



**STATEMENT
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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 Federal Protective Service: An Agency in Need of Rebuilding

JUNE 18, 2008

WASHINGTON, DC

INTRODUCTION

Chairwoman Norton, Ranking Member Graves, and distinguished Members. Thank you for the opportunity to appear before you today to address the concerns raised in the report issued by the Government Accountability Office (GAO), and to discuss the business improvements that FPS has made over the past three years and our vision for the future.

FPS BACKGROUND

FPS delivers integrated law enforcement and security services to federal agencies in General Services Administration (GSA) owned and leased facilities throughout the United States and its territories. Those services cover a wide range of activities that are performed by more than 15,000 contract security guards and 1,051 Federal Government personnel, including law enforcement and support staff. Contract security guards are employees of private sector companies, under contract with FPS, that perform fixed-post access control and screening functions. FPS Law Enforcement Security Officers (LESO) (Inspectors) are uniformed law enforcement officers who possess the full authority and training of law enforcement officers. In addition, they are trained as physical security experts and provide comprehensive security services, including building security assessments, implementing and testing security measures, and monitoring and overseeing the contract guard force.

FPS annually conducts nearly 2,500 building security assessments and responds to approximately 1,400 demonstrations. In Fiscal Year (FY) 2007, FPS conducted more than 1,000 criminal investigations for crimes against government facilities and

employees, and arrested more than 3,000 criminals and fugitives for committing crimes on federal property. Additionally, contract security guards seized nearly 800,000 weapons and other prohibited items from persons attempting to enter federal facilities. Of the approximately 9,000 buildings protected by FPS, 1,500 are categorized as Security Level III or IV (highest risk buildings).

RESPONSE TO GAO'S RECOMMENDATIONS

Recently, auditors from the Government Accountability Office (GAO) had the opportunity to sample some of the day-to-day work performed by the Federal Protective Service that I have just described. We appreciate the recent audit work performed by GAO and the observations made for improving FPS. Auditor work products are used throughout ICE for the betterment of the agency, including within FPS. With this in mind, I believe that it is necessary to address some of the points raised in GAO's report. Some additional context is needed.

STRATEGIC ALIGNMENT

The transfer of FPS into the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) provided an opportunity for FPS to comprehensively assess its mission and to ensure that its activities were focused on enhancing the security of the federal facilities it protects. FPS has embarked on a strategic approach to ensure that its operations are not only fully aligned with the goals and objectives of DHS, ICE and its stakeholders, but that they also move FPS toward greater compliance with the standards for internal control as established by GAO.

We are developing a workforce that meets all the needs of the facilities we protect, and we are ensuring that our fee model reflects our business model and that our customers get the best value for their resources. As a result of this subcommittee's support and guidance, we have significantly improved and enhanced our contracting functions. For example, we have improved the procurement process for guard services that, in the National Capital Region alone, reduced the cost of three new security guard contracts by \$5.5 million in FY 2008, savings that were passed directly to the agency client. Additionally, we are identifying and defining the data that will be used for outcome-based performance management and the associated performance measures.

This strategic approach has improved FPS business processes, including:

- Our efforts to transform FPS into a performance-based law enforcement organization have already produced notable results. In 2007, FPS eliminated a backlog of 2,200 invoices worth \$92 million, some of which pre-dated the creation of the Department of Homeland Security all the way back to 1999. Chairwoman Norton's attention to this issue was particularly helpful to us in identifying this area of improvement. Also in 2007, in an effort to improve how FPS processes and pay its invoices, ICE/ FPS consolidated the entire invoice process by requiring that all invoices be sent to a single location, the ICE Burlington Finance Center. This centralization has allowed FPS to improve its ability to pay its invoices to its vendors on time.

- Since the beginning of FY 2008, FPS has paid 95 percent of all invoices within 30 days and, in the month of May, the percentage of payments paid within 30 days rose to 99.5 percent. Part of the success in the timeliness of invoice payments is the fact that we added Contractor Officer Technical Representative (COTR) training to our basic training curriculum. So far, approximately 400 LESO (Inspectors) have received this training and are now monitoring and documenting contract guard performance. FPS has taken steps to improve its management of other countermeasure programs as well. During FY 2008, we will have a national countermeasures program in place and an associated national maintenance contract to ensure timely repair and replacement of security measures such as cameras, walk-through metal detectors and other parts of our integrated security program.
- FPS has improved working relationships with its internal and external stakeholders through newsletters and regular communication. FPS has provided customer service training to employees and used satisfaction surveys to gauge its success at providing comprehensive security services that are meaningful for FPS stakeholders. FPS formally chartered an Executive Advisory Council (EAC) to coordinate security strategies and activities, policy, and communication with federal department and agency occupants of GSA-controlled facilities.
- FPS also conducted a number of focus group meetings with stakeholders to identify and resolve issues and to identify systemic problems. The focus groups enabled us to immediately identify a common concern of our clients in that they want FPS personnel to increase the level of physical security functions such as

contract guard oversight, quality Building Security Assessments (BSA's) and higher visibility throughout its facilities. We heard them, and we agreed that physical security needs greater attention, but not to the exclusion of the law enforcement function.

Among the most important improvements from a strategic approach is our move to an LESO (Inspector)-based workforce, which will meet these customer concerns while affording the added protection of a law enforcement presence. In fact, FPS has been working toward hiring the 150 new law enforcement officers prescribed by the Congress by September 30, 2008. To date, 136 individuals have accepted offers of employment and are currently in the hiring process. We continue to actively recruit for the remaining 14 positions. To put in proper perspective the importance and advantages of transforming FPS's workforce, FPS was responsible for protecting approximately 9,000 GSA-owned and leased buildings in 2003. At that time, only 55 percent of FPS law enforcement staff was qualified to conduct Building Security Assessments (BSA's), a core FPS activity. As a result, the assessment function received far less attention than it required. Law enforcement staff qualified to conduct BSA's were stretched too thin, producing assessments that were inaccurate, incomplete, and untimely. Today, as FPS moves closer to an LESO (Inspector)-based workforce, more than 80 percent of the FPS law enforcement staff is qualified to perform FPS' core mission requirements. LESO's still retain law enforcement authority and are able to conduct BSA's that are more accurate, complete and timely.

The advantages of the LESO (Inspector)-based workforce are strategically aligned with the core mission of FPS: securing facilities and safeguarding their occupants. The GS-0080 LESO (Inspector) position incorporates the law enforcement duties at the federal facilities FPS protects. In addition, the GS-0080 LESO (Inspector) receives extensive training in risk assessment, threat management and countermeasures to mitigate risks. An LESO (Inspector)-based workforce provides built-in flexibility to perform law enforcement and physical security functions. An LESO (Inspector) can be at a GSA facility performing an inspection or providing contract guard oversight and, if the need arises, immediately provide a police response to criminal activity.

FPS decided to integrate the entire security program by making the contract security guard program a true extension of its law enforcement activities by combining those responsibilities. A LESO-based force allows FPS the necessary flexibility to provide law enforcement and immediate corrective action to contract security guards. Under the prior bifurcation of security operations, law enforcement had little or no oversight over the contract guard program.

Differences in the GS-0080 LESO (Inspector) position and the traditional GS-0083 Police Officer position begin with basic training. The GS-0083 Police Officer receives basic law enforcement instruction in the Uniform Police Training Program (UPTP) at the Federal Law Enforcement Training Center (FLETC). For the GS-0083 Police Officer, basic training ends with the completion of the UPTP. Basic training for the GS-0080 LESO (Inspector) only begins with the UPTP. Following completion of that basic law

enforcement training curriculum, the LESO (Inspector) is enrolled in the Physical Security Training Program (PSTP). This advanced course provides the LESO (Inspector) extensive instruction and training in risk assessments, threat analyses, risk mitigation, and the latest technological advancements in countermeasures. To improve FPS's contract oversight capability, we also added a training module that prepares the LESO (Inspector) to perform the duties of the Contracting Officer's Technical Representative (COTR).

ADDRESSING GAO'S CONCERNS

Notwithstanding the important issues raised and recommendations offered by GAO, we agree that more can be done, including the following:

- A strategic, risk-based approach to staffing is needed and we have begun the process of doing this using several workload studies and analyses that have been conducted. This approach also provides an opportunity for ICE to integrate the strategic goals and objectives defined in the FPS Strategic Plan into specific organizational and individual performance measures and address mission accomplishment based upon levels of risk.
- There is a need to clarify the responsibilities of local law enforcement and first responders, and such a clarification will lend itself to de-confliction and might possibly even lead to collaboration for enhanced security and responsiveness. We intend to work closely with our law enforcement partners in this effort
- We must incorporate performance management into our law enforcement and administrative activities, and use the ICE FPS strategic plan as the foundation for updating our current performance measures to focus on operational outputs while

supporting strategic level outcome reporting. FPS is also acquiring a new Risk Assessment and Management Program (RAMP) to enhance its operational capabilities for gathering data and developing action plans to assess collective and individual performance. The RAMP will provide a suite of tools designed to ease the collection, analysis, and reporting of performance measure information. This will also contribute to more effective management and increase the effectiveness of services provided to stakeholders.

- With respect to our collection and use of data, FPS will use RAMP, a secure, Web-enabled tool to conduct risk assessments. We agree with GAO's recommendation for appropriate countermeasures and to monitor them throughout their lifecycle. By building in a specific workflow and providing enhanced reporting capabilities, FPS can use RAMP to identify security vulnerabilities and to provide the data FPS needs to make decisions as to workforce assignments, including the conducting of security assessments and the providing of security.

CONCLUSION

I am extremely pleased to lead the proud and professional men and women of the Federal Protective Service. I interact with them every day and I can tell you that they are dedicated, determined and committed to developing, implementing and maintaining the security systems to ensure that facilities they are charged with protecting are secure and that their occupants are safe. I am confident that they can be relied upon to ensure that FPS will continue to be able to meet the challenge of its homeland security mission.

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