

Union Calendar No. 379

106TH CONGRESS
2^D SESSION

H. R. 809

[Report No. 106-676]

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

MARCH 9, 2000

The Committee on the Judiciary discharged

MARCH 9, 2000

Rereferred to the Committee on Transportation and Infrastructure

JUNE 14, 2000

Additional sponsors: Ms. GRANGER, Mr. UNDERWOOD, Ms. NORTON, Mr. FROST, Mr. WYNN, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. MARTINEZ, Mr. DUNCAN, Mr. YOUNG of Alaska, Mr. SKEEN, Mr. LATOURETTE, Mr. COBURN, Ms. MCKINNEY, Mr. ENGLISH, Mr. WATTS of Oklahoma, Mr. DEAL of Georgia, Mr. CALVERT, Ms. PELOSI, Mr. GUTIERREZ, Mr. McNULTY, Mr. TERRY, Mr. COSTELLO, Mr. COOKSEY, Mr. MCHUGH, Mr. STRICKLAND, Mr. INSLEE, Mr. DAVIS of Virginia, Ms. DANNER, Mr. MORAN of Virginia, Mr. WALSH, Mr. GILMAN, Mr. FORBES, and Mr. FILNER

JUNE 14, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 23, 1999]

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 Serv-*
5 *ice Reform Act of 2000”.*

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:*

11 **“SECTION 1. POLICE OFFICERS.”;**

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

15 (3) *in section 1(a) by striking “uniformed*
16 *guards” and inserting “certain employees”; and*

17 (4) *in section 1(b) by striking “Special police-*
18 *men” and inserting the following:*

19 **“(1) IN GENERAL.—Police officers”.**

1 **SEC. 3. POWERS.**

2 *Section 1(b) of the Act of June 1, 1948 (40 U.S.C.*
3 *318(b)), is further amended—*

4 *(1) by adding at the end the following:*

5 *“(2) ADDITIONAL POWERS.—Subject to para-*
6 *graph (3), a police officer appointed under this sec-*
7 *tion is authorized while on duty—*

8 *“(A) to carry firearms in any State, the*
9 *District of Columbia, the Commonwealth of*
10 *Puerto Rico, or any territory or possession of the*
11 *United States;*

12 *“(B) to petition Federal courts for arrest*
13 *and search warrants and to execute such war-*
14 *rants;*

15 *“(C) to arrest an individual without a war-*
16 *rant if the individual commits a crime in the of-*
17 *ficer’s presence or if the officer has probable*
18 *cause to believe that the individual has com-*
19 *mitted a crime or is committing a crime; and*

20 *“(D) to conduct investigations, on and off*
21 *the property in question, of offenses that have*
22 *been or may be committed against property*
23 *under the charge and control of the Adminis-*
24 *trator or against persons on such property.*

25 *“(3) APPROVAL OF REGULATIONS BY ATTORNEY*
26 *GENERAL.—The additional powers granted to police*

1 officers under paragraph (2) shall become effective
2 only after the Commissioner of the Federal Protective
3 Service issues regulations implementing paragraph
4 (2) and the Attorney General of the United States ap-
5 proves such regulations.

6 “(4) *AUTHORITY OUTSIDE FEDERAL PROP-*
7 *ERTY.—The Administrator may enter into agreements*
8 *with State and local governments to obtain authority*
9 *for police officers appointed under this section to exer-*
10 *cise, concurrently with State and local law enforce-*
11 *ment authorities, the powers granted to such officers*
12 *under this section in areas adjacent to property*
13 *owned or occupied by the United States and under*
14 *the charge and control of the Administrator.”; and*

15 (2) by moving the left margin of paragraph (1),
16 as designated by section 2(4) of this Act, so as to ap-
17 propriately align with paragraphs (2), (3), and (4),
18 as added by paragraph (1) of this subsection.

19 **SEC. 4. PENALTIES.**

20 Section 4(a) of the Act of June 1, 1948 (40 U.S.C.
21 318c(a)), is amended to read as follows:

22 “(a) *IN GENERAL.—Except as provided in subsection*
23 *(b), whoever violates any rule or regulation promulgated*
24 *pursuant to section 2 shall be fined or imprisoned, or both,*
25 *in an amount not to exceed the maximum amount provided*

1 *for a Class C misdemeanor under sections 3571 and 3581*
2 *of title 18, United States Code.”.*

3 **SEC. 5. SPECIAL AGENTS.**

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

6 *(1) by striking “nonuniformed special police-*
7 *men” each place it appears and inserting “special*
8 *agents”;*

9 *(2) by striking “special policeman” and insert-*
10 *ing “special agent”; and*

11 *(3) by adding at the end the following: “Any*
12 *such special agent while on duty shall have the same*
13 *authority outside Federal property as police officers*
14 *have under section 1(b)(4).”.*

15 **SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**
16 **SERVICE.**

17 *(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C.*
18 *318–318d), is amended by adding at the end the following:*

19 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE**
20 **SERVICE.**

21 *“(a) IN GENERAL.—The Administrator of General*
22 *Services shall establish the Federal Protective Service as a*
23 *separate operating service of the General Services Adminis-*
24 *tration.*

25 *“(b) APPOINTMENT OF COMMISSIONER.—*

1 “(1) *IN GENERAL.*—*The Federal Protective Serv-*
2 *ice shall be headed by a Commissioner who shall be*
3 *appointed by and report directly to the Adminis-*
4 *trator.*

5 “(2) *QUALIFICATIONS.*—*The Commissioner shall*
6 *be appointed from among individuals who have at*
7 *least 5 years of professional law enforcement experi-*
8 *ence in a command or supervisory position.*

9 “(c) *DUTIES OF THE COMMISSIONER.*—*The Commis-*
10 *sioner shall—*

11 “(1) *assist the Administrator in carrying out the*
12 *duties of the Administrator under this Act;*

13 “(2) *except as otherwise provided by law, serve*
14 *as the law enforcement officer and security official of*
15 *the United States with respect to the protection of*
16 *Federal officers and employees in buildings and areas*
17 *that are owned or occupied by the United States and*
18 *under the charge and control of the Administrator*
19 *(other than buildings and areas that are secured by*
20 *the United States Secret Service);*

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

1 “(4) coordinate the activities of the Commis-
2 sioner with the activities of the Commissioner of the
3 Public Buildings Service.

4 *Nothing in this subsection may be construed to supersede*
5 *or otherwise affect the duties and responsibilities of the*
6 *United States Secret Service under sections 1752 and 3056*
7 *of title 18, United States Code.*

8 “(d) *APPOINTMENT OF REGIONAL DIRECTORS AND AS-*
9 *SISTANT COMMISSIONERS.—*

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

13 “(2) *QUALIFICATIONS.—The Commissioner shall*
14 *select individuals for appointments under paragraph*
15 *(1) from among individuals who have at least 5 years*
16 *of direct law enforcement experience, including at*
17 *least 2 years in a supervisory position.”.*

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

22 “*Commissioner, Federal Protective Service, Gen-*
23 *eral Services Administration.”.*

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

2 (a) *IN GENERAL.*—*The Act of June 1, 1948 (40 U.S.C.*
3 *318–318d), is further amended by adding at the end the*
4 *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 any em-*
8 *ployee of the Federal Protective Service who maintains ac-*
9 *tive law enforcement status under section 1 shall be deter-*
10 *mined in accordance with a pay and benefits package estab-*
11 *lished and maintained by the Administrator of General*
12 *Services that is equivalent to the pay scale and benefits*
13 *package applicable to members of the United States Capitol*
14 *Police. Such pay scale and benefits package shall be estab-*
15 *lished by regulation, shall apply with respect to the pay*
16 *period beginning January 1, 2001, and ending December*
17 *31, 2001 (and such other pay periods as may be authorized*
18 *by law), and shall not result in a decrease in the pay or*
19 *benefits of any individual for such pay period.”.*

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

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

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

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

2 *“After the 1-year period beginning on the date of en-*
3 *actment of this section, there shall be at least 730 full-time*
4 *equivalent police officers in the Federal Protective Service.*
5 *This number shall not be reduced unless specifically author-*
6 *ized by law.”.*

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

8 *The Act of June 1, 1948 (40 U.S.C. 318–318d), is fur-*
9 *ther amended by adding at the end the following:*

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

11 *“The Commissioner of the Federal Protective Service*
12 *shall prescribe minimum standards of suitability for em-*
13 *ployment to be applied in the contracting of security per-*
14 *sonnel for buildings and areas that are owned or occupied*
15 *by the United States and under the control and charge of*
16 *the Administrator of General Services.”.*

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 *The Act of June 1, 1948 (40 U.S.C. 318–318d), is fur-*
19 *ther amended by adding at the end the following:*

20 **“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 *“There is authorized to be appropriated from the Fed-*
22 *eral Buildings Fund established by section 210(f) of the*
23 *Federal Property and Administrative Services Act of 1949*
24 *(40 U.S.C. 490(f)) such sums as may be necessary to carry*
25 *out this Act.”.*

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