

STATEMENT OF DAVID L. WRIGHT,

PRESIDENT

LOCAL 918 – FEDERAL PROTECTIVE SERVICE

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

BEFORE THE

HOUSE COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEE ON DHS

U.S. HOUSE OF REPRESENTATIVES

April 21, 2010

Mr. Chairman, Members of the Subcommittee:

My name is David Wright. I am the President of the National Federal Protective Service Union affiliated with the American Federation of Government Employees. I have been a law enforcement officer at the Federal Protective Service for over 23 years. I have seen this agency go from a proud, committed, mission focused agency to one that seems more focused on saving money than protecting the employees and citizens who work in federal buildings.

Introduction:

The Federal Protective Service is a homeland security agency that is so starved for resources and personnel that it is not performing its mission objectives. This is not only true of Level 1 and Level 2 facilities it is true of some of the highest security buildings we are charged with protecting. At the present time, only two cities in America have 24 hour police patrols. As the GAO has pointed out, oversight of the private guards is entirely inadequate. And, 10 GAO investigators penetrated 10 federal buildings with actual bomb making materials and proceeded to set them up – undisturbed by anyone.

Over the past two years, the Federal Protective Service has been investigated, analyzed and studied. The GAO has performed six studies since 2008 addressing different aspects of FPS, but all concluded that the agency is rife with serious problems, each of which is impairing the ability of FPS to perform its critical homeland security mission. Taken together, the GAO analyses paint a portrait of an essentially dysfunctional agency.

Mr. Chairman, as President of the FPS Union, it has never given me pleasure to bring attention to this crisis. Indeed, I have dedicated the last 20 years of my life, trying to make this agency the best law enforcement/homeland security agency in the country. But when our members see every day how serious the problems are, they urge me to speak out.

The mission of the FPS is to protect approximately 9000 high, medium and low security federal buildings and properties around the country. These buildings include Social Security offices, federal facilities housing Members of Congress and other Federal officials, Level Four high security facilities and others. Hundreds of thousands of federal employees work in these buildings and millions of Americans visit them every day.

Time and again, federal buildings and employees have demonstrated themselves to be targets. Recent threats against the Speaker and several other lawmakers and attacks in Washington

DC, Austin, Las Vegas and Kansas City all serve as a wakeup call to both the Administration and Congress that the time for discussion, studies and years of reports that highlight the same resource failures has ended; action is required now not after the next major terrorist attack.

Manpower: (Post September 11, 2001)

In the period following the terrorist attack on the Alfred P. Murrah Federal Building in Oklahoma City, it was determined that the minimum number of FPS personnel necessary to perform its mission was 1480. FPS has never reached that level of personnel. Since the Department of Homeland Security was stood up in 2003, the Federal Protective Service has seen its total number of Inspector and police officer positions drop from 1,017 in that year to 830 at the beginning of 2010 – an 18.4 percent reduction. Over the same period, the U.S. Park Service increased its security personnel by 45.5% or 260 FTE's. The Veterans Health Administration increase in security personnel numbered 820 for 35.9%. Within DHS, security personnel increased from 59 to 195 over the seven year period or 230.5 %. **

These numbers provide one measure of the extent to which funding for this agency has been neglected in the post 9/11 homeland security build up. But the case for restoring law enforcement personnel to FPS has been made repeatedly in Congressional hearings over the past two years. So we urge this Committee to include an increase in either fees or a direct appropriation sufficient to fund a level of 300 non-supervisory Police Officers (Series 0083), Inspectors (0080). We also urge this Committee to fund 80 COTR's and other Mission Support Specialists positions to take the daily administrative burden off of the Inspectors to allow more time on proactive patrol and response to law enforcement calls for service. The FPS Union also supports the insourcing of private guards at Level 3 and Level 4 federal facilities and providing federally trained police officers for those critical properties.

The situation is so dire that even current staff levels are below congressionally mandated levels. The FY 10 DHS Appropriations Act mandates that OMB and DHS shall ensure fee collections are sufficient to ensure that the Federal Protective Service maintains not fewer than 1,200 full-time equivalent staff and 900 full-time equivalent Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as 'in-service field staff'). Based on ICE and OMB guidance the FPS in-service field staff has been interpreted as including all personnel assigned to FPS law enforcement positions. Thus the 900 minimum includes recruits who have not completed all requisite training, personnel on long term restricted duty that prevents service as a law enforcement officer and senior management personnel who do not respond to law enforcement calls for service.

Of the 1200 full time employees at FPS, there are only about 50 police officers left – and these are the people who have historically monitored the underpaid, undertrained contract guards. Even the number of Inspectors, who now have assumed the work of police officers, guard

overseers and building security specialists, number only about 830. This is below the congressionally mandated level of 900 “boots on the ground” law enforcement officers and well below the level of personnel at FPS when it was transferred to DHS from the General Services Administration.

The result of this resource starvation is that FPS security services have been slashed to the point of ineffectiveness. No longer do FPS police officers operate on a 24 hour patrol basis – even when protecting level IV high security facilities; no longer does the agency have the personnel necessary to adequately oversee private guards and no longer is FPS able to adequately monitor the state of security equipment at federal buildings -- due to a lack of manpower.

All of this has occurred in a Post 9/11 environment that has made anti-terrorism efforts the highest of priorities in the White House and Congress. As a result of the extremely limited resources provided to FPS, the agency has been in disarray leaving employees uncertain of their jobs, contract guards routinely unsupervised and managers operating fiefdoms free of any central control or direction. Mr. Chairman, I believe we are on borrowed time when it comes to this very large gap in our national homeland security safety net -- and that time is running out.

FPS Management Problems

I don't have to document the failures of FPS management to Members of this Committee as I know you know them well. However, I do want to say that there are hopeful signs for the future of this agency. I'm happy to say the transfer to NPPD from ICE has gone smoothly and labor-management relations, at least, has greatly improved. Nonetheless, there are still invisible bureaucrats within DHS and the Office of Management and Budget who continue to create problems for this agency. Apparently these people managed to convince the Administration to request no funding increase for FPS. In light of the current situation at this agency, we view this as an irresponsible and potentially dangerous decision which we hope you will ignore.

Nevertheless, with the transfer complete, FPS employees are looking forward to the recognition and correction of the many management failures noted by the GAO. It remains essential that those selected for management roles have real and substantial experience with community policing strategies to deliver both law enforcement and security services to properly protect Federal workplaces. All too often our front line officers are mystified at the 'whack a mole' nature of policy changes made with no real input from the limited cadre of employees with field law enforcement experience.

It must also be pointed out that problems still exist with ICE. We ask that the Committee correct a short-sighted decision that occurred during the transition to NPPD in October 2009. Ensure proper funding transition from ICE to FPS to ensure effective management and administration of FPS. We are asking that the Committee transfer \$22M from the ICE

Management and Administration (M&A) Program to the NPPD Program specifically for the M & A of the FPS. FPS received M & A as part of the ICE appropriation since 2004. ICE no longer provides most services to FPS but has had no reduction in its M & A program. Services associated with FPS M & A transitioned without the resources that ICE was appropriated to fund them. Without a transfer, NPPD will be forced to use FPS Basic Security Collections which will reduce service levels necessary to protect employees and buildings.

AFEG Local 918 also requests that it be mandated that ICE maintain FPS service wide costs (SWC) and working capital fund (WCF) charges at the same basis as existed at transfer. The ICE Congressional Budget Justification shows FPS SWC of \$16.7M for FY11, but I have been told FPS has received notice that ICE may charge FPS an “external customer rate” of over \$23M for services they will continue to provide. ICE should not earn a profit for servicing FPS.

FP S Structural Problems

In the Homeland Security Act, the DHS Secretary was charged with the responsibility to protect Federal facilities and employees in their workplaces. Instead of increasing staff and budgetary authority to meet this mandate cuts were proposed with the intent of creating an unfunded the Department was created to protect. The very way Federal security standards are set and implemented is dysfunctional; driven by ad hoc committees that must attempt to establish and implement security standards on a consensus basis, where any funding for mandate on the agencies essential security must come from agency funds at the expense of their statutory mission. The result is often inaction, diminished security and increased risk to employees. Now is the time for DHS to step up and accomplish its critical Federal workplace protection mission. Serious steps are required to right this floundering ship and restore a correct course:

- Change the existing funding scheme that forces agencies to choose between funds for their daily mission and protecting their employees. Appropriate the funding required to secure Federal facilities and protect the dedicated civil servants who work in them to DHS.
- Firmly place DHS in charge of determining standards and requesting the funding necessary to implement them. Advice and counsel from supported agencies is essential but current year funding availability simply cannot be the only driver determining compliance with a standard.
- Clearly establish DHS FPS as the lead for coordinating threats, informing local law enforcement and jointly investigating threats with agency investigators (such as TIGTA). Only an integrated approach will allow the dots to get connected. The current fragmented approach is a failure point waiting to happen.
- Increase the staffing of the FPS to provide agencies with regular emergency planning assistance and practice of each element of the plan including coordination with local authorities and facilities.

- FPS staffing must also be sufficient to conduct the proactive police patrol activities GAO found essential to detect and deter attacks. Terrorists, nuts and criminals don't work bankers hours and neither should FPS, yet 24-hour service is only provided in two cities. At a minimum, around the clock protection by Federal Law Enforcement Officers should be provided in the 25 -30 cities with the greatest concentration of employees and facilities.

In addition to these recommendations, the FPS union urges Congress to support work place improvements for those employees who remain committed to the work and mission of the Federal Protective Service. This can easily be accomplished by providing law enforcement retirement benefits to those FPS employees still young enough to apply for them and to grant them the same power every other law enforcement officer has to carry his or her service weapon on a 24-hour basis. Taken together these measures, which would cost less than \$10 million, offer the best hope of restoring the morale of workers at this once proud federal security agency.

Finally, I ask you to consider this: There have been several recent attacks on federal employees including ones in Austin, TX, at the Pentagon and in Kansas City. Should the next attack be against a federal building that at one time had 24 hour round the clock patrolling police officers, will you believe we did all we could have done to prevent it?

Thank you.

** See below

Benchmarks for comparison of the Federal Protective Service

FY 03 (Transfer to DHS) with FY 2010

The Federal Protective Service did not have sufficient staff to effectively accomplish its GSA facilities protection mission when it was transferred to DHS.

- Post Murrah bombing required FTE was 1,480.
- 1,456 FTE were transferred to DHS.
- Necessary overhead increases (i.e. contracting) are at expense of the field force.
- Staffing shortages exist for:
 - effective monitoring above the 5,000 contract guard level;
 - proactive patrol;
 - countermeasure verification (i.e. tenants expected to test own alarms); and
 - facility security officer role to assist security committees.

Most of the law enforcement and security roles of the FPS are accomplished by staff in series 0083 and 0080. Since 2003 there has been exponential growth of security and law enforcement staff in virtually every agency, except FPS.

The below table compares the civilian workforce in these two series for FY 2003 and FY 2010 in comparable security and law enforcement organizations and government wide:

U.S. and Territories Only	Total On Board series 0083 and 0080			
Agency	FY 2003	Beginning FY 2010	Increase	Percent Increase
Government Wide	16,240	25,422	9,182	56.5%
FPS	1,017	830	-187	-18.4%
Secret Service (Police and Security)	1,213	1,511	298	24.6%
Park Service	571	831	260	45.5%
Veterans Health Administration	2,287	3,107	820	35.9%
FBI	443	906	463	104.5%
FEMA	72	140	68	94.4%

DOD	7,997	14,013	6,016	75.2%
Gov't Wide Excluding DOD	8,243	11,409	3,166	38.4%

*FPS FY 2003 is the number of positions in series 0083 and 0080 transferred from GSA to DHS.

**Capitol Police was not included as a potential benchmark because personnel data is not available from OPM's database.

The table below shows increases of in-house government security specialists (series 0080) for some FPS customer agencies, including GSA:

Agency	FY2003	FY 2010	Increase	Percent Increase
SSA	41	78	37	90.2%
CBP	59	195	136	230.5%
CIS	42	99	57	135.7%
ICE	25	89	64	256.0%
EPA	13	25	12	92.3%
GSA	4	31	27	675.0%

Since 2003 the number of facilities FPS protects has increased by over 1,200 buildings. The most dramatic change is the number and complexity of guard posts and countermeasures. No longer can we depend on a guard with 8 hours of x-ray training to find a knife or an assembled pipe bomb using a magnetometer and x-ray. As GAO clearly pointed out, the guards must be trained, tested and coached to be able to identify and prevent entry of all explosive and weapons components. The FPS field force simply does not have enough Police Officers and Inspectors to properly accomplish its mission.

The below table illustrates the number of guards requiring supervision, monitoring, evaluation and training from FPS:

	# of Guards	Guards per FPS Officer
FY 2001	5,000	6.3

FY 2003	7,000	8.1
FY 2010	15,000	18.3

FPS officer includes in-service field staff in series 0083 and 0080.

The below table illustrates differences in average buildings per Officer, the decrease in service and decrease in arrests between 2003 and 2010. The decrease in arrests is attributed to the virtual elimination of proactive patrol and curtailed service hours – the offenses still happen but the perpetrator is not caught.

	2003	2010
Buildings per Inspector/ Police Officer	7.7	11.0
GSA Managed Sq Ft per Officer	322K	426K
Cities with Night and Weekend Service	12	2
Arrests by Officers/ Inspectors (Lack of patrol results in fewer arrests)	3100	1600

Below is the number of additional FPS series 0080 and 0083 positions that would be required if that agency 2003 to 2009 increase was used as a benchmark:

	Rate of Increase 2003 to 2010	Increase required to match rate
Increase at DOD rate	75.2%	765
Increase at Gov't wide rate	56.5%	575
Increase at Park Svc rate	45.5%	463
Increase at VA rate	35.9%	365
Increase at Gov't wide except DOD rate	38.4%	391

Observations

An increase of 391 FPS in-service law enforcement staff would match the increase in like positions for non-DOD agencies between FY 2003 and FY 2009. That would reduce number of guards per Officer to 12.4 from 18.3. A rough estimate of the total funding required would be \$75M after the first year. If the guard contract administrative charge was restored to the FY 09 level of 8% the first year increase in basic security charges would only be 7 to 8 cents. An alternative would be a one year stop-gap appropriation of \$48M to allow programming of the increased security charge within the budget cycle.

While searching for benchmarks it was observed that while there is an "object class" for what agencies pay in GSA rent there is no equivalent measure for facilities security expenditures which could have been used as a benchmark for this exercise.