



---

**STATEMENT**

**OF**

**ASHLEY J. LEWIS**

**DIRECTOR, OFFICE OF ACQUISITION MANAGEMENT**

**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT**

**U.S. DEPARTMENT OF HOMELAND SECURITY**

**BEFORE THE**

**SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS**  
**AND EMERGENCY MANAGEMENT**

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**U.S. HOUSE OF REPRESENTATIVES**

**“THE RESPONSIBILITY OF THE DEPARTMENT OF**  
**HOMELAND SECURITY AND THE FEDERAL PROTECTIVE SERVICE**  
**TO ENSURE CONTRACT GUARDS PROTECT FEDERAL EMPLOYEES AND**  
**THEIR WORKPLACES”**

**JUNE 21, 2007**

**WASHINGTON, D.C.**

## **INTRODUCTION**

Chairwoman Norton, Ranking Member Graves and distinguished Members.

I want to thank you for this opportunity to appear before you today to discuss the Federal Protective Service's responsibilities to ensure contract guards protect federal employees and their workplaces.

As the Head of Contracting Activity for ICE, I have overall responsibility for managing the contracting activities within the agency including FPS. I have been with ICE for fourteen months, and since my arrival, improving the quality and effectiveness of FPS' contracting operations has been a top priority for me. The Assistant Secretary and other ICE senior leaders have made it clear to me that it is also a top priority for them so I have had the full support of leadership improving FPS contracting and more specifically within the FPS contract guard program. I am very pleased with the successes we have achieved in this short timeframe and I would like to take a moment to highlight just a few of these improvements for you.

First, with the full support of the Assistant Secretary, we realigned the contracting function within FPS to be more effective and efficient. Specifically, we reorganized the contracting function from a regionally-based structure to a consolidated operation that allows contracting professionals to leverage their experience and expertise to award and administer better contracts. The Assistant Secretary realigned the chain of command and

reporting structure for FPS contracting professionals to ensure they reported directly to me. Both the establishment of the consolidated contracting groups and the realignment ensures we have a cohesive and centrally managed acquisition function.

In addition to these organizational changes, we have made systemic improvements to our acquisition processes. We have given our employees the tools they need to ensure the contract guard program is managed properly including planning for new contracts, awarding those contracts and managing them afterward. We have promulgated many new policies and procedures that help not only our contracting personnel but also our contract guard program managers, inspectors, and contracting officer's technical representatives. We defined roles and responsibilities to ensure people are doing the right things at the right time. We developed surveys to determine how we can better support our requirements personnel; guidebooks for our COTRs; templates for our contracting personnel; and, among other things, we created a standardized and automated invoice process. We have many more improvements planned and we know that we will continue to see significant progress over the coming months.

I am most proud of our accomplishments with respect to the contracting workforce. As I am sure you are aware, contracting personnel are considered to be a critical shortage category within the Federal government. We are constantly competing with other Federal agencies to find the best and the brightest. With the support of ICE senior leadership, we have increased the number of contracting personnel within FPS and hired

qualified and talented employees. We consolidated most of the FPS contracting functions in Philadelphia, PA, where we have been able to attract extremely qualified and capable contracting professionals due to other agency closures and their attraction to the mission of FPS. While we are not yet fully staffed, I fully expect to have the vast majority of FPS contracting vacancy filled or selections in process by the end of the fiscal year.

We respect the work done by our contract guards and will work diligently to ensure they are paid in a timely manner and in accordance with the Service Contract Act and the terms of the contract. I know that recent events have raised concerns about the financial stability of our contract guard companies and their ability to perform and to pay their employees. In conjunction with your staff, we are researching methods to strengthen our ability to determine if a company may be in jeopardy. We are considering additional safeguards including requiring our contractors to notify us when corporate officers change and having the company recertify regarding past criminal activities of any new corporate officer; requiring notifications if payroll is missed or if there is a material change in the company's financial situation; and including in our newly issued FPS Contracting Officer's Technical Representative's Guide the requirement for our inspectors to closely monitor and communicate with company representatives any allegations of missed payrolls or similar allegations and to promptly report these allegations to the responsible contracting officer.

Finally, I want to inform you that over the last year, we have been establishing contingency guard contracts to provide emergency services in the event of a natural disaster or in the event one of our contractors cannot satisfy the terms of the contract. We hope to have these contingency contracts in-place within the next few months.

Thank you again, Chairwoman Norton and Ranking Member Graves, for holding this very important oversight hearing. I would be pleased to answer any questions.