shall establish criteria, including canine training curricula, performance standards, and other requirements, necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained.

''(2) EXPANSION.—In developing and implementing the criteria, the Director shall—

''(A) coordinate with key stakeholders, including international, Federal, State, and local government officials, and private sector and academic entities to develop best practice guidelines;

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

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

''(c) DEPLOYMENT.—The Director—

''(1) shall use the additional canine teams increased under subsection (a) to enhance security at Federal facilities;

''(2) may use the additional canine teams increased under subsection (a) on a more limited basis to support other homeland security missions; and

''(3) may request canine teams from other agencies within the Department—

''(A) for high-risk areas;

''(B) to address specific threats; or

''(C) on an as-needed basis.

''(d) CANINE PROCUREMENT.—The Director, shall ensure that infrastructure security canine teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

''SEC. 246. CHECKPOINT DETECTION TECHNOLOGY STANDARDS.

''The Secretary, in coordination with the Interagency Security Committee, shall develop performance-based standards for checkpoint detection technologies for explosives and other threats at Federal facilities protected by the Federal Protective Service.

''SEC. 247. COMPLIANCE OF FEDERAL FACILITIES WITH FEDERAL SECURITY STANDARDS.

''(a) IN GENERAL.—The Secretary may assess security charges to an agency that is the owner or the tenant of a Federal facility protected by the Federal Protective Service in addition to any security charge assessed under section 248 for the costs of necessary security countermeasures if—

''(1) the Secretary, in coordination with the Interagency Security Committee, determines a Federal facility to be in noncompliance with Federal security standards established by the Interagency Security Committee or a final determination regarding countermeasures made by the appeals board established under section 262(h); and

''(2) the Interagency Security Committee or the Director—

''(A) provided notice to that agency and the Facility Security Committee of—

''(i) the noncompliance;

''(ii) the actions necessary to be in compliance; and

''(iii) the latest date on which such actions need to be taken; and

''(B) the agency is not in compliance by that date.

''(b) REPORT ON NONCOMPLIANT FACILITIES.—The Secretary shall submit a report to the appropriate congressional committees, in a classified manner if necessary, of any facility determined to be in noncompliance with the Federal security standards established by the Interagency Security Committee.

''SEC. 248. FEES FOR PROTECTIVE SERVICES.

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

''(b) DEPOSIT OF FEES.—Any fees or security charges paid under this section shall be deposited in the appropriations account under the heading 'FEDERAL PROTECTIVE SERVICES' under the heading 'NATIONAL PROTECTION AND PROGRAMS DIRECTORATE' of the Department.

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

''Subtitle F—Interagency Security Committee

''SEC. 261. DEFINITIONS.

''In this subtitle, the definitions under section 241 shall apply.

''SEC. 262. INTERAGENCY SECURITY COMMITTEE.

''(a) ESTABLISHMENT.—There is established within the executive branch the Interagency Security Committee (in this subtitle referred to as the 'Committee') responsible for the development of safety and security standards and best practices to mitigate the effects of natural and manmade hazards in Federal facilities.

''(b) CHAIRPERSON.—The Committee shall be chaired by the Secretary, or the designee of the Secretary. The chairperson shall be responsible for the daily operations of the Committee and appeals board, final approval and enforcement of Committee standards, and the promulgation of regulations related to Federal facility security prescribed by the Committee.

''(c) MEMBERSHIP.—

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

''(A) AGENCY REPRESENTATIVES.—Representatives from the following agencies, appointed by the agency heads:

''(i) Department of Homeland Security.

''(ii) Department of State.

''(iii) Department of the Treasury.

''(iv) Department of Defense.

''(v) Department of Justice.

''(vi) Department of the Interior.

''(vii) Department of Agriculture.

''(viii) Department of Commerce.

''(ix) Department of Labor.

''(x) Department of Health and Human Services.

''(xi) Department of Housing and Urban Development.

''(xii) Department of Transportation.

''(xiii) Department of Energy.

''(xiv) Department of Education.

''(xv) Department of Veterans Affairs.

''(xvi) Environmental Protection Agency.

''(xvii) Central Intelligence Agency.

''(xviii) Office of Management and Budget.

''(xix) General Services Administration.

''(B) OTHER OFFICERS.—The following Federal officers or the designees of those officers:

''(i) The Director of the United States Marshals Service.

''(ii) The Director.

''(iii) The Assistant to the President for National Security Affairs.

''(C) JUDICIAL BRANCH REPRESENTATIVES.—A representative from the judicial branch appointed by the Chief Justice of the United States.

''(2) ASSOCIATE MEMBERS.—The Committee shall include as associate members who shall be nonvoting members, representatives from the following agencies, appointed by the agency heads:

''(A) Federal Aviation Administration.

''(B) Federal Bureau of Investigation.

''(C) Federal Deposit Insurance Corporation.

''(D) Federal Emergency Management Agency.

''(E) Federal Reserve Board.

''(F) Internal Revenue Service.

''(G) National Aeronautics and Space Administration.

''(H) National Capital Planning Commission.

''(I) National Institute of Standards & Technology.

''(J) Nuclear Regulatory Commission.

''(K) Office of Personnel Management.

''(L) Securities and Exchange Commission.

''(M) Social Security Administration.

''(N) United States Coast Guard.

''(O) United States Postal Service.

''(P) United States Army Corps of Engineers.

''(Q) Court Services and Offender Supervision Agency.

''(R) Any other Federal officers as the President shall appoint.

''(3) GOVERNMENT ACCOUNTABILITY OFFICE.—The Comptroller General shall designate a representative to act as a liaison to the Committee.

''(d) WORKING GROUPS.—The Committee may establish interagency working groups to perform such tasks as may be directed by the Committee.

''(e) CONSULTATION.—The Committee shall consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities, and, at the discretion of the Chairperson of the Committee, such other parties may participate in the working groups.

''(f) MEETINGS.—The Committee shall at a minimum meet quarterly.

''(g) RESPONSIBILITIES.—The Committee shall—

''(1) not later than 1 year after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, propose regulations to the Secretary for promulgation under section 1315(c)(1) of title 40, United States Code—

''(A) for determining facility security levels, unless the Committee determines that similar regulations are issued by the Secretary before the end of that 180-day period; and

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

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

''(3) prescribe regulations to determine minimum levels of training and certification of contract guards;

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

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

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

''(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

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

''(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

''(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

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

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

''(h) APPEALS BOARD.—

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

''(A) facility security level determination;

''(B) Facility Security Committee decision to disapprove a determination for necessary countermeasures or physical security improvements if the Director considered such a decision a grave risk to the facility or its occupants; or

''(C) determination of noncompliance with Federal facility security standards.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The appeals board shall consist of 7 members of the Committee, of whom—

''(i) 1 shall be designated by the Secretary;

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

''(iii) 2 shall be selected by the voting members of the Committee to serve as alternates in the case of recusal by a member of the appeals board.

''(B) RECUSAL.—An appeals board member shall recuse himself or herself from any appeal from an agency which that member represents.

''(3) FINAL APPEAL.—A decision of the appeals board is final and shall not be subject to administrative or judicial review.

''(i) AGENCY SUPPORT AND COOPERATION.—

''(1) ADMINISTRATIVE SUPPORT.—

''(A) IN GENERAL.—To the extent permitted by law and subject to the availability of appropriations, the Secretary shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of the functions of the Committee under this subtitle.

''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department such sums as necessary to carry out the provisions of this paragraph.

''(2) COOPERATION AND COMPLIANCE.—

''(A) IN GENERAL.—Each agency shall cooperate and comply with the policies, standards, and determinations of the Committee.

''(B) SUPPORT.—To the extent permitted by law and subject to the availability of appropriations, agencies shall provide such support as may be necessary to enable the Committee to perform the duties and responsibilities of the Committee.

''(3) COMPLIANCE.—The Secretary shall be responsible for monitoring agency compliance with the policies and determinations of the Committee.

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

''SEC. 263. AUTHORIZATION OF AGENCIES TO PROVIDE PROTECTIVE SERVICES.

''(a) IN GENERAL.—The Secretary, in consultation with the Committee, shall establish a process to authorize an agency to provide protective services for a Federal facility instead of the Federal Protective Service.

''(b) LAW ENFORCEMENT AUTHORITY.—The Federal Protective Service shall retain the law enforcement authorities of the Federal Protective Service at any Federal facilities where an exemption is approved under subsection (a).

''(c) REQUIREMENTS.—Except as provided under subsection (d), the process under subsection (a) shall—

''(1) provide that—

''(A) an agency may submit an application to the Secretary for an authorization;

''(B) an authorization shall be for a 2-year period;

''(C) an authorization may be renewed; and

''(D) not later than 60 days after an agency submits an application to the Secretary for an authorization, the Secretary shall respond to the agency; and

''(2) require an agency to—

''(A) demonstrate security expertise;

''(B) possess law enforcement authority;

''(C) provide sufficient information through a security plan that the agency shall be in compliance with the Federal security standards of the Committee; and

''(D) submit a cost benefit analysis demonstrating savings to be realized.

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

''(1) alter authorizations in effect as of the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011 that have been provided to the Department of Energy for headquarters facilities located in Washington, D.C. and Germantown, Maryland; or

''(2) preclude the Secretary and the Secretary of Energy from renegotiating the terms of the authorizations for the Department of Energy headquarters facilities located in Washington, D.C. and Germantown, Maryland without regard to the requirements of subsection (c).

''SEC. 264. FACILITY SECURITY COMMITTEES.

''(a) IN GENERAL.—

''(1) MAINTENANCE OF FACILITY SECURITY COMMITTEES.—Except as provided under paragraph (2), the agencies that are tenants at each Federal facility shall maintain a Facility Security Committee for that Federal facility. Each agency that is a tenant at a Federal facility shall provide 1 employee to serve as a member of the Facility Security Committee.

''(2) EXEMPTIONS.—The Secretary may exempt a Federal facility from the requirement under paragraph (1), if that Federal facility is authorized under section 263 to provide protective services.

''(b) CHAIRPERSON.—

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

''(2) RESPONSIBILITIES.—The chairperson shall be responsible for—

''(A) maintaining accurate contact information for agency tenants and providing that information, including any updates, to the Federal Protective Service or designated security organization;

''(B) setting the agenda for Facility Security Committee meetings;

''(C) referring Facility Security Committee member questions to Federal Protective Service or designated security organization for response;

''(D) reviewing a security assessment completed by the Federal Protective Service or designated security organization representatives and, if requested by the Federal Protective Service or designated security organization, accompanying the representatives during on-site facility security assessments;

''(E) maintaining an official record of each meeting;

''(F) acknowledging receipt of the facility security assessment from Federal Protective Service or designated security organization;

''(G) maintaining records of training of or waivers for members of the Facility Security Committee; and

''(H) any other duties as determined by the Interagency Security Committee.

''(c) TRAINING FOR MEMBERS.—

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

''(2) TRAINING.—Training under this subsection shall—

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

''(B) be commensurate with the security level of the facility; and

''(C) include training relating to—

''(i) familiarity with published standards of the Interagency Security Committee;

''(ii) physical security criteria for Federal facilities;

''(iii) use of physical security performance measures;

''(iv) facility security levels determinations;

''(v) best practices for safe mail handling;

''(vi) knowledge of an occupant emergency plan, the facility security assessment process, and the facility countermeasures plan; and

''(vii) the role of the Federal Protective Service or designated security organization and the General Services Administration.

''(3) WAIVERS.—The training requirement under this subsection may be waived by the Director, the head of a designated security organization, or the Chairperson of the Interagency Security Committee if the Director, the head of the designated security organization, or the Chairperson determines that an employee has related experience in physical security, law enforcement, or infrastructure security disciplines.

''(4) INCUMBENT MEMBERS.—

''(A) IN GENERAL.—This subsection shall apply to any Facility Security Committee established before, on, or after the date of enactment of the Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2011, except that any member of a Facility Security Committee serving on that date shall during the 1-year period following that date—

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

''(ii) obtain a waiver under paragraph (3).

''(B) COMPLIANCE.—Any member of a Facility Security Committee described under subparagraph (A) who does not comply with that subparagraph may not serve on that Facility Security Committee.

''(d) MEETINGS AND QUORUM.—

''(1) MEETINGS.—Each Facility Security Committee shall meet on a quarterly basis, or more frequently if determined appropriate by the chairperson.

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

''(e) APPEAL.—

''(1) IN GENERAL.—If a Facility Security Committee disagrees with a determination of a facility security level or a determination of noncompliance with Federal security standards, the Chairperson of a Facility Security Committee may file an appeal of the determination with the Interagency Security Committee appeals board.

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

''(3) MATTERS SUBJECT TO APPEAL.—A determination of the Federal Protective Service may be appealed under this subsection, including any determination relating to—

''(A) countermeasure improvements;

''(B) facility security assessment findings; and

''(C) facility security levels.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents for the Homeland Security Act of 2002 is amended by inserting after the matter relating 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.''.

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

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

(1) in the matter preceding subparagraph (A), by striking ''While engaged in the performance of official duties, an'' and inserting ''An''; and

(2) in subparagraph (B), by striking ''carry firearms;'' and inserting ''carry firearms on or off duty;''.

(b) CARRYING CONCEALED FIREARMS.—Section 926B(f) of title 18, United States Code, is amended by inserting '', a law enforcement officer of the Federal Protective Service'' after ''Federal Reserve,''.

SEC. 5. CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—

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

(A) in paragraph (30), by striking ''and'' at the end;

(B) in paragraph (31), by striking the period and inserting ''and''; and

(C) by adding at the end the following:

''(32) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

''(A) who holds a position within the GS–0083, GS–0080, GS–1801, or GS–1811 job series (determined applying the criteria in effect as of September 1, 2007 or any successor position; and

''(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.''.

(2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOSITS.—Section 8334 of title 5, United States Code, is amended—

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

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

''Federal Protective Service Officer.	7.5	After June 29, 2011.''.

(3) MANDATORY SEPARATION.—The first sentence of section 8335(b)(1) of title 5, United States Code, is amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

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

(A) in subsection (c)(1), by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''; and

(B) in subsections (m) and (n), by inserting ''as a Federal protective service officer,'' before ''or as a customs and border protection officer,''.

(b) FEDERAL EMPLOYEES RETIREMENT SYSTEM.—

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

(A) in paragraph (35), by striking ''and'' at the end;

(B) in paragraph (36), by striking the period and inserting ''and''; and

(C) by adding at the end the following:

''(37) 'Federal protective service officer' means an employee in the Federal Protective Service of the Department of Homeland Security—

''(A) who holds a position within the GS–0083, GS–0080, GS–1801, or GS–1811 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position; and

''(B) who are authorized to carry firearms and empowered to make arrests in the performance of duties related to the protection of buildings, grounds and property that are owned, occupied, or secured by the Federal Government (including any agency, instrumentality or wholly owned or mixed-ownership corporation thereof) and the persons on the property, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties in 1 or more positions (as described under subparagraph (A)) for at least 3 years.''.

(2) IMMEDIATE RETIREMENT.—Paragraphs (1) and (2) of section 8412(d) of title 5, United States Code, are amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

(3) COMPUTATION OF BASIC ANNUITY.—Section 8415(h)(2) of title 5, United States Code, is amended by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,''.

(4) DEDUCTIONS FROM PAY.—The table contained in section 8422(a)(3) of title 5, United States Code, is amended by adding at the end the following:

''Federal Protective Service Officer.	7.5	After June 29, 2011.''.

(5) GOVERNMENT CONTRIBUTIONS.—Paragraphs (1)(B)(i) and (3) of section 8423(a) of title 5, United States Code, are amended by inserting ''Federal protective service officer,'' before ''customs and border protection officer,'' each place that term appears.

(6) MANDATORY SEPARATION.—Section 8425(b)(1) of title 5, United States Code, is amended—

(A) by inserting ''Federal protective service officer,'' before ''or customs and border protection officer,'' the first place that term appears; and

(B) inserting ''Federal protective service officer,'' before ''or customs and border protection officer,'' the second place that term appears.

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

''(h) The Secretary of Homeland Security may determine and fix the maximum age limit for an original appointment to a position as a Federal protective service officer, as defined by section 8401(37).''.

(d) REGULATIONS.—Any regulations necessary to carry out the amendments made by this section shall be prescribed by the Director of the Office of Personnel Management in consultation with the Secretary.

(e) EFFECTIVE DATE; TRANSITION RULES; FUNDING.—

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

(2) TRANSITION RULES.—

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

(B) TREATMENT OF PRIOR FEDERAL PROTECTIVE SERVICE OFFICER SERVICE.—

(i) GENERAL RULE.—Except as provided in clause (ii), nothing in this section shall be considered to apply with respect to any service performed as a Federal protective service officer before the effective date under paragraph (1).

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

(C) MINIMUM ANNUITY AMOUNT.—The annuity of an individual serving as a Federal protective service officer on the effective date under paragraph (1) pursuant to an appointment made before that date shall, to the extent that its computation is based on service rendered as a Federal protective service officer on or after that date, be at least equal to the amount that would be payable to the extent that such service is subject to the Civil Service Retirement System or Federal Employees Retirement System, as appropriate, by applying section 8339(d) of title 5, United States Code, with respect to such service.

(D) RULE OF CONSTRUCTION.—Nothing in the amendment made by subsection (c) shall be considered to apply with respect to any appointment made before the effective date under paragraph (1).

(3) FEES AND AUTHORIZATIONS OF APPROPRIATIONS.—

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

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(4) ELECTION.—

(A) INCUMBENT DEFINED.—For purposes of this paragraph, the term ''incumbent'' means an individual who is serving as a Federal protective service officer on the date of the enactment of this Act.

(B) NOTICE REQUIREMENT.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall take measures reasonably designed to ensure that incumbents are notified as to their election rights under this paragraph, and the effect of making or not making a timely election.

(C) ELECTION AVAILABLE TO INCUMBENTS.—

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

(I) to be treated in accordance with the amendments made by subsection (a) or (b), as applicable; or

(II) to be treated as if subsections (a) and (b) had never been enacted.

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

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

(5) DEFINITION.—For the purposes of this subsection, the term ''Federal protective service officer'' has the meaning given such term by section 8331(32) or 8401(37) of title 5, United States Code (as amended by this section).

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

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

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

SEC. 6. REPORT ON FEDERAL PROTECTIVE SERVICE PERSONNEL NEEDS.

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

(b) REVIEW AND COMMENT.—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment, before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.

SEC. 7. REPORT ON RETENTION RATE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on—

(1) retention rates within the Federal Protective Service contract guard workforce; and

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

SEC. 8. REPORT ON THE FEASIBILITY OF FEDERALIZING THE FEDERAL PROTECTIVE SERVICE CONTRACT GUARD WORKFORCE.

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

(b) REVIEW AND COMMENT.—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment, before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.

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

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

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

(3) the immediate and projected costs of maintaining guards under contract status and of maintaining full-time Federal employee guards;

(4) the potential increase in security if converted, including an analysis of using either a Federal security guard, Federal police officer, or Federal protective service officer instead of a contract guard;

(5) the hourly and annual costs of contract guards and the Federal counterparts of those guards, including an assessment of costs associated with all benefits provided to the Federal counterparts; and

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

SEC. 9. REPORT ON AGENCY FUNDING.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the method of funding for the Federal Protective Service, which shall include recommendations regarding whether the Federal Protective Service should continue to be funded by a collection of fees and security charges, be funded by appropriations, or be funded by a combination of fees, security charges, and appropriations.

SEC. 10. REPORT ON PREVENTING EXPLOSIVES FROM ENTERING FEDERAL FACILITIES.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees on the feasibility, effectiveness, safety and privacy implications of the use or potential use of available methods to detect or prevent explosives from entering Federal facilities, including the use of additional canine teams, advanced imaging technology, or other technology or methods for detecting explosives.

SEC. 11. SAVINGS CLAUSE.

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

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

(2) the authority of any Federal law enforcement agency other than the Federal Protective Service; or

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

Ms. COLLINS. Mr. President, I rise today to join Senator LIEBERMAN and

Senator AKAKA in introducing the SECURE Facilities Act of 2011—Supporting Employee Competency and Updating Readiness Enhancements. This bill would help to improve inadequate security at too many of our Federal buildings.

As a Nation, we have learned several hard truths. Terrorists are intent on attacking the United States, and their tactics continue to evolve. The early identification of a security gap can save countless lives if we act promptly to close it. There is no substitute for pre-emptive action to detect, disrupt, and defend against terrorist plots.

As we remember the lives lost when terrorists attacked the United States in 2001, we must avoid complacency. Our country's defenses must be nimble, multi-layered, informed by timely intelligence and coordinated across multiple agencies.

This is difficult work, requiring painstaking attention to detail and an unwavering focus. We must remain vigilant about the threats we face. Unfortunately, the evidence indicates there are significant security problems at Federal buildings where thousands of employees serve thousands more of our citizens every work day.

The Federal Protective Service, FPS, is charged with securing nearly 9,000 Federal facilities and protecting the government employees who work in them, and the Americans who use them to access vital services.

But, independent investigations by the Government Accountability Office, at the request of our Committee, and the Department of Homeland Security Inspector General have documented serious and systemic security flaws within the operations of the FPS. These lapses place Federal employees and private citizens at risk.

In April and May of 2009, for example, GAO's undercover investigators smuggled bomb-making materials into 10 Federal office buildings. Every single building GAO targeted was breached—a perfect record of security failure. At each facility, concealed bomb components passed through checkpoints monitored by FPS guards. Once inside, the covert GAO investigators were able to assemble the simulated explosive devices without interruption.

A July 2009 GAO report documented training flaws for FPS contract guards, some of whom failed to receive mandatory training on the operation of metal detectors and x-ray equipment. Other contract guards were deficient in key certifications such as CPR, First Aid, and firearms training. All told, GAO found that 62 percent of the FPS contract guards it reviewed lacked valid certifications in one or more of these areas.

This review also found that FPS did little to ensure compliance with rules and regulations and failed to conduct inspections of guard posts after regular business hours. When GAO investigators tested these posts, they found some guards sleeping on an overnight shift.

In another example, an inattentive guard allowed a baby in a carrier to pass through an x-ray machine on its conveyor belt. That guard was fired, but he ultimately won a lawsuit against the FPS because the agency could not document that he had received required training on the machine.

A few months earlier, in April 2009, the Department of Homeland Security's Inspector General also found critical failings in the FPS contract guard program. The Inspector General's recommendations included many concrete steps to strengthen contract guard performance, such as improving the award and management of contracts and increasing the amount of training and number of compliance inspections.

These reports demonstrate that American taxpayers are simply not receiving the security they have paid for and that they expect FPS to provide. The reports also show the vulnerabilities facing Federal employees and federal infrastructure because of lax security.

While shining a light on these failings in multiple hearings, our Committee pressed FPS to take action to close these security gaps. Although some tentative steps have been taken by FPS, we can no longer wait for OMB and DHS to implement the absolutely critical security measures necessary to help protect our Federal buildings, our Federal employees, and the American public.

The legislation that I introduce today, with Senators LIEBERMAN and AKAKA, would help close these security gaps at our Federal buildings.

First, the bill would codify the Interagency Security Committee, which was established by Executive Order 6 months after the Oklahoma City bombing, to increase security standards at Federal facilities. The ISC, comprised of representatives from agencies across the government, would establish risk-based performance standards for the security of Federal buildings. FPS would then enforce these requirements based on the risk tier assigned the facility by the ISC.

Prior reports clearly demonstrate that FPS lacks authority to require tenant agencies of a Federal facility to comply with recommended security countermeasures.

For example, although FPS may ask tenant agencies to purchase or repair security equipment like cameras and x-ray machines, these tenant agencies can refuse to purchase or repair the equipment based on cost. Since FPS has no enforcement mechanism, these machines are not upgraded, or remain inoperable, and security suffers. With so much at stake, tenant agencies should not be able to effectively overrule the security experts on the ISC and at FPS.

To address this problem, our legislation would provide FPS the authority needed to mandate the implementation of security measures at a facility. FPS also would have the authority to inspect Federal facilities to enforce compliance.

The bill would allow the FPS Director to charge additional fees if tenant agencies fail to comply with applicable security standards. In such cases, the Secretary also must notify Congress of the non-compliant facilities.

Our bill also would require an independent analysis of FPS's long-term staffing needs.

The government has an obligation to protect our Nation's security, and our Federal buildings are targets for violence. This legislation would provide FPS with stronger authority to improve security at our Federal buildings.

The American public that relies on these facilities and the Federal employees who work in them deserve better and more reliable protection.

By Mr. BAUCUS:

S. 774. A bill to appropriate funds for pay and allowances and support for members of the Armed Forces, their families, and other personnel critical to national security during a funding gap; to the Committee on Appropriations.

Mr. BAUCUS. Mr. President, this is a bill to appropriate funds for pay and allowances and support for members of the Armed Forced, their families, and other personnel critical to national security during a funding gap.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 774

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enduring Support for Defenders of Freedom and Their Families Act''.

SEC. 2. APPROPRIATIONS FOR PAY AND ALLOWANCES AND SUPPORT FOR MEMBERS OF THE ARMED FORCES, THEIR FAMILIES, AND CERTAIN OTHER PERSONNEL CRITICAL TO NATIONAL SECURITY DURING A FUNDING GAP.

(a) IN GENERAL.—During a funding gap impacting the Armed Forces and the Department of Homeland Security, the Secretary of the Treasury shall make available to the Secretary of Defense and the Secretary of Homeland Security, out of any amounts in the general fund of the Treasury not otherwise appropriated, amounts as follows:

(1) Such amounts as the Secretary of Defense and the Secretary of Homeland Security determine to be necessary to continue to provide pay and allowances (without interruption) to the following:

(A) Members and dependents of the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, including reserve components thereof, and the U.S. Customs and Border Protection, who perform active service during the funding gap.

(B) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such civilian personnel of the Department of Defense and the Department of

Homeland Security who are providing support to the personnel referred to in paragraph (1) as the Secretaries consider appropriate.

(C) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such personnel of contractors of the Department of Defense and the Department of Homeland Security who are providing direct support to the personnel referred to in paragraph (1) as the Secretaries consider appropriate.

(2) At the discretion of the Secretary of Defense and the Secretary of Homeland Security, such amounts as the Secretaries determine to be necessary to continue carrying out programs (and the pay and allowances of personnel carrying out such programs) that provide direct support to the members of the Armed Forces and the Department of Homeland Security, including programs as follows:

(A) Programs for the support of families, including child care and family support services.

(B) Such programs of the Department of Defense for the provision of medical treatment as the Secretary of Defense considers appropriate, including programs for the provision of rehabilitative services and counseling for combat injuries (including, but not limited to, Post Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI)).

(b) FUNDING GAP DEFINED.—In this section, the term ''funding gap'' means any period of time after the beginning of a fiscal year for which interim or full-year appropriations for the personnel and other applicable accounts of the Armed Forces and the Department of Homeland Security for that fiscal year have not been enacted.

By Mr. UDALL of Colorado:

S. 784. A bill to prevent the shutdown of the Federal Government; to the Committee on Appropriations.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objeciton, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Preventing a Government Shutdown Act''.

SEC. 2. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, excluding any budget authority designated as an emergency or temporary funding for projects or activities that are not part of ongoing operations, to such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year; or

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

''(B) the last day of such fiscal year.

''(4) This section shall not provide funding for a new fiscal year to continue any project or activity which is funded under the provisions of this section at the end of the preceding fiscal year until the enactment of a regular appropriation Act or joint resolution making continuing appropriations for such project or activity during such new fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, rural development, Food and Drug Administration, and related agencies programs.

''(2) The Department of Defense.

''(3) Energy and water development, and related agencies.

''(4) State, foreign operations, and related programs.

''(5) The Department of Homeland Security.

''(6) The Department of the Interior, Environmental Protection Agency, and related agencies.

''(7) The Departments of Labor, Health and Human Services, and Education, and related agencies.

''(8) Military construction, veterans affairs, and related agencies.

''(9) Science, the Departments of State, Justice, and Commerce, and related agencies.

''(10) The Departments of Transportation, Housing and Urban Development, and related agencies.

''(11) The Legislative Branch.

''(12) Financial services and general government.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations.''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fiscal years beginning fiscal year 2011.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 138—CALLING ON THE UNITED NATIONS TO RESCIND THE GOLDSTONE REPORT, AND FOR OTHER PURPOSES

Mrs. GILLIBRAND (for herself and Mr. RISCH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 138

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution S-9/1, authorizing a ''fact-finding mission'' regarding the conduct of the Government of Israel during Operation Cast Lead between December 27, 2008, and January 18, 2009;

Whereas that resolution prejudged the outcome of the fact finding mission by mandating that it investigate ''violations of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people'';

Whereas, on September 15, 2009, the ''United Nations Fact Finding Mission on the Gaza Conflict'' released its report, now known as the ''Goldstone report'', named for its chair, South African Jurist Richard Goldstone;

Whereas the report made numerous unsubstantiated assertions against Israel, in particular accusing the Government of Israel of committing war crimes by deliberately targeting civilians during its operations in Gaza;

Whereas the report downplayed the overwhelming evidence that Hamas deliberately used Palestinian civilians and civilian institutions as human shields against Israel and deliberately targeted Israeli civilians with rocket fire for over eight years prior to the operation;

Whereas the United Nations Human Rights Council voted to welcome the report, to endorse its recommendations, and to condemn Israel without mentioning Hamas;

Whereas, as a result of the report, the United Nations General Assembly has passed