

107TH CONGRESS
1ST SESSION

H. R. 307

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service, to enhance the safety and security of federal employees, members of the public and for children enrolled in childcare facilities located in public buildings under the control of the General Services Administration and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Act of June 1, 1948, to provide for reform of the Federal Protective Service, to enhance the safety and security of federal employees, members of the public and for children enrolled in childcare facilities located in public buildings under the control of the General Services Administration and for other purposes.

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

1 **TITLE I—FEDERAL PROTECTIVE**
2 **SERVICE REFORM ACT**

3 **SEC. 101. SHORT TITLE.**

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

6 **SEC. 102. 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 **“SEC. 2. 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”.

20 **SEC. 103. POWERS.**

21 Section 1(b) of the Act of June 1, 1948 (40 U.S.C.
22 318(b)), is further amended—

23 (1) by adding at the end the following:

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

4 “(A) to carry firearms in any State, the
5 District of Columbia, the Commonwealth of
6 Puerto Rico, or any territory or possession of
7 the United States;

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

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

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

21 “(3) APPROVAL OF REGULATIONS BY ATTOR-
22 NEY GENERAL.—The additional powers granted to
23 police officers under paragraph (2) shall become ef-
24 fective only after the Commissioner of the Federal
25 Protective Service issues regulations implementing

1 paragraph (2) and the Attorney General of the
2 United States approves such regulations.

3 “(4) AUTHORITY OUTSIDE FEDERAL PROP-
4 erty.—The Administrator may enter into agree-
5 ments with State and local governments to obtain
6 authority for police officers appointed under this sec-
7 tion to exercise, concurrently with State and local
8 law enforcement authorities, the powers granted to
9 such officers under this section in areas adjacent to
10 property owned or occupied by the United States
11 and under the charge and control of the Adminis-
12 trator.”; and

13 (2) by moving the left margin of paragraph (1)
14 (as designated by section 202(4) of this Act) so as
15 to appropriately align with paragraphs (2), (3), and
16 (4) (as added by paragraph (1) of this subsection).

17 **SEC. 104. PENALTIES.**

18 Section 4(a) of the Act of June 1, 1948 (40 U.S.C.
19 318c(a)), is amended to read as follows:

20 “(a) IN GENERAL.—Except as provided in subsection
21 (b), whoever violates any rule or regulation promulgated
22 pursuant to section 2 shall be fined or imprisoned, or both,
23 in an amount not to exceed the maximum amount pro-
24 vided for a Class C misdemeanor under sections 3571 and
25 3581 of title 18, United States Code.”.

1 **SEC. 105. SPECIAL AGENTS.**

2 “Section 5 of the Act of June 1, 1948 (40 U.S.C.
3 318d), is amended—

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

7 (2) by striking “special policemen” and insert-
8 ing “special agent”; and

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

13 **SEC. 106. ESTABLISHMENT OF FEDERAL PROTECTIVE**
14 **SERVICE.**

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

18 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERV-**
19 **ICE.**

20 “(a) IN GENERAL.—The Administrator of General
21 Services shall establish the Federal Protective Service as
22 a separate operating service of the General Service Admin-
23 istration.

24 “(b) APPOINTMENT OF COMMISSIONER.—

25 “(1) IN GENERAL.—The Federal Protective
26 Service shall be headed by a Commissioner who shall

1 be appointed by and report directly to the Adminis-
2 trator.

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

7 “(c) DUTIES OF THE COMMISSIONER.—The Commis-
8 sioner shall—

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

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

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

22 “(4) coordinate the activities of the Commis-
23 sioner with the activities of the Commissioner of the
24 Public Buildings Service.

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

5 “(d) APPOINTMENT OF REGIONAL DIRECTORS AND
6 ASSISTANT COMMISSIONERS.—

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

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

15 “(b) PAY LEVEL OF COMMISSIONER.—Section 5316
16 of title 5, United States Code, is amended by inserting
17 after the paragraph relating to the Commissioner of the
18 Public Buildings Service the following: “Commissioner,
19 Federal Protective Service, General Services Administra-
20 tion.”.

21 **SEC. 107. PAY AND BENEFITS.**

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

1 **“SEC. 7. PAY AND BENEFITS.**

2 “(A) SURVEY.—The Director of the Office of Per-
3 sonnel Management shall conduct a survey of the pay and
4 benefits of all Federal police forces to determine whether
5 there are disparities between the pay and benefit of such
6 forces that are not commensurate with differences in du-
7 ties of working conditions.

8 “(b) PAY SCHEDULE.—The Director of the Office of
9 Personnel Management shall in connection with the survey
10 conducted in subsection (a) produce a pay and benefit
11 schedule for employees of the Federal Protective Service
12 to be contained in the findings and recommendations.

13 “(c) REPORT.—Not later than 6 months after the
14 date of the enactment of this section, the Director shall
15 transmit to Congress a report containing the results of
16 the survey conducted under subsection (a), together with
17 the Director’s findings and recommendations.”.

18 **SEC. 108. NUMBER OF POLICE OFFICERS.**

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

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

23 “After the 1-year period beginning on the date of the
24 enactment of this section, there shall be at least 730 full-
25 time equivalent police officers in the Federal Protective

1 Service. This number shall not be reduced unless specifi-
2 cally authorized by law.”.

3 **SEC. 109. EMPLOYMENT STANDARDS AND TRAINING.**

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

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

7 “(a) IN GENERAL.—The Commissioner of the Fed-
8 eral Protective Service shall prescribe minimum standards
9 of suitability for employment to be applied in the con-
10 tracting of security personnel for buildings and areas that
11 are owned or occupied by the United States and under
12 the control and charge of the Administrator of General
13 Services.”.

14 “(1) CONTRACT COST.—The Commissioner of
15 the Federal Protective Service shall conduct a cost
16 analysis on each security personnel supply contract
17 to determine if the use of personnel directly em-
18 ployed by the United States would be more cost ef-
19 fective for use in buildings and areas that are owned
20 or occupied by the United States and under the con-
21 trol and charge of the Administrator of General
22 Services.”.

23 **SEC. 110. AUTHORIZATION OF APPROPRIATIONS.**

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

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

2 “There is authorized to be appropriated from the
3 Federal Buildings Fund established by section 210(f) of
4 the Federal Property and Administrative Services Act of
5 1949 (40 U.S.C. 490(f)) such sums as may be necessary
6 to carry out this Act.”.

7 **TITLE II—FEDERAL FACILITY**
8 **SAFETY ENHANCEMENT ACT**

9 **SEC. 201. SHORT TITLE.**

10 This title may be cited as the “Federal Facility Safe-
11 ty Enhancement Act.”

12 **SEC. 202. SAFETY AND SECURITY OF PERSONS IN FEDERAL**
13 **FACILITIES.**

14 The Public Buildings Act of 1959 (40 U.S.C. 601
15 et seq.) is amended by adding at the end the following:

16 **“SEC. 22. SAFETY AND SECURITY OF PERSONS IN**
17 **CHILDCARE FACILITIES.**

18 “(a) WRITTEN NOTICE TO PARENTS OR GUARD-
19 IANS.—

20 “(1) INITIAL NOTIFICATION.—Before the enroll-
21 ment of any child in a childcare facility located in
22 a public building under the control of the Adminis-
23 trator, the Administrator shall provide to the par-
24 ents or guardians of the child a written notification
25 containing—

1 “(A) an identification of the current ten-
2 ants in the public building; and

3 “(B) the designation of the level of secu-
4 rity of the public building.

5 “(2) NOTIFICATION OF NEW TENANTS.—After
6 providing a written notification to the parents or
7 guardians of a child under paragraph (1), the Ad-
8 ministrator shall provide to the parents or guardians
9 a written notification if any new Federal tenant is
10 scheduled to take occupancy in the public building.

11 “(b) WRITTEN NOTICE TO FEDERAL EMPLOYEES.—

12 “(1) INITIAL NOTIFICATION.—The Adminis-
13 trator shall provide Federal employees a written no-
14 tification containing—

15 “(A) an identification of the current ten-
16 ants in the public building; and

17 “(B) the designation of the level of secu-
18 rity of the public building.

19 “(2) NOTIFICATION OF SERIOUS THREATS TO
20 SAFETY OR SECURITY.—As soon as practicable after
21 being informed of a serious threat, as determined by
22 the Administrator, that could affect the safety and
23 security of Federal employees, members of the public
24 and children enrolled in a childcare facility in a pub-
25 lic building under the control of the Administrator,

1 the Administrator shall provide notice of the threat
2 to the contact person for each tenant in the facility
3 and to the parents or guardians of each child in the
4 facility.

5 “(c) REPORT TO CONGRESS.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of the enactment of this section, the Admin-
8 istrator shall transmit to Congress a comprehensive
9 report on childcare facilities in public buildings
10 under the control of the Administrator.

11 “(2) CONTENTS.—The report to be transmitted
12 under paragraph (1) shall include—

13 “(A) an identification and description of
14 each childcare facility located in a public build-
15 ing under the control of the Administrator;

16 “(B) an assessment of the level of safety
17 and security of children enrolled in the
18 childcare facility and recommendations on
19 methods for enhancing that safety and security;
20 and

21 “(C) an estimate of cost associated with
22 recommendations furnished under paragraph
23 (2)(B).

24 “(3) WINDOWS AND INTERIOR FURNISHINGS.—
25 In conducting an assessment of a childcare facility

1 under paragraph (2)(B), the Administrator shall ex-
2 amine the windows and interior furnishings of the
3 facility to determine whether adequate protective
4 measures have been implemented to protect children
5 in the facility against the dangers associated with
6 windows and interior furnishings in the event of a
7 natural disaster or terrorist attack, including the
8 deadly effect of flying glass.”.

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