



**Testimony**

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## **Introduction**

Good afternoon Chairwoman Torres Small, Ranking Member Crenshaw, and Members of the Subcommittee. Thank you for the opportunity to testify today on behalf of the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) regarding FPS's critical mission within DHS.

In the year 2021, FPS will celebrate its 50<sup>th</sup> anniversary. Since its inception in 1971, FPS has protected people and property in the Federal government by identifying and mitigating vulnerabilities through risk assessments, law enforcement, intelligence analysis, and security countermeasures.

Today, we protect over 9,000 facilities and more than 1.4 million people who work, visit, or conduct business at these facilities each day.

While our core mission has remained the same, the assets we safeguard are growing more complex and diverse. New technologies enhance our ability to protect, and they also enhance the abilities of those that would do us harm.

FPS provides the DHS Secretary with a highly trained, nationwide force that can support the Department's mission in countering emerging or existing threats and terrorism, within the boundaries of our Nation and territories.

Each day, tens of thousands of law enforcement officers, including the officers of FPS, risk their lives in protecting and securing this great nation. In recognition of their sacrifices, nearly one month ago, citizens across the United States came together to participate in National Police Week to honor and remember our fallen law enforcement officers. In its history, FPS has had six sworn officers killed in the performance of their duties. This serves as a sobering reminder that the women and men of FPS must remain vigilant and well-prepared to prevent, protect, respond to and recover from events that threaten our nation's people, property, and institutions.

In my testimony today, I will highlight for this Subcommittee a general overview of who we are, what we do, and how we have effectively carried out our mission each and every day over the past nearly half century.

## **FPS Overview**

FPS was established in 1971 as the uniformed protection force of the General Services Administration (GSA). On March 1, 2003, pursuant to the *Homeland Security Act of 2002* (6 U.S.C. §§101 et. seq), FPS was transferred from GSA to DHS in recognition of the role FPS plays in securing our homeland. At the time, it was placed within U.S. Immigration and Customs Enforcement, but found a more permanent home in 2009 with the National Protection and Programs Directorate which was being established at that time.

Headquartered in Washington DC, FPS is organized through three Zones and 11 Regions for mission execution.

### *FPS Workforce*

The skills, talents, and dedication of our workforce form the foundation of our success. Our workforce of nearly 1,400 federal personnel is comprised of approximately 1,000 law enforcement officers and 400 mission support staff. In addition to contract staff augmentation, FPS contracts for approximately 14,000 security guards, more appropriately known as Protective Security Officers (PSOs).

Our law enforcement personnel – inspectors, police officers, and special agents – are employed throughout the Nation and our Nation’s territories. They are trained physical security experts and sworn Federal law enforcement officers. Our law enforcement personnel perform a variety of critical functions, including conducting comprehensive security assessments to identify vulnerabilities at federal facilities, developing and implementing protective countermeasures, providing uniformed police response and investigative follow-up to crimes and threats, and other law enforcement activities in support of our mission.

In addition to FPS’s law enforcement officers, FPS also employs nearly 400 mission support staff who are responsible for a myriad of important tasks within the organization including outreach and engagement with critical external stakeholders (e.g. Congress and the Federal Executive Boards); human capital management; finance, budgeting, and performance; and, law enforcement and security training.

FPS, through contracts with commercial security vendors, utilizes approximately 14,000 PSOs, to assist in the protection of Federal facilities. Our contracted PSOs are often the front line of FPS and are in daily contact with our Federal facility customers and visitors. They too put themselves at risk to accomplish our mission, to include making the ultimate sacrifice. During my tenure here at FPS, I have attended the funerals of two of our contract PSOs who were killed standing watch.

### *FPS Authorities*

FPS law enforcement personnel derive their law enforcement authority and powers from section 1706 of the *Homeland Security Act of 2002*, codified in 40 U.S.C. § 1315. Pursuant to this authority, the Secretary of Homeland Security can designate law enforcement personnel for the purposes of protecting property owned or occupied by the Federal Government and persons on that property.

These designated law enforcement personnel have specific statutorily-prescribed police powers, to include enforcing Federal laws and regulations, carrying firearms, making arrests, conducting investigations, and serving warrants and subpoenas issued under the authority of the United States.

Specifically, 1315-designated officers may conduct investigations of offenses that may have been committed against either property owned or occupied by the Federal Government, or persons on such property, and make arrests without a warrant for any offense against the United States committed in the presence of the officer or for any felony cognizable under the laws of the United

States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony.

On February 18, 2005, the U.S. Attorney General approved *Guidelines for The Exercise Of Law Enforcement Authorities By Officers And Agents Of the Department Of Homeland Security* as required in 40 U.S.C. § 1315(f). These approved Guidelines govern the exercise of the law enforcement powers of DHS officers designated by the Secretary under 1315(b)(1).

Additionally, consistent with 41 C.F.R. § 102-85.35, FPS Law Enforcement Personnel provide general law enforcement services on GSA property, and per 41 C.F.R. § 102-74.15, all occupants of facilities under the control of Federal agencies must promptly report all crimes and suspicious activities to FPS.

Most recently with the passage of the Preventing Emerging Threats Act of 2018, codified at 6 U.S.C. 124n, FPS and its organic statute, 40 U.S.C. § 1315, is an integral part of the Department's development and use of security countermeasures for unmanned aircraft systems (UAS) that threaten the security of federal facilities and persons thereon. The Department, under the law enforcement and security provisions found in 40 U.S.C. § 1315, is authorized to use certain UAS countermeasures for protection of federal facilities.

#### *FPS Funding Structure – New Fee Model*

FPS collects fees from federal departments and agencies in order to execute its mission throughout our Nation and territories with a total budget authority of \$1.6B in FY 2019. We derive our funding through the collection of fees from our tenant customers (the Federal government) based on a square-footage model in which we charge \$0.78 per square foot of those facilities we protect and secure and eight-percent overhead on PSO and Technical Counter Measure (TCM) contracts.

However, beginning in Fiscal Year (FY) 2020, FPS is employing a risk-based revenue model to better align basic security assessments to the security work that FPS performs. The new approach employs statistical analysis of operational workload data at each building to understand the key drivers of FPS's security costs.

FPS uses the model that the analysis produces to determine the basic security assessments for each customer agency. All told, this approach offers a more equitable method for assessing basic security fees because it reflects FPS's historical security workload data for each building.

Using historical workload data, this new revenue model is security oriented whereas the square-footage model represented a rent-based approach that did not accurately reflect the law enforcement and security work FPS executes daily.

## FPS Operations

Our operations focuses on the integration of security, law enforcement, and intelligence to protect the people in an around federal facilities. Our personnel work around the clock, 365 days a year. On any given day, you will find FPS personnel:

- Conducting security assessments of federal facilities to identify risks;
- Designing, installing, and maintaining security countermeasures to mitigate risks;
- Providing a visible law enforcement response and presence;
- Overseeing contract security guards who conduct access control and security screening;
- Performing background suitability checks for FPS contract employees;
- Conducting criminal investigations, including threats to federal employees and facilities;
- Monitoring security alarms via centralized communication hubs;
- Integrating and sharing criminal intelligence for risk-informed decision making;
- Providing security during FEMA Stafford Act deployments, National Special Security Events (NSSEs) and Special Event Activity Rating (SEAR) events;
- Leading special operations, including K-9 explosive detection operations; and
- Training federal employees in active shooter response, crime prevention, and occupant emergency planning.

2018 was an exceptionally busy year for FPS operations and this frequency continues today. Below are just a few accomplishments I want to highlight for this committee to provide the scope and scale of FPS Operations.

- Provided *Stafford Act* support (via Emergency Support Function – 13) to FEMA for Hurricane Michael in Florida and Hurricane Florence in North and South Carolina – including PSO support to FEMA Joint Field Offices and Disaster Recovery Centers;
- Provided support to the U.S. Department of Justice and U.S. Marshal’s Service (USMS) during the Juan “El Chapo” Guzman trial in the Eastern District of New York. FPS has a longstanding operational relationship with USMS in that FPS provides perimeter protection to Federal courthouses across the Nation;
- Reopened the U.S. Immigration and Customs Enforcement office in Portland, Oregon after demonstrators illegally blocked access to the facility;

- Completed nearly 2,000 Facility Security Assessments (FSA), of which nearly 700 of those assessments were the highest risk facilities, and recommended countermeasures to meet the ISC's baselines level of protection;
- Conducted over 700 Active Shooter/Active Threat awareness training sessions to federal employees; and
- Conducted over 8,000 Explosive Detection Canine Team sweeps at Federal facilities.

## **FPS Law Enforcement and Security Training**

Just last month, the Director of the Federal Law Enforcement Training Centers (FLETC) testified before this Subcommittee regarding FLETC's responsibility for training more than 70,000 law enforcement officers and agents annually – including that of FPS.

Our relationship with FLETC today is stronger than ever, and we work with FLETC's Director and his staff to ensure our law enforcement officers are well-prepared, and well-trained to respond to the varied and complex threats our nation's people, property, and institutions face regularly.

To this end, embedded within FPS, is our Training and Professional Development Directorate (TPD). The men and women within TPD conduct state-of-the-art, timely and professional training to ensure the readiness and professional growth of our workforce. They are also responsible for training the trainers of our PSO workforce, to ensure a consistent high level of proficiency across our contract workforce.

One of the core courses, which is part of the FPS Inspector Initial Hire training at FLETC, is our Physical Security Training Program (PSTP). I am very proud to note that this course is one of only a few which has been Interagency Security Committee (ISC)-certified, and it is a course which other federal agencies with protective responsibilities come to FPS to receive best-in-class training.

## **FPS Placement and Transition**

### *Placement*

On November 16, 2018, President Trump signed into the law the *Cybersecurity and Infrastructure Security Agency (CISA) Act of 2018* which renamed and reorganized the National Protection and Programs Directorate into CISA.

In addition, the CISA Act of 2018 authorized the Secretary of Homeland Security to re-position FPS elsewhere within the Department after the release of a Government Accountability Office's report on FPS's organizational placement. The GAO report ultimately recommended that the DHS Secretary evaluate placement options for FPS.

Accordingly, on May 9, 2019, Congress was notified of the Acting Secretary's decision to keep FPS within the Department and transition the Service from CISA to the Management Directorate by the end of Fiscal Year 2019 (September 30, 2019). FPS's mission remains unchanged and we have formed a Working Group with Senior Level representation from FPS along with the Management Directorate and CISA to guide the transition planning effort and execution.

In short, the Acting Secretary's placement decision to keep FPS within the Department further underscores just how critical our mission is within the Department and to the Nation we serve.

### **Closing**

In closing, I have had the great privilege of serving as FPS's director for nearly a decade. Over the years, FPS has matured substantially as an organization and our men and women continue to execute our mission with both pride and professionalism.

The Federal Protective Service is unwaveringly committed to its mission of providing safety, security, and a sense of well-being to thousands of Federal employees who work and conduct business in our facilities daily.

I would like to acknowledge and thank the distinguished members of this Subcommittee for allowing me the opportunity to testify today.

I would be pleased to answer any questions you may have.