

106TH CONGRESS
1ST SESSION

H. R. 809

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1999

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Protective
5 Service Reform Act of 1999”.

6 **SEC. 2. DESIGNATION OF POLICE OFFICERS.**

7 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
8 amended—

9 (1) in section 1 by striking the section heading
10 and inserting the following:

1 **“SECTION 1. POLICE OFFICERS.”;**

2 (2) in sections 1 and 3 by striking “special po-
3 licemen” each place it appears and inserting “police
4 officers”;

5 (3) in section 1(a) by striking “uniformed
6 guards” and inserting “certain employees”; and

7 (4) in section 1(b) by striking “Special police-
8 men” and inserting “Police officers”.

9 **SEC. 3. POWERS.**

10 (a) IN GENERAL.—Section 1(b) of the Act of June
11 1, 1948 (40 U.S.C. 318(b)), is amended—

12 (1) by inserting “, and upon areas adjacent to
13 such property in accordance with paragraph (3),”
14 after “subsection (a)”; and

15 (2) by inserting before the period at the end the
16 following: “and, with respect to areas adjacent to
17 Federal property, shall be concurrent with State and
18 local law enforcement authorities in the area in
19 which the property is located”.

20 (b) ADDITIONAL POWERS.—Section 1(b) of such Act
21 is further amended—

22 (1) by striking “Police officers” and inserting
23 the following:

24 “(1) IN GENERAL.—Police officers”;

25 (2) by adding at the end the following:

1 “(2) ADDITIONAL POWERS.—A police officer
2 appointed under this section is authorized—

3 “(A) to carry firearms in any State, the
4 District of Columbia, the Commonwealth of
5 Puerto Rico, or any territory or possession of
6 the United States, subject to conditions con-
7 tained in regulations to be prescribed by the
8 Commissioner of the Federal Protective Service;

9 “(B) to petition Federal courts for arrest
10 and search warrants and to execute such war-
11 rants;

12 “(C) to arrest an individual without a war-
13 rant if the individual commits a crime in the of-
14 ficer’s presence or if the officer has probable
15 cause to believe that the individual has commit-
16 ted a crime or is committing a crime;

17 “(D) to conduct investigations, on and off
18 the property in question, of offenses that have
19 been or may be committed against property
20 under the charge and control of the Adminis-
21 trator or against persons on such property; and

22 “(E) to coordinate with other law enforce-
23 ment agencies that have intelligence gathering
24 authority for the protection of persons and
25 property described in subparagraph (D).

1 “(3) AUTHORITY OUTSIDE FEDERAL PROP-
2 ERTY.—A police officer appointed under this section
3 is authorized to exercise any power granted under
4 this section upon an area that is adjacent to prop-
5 erty owned or occupied by the United States and
6 under the charge and control of the Administrator
7 if—

8 “(A)(i) the officer reasonably believes that
9 the action is necessary to prevent or stop a fel-
10 ony in progress that threatens life, limb, or
11 property;

12 “(ii) the felony is being committed in the
13 presence of the officer; and

14 “(iii) there is insufficient time to contact
15 local law enforcement authorities; or

16 “(B) there is a known, immediate threat
17 directed at property under the charge and con-
18 trol of the Administrator or against persons on
19 such property.”; and

20 (3) by moving the left margin of paragraph (1),
21 as designated by paragraph (1) of this subsection, so
22 as to appropriately align with paragraphs (2) and
23 (3), as designated by paragraph (2) of this sub-
24 section.

1 **SEC. 4. PENALTIES.**

2 Section 4(a) of the Act of June 1, 1948 (40 U.S.C.
3 318c(a)), is amended to read as follows:

4 “(a) IN GENERAL.—Except as provided in subsection
5 (b), whoever violates any rule or regulation promulgated
6 pursuant to section 2 shall be fined or imprisoned, or both,
7 in an amount not to exceed the maximum amount pro-
8 vided for a Class C misdemeanor under sections 3571 and
9 3581 of title 18, United States Code.”.

10 **SEC. 5. SPECIAL AGENTS.**

11 Section 5 of the Act of June 1, 1948 (40 U.S.C.
12 318d), is amended—

13 (1) by striking “nonuniformed special police-
14 men” each place it appears and inserting “special
15 agents”;

16 (2) by striking “special policeman” and insert-
17 ing “special agent”; and

18 (3) by adding at the end the following: “Any
19 such special agent shall have the same authority out-
20 side Federal property as police officers have under
21 section 1(b)(3).”.

22 **SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERV-**
23 **ICE.**

24 (a) IN GENERAL.—The Act of June 1, 1948 (40
25 U.S.C. 318–318d), is amended by adding at the end the
26 following:

1 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERV-**
2 **ICE.**

3 “(a) IN GENERAL.—The Administrator of General
4 Services shall establish the Federal Protective Service as
5 a separate operating service of the General Services Ad-
6 ministration.

7 “(b) APPOINTMENT OF COMMISSIONER.—

8 “(1) IN GENERAL.—The Federal Protective
9 Service shall be headed by a Commissioner who shall
10 be appointed by and report directly to the Adminis-
11 trator.

12 “(2) QUALIFICATIONS.—The Commissioner
13 shall be appointed from among individuals who have
14 at least 5 years of professional law enforcement ex-
15 perience in a command or supervisory position.

16 “(c) DUTIES OF THE COMMISSIONER.—The Commis-
17 sioner shall—

18 “(1) assist the Administrator in carrying out
19 the duties of the Administrator under this Act;

20 “(2) serve as the principal law enforcement offi-
21 cer and security official of the United States with re-
22 spect to the protection of Federal officers and em-
23 ployees in buildings and areas that are owned or oc-
24 cupied by the United States and under the charge
25 and control of the Administrator;

1 “(3) render necessary assistance, as determined
2 by the Administrator, to other Federal, State, and
3 local law enforcement agencies upon request; and

4 “(4) coordinate the activities of the Commis-
5 sioner with the activities of the Commissioner of the
6 Public Buildings Service.

7 “(d) APPOINTMENT OF REGIONAL DIRECTORS AND
8 ASSISTANT COMMISSIONERS.—

9 “(1) IN GENERAL.—The Commissioner may ap-
10 point regional directors and assistant commissioners
11 of the Federal Protective Service.

12 “(2) QUALIFICATIONS.—The Commissioner
13 shall select individuals for appointments under para-
14 graph (1) from among individuals who have at least
15 5 years of direct law enforcement experience, includ-
16 ing at least 2 years in a supervisory position.”.

17 (b) PAY LEVEL OF COMMISSIONER.—Section 5316 of
18 title 5, United States Code, is amended by inserting after
19 the paragraph relating to the Commissioner of the Public
20 Buildings Service the following:

21 “Commissioner, Federal Protective Service,
22 General Services Administration.”.

1 **SEC. 7. PAY AND BENEFITS.**

2 (a) IN GENERAL.—The Act of June 1, 1948 (40
3 U.S.C. 318–318d), is further amended by adding at the
4 end the following:

5 **“SEC. 7. PAY AND BENEFITS.**

6 “Notwithstanding any other provision of law or any
7 other rule or regulation, the pay and benefits for police
8 officers and criminal investigators in the Federal Protec-
9 tive Service shall be determined in accordance with a pay
10 and benefits package established and maintained by the
11 Administrator of General Services that is equivalent to the
12 pay scale and benefits package applicable to members of
13 the United States Secret Service Uniformed Division.
14 Such pay scale and benefits package shall be established
15 by regulation, shall apply with respect to pay periods be-
16 ginning after January 1, 1999, and shall not result in a
17 decrease in the pay or benefits of any individual.”.

18 (b) CONFORMING AMENDMENT.—Section 1(a) of
19 such Act (40 U.S.C. 318(a)), is amended by striking
20 “without additional compensation”.

21 **SEC. 8. NUMBER OF POLICE OFFICERS.**

22 (a) IN GENERAL.—The Act of June 1, 1948 (40
23 U.S.C. 318–318d), is further amended by adding at the
24 end the following:

1 **“SEC. 8. NUMBER OF POLICE OFFICERS.**

2 “(a) REDUCTIONS NOT PERMITTED.—After the 1-
3 year period beginning on the date of enactment of this
4 section, there shall be at least 730 full-time equivalent po-
5 lice officers in the Federal Protective Service. This num-
6 ber shall not be reduced unless specifically authorized by
7 law.

8 “(b) CONSOLIDATION OF BUILDING SECURITY
9 FORCES.—

10 “(1) STUDY.—The Comptroller General of the
11 United States shall conduct a study to determine the
12 feasibility of merging all building security forces of
13 the Executive branch within, and under the super-
14 vision of, the Federal Protective Service.

15 “(2) REPORT.—Not later than 12 months after
16 the date of enactment of this section, the Comptrol-
17 ler General shall transmit to Congress a report con-
18 taining the results of the study conducted under
19 paragraph (1).”.

20 **SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

21 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
22 further amended by adding at the end the following:

23 **“SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

24 “The Commissioner of Federal Protective Service
25 shall prescribe standards for the contracting of security
26 personnel for buildings and areas that are owned or occu-

1 pied by the United States and under the charge and con-
2 trol of the Administrator of General Services. Such stand-
3 ards shall ensure that contract personnel receive adequate
4 training and are subject to the same background check
5 requirements as police officers of the Federal Protective
6 Service.”.

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