THE GENERAL SERVICES ADMINISTRATION'S SECURITY MEASURES AT FEDERAL OFFICE BUILDINGS

HEARING

BEFORE THE

SUBCOMMITTEE ON GOVERNMENT MANAGEMENT, INFORMATION, AND TECHNOLOGY

OF THE

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT HOUSE OF REPRESENTATIVES

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With us today are the Administrator of General Services, Mr. Roger Johnson, and the Commissioner of Public Buildings, Mr. Kenneth Kimbrough, both of whom have recently returned from extensive onsite visits to Oklahoma City. Joining them are several other GSA officials who will be called upon for testimony about specific agency programs and functions.

Time pressures limit the subcommittee's ability to inquire about issues other than security of Federal buildings. This is a single issue focus on strictly security matters. Any other questions Members might have of GSA, I ask that they submit them in writing to the Administrator, and I know the Administrator will be delighted to respond.

But the focus of this hearing is solely on security; and now, I would like to yield to the ranking minority member, Mrs. Maloney of New York, for any opening statement that she might have.

Mrs. MALONEY. Thank you very much, Mr. Chairman, for convening this critical hearing so quickly after the tragedy in Oklahoma City. It is vital that Congress act swiftly and effectively to address the issue of security at buildings controlled by the Federal Government.

The grisly bombing which took place in Oklahoma City is an event which has been seared into the consciousness of the American people. We have all witnessed a tragic loss of life and suffering and destruction of property. Words alone seem futile in the face of this terrible event, but I do offer, along with many other Members of Congress, our sincerest condolences to all of the victims of the tragedy and their families.

Our purpose here today is to try to prevent tragedies like this from happening in the future. Clearly, the physical security measures in place at Federal buildings are inadequate. Yet 2 months before the explosion, Federal officials considered the building so safe they assigned only one police officer to the building. Clearly, more officers would have provided a better deterrent.

Today's hearings will review current security measures and begin the process of determining what is needed to enhance security in Federal buildings.

In response to the bombing of April 19th, I am glad that GSA has instituted heightened alert measures at many Federal buildings. These measures were prompted in part by the fear of copycat bombings and bomb scares at many Federal buildings, including one at the Jacob Javits Federal Center in my own district in New York City. These measures include increased patrols, heightened employee awareness procedures and additional day shifts for the Federal Protective Service law enhancement personnel. GSA is to be commended for its quick response to the tragedy.

We must also address the efforts taken by GSA to comply with Public Law No. 100–440, a 1988 law which mandated GSA's uniformed police force to be 1,000. Today that strength is only 440. Why? Hopefully, the ideas and procedures developed out of this hearing will aid us as we reassess the security requirements of Federal buildings.

By all accounts, GSA's response to this tragedy was brilliant, coordinated and quick. I think we need to ask ourselves if dismantling GSA and reassigning its duties to other areas—we talk of

privatizing many of the aspects of GSA and GSA itself and contracting out many of these duties. Would this be the right way to go? Would GSA have been able to respond so quickly and brilliantly if they were decentralized as has been proposed?

Mr. Chairman, something which I think has not received enough attention in the wake of this tragedy is the fact that the victims were all Federal employees, dedicated public servants who died in the service of their country. They were part of that often criticized, quote, Federal bureaucracy. What many should not forget is that behind this bureaucracy that many people like to criticize, it is made up of many dedicated men and women with courage, intelligence and dedication. We must not forget the human face of the Federal Government.

Thank you, Mr. Chairman.

Mr. HORN. Thank you very much.

Now I will recognize the vice chairman of the committee, Mr. Flanagan.

Mr. FLANAGAN. Thank you, Chairman Horn, for calling this hearing regarding the security in our Federal buildings across the country.

I, like my colleagues, am appalled at the events that took place in Oklahoma City. It is a tragedy that our Nation has to experience a disaster such as the one in Oklahoma to be fully aware of how vulnerable employees that serve the Federal Government and their families are.

I think it is completely appropriate in the aftermath of the bombing to question the present security and look for ways to improve it in the future. While I understand that no system is foolproof, it is essential that we reexamine our security options.

My concerns that the GSA can address include the obstacles in fulfilling Public Law 100–440, which in 1988 directed the GSA to strengthen the Federal Protective Services force to include a thousand uniformed officers by September 1992. It is my understanding that the current force size is less than half that number and is augmented by over 2,500 outside contracted workers. Obviously, the FPS has not outgrown its security force, and I would be interested in hearing the reasons for this shortfall and exploring the GSA's position on the demand for FPS forces and how well they believe contracted employees serve the FPS.

As we look to the future, I commend Chairman Horn for taking the first step of many by calling this hearing and examine the ways Congress can help make the workplace safer for all Federal employees and their families. Thank you.

Mr. HORN. Thank you, Mr. Flanagan.

I now yield to the ranking minority member on the full committee, Mrs. Collins.

Mrs. COLLINS. Thank you, Mr. Chairman.

I also thank you for convening this hearing today to deal with the critical issue of providing security for people and property in buildings controlled by the General Services Administration. But before I go further with my opening statement I want to offer my condolences to the victims and their families of the April 20th bombing in Oklahoma City.

As you know, on April 20th, the day after the Oklahoma City bombing, I wrote to Chairman Clinger and requested that the committee begin immediately a comprehensive hearing into the vulnerability of Federal buildings to terrorist attacks. As I pointed out in my letter, we must be confident that all precautions are being taken so that this tragedy cannot be repeated in other cities across this Nation, and it is good that today's hearing has followed so very quickly.

The tragedy resulting from the April 19th bombing of the Oklahoma City Federal building has torn the country's heart as few events in recent history have done. The hearts of this Member and all Members are deeply saddened by that monstrous deed and go out to all these victims, as I have said, and their stricken families.

The atrocity committed in Oklahoma City has shown the country's heart to be warm and caring and indomitable. It has also made us realize more clearly that government is made up of people who are public employees with courage, know-how and dedication. It is inspiring to read in the fine situation reports from GSA's emergency operations center about how splendidly Federal Government employees have performed to reestablish Federal functions and to aid and comfort affected individuals. It is wonderful to learn how generously State and local governments as well as private individuals and organizations have donated their time and substance.

It is remarkable, too, how GSA, as the Federal Government's central services agency, has coordinated the complex restoration effort. GSA's resourcefulness and responsiveness in this catastrophe, as in the case of some other recent disasters, deserves very high marks.

But our hearts are also troubled, Mr. Chairman. The questions before us today are part of the reason. We realize that security measures and resources to protect the public and its servants in public buildings have not been adequate and that risks and strategies must be reassessed and resources and methods perhaps redesigned.

I am personally particularly concerned about the risk to the children in the nearly 100 child care centers for Federal employees in GSA-controlled property. As you may or may not know, Mr. Chairman, I chaired a subcommittee of the Committee on Government Operations which in the 100th Congress held hearings that were followed by a report entitled, Child Care in Federal Buildings. It is House Report No. 100–133.

We held further hearings in the 101st Congress, and my subcommittee was instrumental in increasing the number of onsite child care centers in Federal buildings to 59 by that time. So I feel a special responsibility today to deal fully with the security issue as it relates to these centers.

I believed then and I believe now that the Federal Government should provide onsite child care for its employees, just as corporate America does for its employees. The onsite centers benefit both the employee and the employer. The need for protecting these centers has urgency and importance to the enhancement of building security. Removing the centers from their onsite locations would present severe problems for their preservation as quality centers.

There is also the matter of the numerical strength, pay and utilization of GSA's uniformed policemen, whose organization Congress established in 1948, even before the Federal Property Act was passed. The reasons for the very sharp drop in their numbers during recent years need to be discussed.

Mr. Chairman, I have received a written statement prepared by a veteran member of the GSA's frontline uniformed police. It is pertinent to this issue. It provides detailed background about the establishment of the GSA uniformed policemen as well as GSA's Protective Federal Service.

It raises important questions about the continuing diminution of their number to fewer than 400 now. It states, "an adequate number of not less than 1,000 committed, competitively paid, uniformed FPS police officers in an organization staffed and directed by experienced police officers is the essential first line of protection for any community, including the GSA community." At the appropriate time, I will ask that this statement be included in the record.

I venture to say, Mr. Chairman, that it is not just the agents of government which should be involved in providing greater security at Federal buildings. There is, I think, a good opportunity now to make individual government employees aware of dangers and risks and to solicit their individual watchfulness. We know many citizens serve such roles in their own neighborhoods.

Facts and ideas developed at our hearing today will help with the needed reassessment of security risks and requirements in GSA buildings. They will add momentum to the already combining efforts of the Congress and the executive branch. We must be steady, intelligent and fair-minded in these efforts, but we must make them as effective as we can.

Oklahoma City has made clear that there is no limit to what may be attempted in this land by deranged and evil minds fed by hatred and fanaticism.

Let me for a moment speak briefly to the tragic loss of life at Oklahoma City. Some 500 people may have been in the building when the explosion occurred. As many as 200 may have lost their lives. I will shortly introduce a bill to provide compensation for injury, death or loss of personal property resulting from acts of domestic terrorism on Federal property. It would provide for compensation up to certain limits insofar as the law was not covered by other Federal benefits or private insurance. I will ask each of my colleagues to support this measure.

Mr. Chairman, I appreciated very much the courtesy and cooperation shown by your subcommittee staff in communicating with the Democratic staff during the preparation for this hearing. On behalf of the Members of the minority side, I assure you we will want to work closely with the majority Members together and evaluate all relevant information so that we may form sound committee recommendations for administrative and legislative action.

And I thank you and yield back the balance of my time.

Mr. HORN. Well, I thank you very much for your kind comments.

I now yield to the gentleman from New Hampshire, Mr. Bass. Do you have an opening statement?

Mr. BASS. Mr. Chairman, I have a statement I would like to submit for the record.

Mr. HORN. Very well, without objection, it will be printed at this point in the record.

[The prepared statement of Hon. Charles F. Bass follows:]

PREPARED STATEMENT OF HON. CHARLES F. BASS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW HAMPSHIRE

Mr. Chairman, I would like to thank Mr. Johnson and Mr. Kimbrough for their testimony today. This hearing has been precipitated by the tragic events in Oklahoma, and I appreciate these gentlemen's willingness to come to the Hill while they have pressing matters to which to attend.

The purpose of this hearing is for the members of this committee to gain an insight into the security measures that the General Services Administration, or GSA, currently has in place, and what additional measures have been implemented in the wake of the Oklahoma City bombing. Though the bombing ultimately impacts all Americans, its perpetrators specifically targeted employees of the Federal government. This hatred for those that serve the public should concern us all, and I believe that GSA's heightened security measures are appropriate in this light.

I am looking forward to the testimony of our witnesses. I thank the Chairman.

Mr. HORN. I now yield to the gentleman from New York, Mr. Owens. Do you have an opening statement?

Mr. OWENS. I have no opening statement.

Mr. HORN. Thank you very much.

And I now yield to Mr. Mascara, the gentleman from Pennsylvania. An opening statement?

Mr. MASCARA. Thank you, Mr. Chairman.

In the wake of the tragedy in Oklahoma City, it is incumbent upon this subcommittee to carefully review the security measures in place which are intended to protect Federal workers from harm.

Every day, Federal workers serve us and put their lives on the line. In return, they deserve a secure and safe work setting. We must do our best to see that these protective efforts are improved and are more focused so that another tragedy like this never occurs again.

I am not going to sit here today and assign any blame. That rightfully should be left to the hundreds of security analysts who will spend months and years sifting through the wreckage left behind by this terrorist attack. But I do think we as Members of Congress must insist that Federal workers be better protected, and I mean now, not 5 years from now.

The one thing positive this horrible incident has achieved is putting a face on the often maligned, faceless bureaucracy. Americans have learned from this incident that Federal workers are dedicated men and women with wives, husbands, children, and their main focus in life is providing Federal services to their fellow citizens and making our government work.

I was particularly impressed by the story of the Department of Veterans Affairs employees who, despite losing co-workers and suffering injuries themselves, only worried about re-establishing their office so they could continue to serve those veterans in need.

The truth is, Federal public servants, my friends, often are in more real danger than we who are sitting here smugly procrastinating behind this dais. There is little doubt that at the slightest hint of a threat, we in Congress hurriedly insure that our facilities here on Capitol Hill are more and more secure. The reality is, however, that Federal employees in many facilities across the country are left very vulnerable in the fact that they may work in old and

unsecured buildings, out in the public. Daily they have to face angry and agitated citizens, clients who may not be happy with the outcome of their case.

While it is difficult or impossible to make any facility totally secure from terrorist acts by misguided cowards, we do need to try to achieve a realistic policy toward protecting our citizens who choose to work in the public sector. They deserve no less.

I also feel we must search our souls as policy leaders in this country to be sure we are not unwittingly, or purposely in some cases, promoting an aura in our Nation that the Federal Government and Federal employees are to be distrusted and loathed as bloated bureaucrats. From their daily efforts to producing social security checks, to fighting forest fires, to protecting workers in the mines, to cleaning up after Hurricane Andrew, these Federal workers have served us as well as any American could. They deserve our respect and high regard. We must learn to salute them, not degrade them. If we do that, I think we will have gone a long way toward ensuring this kind of horrible act is not repeated.

Thank you very much, Mr. Chairman.

Mr. HORN. Thank you very much.

And now, gentlemen, if both witnesses will stand and take the oath which is traditional with this subcommittee.

[Witnesses sworn.]

Mr. HORN. Both witnesses have affirmed.

I am delighted to present the Administrator of General Services, Mr. Johnson, and he is accompanied by the Commissioner of the Public Buildings, Mr. Kenneth Kimbrough.

Mr. Johnson, since this is very important, we are not going to give you only a 5-minute summary. We are going to give you until 11 o'clock to lay down the record as you see it, and then we will have questioning by members of the committee that will last at least an hour, perhaps 2 hours. So that is the timetable. Please.

[The prepared statement of Hon. William F. Clinger, Jr., follows:]

Opening Statement of William F. Clinger, Jr.
Chairman
Government Reform and Oversight Committee

Hearing on Federal Building Security
Government Management, Information and Technology Subcommittee
May 3, 1995

The Subcommittee is meeting today under unfortunate and tragic circumstances. The Oklahoma City bombing has presented all Americans with the unpleasant reality of domestic terrorism and this hearing is part of the response to that event.

We are here to explore with our witnesses the security precautions currently employed by the General Services Administration to combat the various threats facing the federal government, its workers, and the citizens visiting these buildings. Just as important, we are here today to look forward to the future to evaluate our options for improving security and seeing what the government can and should do to prevent another Oklahoma City bombing.

This bombing demonstrates a very real threat to the federal government and its employees. The General Services Administration is charged with providing security for various types of federal buildings. I am interested to

learn from Mr. Johnson, the GSA Administrator, and his associates, about their plans for improving security at federal facilities and I look forward to reviewing their formal recommendations which I expect will be submitted to the Congress in short order.

At the same time, we need to realize that it may be impossible to completely and totally prevent evil people from carrying out heinous acts in a society as free as ours. But it is the government's responsibility to do all that it can to provide security precautions sufficient to counter the threat.

Finally, I want to publicly express my sympathies to the victims of this bombing. Americans always come together in times of crisis and this case is no exception. All of the rescue workers and volunteers should be commended for their contributions.

Thank you Mr. Chairman.

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STATEMENT OF ROGER W. JOHNSON, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ACCOMPANIED BY KENNETH KIMBROUGH, COMMISSIONER, PUBLIC BUILDINGS SERVICE; JULIA STASCH, DEPUTY ADMINISTRATOR; FAITH WOHL, DIRECTOR, THE FAMILY WORKPLACE INITIATIVES, CHILD CARE AND OTHER ISSUES; GARY DAY, ASSISTANT COMMISSIONER, PUBLIC BUILDINGS SERVICE, THE FEDERAL PROTECTION SERVICE; RANDY LASH, DEPUTY COMMISSIONER, PUBLIC SERVICE

Mr. JOHNSON. Thank you, Mr. Chairman. I appreciate your having us here, and I appreciate your support and the comments of your committee members.

I have some written testimony that I would appreciate entering for the record——

Mr. HORN. It is entered without objection.

Mr. JOHNSON. And if I may also, Mr. Chairman, these issues are fairly widespread across a variety of disciplines; and if I might ask some others to join me at the table.

Mr. HORN. Please do. They will take the oath. So come forward, if you would, and let's identify them.

Mr. JOHNSON. Ms. Julia Stasch, who is a Deputy Administrator of the agency, has done an extraordinarily good job in coordinating these activities. Ms. Faith Wohl, who is the Director of the Family Workplace Initiatives, Child Care and Other Issues; Mr. Gary Day, who is an Assistant Commissioner for Public Buildings Service for the Federal Protection Service; and Mr. Randy Lash, who is the Deputy Commissioner for the Federal Protective Service.

[Witnesses sworn.]

Mr. JOHNSON. Mr. Chairman, the physical destruction both of property and people at Oklahoma City was beyond belief. I saw it on television but then soon arrived on the scene. When you stand on a crater and look up into that building and then turn around and look outside, I would say to you, what you have seen on television is times some other order of magnitude.

However, the spirit of many of the people, as your committee has mentioned, is also further beyond belief. There are lots of stories, hundreds of them, but just one I would relate to you.

I visited one of our people who is in intensive care in an Oklahoma City hospital who had been riddled head to foot with glass and metal and had a smashed leg and smashed arm. His face was even such that he couldn't see, he couldn't talk. He did have one hand free though, and to Congressman Mascara's points, the notes merely questioned how his friends were. How were they? Were they OK? As I left, he gave me a thumbs up. So their spirits—their bodies are pretty battered, but their spirits are OK.

I think it would be inappropriate not to note, however, that although we are going to be doing everything we can and have to protect the physical security of our people, the on-scene scars that are in the minds and psyches of those involved will be deep and will last a long time, and I know this Administrator and this agency will be with them for as many tomorrows as it takes, and I know from the comments of your committee you will be there with us. So I appreciate that.

I would like to spend a moment or two and just talk about things we did quickly, initially, right on the scene, give you a flavor of that response, and then move a little further along in terms of what we did following that and now what we are doing as we assess the whole issue of security of the Federal worker.

Within an hour of that blast, the command center was established in close proximity. We had people rolling from all around the country, in addition to those who had survived in Oklahoma City—from Fort Worth, from Washington, DC, from Boston, from Philadelphia, specialists in real estate, communications, procurement.

Within 2 hours, the phones had been rolled over so people trying to get access could get access for each of the agencies. Those phones were rolled over through our FTS network into Fort Worth and into Kansas City.

The command center was staffed within 4 hours, and the process of acquiring space for FEMA, for other agency emergency teams, for the rescue crews, providing for supplies and services, providing up communications all over the town and inside the structure were completed.

I arrived there late Saturday evening and stood on the site late at night with the rain blasting at us and then went around behind the building and saw the post office, which was a block behind, and a courthouse two blocks behind that were also fairly heavily devastated—all the glass out, plaster off the walls. That previous evening we had contract people already in those two facilities cleaning them, getting them set, and they opened for business on the following Monday and Tuesday.

Within several days, and I can report to you as of this morning, we had acquired space around the town and all the agencies were up and running as best they could with physical space, with phones, communications, supplies, et cetera, within a very short period of time. So the bombing hurt us badly physically, mentally, but we are back up and running very shortly.

As to the rest of our 8,000 buildings around the Nation, immediately security was heightened; and the particulars of that security depended on the situation in those facilities. We can talk at other sessions about specific issues, if you wish. I would prefer to stay fairly general at this point, excepting to note that those actions affected, obviously, access of people, access of packages and other substances, peripheral controls around the buildings relative to automobiles and a variety of other issues aimed at deterring and preventing recurrences.

These actions and many others will, of course, now be the subject of complete review to determine which ones need to be more permanent, which ones need to be completely different and which ones might be changed.

The security of a physical facility, of course, has many dimensions to it. There are three, though, that I think could categorize probably most of those issues, the first one being people. We have talked about the security personnel themselves, a very important issue in the physical security of a facility.

The second is technology, equipment, process that can detect issues, can detect problems, and of course then respond to them in

some sort of alarm system. So there is a whole variety of technology involved in physical security.

The third one is intelligence. And, unfortunately, in this situation and others like it intelligence is the—by far the biggest weapon and maybe the only weapon we have for deterrence. Because, by definition, the terrorist devices of mass destruction are designed to overwhelm both the physical and the technical onsite security. Intelligence is an issue that is being addressed, along with others, in some of the task forces that we are working on.

I would like to speak for a second to comments made relative to numbers of FPOs and the law of 1988. That law directed that this agency have a thousand FPOs by 1992. I was not here and my colleagues were not either, most of them, but the data that we have gathered and the research says that at the time of that law being passed there was about 700 such uniformed people, and the data shows that that continued to decrease. It not only didn't go to a thousand, it never got to a thousand, never was at a thousand and continued to decrease from that point on.

When I arrived in 1993, the FPO authorization and budget that year was 469, and today it stands at 409. On the other hand, contract guards increased dramatically, and we sit today with about 2,300 of them, as well as another 350 people who are security systems people, criminal investigators and others who can serve as Federal Protective Officers as necessary.

The dollars that were allocated for security, as I have looked at them, have increased, however, each year since 1988. So we have a situation of FPOs reducing, contract personnel increasing, the sum of which, however, was still significantly lower than levels in 1971. The dollars, however, going up each year as more got allocated to technology and other forms of security.

The issue of security is a very broad one. I think it is important that we have these types of discussions in a calm, sensible fashion. We are taking part now in complete reviews of every single aspect, regardless of anything I have just said in the past.

I have asked the Office of Management and Budget to join us in those reviews from a budget standpoint. We have not, in the time I have been here, traded off dollars for security, even in the face of the downsizings and reinvention processes, which I wholly endorse. You will note that the dollars for protection and security of buildings have increased.

We obviously are staring, however, at a new level of threat; and I think, in that regard, every single aspect of security has to be reassessed.

I would suggest that there are two levels within that as well. The protection of current facilities and the improvement of same is an issue which has a variety of obvious constraints to it. Obviously, buildings are where they are, obviously are constructed of the materials that they are constructed of. However, there are still significant things we can do and review to improve the protection of existing buildings to the point of doing it now, not 5 years from now.

Another dimension, however, is in the construction and planning for new facilities where, obviously, there is more flexibility. Those facilities' locations have not been decided, those materials have not yet been selected, the basic intrinsic security systems have not yet

been installed, so there is a great variety of alternatives open to us in new facilities that may be constrained regarding existing facilities.

I think it is appropriate to say here from my viewpoint that, to the point made by many of your committee members, I spent all my life in the private sector until 2 years ago. And within a few months of arriving here, I began to say publicly and said it many times, and I want to repeat it here, that if we have problems in our Federal Government, and certainly we do as we do elsewhere, they are not, in my judgment, resting on the shoulders of the Federal worker.

It is my experience with my own agency and others that I have met around the country that, compared to my private work forces, these men and women are as good, as intelligent, as dedicated and as hard working as any that I have ever had in the private sector.

I have viewed our job here principally, therefore, to try to improve the atmosphere within which they work. It is the atmosphere that sometimes causes them to be discouraged, sometimes causes them to appear as though they are a problem, when it is the process that they have to live with.

That's never been more evident than the situation in Oklahoma City. The response, the intelligence of the response, the rapidness of the response, the passion of the response, I think can be stacked up with the best anyone ever could do anywhere in the world.

So I am proud to be here. I am pleased to work with you, Mr. Chairman, and the rest of your Members as we move forward to make our facilities the most safe anyone possibly could make, a structure for not only our Federal workers but for those, of course, in the public that have access and continue to need to have access to those facilities.

Thank you, chairman.

[The prepared statement of Mr. Johnson follows:]

ROGER W. JOHNSON
ADMINISTRATOR
GENERAL SERVICES ADMINISTRATION

Chairman Horn, members of the Subcommittee, I come before you today to discuss the situation regarding the Oklahoma bombing and the related issue of security of Federal facilities.

I saw first hand the devastation of both person and property that occurred as a result of the bombing of the Murrah Building in Oklahoma City. I met with the families of the deceased GSA employees, Mike Loudenslager and Steven Curry, and spent time with injured GSA employees at the local hospital. There really are no words to describe the terrible loss of life that resulted from the cruel and violent act.

Mr. Chairman, we at GSA will continue to be vigilant as we seek to protect both employees and the public from atrocities such as the one committed in Oklahoma, and, to the extent possible, prevent such an act from ever occurring again. The bombing in Oklahoma was an attack not only on the people in the Murrah Building in Oklahoma City, but an attack on all Americans.

In my testimony before you today, I will discuss several issues, including the role GSA played immediately following the explosion, issues related to the security of Federal facilities, including immediate steps the agency is taking to secure Federal facilities, the current role of our Federal Protective Service, the role other agencies play in terms of support and coordination, and GSA's ability to keep Federal workers safe and secure in the future.

Immediately after the explosion, GSA employees assisted survivors and provided perimeter security in support of the FBI. In a matter of hours, the Information Technology Service, in coordination with AT&T and Sprint switched the telephone lines from the Murrah Building to various agency regional offices in Dallas and Ft. Worth. In short, GSA operated as well as any organization, private or public, has under the circumstances. I am extremely proud of all the GSA employees. All services and offices, including the Federal Protective Service (FPS) played a key role in the aftermath of the explosion, and continue to serve significant roles now.

As you may know, the General Services Administration's Federal Protective Service (FPS) is one of many organizations that comprise the large, integrated security operation that provides security coverage for all Federal facilities and employees. This larger operation includes not only the FPS but also other uniformed guards, both armed and unarmed, employed by GSA and other agencies, as well as coverage under formal arrangements with State and local law enforcement agencies.

Immediately following the bombing, GSA instituted increased security at all Federal facilities under GSA's auspices. This included taking the following steps:

- Moving to a moderate level of security alert which means heightened security awareness; inspection of packages, briefcases, and vehicles.

- Some regions instituted maximum security, which includes escorting visitors to the offices they wish to visit; restrictions on parking at or around Federal facilities.

- Heightened awareness of any vehicles or packages left at or near any Federal facility; increased monitoring of parking lots and garages;

- Exterior patrols of premises have been instituted with the assistance of local law enforcement officials, whom I might add, have been extremely cooperative.

- Security precautions have been taken at day care centers: these include stationing uniformed personnel at the centers.

- 400 uniformed FPS officers have been placed on 12 hour shifts to provide increased uniformed presence and visibility as a deterrent factor. These officers have been supplemented with 230 other special agents and physical security specialists. Additionally, 2300-plus contract guards supplement the FPO efforts.

GSA fulfills its security responsibilities in the context of a unified Federal effort. In addition to the GSA, a total Federal security network includes the FBI, DoD, Secret Service, VA, U.S. Marshals, INS and others, GSA's FPS provides some 409 uniformed, armed police officers (FPOs) and approximately 2,300 contract security guards, both armed and unarmed, with limited arrest authority. GSA does not directly hire these contract guards: they are hired by the professional security firms with which GSA holds contracts for service. However, the contract guards are subject to a background check in cooperation with the FBI, and, before they are hired, receive training (including firearms training) and certification of competence. Once hired, additional training is provided on a regular basis.

Risk Assessments Determine Security Deployment

GSA security personnel are deployed based on the results of facility security risk assessments, which take into account location, number of employees, type of tenant agencies, local crime statistics, special considerations/needs, etc. These assessments are performed on a cyclical basis, at least once every four years, and more frequently if necessary, based on need or changing circumstances. The level of security provided at each facility is determined by the degree of risk identified.

Downsizing Reduced FPS Employment Levels

During the 1970s and 1980s, GSA was downsized from a workforce of about 40,000 to one of some 21,000 employees. Much of this downsizing was achieved through contracting for service, including the services provided by FPS. This included reductions in FPOs from about 5,000 to 409 in the 24 years between 1971 and 1995, and a corresponding increase in contract guards from 750 to 2,300 during the same period, to ensure adequate security coverage. During that time, the ratio of FPO's/guards to total GSA employment increased from 1:8 to 1:6. GSA's current FTE ceiling is 16,936.

The current, non-administrative staffing for the FPS includes:

409	uniformed Federal Protective Officers (FPOs)
2,300	Contract security guards
52	Security Systems personnel
71	Control Center staff
64	Criminal Investigations employees
170	Physical Security personnel

The activities of each of these components of the FPS include:

Uniformed Police:	Patrol Provide police response Arrest and detain Perform preliminary investigations Undertake emergency operations Special protection
Security Guards:	Provide access control to facilities Make "roving patrols" of buildings/sites Staff fixed posts to provide visible security presence
Security Systems:	Review physical security needs Design, install and maintain appropriate security systems
Control Centers:	Dispatch officers/guards in response to calls Monitor and respond to alarms Provide centralized emergency communications Make National Crime Information Center inquiries
Criminal Investigations:	Surveillance of people and property Follow-up investigations Coordinate intelligence and liaison support Conduct undercover operations
Physical Security:	Conduct security surveys (3,192 in 1994) Provide crime prevention services Coordinate Occupancy Emergency Planning Administer security guard contracts Establish and maintain local law enforcement response agreements Provide suitability determinations and adjudication

GSA has Limited Security Authority

Of a total of 127,842 non-military Federal buildings and locations (owned and leased), GSA has security authority in about 8,100, many of which are parts of multi-building complexes. That authority includes exclusive jurisdiction in 671 buildings, proprietorial jurisdiction in 7,076 buildings, and concurrent jurisdiction in 371 buildings. Laws relating to offenses such as arson, murder, rape and robbery cannot be enforced by the Federal government on properties in which the government has only a proprietorial interest. State authorities do have enforcement authority. Since 1940, GSA (or its predecessor agencies) generally have acquired only proprietorial interests in properties. The Alfred P. Murrah Federal Building is such a property. (An outline of the definitions and implications of these types of jurisdiction is attached as Attachment A.) Moreover, agencies such as the Small Business Administration and the Securities and Exchange Commission have their own procurement authority and, therefore, GSA is not responsible for security at those facilitates.

GSA Constrained from Reaching FPO Staffing Goals

In 1988, an appropriations law provided for the Federal Protective Service to increase its ranks to 1,000 FPOs by 1992. However, we believe that the statutory provision has been rendered obsolete by subsequent statutory enactment's, including the Federal Workforce Restructuring Act of 1994, P.L. 103-226, the general downsizing and hiring freeze, and focus on FTE's that now shape the government's functions, much as a result of RegoII. GSA's Administration during that period found it difficult to continue to pursue such an increase, because of high attrition rates coupled with recruitment problems associated with pay inequities.

The tragic bombing of the Alfred P. Murrah Building in Oklahoma City has raised a number of significant concerns regarding security in Federal facilities. A number of inaccurate and incorrect assertions have been made ranging from the competency of private security guards to the frequency of bomb threats against Federal facilities, as addressed below.

Statements have been made to the effect that serious security threats and incidents have increased as the number of FPOs as declined. It is erroneous to imply a causal relationship between the number of FPOs and the level of "security incidents" reported. In fact, the level of incidents has remained constant overall since 1987, and has, in some instances, decreased. The FBI's Uniform Crime Report indicates that fewer incidents occur in GSA space than occur within the general population (11.8 incidents per 1,000 Federal employees versus 56 incidents per 1,000 taxpayers).

Other statements have been made suggesting that some Federal buildings are not protected. This is patently untrue. With inter-governmental cooperation, including Federal, State and local law enforcement agencies, and other means, all facilities and Federal employees are provided with security services including access control, crime prevention, and a law enforcement response capability. In small leased space (10,000 s.f. or less) in remote areas, security services are provided through arrangements with local law enforcement officials. All facilities receive a comprehensive survey/risk assessment, as described above.

Extremely strong statements have been made challenging the efficacy and competency of private, contract guards, and suggesting that these guards are not armed and cannot make arrests. Approximately half the contract guards carry firearms, and receive firearm training prior to being hired. All have limited arrest authority which varies from state to state. To characterize these security professionals as "greeters" is not only false, but denigrates their professionalism and does a great disservice to their sometimes dangerous mission. Additionally, the FPS's Physical Security Specialists and Investigators have the full range of Federal law enforcement authority during emergencies, including arrest authority. Whether or not a building has assigned security personnel on a routine basis is determined by the risk assessment process.

It has been said that the Federal Protective Service is moving toward privatization. While the FPS is among the 16 "business lines" undergoing a financial analysis as part of Rego II, the goal of the analysis is not the privatization of security services. The objective is, instead, to find the most cost-effective and efficient method to provide security services. To achieve that goal, options under consideration include employee ownership, contracting out to the private sector, keeping the service within GSA, or transferring the responsibility to other Federal agencies. GSA has stated repeatedly that it will not promote "privatization for privatization's sake," but will focus on the best means of providing taxpayers with the services required.

GSA is Helping to Take Action Now

In closing, GSA has taken a number of immediate steps to address the heightened security concerns, as I described earlier. In addition, security in Federal facilities is being reviewed by the Department of Justice at the direction of President Clinton. GSA is working closely with the Department of Justice and other agencies to ensure that all Federal facilities are safe and secure for both Federal employees and the public, in keeping with our role as a component of the overall Federal security system.

Attachment B, submitted as part of the record is a chronology of events that took place in Oklahoma and Attachment C, a summary of GSA activities in support of the rescue and relief effort. GSA looks forward to working closely with the Department of Justice and other Federal agencies as we seek to assess the threat of risks to Federal facilities and to keep them safe and secure for our Federal family. Thank you Mr. Chairman and members of the subcommittee for giving me the opportunity to appear before you today.

ATTACHMENT A

JURISDICTION OVER FEDERAL PROPERTIES

- Exclusive legislative jurisdiction: this means that the Federal government has received all the authority of the State to legislate and enforce laws. On properties for which the Federal government has exclusive jurisdiction, only Federal law applies. There is no reservation to the State to legislate or enforce state law on the property.

- Prior to 1940, there was a Federal statutory requirement to obtain exclusive legislative jurisdiction over all land purchased by the United States for the purpose of erecting public works. Since 1940, in accordance with 40 U.S.C. § 255, the acquisition of exclusive legislative jurisdiction has been optional rather than mandatory. Since 1940, if the United States desires to obtain exclusive jurisdiction over properties it acquires, it must take affirmative action to obtain such jurisdiction.

- Concurrent legislative jurisdiction: this means that the State has reserved the right to legislate and enforce state law concurrently with the United States. On properties for which the Federal government has concurrent legislative jurisdiction, both Federal and State laws apply.

- The Federal Government must take affirmative action with the state in order to obtain concurrent legislative jurisdiction.

- The Assimilative Crimes Act, 18 U.S.C. § 13, provides that if an individual commits an act on Federal property under exclusive or concurrent jurisdiction, which is not a violation of Federal law, but is a violation of state law, the individual is considered to have committed a Federal offense and Federal officers with authority under 40 U.S.C. §§ 318 or 318d may enforce the law.

- Proprietorial interest: this means that the United States has acquired an interest in or title to the property, but has neither exclusive or concurrent jurisdiction. On such properties, the GSA Rules and Regulations issued under 40 U.S.C. § 318a are enforced by the Federal government, as are other Federal laws made specifically applicable by Congress, such as 18 U.S.C. § 111, assault on a Federal officer. Laws relating to offenses such as arson, murder, rape and robbery can not be enforced by the Federal government on properties in which the government has only a proprietorial interest. State authorities do have enforcement authority.

- Since 1940, GSA generally has acquired only proprietorial interests in properties. GSA has only a proprietorial interest in the Alfred P. Murrah Federal Building.

ATTACHMENT B

Alfred P. Murrah Federal Building Explosion
Oklahoma City, Oklahoma

Event Chronology

4/19/95

9:02 am CDT	Explosion occurs outside the Alfred P. Murrah Federal Building in Oklahoma City GSA employees assisted with evacuation and FPOs helped establish perimeter security Central Office and Greater Southwest Region initiate response activities
AM	Senior management officials, including Ken Kimbrough (Commissioner, PBS), John Pouland (Regional Administrator, Greater Southwest Region), and Earl Eschbacher (Assistant Regional Administrator for PBS), depart for Oklahoma City GSA technical support personnel from the Region and Central Office leave for Oklahoma City Command and coordination centers established in Central Office and the Region Prepared and faxed letter to client agencies affected by explosion
PM	GSA Command Center established in Medallion Hotel, Oklahoma City

4/20/95

AM	FSS begins shipment of support supplies to Oklahoma City. Supplies include plastic sheeting, vehicles, office supplies, batteries, and first aid kits. Approximately 50 GSA personnel in Oklahoma City to support disaster response activities ITS personnel working with the local telephone company transfer all calls to the Murrah Federal Building to the appropriate agency's regional office in Dallas or Fort Worth GSA real estate specialists begin contacting agency space representatives to establish replacement space needs ITS, Office of FTS 2000, and FTS 2000 vendors working to provide telecommunication capabilities for disaster response including providing additional telephone lines, pagers, and cellular phones. Prepared and faxed second letter to client agencies affected by explosion

PM CDT	GSA and contractor personnel surveying Federal Building/Courthouse and Post Office/Courthouse to determine extent of structural damage, elevator condition, and status of electrical, plumbing, and fire safety systems. Contractors contacted to prepare estimates for initial cleanup and debris removal as well as record removal and storage, computer restoration and furniture repair and storage.
	FSS working to provide supplies to agencies involved in disaster recovery activities. Numerous commodities shipped from southwest distribution center including hard-hats, flashlights, body fluid kits, gloves and general office supplies. Office equipment, such as fax machines, typewriters, copiers, printers, and computers, being provided through FSS on-scene coordinator.

4/21/95

AM	Location identified for Disaster Field Office (DFO). DFO should begin setting up later today.
PM	PBS Field Office begins operations in Medallion Hotel Office furnishings and supplies provided for the Office of Workman's Compensation
	GSA holds briefing for customer agencies affected by bombing. Government vehicles are being delivered to the command center for dispatch as needed Work underway to establish two telecommuting centers
CDT	Federal Building/Courthouse and Post Office Courthouse confirmed structural sound. Efforts to reopen both buildings underway. Several contracts awarded for restoration activities. Murrah building elevator has been made operational for rescue efforts. Denise Elsbernd from Kansas City arrived to disburse money for travel advances and small purchases. Regional Director of Personnel has talked with field office employees affected by tragedy Command center being expanded. Additional FPO's being provided. Approximately 30,000 sq. ft. of replacement space has been obtained

4/22/95

Telecommuting site identified. Necessary support supplies and services being provided.

GSA and Southwestern Bell conducted walk through of Courthouse building to asses damage to telecommunications equipment. Minimal damage.

Telecommunications being provided for agency replacement space

FSS is providing furnish, equipment, office supplies, and vehicles for agencies involved in the disaster recovery activities, the telecommuting center and the relocated agencies.

GSA mechanical, engineering and management personnel, along with several contractors, have been worked around the clock from the evening of April 19th to make the Federal Building/Courthouse and Post Office/Courthouse occupiable for Federal agencies.

Multiple leasing and assignment actions have been initiated to house 24 agencies. Of the 24 agencies, 8 are in permanent locations, and 16 are in temporary locations.

T&A cards and checks for Oklahoma City employees received from Finance. Electronic deposit being redirected to Tinker AFB credit union for next pay period.

4/23/95

FSS ministore for general office supplies established in Oklahoma City

National Furniture Center has formed a 7-member Rapid Response Team to respond to any permanent or temporary requirements for new, used, purchased or leased furniture.

Approximately 90 personnel are on the scene in Oklahoma City to support the recovery activities. An additional 70 people are providing support from the Regional and Central Office.

Efforts to prepare FB/CT and PO/CT for reoccupancy are continuing around the clock.

4/24/95

8:00 AM CDT FB/CT and PO/CT operational

ATTACHMENT C

GSA's Response and Role in the Oklahoma City Recovery Effort

I am especially proud of GSA's rapid response and critical role in the recovery effort in Oklahoma City. Immediately following the blast, our agency mobilized to set up an Emergency Command Center at a nearby hotel where senior GSA officials were on hand to coordinate and oversee all of GSA's recovery operations. In addition, there are 88 GSA personnel still working on site, plus many employees in the regions and in Central Office lending emotional and operational assistance to the Federal community.

We quickly dispatched representatives from the Office of Personnel to assist the 21 surviving GSA employees and their families recover from the explosion. They remain on hand to do everything -- from completing necessary paper-work to counseling individuals -- to ensure that everyone receives the utmost support and assistance during this crisis.

As a result of the blast, the Federal Building Courthouse and the US Post Office Courthouse Building, located adjacent to the Murrah Federal Building, sustained significant damage and were immediately unoccupiable. Our GSA team worked around the clock to clean and repair the buildings, and made them operational and occupiable by Monday, April 24 -- less than 4 days after the blast. All Federal services there are expected to resume very soon.

Since the disaster occurred last week, GSA's Public Building Service (PBS) has initiated multiple leasing and assignment actions to house 24 displaced agencies in the Oklahoma City area. Also, space for an Oklahoma City Disaster Field Office for the Federal Emergency Management Agency (FEMA) and the Department of Justice (DOJ) was provided by PBS within hours after the disaster occurred.

GSA's Federal Supply Service quickly distributed materials to FEMA and other Federal agencies and is working closely with them to supply what is needed to recover from the blast. Emergency procurement procedures were implemented to speed up the purchase of supplies and equipment and, to date, FSS has supplied furniture, general office supplies, hard hats, body bags, plastic sheeting rolls, flashlights, body fluid kits, gloves and first aid kits; and approximately 75 vehicles from the Federal fleet.

GSA's Information Technology Service (ITS) is lending massive telecommunications support to ensure that Federal services are uninterrupted, and has arranged for the telephone numbers of the affected agencies to rollover to a designated temporary office or home. In addition, ITS has also installed hundreds of telephone lines and fax machines in the FEMA and DOJ disaster field offices and in temporary work-locations for the affected Federal agencies.

All of GSA's business lines are working together to set up several telecommuting centers for Federal employees in the area surrounding the damaged buildings. The first Greater Southwest Region Telecommuting Center was quickly established and provides ten workstations; and a second telecommuting center is expected to be in operation by May 1.

# # #

Mr. HORN. Mr. Kimbrough, would you wish to add anything at this point? Then we will proceed to questions.

Mr. KIMBROUGH. Thank you, Mr. Horn. Not at this time.

Mr. HORN. OK. First, let me just say about the Federal Protective Service, my experience with it since becoming a Member of Congress is only to say good things about them. When we had a threat to life in our district office, the Federal Protective Service was there. And it was clear they were stretched thin in southern California, but they went way beyond the call of duty. They were the only Federal agency that was responsive, and a lot more could have been responsive because it was a serious matter. So I have high praise for the quality I have seen in southern California of the Federal Protective Service.

Let me go into a number of matters here. As background, you mentioned the 1988 law, and it specifically mandated the Administrator of General Services to increase the staffing level of Federal Protective Officers to 1,000 positions at the rate of at least 50 new positions per year commencing in 1988; and, as you said, that at the time of the Oklahoma City situation you noted that we were down to 409 positions. You inherited that trend line. There were about 469, you said, in 1993.

Section 10 of that law said the Administrator of General Services is authorized and directed to hire up to and maintain an annual average of not less than 1,000 full-time equivalent positions for Federal Protective Officers. And it noted this shall be accomplished by increasing existing staff levels at the end of fiscal year 1988 at a rate of not less than 50 positions per year until the full-time equivalency of 1,000 is attained by not later than fiscal year 1992.

It seems that neither administration, the one in power when the law was passed, nor the current one, has followed the language of that particular law, although it had been passed in response to the congressional concerns regarding the level of security at Federal facilities.

I believe you received a letter back in 1994, where there was an objection by a member of the International Brotherhood of Police Officers to Senator Moynihan about the failure to implement that Federal mandate and, as I understand it, that was forwarded by Senator Moynihan's office, was responded by yourself signing the reply, and I simply—I will eventually put all these in the record.

I think the GSA response to Senator Moynihan and Senator Moynihan's letter to the GSA are very significant. We are not here to point fingers or to suggest that GSA should or should not have acted differently on the matter in Oklahoma City, and I doubt if there is anything GSA specifically could have done to avoid that type of tragedy, but we are all trying to learn from the experience.

What I am interested in is a general idea of how effective GSA security measures are in protecting Federal employees. And, as you suggested earlier to me privately as well as publicly, on some of these matters we will go into executive session. Anything you don't want to cover in public session because you feel there is a security matter, we will reserve that for executive session, with simply the members of the committee.

But I wanted to get some of these issues out so we could pursue what's appropriate in public and what's not appropriate in public.

And the Congress, as you know, in passing that act, had legitimate concerns. I am not saying that 1,000 would have been adequate, and I realize that all administrations have taken an interest in contracting out various types of tasks, and this is one of them. Congress has been receptive to that.

On the other hand, there is a question of what must be the basic security needs, and I assume that's what you are wrestling with now in GSA, that need to be handled by professionals that are responsive to GSA. In this age of terrorism, security for Federal workers and the constituency is absolutely essential.

Let me say that the letters here between Senator Moynihan, the agency, the Administrator and Senator Moynihan we will release later, but let me get into some of this.

I know you have acknowledged being aware of that law, the mandatory staffing requirements, and what I want to do is base some of these questions on the Moynihan letter. In referring to your response, you stated that GSA was engaged in, "a comprehensive reengineering and downsizing effort." Regarding the downsizing effort, was this a directive pursuant to your own administrative initiative or was it an Executive order or an act of Congress?

Mr. JOHNSON. There have been a variety of Executive orders and I think a variety of downsizing legislation passed by the Congress. I think what I was responding to was an atmosphere, Mr. Chairman, that appeared in conflict where we were—we were in the process and I think the spirit of the Congress, at least as I—spirit of the Congress and certainly the administration, either side of the aisle, was for a smaller, yet more effective government. So, with that, I just wanted to—that was the first time, Mr. Chairman, I was aware that there was a law. It was clear that it was not very high on anybody's radar screen.

Mr. HORN. You might want to add to the record when you go back anything else you seem to think affected that decision as to whether it was congressional directive, Executive orders of the President, previous GSA administrators, et cetera, just to fill out the record on that.

In your written response to Senator Moynihan you also stated your reason for not implementing the mandated staffing levels, and you felt it was due in some part to the recommendations made by the National Performance Review and as a result of the President issuing Executive Order No. 12839. Is it your position that either of these directives preempt an act of Congress specifically, such as Public Law 100–440?

Mr. JOHNSON. I don't have a view on that, Mr. Chairman. I was responding here really to the atmosphere that I had inherited and the atmosphere that we were trying to manage to.

I think there's also an issue here of the caliber and quality of contracted officers. There seems to be inference that there is a wide magnitude of difference and capability. That was not and is not my understanding. Later, if we could, we could have our experts in that area talk to us a little more in factual manner about what the level of training is and what their capabilities are.

This is an industry, of course, that is as old as the security industry. Allan Pinkerton was a contract guard for the Federal Government. The Federal Government is protected all across its

breadth by contracted officers and Department of Justice, prisons. It is a fairly well-established industry.

Mr. HORN. Pursuing the answer to Senator Moynihan and the previous question, when faced with an apparent conflict between acts of Congress or an act of Congress and an Executive order, what is the procedure of GSA, your procedure, to determine what your administrative duties are? In this case, did you request clarification of these potentially conflicting directives from either your own counsel or from the executive branch?

Mr. JOHNSON. Yes, I believe I did, and I think the answer that I received was the same one that I received since that time, and that is that there is apparently two factors. There are some who feel that there are actual conflicting—either directives, legislation. And certainly there is an atmosphere of continuous change since that law was put in place.

I have subsequently, since this action occurred, asked again for clarification of that, and I have asked the Office of Management and Budget, I have asked our own counsel to look at it. And, obviously, we will discuss that with you.

Mr. HORN. Is any of that in writing or was it all oral exchange?

Mr. JOHNSON. I think it was oral, but I have a letter to the Office of Management and Budget.

Mr. HORN. If you wouldn't mind filing that for the record, it would be very helpful. We will include it at this point in the record.

Mr. JOHNSON. Sure.

[The letter referred to follows:]

General Services Administration
Washington, DC 20405

MAY 02 1995

The Honorable Robert Litan
Associate Director
General Government and Finance
Office of Management and Budget
Old Executive Office Building - Room 246
Washington, DC 20503

Dear Mr. Litan:

Section 10 of the General Services Administration (GSA) - General Provisions of Public Law 100-440, September 22, 1988, authorized and directed the Administrator to hire up to and maintain an annual average of not less than one thousand full-time equivalent positions for Federal Protective Officers (FPO). Section 10 provides that this shall be accomplished by increasing existing staff levels at the end of fiscal year 1988 at a rate of not less than fifty positions per year until the full-time equivalency of one thousand is attained by not later than fiscal year 1992.

GSA's fiscal year 1990 budget submitted to the Office of Management and Budget (OMB) in September 1988 provided for an increase of $1,500,000 and 50 full-time equivalent positions for FPO to comply with Section 10 of Public Law 100-440. This provision was included in the President's Budget for fiscal year 1990; however, this increase was not enacted by the Congress. GSA's fiscal year 1991 budget submission to OMB provided for an increase of $858,000 and 35 full-time equivalent positions in further implementation of Public Law 100-440. This was not approved for inclusion in the President's Budget for fiscal year 1991.

GSA has been unable to attain the FPO staffing level included in Public Law 100-440. Current compensation levels for FPO have made it problematic for GSA to recruit and maintain qualified officers, let alone supplement the FPO force. At the beginning of fiscal year 1989, GSA maintained a force of more than 650 FPO. Due to difficulty in hiring and retaining FPO, the current staffing level is approximately 400. Without substantive change to the compensation and benefits package available for FPO, GSA has not been able to maintain or increase FPO staffing levels.

In short, there exist a variety of impediments, both legislative and executive, which stand in the way of GSA's compliance with the FPO hiring requirements of Public Law 100-440. As soon as the recently initiated and Department of Justice led facilities security review is completed, it will be necessary for OMB and GSA to jointly deal with its recommendations and the impact of Public Law 100-440.

Sincerely,

Dennis J. Fischer
Chief Financial Officer

Mr. HORN. Was the decision not to implement the staffing mandate of Public Law 100–440 based on any conversations you had with GSA staff or any representative of the executive branch?

Now, what I hear in that previous answer was that you did consult your general counsel. There were some discussions with the Office of Management and Budget. Was that with the budget reviewer for GSA or was it the Office of General Counsel and the Office of Management and Budget or in the Attorney General's office?

Mr. JOHNSON. No. Let me just separate the two.

As best I can remember, Mr. Chairman, this particular issue, Senator Moynihan's letter, was the subject of discussions within the GSA. I am not sure if our people went out and asked other guidance. The letter I referenced was one I have written subsequent to that, in fact, within the last week with OMB. I have had no discussions about that law with others since that time.

Mr. HORN. Let me ask Mr. Kimbrough, since you are the relevant official within GSA that might be involved in that matter, did you or any member of your staff consult the Office of Management and Budget, the Attorney General's staff or the White House staff in getting guidance on the Executive orders versus laws of Congress?

Mr. KIMBROUGH. Not to my knowledge.

Mr. HORN. OK. Any other member here who's been sworn in have any comment or did you have any involvement with the guidance to the administrator? Because when you are a new administrator, I understand it is tough. A lot of your permanent staff know what the laws are, and there ought to be briefings of the administrator where some of the problem areas are, and I would think the staff in GSA would have done that for a new administrator.

If an administrator of a Federal agency believes it is impossible for whatever reason to implement a Federal statutory mandate, is it the responsibility of the administrator to report that to Congress that the mandate cannot be complied with? What's your reaction to that?

Mr. JOHNSON. I suppose, Mr. Chairman, the process I would use would be to get clarity through our own counsel and then probably go through other executive offices for guidance on that. And I am not quite sure what approach would be taken, but I am sure the Congress would be informed at some point by somebody.

Mr. HORN. Yes, I would hope. If you could check and see if any of your staff that deals with the Committee on Appropriations or deals with the then Committee on Government Operations, the current Committee on Government Reform and Oversight, did so in terms of the authorization situation? Was there any contact made where we said, look, we have got a problem with this? If so, why don't you file it at this point in the record?

Mr. JOHNSON. Mr. Chairman, it is my understanding—and I may be in error here because we have been trying to go back and get history of what happened here. It is my understanding that early on, probably in 1990, there was specific concern about this; and there was communications, I think, with some of the committees at that point that had to do with some budget actions and some reasons why they weren't able to meet that.

The feeling I have, from trying to dig back in history, is that there was a continuous erosion, I guess, maybe of even the will to implement it on both parts of the committees and GSA, and circumstances seemed to overtake it. That certainly is not a legal answer to you, but it is the best feel I can get to what really was going on.

Mr. HORN. Well, we'd appreciate it if you would put in the record the contacts, what was said, what dates, so forth and so on. I think it would be helpful. Because, obviously, we have a concern, as the authorizing committee, as to the procedures being followed by any administrator when a law is very clear. And it was clear that your predecessor did not follow it, and it is clear that you as the successor did not follow it. It could be nobody told you about it, and I understand that, having been in those positions. But we obviously are concerned with that aspect.

[The information referred to follows:]

GSA advised the Senate Committee on Appropriations in March 1989 that it was doubtful that the provision could be complied with. Specifically in March1989, during a Senate hearing before the Committee on Appropriations, the following exchange took place between Senator DeConcini and GSA:

Question (Senator DeConcini): The committee included language in its FY 1989 report directing the GSA to reach a target of 1,000 Federal Protective Officers by the end of Fiscal Year 1991. ... Will you be able to meet this 1,000 staffing level target by the close of FY 91 at the current rate you are going?

Answer (GSA): Unless radical changes are made in the FPO's pay and grade structure it is doubtful if the 1,000 staffing level target can be achieved by the close of FY 91 based on the current rate of hiring and retaining FPO's.

Senate Hearings before Committee on Appropriations (Treasury, Postal Service and General Government Appropriations), 101st Cong. 1st Sess. 969-970 (Mar. 1989).

Mr. HORN. I now yield to the ranking minority member, Mrs. Maloney of New York.

Mrs. MALONEY. Thank you, Mr. Chairman.

And I'd like to go back to the point that you raised on Public Law 100–440 and to note that the legal effect of this law remains, and I have not heard on the record that there was any definite action to repeal it. Is that correct?

Mr. JOHNSON. Not to my knowledge.

I was looking, Congresswoman, at the report that apparently comes from the 1990 timeframe, and this does indicate in this report—I can't verify, we will go back and check—that there were discussions at that point with Congress and stated to Congress that during Senate hearings in 1990, that this was not achievable. And, in this case, some of the issues had to do with attrition, it had to do with noncompetitive pay.

I can support the noncompetitive pay issue, because prior to any question of the law I got involved in discussions of the compensation of the Federal Protective Officers themselves and ordered a study done. And the results of that showed me, to my satisfaction, that their compensation levels were not proper, that is, relative to

other equal types of duties, and we have—are in the process of putting legislation in for that.

Mrs. MALONEY. Well, in any court of law, an implied appeal is never accepted. It is certainly not accepted.

And I would like to add to the chairman's request that you put in writing the exact steps that were taken between 1988 when this law passed calling for the thousand police officers and 1995, the efforts of GSA to carry out that directive and specifically why it failed and specifically, if you were not implementing the law, why there were not any definite steps to repeal it.

Mr. JOHNSON. We will get as much of that history as we possibly can.

If it is proper, Mr. Chairman, there are people on the staff of the committee that I think could help us with this, too. There is history here of staff members who were involved all through that time, and I would like to have access to them to get their views as well.

[The information referred to follows:]

GSA's May 2, 1995, letter to the Office of Management and Budget, which I believe was previously provided for the record on May 3, 1995 and a copy of which is enclosed, describes the fiscal steps GSA pursued after the passage of P.L. 100-440.

My internal review of this matter leads me to conclude that a broad spectrum of GSA's management was involved in GSA's failure to comply with P.L. 100-440. One apparent reason for this failure was that, during the relevant periods, some managers believed that GSA's inability to obtain funding specifically earmarked for this purpose constrained GSA's ability to implement the law. I have also learned that several managers also believed that the hiring provisions of P.L. 100-440 did not remain in effect after Fiscal Year 1989, based on the understanding that the effect of language in appropriation bills is usually limited to the fiscal year in which the bill is enacted, and the fact that the language was not repeated in subsequent appropriation bills. As presently advised, I find that these positions were incorrect. It is my view that P.L. 100-440 is in full force and effect. Accordingly, on February 13, 1995, GSA submitted a legislative proposal to the Office of Management and Budget for review which would repeal Section 10 of the General Provisions of P.L. 100-440. We subsequently submitted to OMB for clearance a broader proposal which also includes the repeal provision.

Mrs. MALONEY. You testified earlier that there has been a sharp decline in the number of Federal police officers in GSA since 1971, and that that decline continues to be sharp, being now roughly at 400. It seems to me that part of the effectiveness of an organization such as GSA or any organization depends on morale. I find it difficult to believe that it is easy for your police officers to maintain any type of morale in these circumstances when the force is clearly so low to the demand. I would appreciate any comments that you may have on this factor.

Mr. JOHNSON. I will make a couple, but I would like to defer to the professional people who are involved in this for their candid review.

The rapid decline, Congresswoman, and I don't have the detail in front of me, but I think has leveled off over the past 3 or 4 years, so the rapid decline occurred principally between 1971 and, it appears, 1991.

At the same time, I understand this agency's total population declined from roughly 40,000 in 1971, to about 20,000, when I came here. So it was in a total condition of total decline. It wasn't just these people.

And, of course, I would point out again, it appears as though the dollars committed to protection increased year after year after year at the same time these numbers were coming down, indicating that there were shifts in how the dollars were spent. And, of course, I think we have to be cognizant of the fact that security is a matter of combinations of many things, not just uniformed FPOs.

But I would like the two gentlemen who are with me—Mr. Lash, would you comment on that and maybe your colleague would comment also.

Mr. DAY. Just in terms of an overview, it has been stated the basis of the security program is certainly the survey and the risk assessment that's being conducted. That's the start and the central focus of how we apply and assign our resources. So I would start with that premise.

And along with that, we consolidate our resources, including our officers, in those locations we have deemed to be the highest risk, and they are core cities or 22 major locations.

Mrs. MALONEY. Was Oklahoma City 1 of the 22 locations?

Mr. DAY. No, it was not.

Mrs. MALONEY. And there was only one police officer at Oklahoma City.

Mr. DAY. There was a contract security officer at that location.

Mrs. MALONEY. Only one?

Mr. DAY. One.

Mrs. MALONEY. Only one. Are you rethinking your criteria of what your—how you select your high-risk areas?

Mr. DAY. We will have to, as the Administrator has stated, look at our current risk assessment, certainly all the factors that go into it.

But some of those factors I don't want to be very specific about, but I will just simply say we incorporate a number of factors that would relate to the safety and security of the building. It is a building-by-building specific assessment, and it also incorporates a number of security as well as law enforcement capabilities, one being mentioned already is the intelligence aspect, which is critical to deterring or thwarting a potential terrorist act. But also we interface with other State, local and Federal agencies to obtain the latest intelligence information.

In the case of Oklahoma City, that is no exception to the rule prior to the April 19th situation.

Mrs. MALONEY. I would like to go back to a statement of the ranking member. She submitted it for the record, a letter from a police officer with your organization, Mr. Aho, and I would like to quote from his conclusion, Mr. Administrator, and ask for your comment on it.

And Mr. Aho says this in his statement, "My colleagues and I agree with Congress that an adequate number of not less than 1,000 committed, competitively paid uniformed FPS police officers and an organization staffed and directed by experienced police supervisors is the essential first line of protection for any community, including the GSA community."

What is your position on his statement with respect to this conclusion? Again, it goes back to Congress deeming that a thousand officers were necessary, at the very minimum.

Mr. JOHNSON. Well, Congresswoman, I am not the world's leading security expert. The people I have talked to on this particular issue, and from my own personal background protecting private corporations, reinforce my belief that security is a matter of a combination of a lot of different issues. A thousand uniformed policemen without proper technology is a problem.

So I can't—I don't have a position specifically. My reaction is I think we really need to look at the number of uniformed policemen in the context of a lot of other issues. One-thousand may be a right number; it may not be. Maybe it needs to be 10,000. Maybe it needs to be less. I don't know.

We need to look at all of the factors involved in the physical security of the facility and also I think, Congresswoman, in light of the type of threat. When we are dealing with cowardly terrorist activities, delivering massive devices of destruction, I think, and I am told by experts, that the types of security and how you deal with them is quite different from the type of security necessary to protect against theft, physical assault or even objects that might be brought into a building.

So I think the question is a very broad one, and I just—I think it would be improper to even respond to it.

I think also, Congresswoman—with all due respect to the gentleman making the statements, I think and hope we would all be cautious in the agency and outside the agency making statements which may take on a context, lead people to wrong conclusions. I think this is the time to look calmly, intelligently and prudently at the total situation.

Mrs. MALONEY. You mentioned that the police force, the protective armed force needs to be looked at in connection with other technologies. Could you comment on other types of technologies you may have such as surveillance cameras? Did you have surveillance cameras or videos at any of these facilities?

Mr. JOHNSON. Those technologies are in use, Congresswoman. I respectfully ask that we don't get into specific facilities at this point. We could do that in some other session because——

Mrs. MALONEY. You mentioned in your testimony leased facilities. Do you provide the same type of security and oversight to your leased facilities in other buildings or offices?

Mr. JOHNSON. Yes. We do not distinguish between leased and owned when it comes to protection of our people.

Mrs. MALONEY. Mr. Administrator——

Mr. JOHNSON. Excuse me. The distinction has to do with the particular risk of the facility.

Mrs. MALONEY. Thank you. You mentioned in your testimony that you have increased security at Federal facilities with addi-

tional patrols and other security measures. For what period of time do you plan to keep these extra security measures in place?

Mr. JOHNSON. That's an indefinite decision on my part. In other words, they will be there for as long as we deem that necessary. So that's going to change only when there is cause to, with good knowledge, to make changes to it, either to increase it or change it in other ways. So——

Mrs. MALONEY. Will you be requesting additional funding for these?

Mr. JOHNSON. The administration has requested that of us. We have submitted some dollar figures to them, and I think you will be getting request for additional funding, yes.

Mrs. MALONEY. And what are those dollar figures?

[The information referred to follows:]

The President submitted a supplemental on May 2,1995, to fund a variety items arising from the Murrah Building bombing. This included a request of $12,500,000 for protection of Federal Buildings. These request was funded, in whole, by PL 104-19.

The Adminstrator submitted a reprogramming request for protection of $20,740,000 on July, 13, 1995. This number included the $12,500,000 that was appropriated by PL 104-19. Once the $12,500,000 was appropriated, the reprogramming request was reduced to $8,240,000. The $8,240,000 was approved by the Senate and House on August 11 and August 17, respectively.

The total additional funds provided for protection in FY 1995 is $20,740,000.

Mr. JOHNSON. Our own, I believe, for this fiscal year is in the neighborhood of $26 million. There is a number of—roughly $40 million for next year. That includes our assumption of what we would do with replacing the facility in Oklahoma City.

I think purely security issues—I guess they aren't security either. Pure security is $12.5 million for this fiscal year. Others in that have to do with repairing some facilities.

Mrs. MALONEY. Mr. Chairman, I have a series of questions, but I yield back to other Members who have more questions.

Mr. HORN. Thank you very much.

Just to round out the earlier conversation, let me put in the record, following my queries and before Mrs. Maloney, the correspondence between Senator Moynihan, yourself, the attached letter that he sent. Senator Moynihan's letter is dated December 21, 1994. He enclosed the letter from Gregory Panamora, the President of the International Brotherhood of Police Officers, dated November 14th, 1994. Your response to that letter was on February 15th, 1995.

[The information referred to follows:]

Administrator
General Services Administration
Washington, DC 20405

February 15, 1995

The Honorable Daniel Patrick Moynihan
United States Senate
Washington, DC 20510-3201

Dear Senator Moynihan:

Thank you for your letter of December 21, 1994, regarding the concerns of your constituent, Mr. Gregory Ponomarev, as they relate to Federal Protective Service (FPS) staffing levels.

Mr. Ponomarev correctly notes that the General Services Administration's (GSA's) Fiscal Year 1989 Appropriations Act directed GSA to "hire up to and maintain an annual average of not less than one thousand full-time equivalent positions for Federal Protective Officers." Public Law 100-440, 102 Stat. 1742. Since passage of this Act, GSA's Public Buildings Service (PBS) has been unable to meet the above staffing level for Federal Protective Officers (FPO's).

As you are aware, the Federal Government in general, and GSA in particular, is in the process of a comprehensive reengineering and downsizing effort. The National Performance Review (NPR) made recommendations regarding reductions in the Federal workforce. In addition, Executive Order No. 12839 specifically calls for a reduction by each executive branch department and agency of not less than 4 percent of its civilian personnel positions. Also, the Federal Workforce Restructuring Act of 1994, P.L. 103-226, specifically provides for a reduction of Federal full-time equivalent positions.

While the hiring of additional FPO's is not possible at the present time, GSA remains committed to providing the highest level of security and protection for our Federal tenants and the public who regularly visit public buildings under our custody and control. Our reengineering review efforts in this and other areas are focused on determining the most cost-effective way to perform the services and activities for which we have responsibility.

Federal Recycling Program Printed on Recycled Paper

GSA is currently considering proposed legislation which would address FPO staffing levels, as well as issues of FPO compensation and benefits. We look forward to a constructive dialogue with the Congress on this and other issues relating to the future of GSA.

Sincerely,

Roger W. Johnson
Administrator

Federal Recycling Program Printed on Recycled Paper

DANIEL P. MOYNIHAN
NEW YORK

United States Senate
WASHINGTON, DC 20510-3201

December 21, 1994

Dear Administrator Johnson:

I am enclosing a letter I recently received from Gregory Ponomarev, President of Local #557 of the International Brotherhood of Police Officers, regarding GSA's policies toward the Federal Protective Service.

Mr. Ponomarev raises a number of concerns in his letter about GSA's hiring policies within the Federal Protective Service. I would appreciate your addressing these concerns, and I look forward to your response.

Sincerely,

Daniel Patrick Moynihan

Honorable Roger W. Johnson
General Services Administration
18th and F Streets, NW
Washington, D.C. 20405

INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS
A DIVISION OF THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES, AFL/CIO
189 BURGIN PARKWAY, QUINCY, MA 02169-4213
TEL.# 617/376-0220
LOCAL 557 GSA/FPSD, Region 2 Districts 1, 3, 4. Room 21-117
26 Federal Plaza, New York, N.Y. 10278 TEL.# (212) 264-3779

Honorable U.S. Senator Daniel P. Moynihan
405 Lexington Avenue
New York, NY 10174

November 14, 1994

Dear Senator Moynihan,

The Membership of the International Brotherhood of Police Officers Local #557 congratulate you with your Victory. We are pleased with your re-election and subsequently would like to apprise your office of a critical situation concerning manpower levels and safety of our Police Officers in New York State, and Puerto Rico. The Federal Protective Service is a division of the U.S. General Services Administration. Our Region 2 comprises all of New York State, part of New Jersey, plus the Caribbean. As it stands now, we have less than 17 Uniform Officers protecting United States Public Buildings in New York City. This is a 24 Hour, 7 Day a week operation. The smallest NYPD precinct has at least 80 officers on duty. As it stands now, we have 1 or 2 Uniform Police Officers patroling all 5 boroughs during the midnight tour. Our Force has become but a shadow of it's former prominence. There has been a steady, planned spiral towards oblivion engineered by our Agency. The Officers have become despondent, demoralized, and feel abandoned by the Federal Government. We are not interested in long protracted legal quagmires, or finger pointing. Our Officers have brought honor to the United States Government by exceptional duty during the World Trade Bombing, and subsequent Trials. Our Officers have been integral to recent National Crises; Waco, Texas, Boise, Idaho, Hurricane Andrew, LA Riots, Gotti Trial, current Sheik trial. We have names on the Federal Law Enforcement Memorial Wall in DC. Congress, in it's wisdom has addressed this problem Nationwide with the Passage of HR 4775 during the 100th Congress. It mandated that General Services Administration hire and maintain One Thousand full time permanent Officers. Needless to say, this was not done. As it stands now, there are less than 413 Officers nationwide. It is the clear mission of our Agency to abrogate it's responsibility to provide Law Enforcement Uniform personnel for the safety of our Federal employees and the General Public. The Union has made repeated requests to our Administrator Roger Johnson, and Public Building Service Commissioner Kenneth Kimbrough, to rectify the crisis situation of manpower in New York City; they have ignored our appeals. The Union respectfully requests your office to use it's broad investigatory powers to examine the following:

1) Why has GSA ignored Congressional Mandates to hire more Officers?
2) How can an Agency which openly flaunts it's massive $60 Billion operating Budget, cry Poverty, while it pays $150 Million just for Contract Security Guards, Who have no Legal Authority, yet are used by General Services Administration as "Police Imposters", visually giving the appearance of Police Officers, yet legally having no Police Powers, it's a blatant fraud allowed to continue, against our Tenant Agencies, and the unknowing General Public.
3) Refusal Of GSA to recognize the Mandate of the American People and Congress that Crime is a Major problem in America; the Crime Bill was passed

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LOCAL 557 GSA/FPSD, Region 2 Districts 1, 3, 4. Room 21-117
26 Federal Plaza, New York, N.Y. 10278 TEL.# (212) 264-3779

to INCREASE Police Officers, Yet GSA has taken it upon itself to DECREASE Police Officers! (I have made this point to GSA officials, who have looked at me incredulously)

4) Refusal of GSA to upgrade the Police Officers wage scale that happens to be the most dismal level within the U.S. Government; All 083 Police Officers in other agencies are GS-9 Journeyman level, our men start at GS-5, slightly under $20,000 per year. We put our lives on the line for a pittance, this is shameful. FEDCAPP cleaners are paid more!

5) Refusal of GSA to acknowledge our Law Enforcement Status, despite findings by OPM, U.S. District Court, The Executive Branch, and Authority under 40 USC 318, we are viewed as common clerks, and only recognized as Police Officers as a last resort.

Our Union Office has maintained an alliance with other Labor Locals, notably NFFE, plus AFGE, and are part of APOLO-"The Alliance of Police Officer Labor Organizations." As an immediate remedy to our catastrophic manpower situation we would like your office to investigate the most recent "Band-Aid" approach by GSA, to alleviate our hemorrhaging, by hiring 30 "Temporary Police Officers." Mind you, these are not part-time, but a group of trained Officers that are asked to work 12 hours a day, 6 days a week. They have no benefits, no Probationary Status, no bargaining rights! They are asked to stand outside the 40 Foley U.S. Courthouse as a front line defense against terrorist reprisals. And when this Terrorist Trial is over, they will be immediately cast away. These officers have personally appealed to our Union to make their status Permanent. We are asking your Office to somehow nudge GSA into granting them Permanent status; this would improve our situation greatly. Enclosed are documents which could assist our cause and a copy of the upcoming Legislative Act for the 104th Congress concerning The Federal Protective Service. We concur with the NFFE draft, NOT what General Administration Services wants. Our Senior Officers have long remembered your commitment for fair play, and a fighter for just causes, this letter is the consensus of our members, and we look towards your office for assistance.

I can be reached at (212) 264-3443; the Union phones are not manned on a full time basis.

Respectfully Submitted,

Gregory Ponomarev
President, IBPO # 557

Attachments

Mr. HORN. And let me read a paragraph from the response. Well, let me read the whole letter.

It says,

Dear Senator Moynihan, thank you for your letter of December 21, 1994, regarding the concerns of your constituent, Mr. Gregory Ponomarev, as they relate to the Federal Protective Service (FPS) staffing levels. Mr. Panamora correctly notes that the General Services Administration's (GSA's) Fiscal Year 1989 Appropriations Act directed GSA to, quote, hire up to and maintain an annual average of not less than 1,000 full-time equivalent positions for Federal Protective Officers, unquote. Public Law 100–440, 102 statute, 1742.

Since the passage of this act, GSA's Public Buildings Service, PBS, has been unable to meet the above staffing level for Federal Protective Officers, FPOs. As you are aware, the Federal Government in general, and GSA in particular, is in the process of a comprehensive reengineering and downsizing effort. The National Performance Review (NPR) made recommendations regarding reductions in the Federal work force.

In addition, Executive Order No. 12839 specifically calls for a reduction by each executive branch department and agency of not less than 4 percent of its civilian personnel positions. Also, the Federal Work Force Restructuring Act of 1994, Public Law 103–226, specifically provides for a reduction of Federal full-time equivalent positions.

While the hiring of additional FPOs is not possible at the present time, GSA remains committed to providing the highest level of security and protection for our Federal tenants and the public who regularly visit public buildings under our custody and control. Our reengineering review efforts in this and other areas are focused on determining the most cost-effective way to perform the services and activities for which we have responsibility.

GSA is currently considering proposed legislation which would address FPO staffing levels, as well as issues of FPO compensation and benefits. We look forward to a constructive dialogue with the Congress on this and other issues relating to the future of GSA.

Mr. HORN. Mr. Kimbrough, I assume, as true to executive agency practice, this letter was prepared in your shop and cleared by you and sent to the Administrator to sign; is that correct?

Mr. KIMBROUGH. I don't know that I could tell you that exactly. In a large agency, letters like this have—sometimes have a lot of origins. In most cases, they have a lot of reviews. So I am not sure where it was initially drafted, but that's a possibility.

Mr. HORN. Well, I just wondered, because I want to start on the line of questioning here. These will be put in following the preceding one, and let me follow the line of questioning on recruitment and training.

There must be a policy within your shop as to the fact that we are going down in full-time equivalent positions and not up. Could you give us a feeling for what the problems are on recruitment and what the problems are on training and what kind of difficulties you are in so that the law we referred to in 1988 is not being obeyed?

Mr. KIMBROUGH. Let me respond to this in some context.

Among the things that we have sought to do——

Mrs. COLLINS. Can I ask a question, Mr. Chairman, after that?

Mr. HORN. Sure. We are going to go back and forth here.

Mrs. COLLINS. I haven't had my first time yet.

Mr. HORN. OK. Let's finish this line.

Mr. KIMBROUGH. Among the things we sought to do was make sure that the performance of our service is based on some understanding of the outputs. We have endeavored to try to track the things that we can measure that would give us an indication of how well we are performing.

We have been tracking crimes in the core cities, and we look at that as an indicator of the response that's required. That has been relatively flat over this same period of time of the reduction in FPOs.

In the same period of time, we have been staffing up in terms of the security guards. So there is some tradeoff.

Also in the period of time we are talking about, there have been big differences—huge differences made in terms of security and detection. We have much more sophisticated equipment and a lot of additional alarms and control centers. So we are much more aware of what's happening in the buildings through technology, and it is—I don't want to sound as though we are not paying attention. There are many things that we have been using to augment our response to providing an adequate level of security to the buildings. So, for the record, I want to say that there are other things that we have been doing that perhaps indicate that the decrease in FPOs has not caused a serious problem in terms of security in our buildings.

Mr. HORN. Just to round out that question, though, do we have real difficulties here on recruitment and training of just the existing people you have? I mean, is it difficult to get them out of the private sector or from other——

Mr. KIMBROUGH. I would like to ask Gary Day to answer that more directly. He is Assistant Commissioner of the Federal Protective Service and has—as such, could speak more directly on that issue.

Mr. DAY. Mr. Chairman, over a period of time, we have attempted to recruit and—for example, during the period I have been there, we have hired approximately 100 and we lost 250 through a variety of reasons—promotions, retirements. Probably the principal reason that we have lost officers is our inability to compete for pay and compensation. It is probably one of the lower starting salaries among law enforcement.

In fact, prior to this administration, I was part of a 44-member, governmentwide look at law enforcement, uniformed law enforcement, in terms of pay that OPM chartered; and they spent close to 18 months recommending that a separate law enforcement pay system be established. And, ultimately, recommendations were directed by this Congress to be returned by a date certain, and that matter has been deferred until this administration was going to look at all of general schedule Federal employees.

So there has been a historical difficulty in competing for pay and retirement benefits, et cetera, where there is not a mandatory retirement, et cetera.

Mr. HORN. Well, that's very important data that you are giving the committee. Could you get us and could staff follow up to get that comparison chart that you mentioned as to the relative pay of various different Federal services? We need a judgment here as to comparability of types of work, but I think that would be very helpful to have that material.

Mr. DAY. And we do have a pending piece of legislation for that, to redress pay that the administration——

Mr. HORN. Has that been submitted yet?

Mr. DAY. It is in the process of being.

Mr. HORN. It is clearing the executive branch?

Mr. JOHNSON. It is clearing our own branch, yes, Mr. Chairman.

Mr. HORN. OK. And any information filling out that answer, we would appreciate it and would like to have it in the record at this point.

[The information referred to follows:]

The following chart represents a comparison of 1995 starting pay and pay after five years of experience for FPO's and other Federal entities:

Federal Protective Service Police Officers

	Location	Starting Pay	After 5 Years
	Albany-Schenectady, NY	20,852	23,632
	Atlanta, GA	21,824	24,733
	Baltimore, MD	21,995	24,927
*	Boston, MA	23,632	26,412
*	Chicago, IL	24,327	27,107
*	Cleveland, OH	23,632	26,412
	Dallas-Ft. Worth, TX	22,030	24,967
	Denver, CO	22,051	24,991
*	Detroit, MI	22,937	25,717
	Hato Rey, PR	20,852	23,632
	Houston, TX	22,631	25,648
	Kansas City, MO	21,680	24,570
*	Los Angeles, CA	23,632	26,412
	Miami, FL	21,976	24,906
	New Orleans, LA	20,852	23,632
*	New York, NY	23,632	26,412
*	Philadelphia, PA	23,632	26,412
	Portland, OR	21,834	24,745
	St. Louis, MO	23,632	26,412
*	San Francisco, CA	25,717	28,497
*	Seattle, WA	21,744	24,643
*	Washington, DC	25,717	28,497
	Average	22,764	25,605

Other Federal Law Enforcement Pay Rates

Agency	Starting	After 5 Years
U.S. Park Police	30,245	36,568
U.S. Capitol Police	31,010	36,412
U.S. Secret Service Unif. Div.	29,217	33,030
U.S. Supreme Court Police	30,244	35,511
Bureau of Engraving & Printing	23,632	25,022

* Special Pay Rates

Mr. HORN. I now yield to the ranking member on the full committee, Mrs. Collins.

Mrs. COLLINS. Thank you, Mr. Chairman.

The gentlewoman from New York had mentioned that I ask for the submission of the statement of Mr. Aho to be made part of the record. I do so now.

Mr. HORN. Without objection, it will be made part of the record, and Mr. Davis' statement will be part of the record, and Chairman Clinger's statement will be part of the record.

Mrs. COLLINS. Thank you.

[The prepared statement of Mr. Aho follows:]

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

GOVERNMENT MANAGEMENT, INFORMATION AND TECHNOLOGY SUBCOMMITTEE

MAY 3, 1995 - ROOM 2154 - 10:00 A.M.

STATEMENT

Mr. Francis 'Jack' Aho, Police Officer
Federal Protective Service, GSA Region 4, Miami, FL
- Submitted by Invitation, May 2, 1995 -

Good morning Mister Chairman and members of this distinguished body. As you know, the Federal Protective Service (FPS) is charged with providing the necessary professional protection and law enforcement for the entire General Services Administration (GSA) family of organizations, including the vast community of federal agencies GSA is obligated to serve. When established under a 1971 Executive Order, it was continued as a subordinate organization of GSA's Public Building Service (PBS), essentially continuing the same "hand" on the tiller as had steered it since before the Hoover Commission days following World War II. It was the findings of that Commission which sparked serious attention by the Congress that the then newly established GSA be afforded and provided with the appropriate protection afforded any community of citizens for its peoples and the taxpayers assets entrusted to it; in its wisdom the Congress legislated Title 40 of the United States Code, Section 318, to assure that the law enforcement authority essential to the protection of a community was provided to the uniformed officers of the GSA. It is under Title 40, United States Code, Section 318, and its extremely clear language, that all uniformed police officers of the GSA were and still are appointed and receive their law enforcement authority as Special United States Police Officers which includes: "*having all of the powers of the sheriffs and constables, except for civil process, to enforce all laws passed for the protection of people and property, upon properties under the control of the GSA*". A later amendment extended this jurisdiction to include the properties of certain other Federal agencies when specifically requested by them and authorized by the GSA Administrator. The original GSA position classification for the uniformed FPS police officers, *Federal Protective Officer* or "*FPO*" as established in 1971, was formally discarded by OPM and the position reclassified to its current classification "*Police Officer*" in the 083 Series, in 1989, because of job growth and content. The total number of FPS police officers in the mid-1970s numbered 5,074 nationally and records indicate that a systematic reduction of them began almost before the ink on the Executive Order was dry: to 3,100 police officers nationally in 1981; reduced to 891 (approx.) police

officers in 1991; only 514 police officers remained nationally in 1993. During 1994, the GSA buyout included the retirement of the only two FPS Police Officers providing a visible FPS police presence and patrol in Oklahoma City; they were not replaced. In April of 1995, the FPS Police Officers who had been charged by the Congress and later by the President with the protection of the entire community of GSA had been reduced by over 92% and barely 386 FPS Police Officers remained nationally to safeguard GSA's peoples and assets. During the same time period, and tracking the continuing decrease in Police Officers almost exactly with an equivilent increase in contract security guards, the contract security guards numbers far greater than the 2,900 acknowledged, today require over $ 150,000,000 annually in salary alone. As you know Mr. Chairman, a security guard is simply a citizen in a uniform who has received little training of consequence, represents the property owner and has no authority to act beyond self protection, and cannot become involved in police investigations or matters. Over the same period of 1971 through 1995, several other dramatic, relevant changes occurred: the GSA expanded as an agency in size, numbers of people, and especially in the value of taxpayer assets entrusted to it; our society expanded too, not only in size, but in an unprecedented explosion of crime and wanton violence which continues today. Unlike the GSA, the responsible authorities within our society have been in unanimous agreement that the crime and violence can only be dealt with successfully through increasing, not decreasing, the numbers of police officers. The Congress has acted many times acted to deter the GSA's reduction of its Police Officers. In 1985 Congress, after receiving the GSA internal 250 page "FPS Security Action Group Report", voiced its concerns regarding Police Officer reductions in hearings, GSA said that the reductions were due to the low "salary" which also prevented attracting replacements. The Congress passed legislation to remedy this providing for "emergency pay relief" increases for all FPS Police Officers and instructed GSA not to remove Police Officers from the various non-core, non-satellite classified cities. Congress followed this up a year later to question GSA and OPM regarding why they had only provided the relief pay to the Washington DC officers; to my knowledge, and in spite of the efforts by the Congress, only five locations received the "emergency relief pay" and continue to receive it today.

STATEMENT / F. J. AHO / PAGE 3

Congress also demanded to know why GSA was, in spite of Congress' instructions to the contrary, removing the Police Officers from U.S. cities not classified by GSA as a "core" or "satellite" city. In 1988 Congress legislated within its Appropriations Act, Public Law 100-440, Section 10, which specifically instructed the GSA Administrator to stop the reductions of the FPS Police Officers and GSA should immediately begin to hire a maximum of fifty per year and by 1992 maintain not less than 1,000 FPS uniformed Police Officers nationally; it is a well known fact that this did not occur. The determination of the Congress was evident in the support and passage of the recent Bill placing 100,000 additional police officers in the streets. An important tool was developed during the 1970's (approx.) to identify and measure crime levels and aggressively sponsored by the Federal government as to be used by all police organizations and known as the Uniformed Crime Report (UCR); it increases credibility and more accurate universal comparison of data as "apples" against "apples". However GSA has continued to use its own system using its own "different" standards to report crime levels internally; each reported incident is judged against GSA's standards of being "acceptable" or "unacceptable". Critics have long stated that the GSA reports system is extremely supportive in denying crimes and violence has actually increased as in the real world while GSA. Such criticisms have recently resulted in projections that GSA will begin inputting into the UCR system; GSA's plan would not change its current reporting process, but would have "someone" in GSA's Central Office input data into the UCR System. Consider this: if the community in which you and your family reside, experienced growth economically and in population, and reduced its police officers by 92%, could you continue to live there without expecting disasters and eventually serious personal loss. Mr. Chairman, the men and women who serve as uniformed Police Officers of the Federal Protective Service throughout this country, each of them not unfamiliar to the anguish and pain of sudden and deep personal loss, themselves having lost since 1971 seven of our colleagues who lost their lives while serving as an FPS Police Officer, will always experience a deep and personal sadness for the victims and their families in the Oklahoma City bombing. It is important

following such tragedy that the mistakes which allowed it to happen be prevented from happening a second time. My colleagues and I agree with the Congress that an adequate number of not less than 1,000 committed, competitively paid, uniformed FPS Police Officers in an organization staffed and directed by experienced police supervisors, is the essential first line of protection for any community including the GSA community. The matter of an FPS Police Officer's jurisdiction to act must be extended to any public roadway, including the sidewalks, which is immediately adjacent to a GSA property. The GSA practices of providing police protection consisting of the number to call another community's police officer such as city, county, or state, or the assigning of part time police authority, badges and credentials to security people or others under the pretext of being police protection, is dangerous, serving only to create an intentionally misleading illusion that a level of protection exists and can be relied upon. GSA security personnel are essential to the protection of GSA's community in applying their security expertise toward crime prevention through systems which minimize the possibility for a criminal to succeed and maximize the risk of apprehension by police. In October, 1994, GSA was discovered to be seeking legislation regarding FPS and its Police Officers; the proposal was found to be generally confusing. A number of FPS Police Officers worked for five months, producing a total of eleven drafts of their proposal for an FPS which would be able to provide professional protection for GSA. I have included a copy of their final draft for your attention and request that you respectfully consider it our blueprint for a healthy, reliable and effective Federal Protective Service. In closing I want to sincerely thank you Mr. Chairman and other distinguished members for your kind invitation to testify today, your attention and questions, and most especially me to contribute on behalf of my colleagues, our best ideas to prevent another occurrence of the disaster at Oklahoma City and to assure professional protection to the entire GSA community of agencies. / END

Signed:

FRANCIS J. AHO

BIOGRAPHY

- Submitted by Invitation, May 2, 1995 -

FRANCIS JOHN AHO,

Born: August 16, 1935, in Marlborough, Middlesex County, Massachusetts
to Katherine Agnes (Foy) Aho (deceased) and Francis Emile Aho (deceased)

Sister - Margaret Catherine Schwenk
Brother - Gerald Allen Aho

Personal: Married - Donna Lee (MacLeod) 1988 - present

Daughter - Cheriann Lee

Married - Carol Ann (Button) 1958 - 1987 (deceased)

Daughters - Bonnie Field
Laura Smith
Beth
Son - John Anthony Aho

Education: high school graduate,

Criminal Justice: Northeastern University
Holyoke Community College
Middlesex Community College

Computer Information Science: Tampa College

General Studies: Northeastern University
Tampa College

Military: United States Air Force, 1953 - 1957

Aircraft & Engine Mechanic
Air Sea Rescue / Crash Rescue Boats

Police: Hudson Massachusetts, Special Police Officer 1966 - 1977
Marlborough Massachusetts, Constable 1974 - 1978
Federal Law Enforcement Training Center (GA)
Federal Protective Service, Police Officer 1991 - present

Other: Polaroid Corporation, Waltham, Massachusetts

Service Mechanic 1965 - 1970
Supervisor, Plant Protective and Security 1970 - 1981
Criminal Investigator 1981 - 1988

Signed:

FRANCIS J. AHO

Final Draft - February 27, 1995

U.S. LEGISLATION TO ESTABLISH

GSA'S

FEDERAL PROTECTIVE SERVICE

APOLO

You are invited to read the following five pages, which constitute the FINAL DRAFT by an *Alliance of (GSA) Police Officers & Labor Organizations* (APOLO) which is currently being proposed as U.S. legislation to establish the United States Federal Protective Service under U.S. laws. It has been composed using recommendations from a number of contributing sources: (1) the orginal *DRAFT* legislation (10-94) as proposed by GSA through its *Office of Physical Security and Law Enforcement*, (OPSLE); (2) numerous general and specific recommendations by many of the FPS Police Officers themselves throughout the country, and; (3) discussions during 12-05-94 through 12-07-94 in Miami, Florida, between representatives of APOLO and OPSLE regarding their respective draft proposals.

94024.CVR

Final Draft - February 27, 1995

UNITED STATES LEGISLATION

"A Law To Establish GSA's Federal Protective Service"

By: The Alliance for Police Officer Labor Organizations (APOLO)

THE FEDERAL PROTECTIVE SERVICE, ***Section 213 of Title 40, United States Code:***

1. *Organization*: there is hereby established a permanent law enforcement organization within the *General Services Administration*, hereinafter referred to as *"GSA"*, to be known as *"The United States Federal Protective Service"*, with responsibility for assuring the professional protection for all peoples, properties, and assets within its jurisdictions, and consisting of three individual functions:

(a) *"the Federal Protective Service Police"*, hereinafter referred to as *"the FPS Police"* ,and;
(b) *"the Federal Protective Service Security"*, hereinafter referred to as *"the FPS Security"*, and;
(c) *"the Federal Protective Service Support Services", hereinafter referred to as "the FPS Support Services".*

2. *The FPS Police* shall be responsible for all police and law enforcement and services upon all jurisdictions as established within subsection *2.3* herein, and shall consist of an organized, adequate force of *"Federal Protective Service Police Officers"*, hereinafter referred to as *"FPS Police Officers"*, under the supervision and control of a *Chief of Police*, who shall be appointed by the GSA Administrator.

2.1 *Appointments*: the Administrator of the General Services Administration, hereinafter referred to as *the Administrator"*, is authorized to appoint as a FPS Police Officer:

(a) selected employee candidates who have successfully completed the prescribed, accredited course of basic police training at the Federal Law Enforcement Training Center or other equally accredited federal police training academy or facility, and;
(b) who are lawfully, physically, and otherwise qualified to receive such appointment, and;
(c) who shall serve as a full time uniformed FPS Police Officer.

2.2 *Authority*: the FPS Police Officer so appointed, being armed and having all of the powers of the sheriffs and constables, *except service of civil process*, shall enforce:

(a) all laws passed for the protection of people and property, the keeping of the peace and the prevention of affrays, within their jurisdiction, and;
(b) all laws passed by the individual states or other lawful jurisdictions, which does empower police officers or law enforcement officers of the United States to enforce that jurisdiction's laws, through *statutory empowerment* by that jurisdiction, *and which has been determined to be a lawful empowerment, by the United States Department of Justice*;

(FINAL DRAFT - Continued from Page -1-)

(c) all rules and regulations as promulgated by the Administrator on all properties under the lawful control of the GSA;
(d) all laws, rules, and ordinances enacted by the District of Columbia for the protection of people and property, on properties controlled by GSA within the District of Columbia;

and are empowered to make arrests and serve criminal process in conjunction with the enforcement of such laws upon their lawful jurisdictions, including the execution of all valid warrants for arrest.

2.3 *Jurisdiction*: the lawful jurisdiction within which of the FPS Police Officer shall perform his duties will include:

(a) *all GSA properties*, including leased or donated spaces and vehicles, which are owned by or are under the control of the General Services Administration;
(b) *a specific jurisdiction* as is assigned under a lawful special statutory empowerment enacted by a state or other lawful jurisdiction;
(c) *all other lawful jurisdictions* specifically assigned by the Administrator.
(d) *an emergency jurisdiction* shall be triggered and will exist for a FPS Police Officer who:
(1) responds to a *specific* request of a police or law enforcement officer for assistance, *or*;
(2) is present while a crime which includes violence, or the clear risk of violence, to people there present, is occurring or shall occur;
and all lawful actions taken by the FPS Police Officer while acting under such "*emergency jurisdiction*" will constitute "*actions taken within the scope of the FPS Police Officer's official duties*".

2.4 *Salaries*: the rank and corresponding salary for FPS Police Officers shall be fixed in the General Schedule (GS) as follows:

(a)	Trainee	GS-07	Basic Police Training incomplete
(b)	Patrolman	GS-08	Journeyman / Police Officer
(c)	Patrolman / 1 stripe	GS-09	Five years service as a Patrolman
(d)	Sergeant / 3 stripes	GS-10	Journeyman / Supervisory Police Officer
(e)	Sergeant / 3 stripes 1 rocker	GS-11	Five years service as Sergeant
(f)	Lieutenant / gold	GS-12	Journeyman / Supervisory Police Officer
(g)	Lieutenant / silver	GS-13	Five years service as Lieutenant
(h)	Captain	GS-14	Journeyman/Supervisory Police Officer
(i)	Major	GS-15	Journeyman/Supervisory Police Officer
(j)	Chief of Police	*(to be established)*	Journeyman/Supervisory Police Officer

and all applications set forth within Title 5, U.S. Code, Section 5445, and other U.S. laws shall apply. The salary of all FPS Police Officers *serving at the time of passage of this section*, shall be established at their current "*Step*" at the GS level above, which corresponds to their respective service level at that time.

2.5 *Education*: unless the total amount received under this sub-section, "*2.5 Education*", will exceed 15%, the salary of an FPS Police Officer shall be increased by 5 %, upon his/her:

(a) completion of an accredited college associate's degree;
(b) completion of an accredited college baccalaureate degree program;
(c) completion of an accredited college Master's degree in a criminal justice related field.

2.6 *Separation (Retirement)* : All FPS Police Officers shall receive an annuity upon their

(FINAL DRAFT - Continued from Page -2-)

separation under this section:

(a) ***Mandatory Separation:*** An FPS Police Officer, as a law enforcement officer, who is otherwise eligible for separation under Title 5, United States Code, Section 8336(c) shall be separated from the service on the last day of the month in which that officer becomes 57 years of age or completes 20 years of cumulative service if then over that age, and shall be entitled to an annuity, as follows:

(1) *Cumulative service* shall include all service time served as *a full time police or law enforcement officer empowered to serve criminal process* with any department, bureau, or other organization of any community, county, state, or federal jurisdiction, within the territories of the U.S. and for which the officer is not, or will not, otherwise benefit through an annuity for.

(2) The FPS Chief of Police, when in his judgment the public interest so requires, may exempt such an FPS Police Officer from automatic separation under this subsection until the officer becomes 60 years of age. The Chief of Police, or his agent, shall notify the officer in writing of the date of separation at least 60 days in advance thereof. Action to separate the officer is not effective, without the consent of the officer, until the last day of the month in which the 60-day notice expires.

(3) Every FPS Police Officer who retires under this section shall, at the time of, or before, his/her retirement, be presented with a badge and set of credentials which appropriately reflects their retirement as an FPS Police Officer and their rank at the time of the retirement.

(4) An FPS Police Officer who is serving in that capacity on the date of passage of this law and becomes separated under this section without having accrued 20 years cumulative service as defined herein, shall be entitled to an annuity calculated upon their *cumulative service;* the annuity shall be equal to the result of an amount representing a full (20 year) annuity at the officer's salary, having been reduced by 5% for each full year not served of 20 years *cumulative service*.

(b) ***Voluntary Separation:*** An FPS Police Officer who has accrued 20 years or more total service with the FPS Police may, upon reaching 50 years of age but before reaching age 57, be separated from the service at any time upon their written request, provided to the Chief of Police at least 60 days in advance, and shall receive an annuity and the entitlement set forth in subsection 2.6 (a)(3), above. request voluntary separation, at any time thereafter

2.7 ***Injuries***: FPS Police Officers who become injured or disabled while performing *within the scope of official duties*, shall not have time lost as a result of such injuries or disablement charged to their accrued *illness* or *annual leave*.

2.8 ***Inquires***: to assist fully informed decisions in such matters, all inquiries as to [a] particular police action taken by a FPS Police Officer shall, at the Officer's written request and before any non-judicial action is decided, be conducted by a democratically selected *Review Board* consisting of one Sergeant (or higher) and at least two FPS Police Officers convened by the responsible GSA Supervisory Police Officer. The Board shall be provided with access to all available facts and evidence relating to the action and shall deliver a formal *report of review* in writing within five working days thereafter to the convening GSA Supervisory Police Officer; a copy being provided to the Police Officer under review.

The report *shall* include:

(a) the circumstances and facts of the matter which are concluded to have confronted the

(FINAL DRAFT - Continued from Page -3-)

Officer;

(b) the Board's views and conclusions as to the appropriateness of the action(s) taken by the Officer;

(c) any additional information deemed appropriate and necessary, including concurring or dissenting views or conclusions by the Board's members.

3. *The FPS Security* shall have responsibility for providing all security related services and systems on properties under the control of GSA or as authorized by the Administrator. *The FPS Security* shall be composed of *FPS Security personnel in the positions of "Physical Security Specialists"*, *"Security Specialists"*, *"Computer Specialists"*, *"Electronics Specialists"*, *"Contract Specialists"*, and *"Security Guards"* (including contract Security Guards), and other positions, under the supervision and control of a *Chief of Security*, who shall be appointed by the Administrator.

3.1 *Security Assignments & Firearms:* The Administrator may authorize members of the FPS Security who are actually engaged in delivering security services, including *Physical Security Specialists*, *Security Specialists*, and *Security Guards*, and other officials and employees of the General Services Administration, who have completed the prescribed qualifications and training, to carry a firearm for protection during performance of official GSA duties*

4. *The FPS Support Services:* shall have responsibility for providing all administrative, clerical, and support services for the Federal Protective Service, composed of all *other* personnel assigned to the Federal Protective Service who are *not* full time members of *the FPS Police* or *the FPS Security* functions, and shall include such positions as secretary, computer operator or specialist, clerical aide, dispatcher, and other classifications not assigned to either FPS Police or FPS Security, the incumbents providing their services on a full time basis to the Federal Protective Service.

5. *Rules and Regulations:* The Administrator is authorized to make all necessary rules and regulations for the protection of real and personal property under the charge and control of the General Services Administration, and to annex to such rules and regulations such reasonable penalties each calendar year, within the limits prescribed in subsection *5.1* of this section as will reasonably insure their enforcement; provided that such rules and regulations shall be continually posted and maintained in a conspicuous place at all entry points into the facility, on such property.

5.1. *Rules and Regulations - Penalty for:* Whoever shall violate any rule or regulation promulgated pursuant to subsection *5.* of this section shall be fined not more than five hundred dollars ($500), or imprisoned for not more than six months, or both.

6. *Federal Agencies, Assistance to:* Upon the application of the head of any Federal agency having under its charge and control property owned or occupied by the United States, the Administrator, is authorized to provide FPS Police Officers and/or FPS Security personnel, who shall remain under the control and supervision of their respective Chief of Police or Chief of Security, so as to insure in the public interest, the protection of such property, and shall extend to such property:

(a) the applicability of any rules and regulations issued pursuant to subsections (5.), (5.1) of this section;

(b) special jurisdiction status in order to deploy FPS Police Officers to provide enforcement pursuant to subsection 2.3(*a*) of this section;

(c) the detailing of FPS Police Officers who have been assigned statutory empowerment and jurisdiction pursuant to subsections 2.2(*a*) and 2.3(*a*) of this section.

(FINAL DRAFT - Continued from Page -4-)

6.1 ***Mutual Aid Agreements:*** Recognizing the unprecedented demands upon all local law enforcement and emergency services, the unpredictability and urgency of a community's demands, and the total reliance by each community's citizens upon their sparse law enforcement agencies and other emergency resources being available to serve them, the Administrator, in the mutual and economic interests of the GSA and the communities within which GSA facilities reside, shall negotiate where appropriate and necessary, formal emergency *mutual aid agreements* between GSA and other federal, state, or local, law enforcement agencies, to facilitate:

(a) *declared emergency(s) - within a community hosting GSA facilities:* involving a serious threat to the community, and indirectly to the GSA facility(s) residing there, and which will demand all of the communities own resources,

(b) *declared emergency(s) - within a GSA facility;* directly threatening the facility but with the community's resources available for a brief short duration or until FPS Police personnel can be deployed.

(c) *random emergency(s) - within a GSA facility too distant to FPS Police services;* usually consisting of an occasional rapid response to a breach of the peace threat."

7. (Note: language must be added here before submission to apply insertions and other actions necessary to integrate it with existing laws. The very last section to contain the same action as contained in the current GSA proposal, to repeal "*40USC318*", which is the only current source of the FPS Police Officer's police authority and jurisdiction.)

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Mrs. COLLINS. Mr. Administrator, I know of your own enthusiasm about GSA's onsite child care center program; and it is, of course, a program that I, as I have said before, have actively sponsored and supported since the mid-1980's; and we all know the shocking loss of children in the building in Oklahoma. Your statement makes reference to security precautions being taken, including the stationing of uniformed personnel at the centers, and I am not going to ask you about just how those measures were taken, but I do want to hear your comments that you might have about continuing to locate child care centers in Federal buildings in the context of security concerns.

Mr. JOHNSON. Well, you are correct, Congresswoman. I think family initiatives in the workplace, private and Federal, are essential to our country going forward. I am pleased that the Federal Government, long before I came here, people such as yourself, have been the initiators, the guiders, the pioneers in many of those programs.

Mrs. Wohl joined us in this administration, an expert in that field. You will note that her title has family workplace initiatives, signaling that we think this is a combined issue. She, obviously, is expert in child care as well.

I am totally committed, with the information I currently have, to continuing those day care centers in Federal structures. Removing them would remove the major benefit and that is to have the parents be able to bring their child to the place where they work.

Having said that, of course, we also need to assure ourselves, as reasonable people, that we can protect our children, reasonably protect them. With the information I have today, I think we can do that, and unless someone comes and says that is not possible on a reasonable basis, I will completely support that.

The security issues, as you say, are best left in detail for other discussions. However, I would say to you, and I will ask Mrs. Wohl to comment if I might, that initiatives that we have taken and that she has taken prior to this situation, addressing a variety of unfortunate threats but real to our children, I think have been exceptional, and in the context, Mr. Chairman, of the total security issue, I would like to enter those for the record.

And, Mrs. Wohl, would you comment please on things we have done so far?

Mr. HORN. Without objection, so ordered.

[The information referred to follows:]

GSA Child Care Centers

The safety and security of every child enrolled in a Federal child care center nationwide has always been a paramount concern of the General Services Administration (GSA). Over the past 10 years, as the child care program embarked on its period of greatest growth, GSA has taken numerous steps to respond to the growing number of risks that threaten the health, safety and well-being of children in today's complex society. In so doing, we are acknowledged to have possibly the most regulated and highly supervised system of centers in the country. No other child care centers (other than those on military installations) are subject to Federal regulation, nor are they overseen by a Federal agency. At the same time, as the largest collection of workplace child care centers in the country, centers in GSA-managed space are today seen by the child care field as a leadership effort, exemplifying the actions of a model employer.

Here are some examples of specific security and safety risk management practices that are part of the way centers in GSA are managed:

1. The child care provider's biggest nightmare is child abuse, a relatively new and serious issue of the past decade. Our attention to this has caused significant change in the way our child care facilities are designed, placing much greater emphasis on visibility, both from outside the center and, more importantly, within the center. This is so no child can be with an adult unobserved, whether in the bathroom or a remote corner of a classroom. This means that centers today have much more open design, using more glass windows in walls inside the center and a floor plan that allows visibility in all directions from the director's office. At the same time, we have conducted routine criminal background checks on all employees of centers who might come in contact with children, to determine if any record of child abuse, pedophilia or other related crimes exists.

2. We have learned to deal with the risk of kidnapping, particularly in families with joint custody of young children, by instituting rigid sign-in and sign-out procedures, so that no one who is not authorized to take a particular child on that day is allowed access to the child.

3. We have had to deal with the possibility that the growing population of homeless people, drug addicts and mentally-disturbed individuals on city streets might wander into a center and frighten or embarrass children and staff. To combat this, we have put strong access control measures in place, including video cameras, key pad entries, and other systems to control ingress and egress, either by adults or by children. This has also required extensive training of both parents and staff to teach them not to let anyone in as they are entering or leaving the center.

4. We have had to institute strong measures to limit the spread of communicable diseases, not only the usual chicken pox, salmonella and measles, but even more serious illnesses such as AIDS and tuberculosis. Center personnel are continuously trained in the use of universal health precautions, including hand washing and diaper changing, and urged to make cleanliness a high priority. We have also increased cleaning intensity and frequency as practiced by GSA maintenance staffs.

5. We have had to continually rethink threats to children's physical safety and as a result now recommend removal of swings from playgrounds and highchairs from feeding areas to counter the possibility of injury. Similarly, GSA has resurfaced many playgrounds with more flexible surfaces to minimize the possibility of injury.

6. We have placed high emphasis on fire drills and evacuation procedures, as required by State laws and regulations and our own guidelines.

The best protection, ultimately, is a high quality child care program, one that exceeds the kind of minimum standards set by individual state licensing requirements. To accomplish this, GSA established in 1992 a requirement that all of its centers meet the demanding standards of the professional accreditation program of the National Association for the Education of Young Children (NAEYC). In the 3 years since that requirement was set in place, 50 percent (43) of our centers have become accredited and the balance are working on the process, which is lengthy and time consuming to pursue. This compares very favorably with the national average of 5 percent of all other centers (80,000) being accredited. The accreditation guidelines cover a wide range of center program dimensions, from curriculum to facilities, from staff training to parent involvement, from adult-child interaction to group size, and many others.

On top of this, we have instituted annual reviews of center programs, along lines that match NAEYC's accreditation process, since that organization requires reviews only every 3 years. We have started, this year, a health and safety review which will be conducted by external pediatric nurses identified by the Maternal and Child Health Education Bureau of Health and Human Services. We also conduct regular audits against GSA's Child Care Design Guidelines, and our colleagues in the Federal Protective Service conduct regular audits against their physical security guidelines. Our goal in these reviews is to use outside eyes with professional credentials to go into centers and review all aspects of operations. These are backed up by GSA's Regional Child Care Coordinators who operate out of regional headquarters around the country to provide centers with day-to-day support and problem resolution and are in and out of the centers constantly.

In the light of the bombing in Oklahoma City, security precautions at all Federal child care centers nationwide are being reassessed to identify any possible further security measures that should be taken. In a significant number of cases, uniformed personnel are being stationed at the day care centers to provide additional safety for children and reassurance for parents. Also, temporary alternate day care center sites are identified for those instances where a security concern is evaluated to be significant, such as a bomb threat that requires evacuation of a building.

Today, GSA oversees 98 child care programs operating in 67 cities in 31 states. These programs care for about 6,400 children.

Please contact Faith Wohl, Director, Office of Workplace Initiatives with any questions regarding this factsheet at (202) 501-3965.

Mrs. WOHL. Thank you. Thank you very much.

I think the tragic irony of what happened on April 19th to a center operating in GSA space is that it was one of the centers that I think has the most regulation and the most oversight of any child care centers in the country, the only centers that are subject to Federal regulation, and where we have worked, I think, exceptionally hard over the last 10 years to deal with the growing number of threats to the safety and security of children.

The kinds of things that child care center directors are concerned about have never included terrorism because that has not been in anyone's experience. So our focus has been on issues, for example, like child abuse. And many of our centers have been greatly redesigned, and certainly our new centers have been built, to deter the possibility of child abuse by enhancing visibility both into the center and within the center so that no child can be unobserved in the company of any adult.

We are worried a lot about kidnapping of children, particularly in custodial battles, and we have had many cases of that within the GSA system and that has required that we put in place the kind of security measures that children have to be signed in and signed out, and we have to be very certain that no one can take a child who is not supposed to take them that day.

We have had to worry, as we have located centers in busy downtown areas, about the possibility that the street population of those downtown areas, which has increased in its complexity and problems over the last 10 years with the incidence of homelessness and the number of panhandlers and mentally disturbed individuals on the streets of our cities, are not able to get into our centers. And so we have very tight access controls, key padlocks. It is very hard to get into one of our centers as a result of that.

And we have had to worry a lot in terms of security about the transmission of communicable diseases, especially AIDS, and that has required significant training of staff.

I mention all of those as an example of new threats to children that were the things that woke child care center directors up in the middle of the night. And what we have now is a new nightmare that I am sure is concerning all of us who are involved with child care and many other people in the country as well. I think it has touched not only every person who has their child in a Federal child care center but virtually all others who have children in child care anywhere.

I know that on the day that it happened, like many Americans, my thoughts went to my own grandchildren, who are not in Federal centers but who are in child care centers and my concern for their safety.

As I went home that night, the thing that gave me the only comfort I could feel is that the children in our centers have been subject to a very high degree of oversight, and the safety and security of children in GSA centers has been a paramount concern of the program for at least the last 10 years. I have only been part of it since January of last year, but I was impressed on my arrival, and I have continued to be impressed, of the dedication to safety that all who are involved with these centers have demonstrated.

Now, we work closely with our colleagues in GSA in the Federal Protective Service who look out for the safety of the building in which the centers are located, and our focus within the Office of Workplace Initiatives has clearly been on the number of everyday risks to children which have multiplied rapidly in that time period. And I feel in that arena we have a very strong record to depend on. That is not to say now that we do not have this great new concern, and I hope that we will continue to look very hard at how we are going to deal with that.

Mrs. COLLINS. As a final question, I can't help but raise the question of how many parents, if that information is not too early to be—to have been calculated by now, have made decisions to take their children out of Federal child care centers as a result of this?

Mrs. WOHL. Well, we have early information, and it may not be the ultimate information. On the day after the explosion, we took a nationwide survey of all of our 98 centers to try to get a feel for how parents were reacting, and, surprisingly, Congresswoman, the attendance on that day was pretty close in most places to business as usual.

It is hard to tell in some cases where there were only a few children out whether it was due to Oklahoma City or due to the chicken pox, which is rampant in some of our centers at this time of year, but it was variable across the country. And we do have some problem spots, cities where there has been a relatively significant drop-off in attendance, but those were really few and far between among all of the children.

I would say that on the whole, by the following Monday, attendance was back to normal, except in a few cities where continued bomb threats have continued to concern parents, where there was a series of them, three in 1 week in one place, for example.

I took the step of writing a personal letter to all of the parents at all of our centers telling them how we felt about this, telling them what we have done and are planning to do in terms of stepped up security in this interim period, and I invited them to send comments back to me of what their concerns and ideas and very specific suggestions might be, and those letters are starting to arrive. We have had several.

So I would say that, on the whole, parents have continued to place their children in the centers with the conviction that they are well protected there from, as I say, the many everyday risks that can befell them, and also that they may not have other high-quality options to utilize in their communities.

Mrs. COLLINS. I think I have another question, and that is that I am also wondering what kind of psychological help you are giving the parents and the children of the centers.

Mrs. WOHL. Well, what we have done so far——

Mrs. COLLINS. Is there a correlation maybe with some Federal hospital agencies or NIH or something?

Mrs. WOHL. Not at this point, but that is something that we could certainly pursue. We have provided, or are in the process of providing—through our national network of regional child care coordinators we have GSA personnel who are in all of our regional offices who are specifically responsible for day-to-day interaction with the centers in that region. We are in the process of providing

through them some materials that have been made available to us by some of the firms that provide family counseling in the field a videotape and several written pieces of material.

Also, in the case of centers that are operated by large providers, child care providers from the outside, I know that many of them have instituted programs in their centers as well. So we are staying close to the need. And I think now that the initial shock has worn away the effort to have some counseling with parents will continue, and that's one of the reasons why we reached out and wrote to all of the parents, which is not something we ordinarily would do.

Mr. JOHNSON. Congresswoman, it is a sample of one, but the following Monday I was in Dallas to talk to our people who were heavily staffing the Oklahoma City issue. And I always try to visit a day care center anyway, but I was particularly interested and went to the Dallas day care center that morning, met with the people running it and asked the question, which Faith has already told you was pretty well there.

I asked how the children were reacting, and I met with all the teachers. And one of the teachers said the only reaction she had had was in 5-year-olds, and they just asked why they couldn't go out to play that day. And they were told, because you might be hurt today so we are going to stay inside, and they left that question.

That was it for the day. At that point, there were—because this was run by a large day care provider, at the moment I was there, there were counselors there talking with some of the parents.

We also, as part of our quick response, insisted that we bring human resource people into Oklahoma City. We wanted people on the ground that had nothing to do but to worry about people, and that continues, and we are broadening that out.

Mrs. COLLINS. Thank you. I may have some questions, but I will put them in writing, Mr. Chairman.

Mr. HORN. Thank you very much.

The gentleman from Pennsylvania, Mr. Mascara.

Mr. MASCARA. Thank you, Mr. Chairman.

I resist the temptation to make any inflammatory remarks during these very difficult times for all of us. But as a member of the Government Reform and Oversight Committee I have for some time—well, I am a new Member since January, and we have had many conversations regarding privatizing of the Federal Government, and its many functions. From what I am seeing here now, I think I am on the right track when I generally oppose the privatizing of Federal functions, because who do these people answer to?

I think you showed here 2,300 contract guards. Do we have any control over their training? Do we have any control over their continuing training? How much money do they make? Can we feel safe with these individuals, the same as we could with a Federal Protective officer?

I am deeply concerned that this might be a microcosm of a larger problem and I can see it didn't happen with the 104th Congress. You talk about the 1970's and 1980's, and I guess in the pursuit of trying to deal with a massive Federal deficit, we are looking for

ways to reduce spending, and I am not placing blame. Maybe we need to rethink this government. But in the case of investigations and protective services and all of these kinds of things, what are some of your concerns?

Haven't the number of buildings over the past 20 years increased that you have a responsibility for protecting? And we are increasing the buildings, and we are downsizing the number of people who are working for the Federal Government.

Mr. JOHNSON. Let me try to help a little bit, Congressman, because I have many of the same questions you do. But let's sort out some things. The question of buildings, numbers of buildings, I am asking for that information because it turns out, like everything else, it is not as clear.

We have 8,000 buildings that we are concerned with at the moment. However, it is surprising to you may be that there are 26,000 office buildings within the Federal Government. Obviously, if we have 8 and there are 26, there are a whole bunch we don't have.

Over a period of time, and I don't know when this occurred, many agencies in the Federal Government were given their own authority for real estate. So in terms of our own responsibilities, I am trying to get a profile of have our responsibilities increased or not relative to the total? I don't have the answer. However, I think they are at a point here that, Mr. Chairman, I think questions need to be asked, and we are trying to expand this issue to other buildings.

If we just deal with GSA, we are covering 8,000 out of 26,000. Agriculture has their own security, Securities and Exchange Commission, there are many, many others. I was told coming over that there are 26 different law enforcement agencies worrying about buildings. That, in itself, I think raises another question having to do with command and control.

To your point of privatization, sir, my view of that is that privatization is not an objective. Privatization may be a tool, but it's not an objective. Once it is viewed as an objective, it can be abused, and you can end up with really wrong conclusions. I have tried to be very careful within this agency and from my own private background to continually make that point.

That does not say that when you put privatization in the proper context that it is not the objective or maybe a tool, that there are some situations that may well make sense. The danger comes when you get confused and we say privatization is a goal, contracting out is a goal, delegating is a goal. They are not goals. They are tools, right?

To the competency of the contract personnel, to how secure do we feel, what control do we have over them, how are they trained, I would like Mr. Lash or either of you to comment on that. They have the—I have been through this, too, and they have some pretty good detail for you there.

Mr. LASH. Yes, sir. I am Randy Lash, Deputy Assistant Commissioner for Federal Protective Service. Our uniformed force, our police officers, are trained at the Federal Law Enforcement Training Center in Glynco, GA. They receive 8 weeks of intensive training over a number of law enforcement and security topics.

Our contract guards that we utilize in our Federal buildings principally have 80 hours worth of training based on a manual that has been developed by the General Services Administration on a number of responsibilities that we expect our contract guards to assume. Each contract guard is tested on their knowledge of the various subject material, and if they pass that particular test, they are certified.

Also, in the area of firearms, they are also tested to the proficiency and the safe handling of firearms.

We also do a background review of the security officers that we use. We use the FBI and their records to check their backgrounds.

In terms of responsibilities, essentially, the predominant use of our contract guard force is for access control. We do use them for roving patrols as well. Serious situations that do arise that they are confronted with, we expect them, in our 22 cities where we have our uniformed police officers, to contact us to respond to those kinds of emergencies.

Those cities where we do not have a Federal officer or presence, we utilize the services of the local police.

Mr. MASCARA. Just as—maybe as a suggestion. Have you considered, since this awful incident occurred, of reconfiguring the tenants in Federal buildings so they might not have those agencies that would attract the hate groups and terrorists?

Mr. JOHNSON. Yes, sir. That is clearly one of the things that we are going to be looking at, along with our other colleagues in the FBI and other members of the task force, the threat task force that the President has put together under the direction of the Attorney General.

Much of these assessments—many of these, Congressman, will run to the level of intelligence and the kinds of information we get regarding those subjects. The agency—this agency—are not intelligence gatherers. We supply some. But most of that, we rely on things coming to us, and I think that expertise lies in other parts of the government, and we will defer to that.

If I might, Congressman, Ms. Stasch is with me, who is the Deputy for the agency, who comes from the private sector as well as I do. She comes over from the real estate private sector, and I think in that regard—I come from the technology side—has some views or backgrounds that may be helpful for a moment in terms of what she sees or has seen in her private life of real estate security relative to what she is seeing here now. I know she has been of great help to me in that regard. May I?

Mr. MASCARA. Thank you.

Ms. STASCH. Thank you. I would just like to comment and augment the remarks which go to the point of concern about the denigration of the dedication and competence and training of contract security officers.

The firm that I was with as president managed millions of square feet of office space, and in—occupying many of those premises were tenants who had a very, very adamant concern for their security. The touchstone building in our portfolio was a 60-story tower in downtown Chicago, where the tenancy included very, very highly sensitive telecommunications occupants, very concerned about security.

Our entire security effort, highly professional and organized, was entirely comprised of contract employees working in concert with local law enforcement forces. These individuals were trained in the same manner that we are talking about, with training in every aspect except firearms. In the private sector, most contracted guards do not carry firearms.

We were able to provide a level of security and a level of confidence in safety that I think is—that I think can be matched within the public sector working with all of the tools that we can bring to bear. And I would adamantly protest the notion that Federal Protective Officers need to be the front line of defense against any act or lack of safety or security. They are a component of it, and I believe that adequately trained and properly motivated, dedicated individuals who work for contract guard firms can be an excellent component of that security network.

Mr. MASCARA. What is the difference between a public employee and a contract employee?

Ms. STASCH. From what perspective?

Mr. MASCARA. Well, from any perspective—cost, efficiency. I mean, you just said we should all feel comfortable, and that is why I am asking the question. Should I feel comfortable if our buildings are manned by contract employees? I want some assurances they are not making minimum wages. Eighty hours doesn't seem like a lot of training to me, but if the government feels that's sufficient, that's fine.

Ms. STASCH. Gary, can you comment on that—on the comparative compensation?

Mr. MASCARA. Is it just cheaper?

Mr. JOHNSON. May I answer one question you asked? Because I asked the same one, Congressman. It runs to control. You asked——

Mr. MASCARA. Who do these people work for? They work for John Doe, who has a firm.

Mr. JOHNSON. I still have some more questions, and we are still moving in that direction. However, I was a bit confident to discover that we hire a firm certainly, but the guards that are put on place are individually qualified and selected. So we do not just hire your company and you give us who you choose.

Mr. MASCARA. There is a hiring selection process?

Mr. JOHNSON. We test each one and approve each one. We also, in further questioning—and the gentleman could expand this—in our past history, we have also removed many for incompetence.

So, on the other side of the scale, we don't run back to the corporation to do things. We can take action individually as well. That's not a complete answer yet, but we are working on it. And they do an FBI background check individually on them. But could you guys expand on that a little bit?

Mr. DAY. Just to amplify a little bit in terms of wages, the wage is set by the Department of Labor on a locale basis. So with respect to our current mix of contract guard services that we currently have, the hourly rate is about $17 for a contract guard. The hourly rate for an officer, on average, is about $2 or $3 more than that. It is about $19 and something.

Mr. MASCARA. I see.

Mr. JOHNSON. Now that rate, Congressman, is including some other elements. That isn't their—that isn't what they take home.

Mr. MASCARA. I will finish up just with one question. It is a rhetorical question. Can we all feel better and safer about the facilities after the 1970's and 1980's, where we had a downsizing of the work force of nearly 20,000 people? And what were they doing on the payrolls in the first place if we didn't need them? I am a businessman, I come from a business background, and I like to have a reason for doing things.

Mr. JOHNSON. My answer to you very candidly is—it's two pieces. I don't feel very safe, but only since April 19. That level of risk jumped orders of magnitude. For things prior to that day, for other security reasons, I think we have a very solid set of security processes in place. I think we have reached a new height, unfortunately, of threat, and I don't have the answer for you, but I don't feel that secure, and I won't until we get through really looking at this thing in every way from Sunday and answering those and many other questions that we all have.

Mr. MASCARA. Thank you, Mr. Johnson. Thank you.

Mr. HORN. The gentleman from Virginia, Mr. Davis.

Mr. DAVIS. Mr. Johnson, thank you very much. Sorry I missed your testimony. I did have an opportunity to read it prior to coming today.

The initial premise is that there's nothing that we really could have done to prevent what happened in the tragedy in Oklahoma as a general rule; is that correct?

Mr. JOHNSON. I don't know that, sir. My own conclusion is there is probably nothing we could have done onsite.

Mr. DAVIS. Right.

Mr. JOHNSON. The issue runs to intelligence gathering, and the experts say that is really an issue.

Mr. DAVIS. But the general rule, in looking at Federal buildings across the country, to prevent what happened there, the order of magnitude in terms of what it would take, no one has a solution, do they?

Mr. JOHNSON. No one that I have talked to said that there could have been anything done onsite to protect that.

Mr. KIMBROUGH. I had the good fortune to be attending an international conference here in Washington, DC, with the heads of Federal works from a lot of countries, so I did take the occasion to visit with individuals from a couple of other countries I won't name to informally discuss the issue, and I was assured from folks who had many, many years of dealing with this that the only effective deterrent is intelligence, that you cannot build a building strong enough, outside of a bunker, that would have withstood a bomb of that size.

So we will have to make some adjustments on some of the things that we are doing in terms of employees in buildings in the mix and perhaps review constructions and setbacks and some of the things that are obvious. But in terms of truly—a true deterrent, intelligence and interception is probably the only true defense against an act or a bomb of that size.

Mr. DAVIS. OK, thank you.

Let me just ask one other question. I wasn't here for the comments on the February 15th letter to Senator Moynihan in terms of the staffing levels, but it seems to me, as the head of any agency, given the enormous task of—through the administration and pressure from Congress to downsize and at the same time you are getting conflicting signals that you must do this and this, how can you keep it straight? I don't—I have just got to express some sympathy for your position in that.

I don't know how you have been doing it because I have read articles about GSA being eliminated or downsized or privatized. At the same time, there are, of course, directions to do this and this with fewer resources. Could you react to that?

Mr. JOHNSON. I accept your sympathy, Congressman. Thank you very much.

Mr. DAVIS. I don't know how you straighten it out.

Mr. JOHNSON. I don't think all hope is lost. In this particular law situation we discussed before, so summarizing, I wasn't aware there was even a law until we got some inquiries. In going back into the history, for whatever reason, it has been a law which has not been implemented, but knowingly not implemented, for a long time.

I think the concern here that I have is that we draw a conclusion therefore—there are two issues here: One, what does one do when there is a law on the books of any sort that isn't implemented? That is a question in its own right. The implication is that just to hire a thousand FPOs might provide some order of magnitude improvement, I question this point.

We have asked for more guidance from both the Office of Management and Budget and we will get significantly more intelligence, I think, from the task force that we put together.

To the broader question, sir, we have been moving for 2 years since I have been here, and Ms. Stasch and Mr. Kimbrough and others, on what I think is a prudent, sensible approach to managing this agency. I read the same articles you do. I hear the same other opinions as you do. So far, I think, in my view, prudent, saner minds are prevailing.

Reviewing this agency is one which has one objective, and that's the effective delivery of the basic needs of the Federal worker to do his day-to-day job. We will search and scratch and scrape to find the most effective way to do that.

But privatizing is not an objective. Farming out is not an objective. Delegating is not an objective. They are tools that we may use.

We are in the process, I think, of objectively analyzing what we do, what it costs us to do it, what's the quality of service we deliver, and are there other alternative ways to deliver quality product and service for less money.

So, with your help, I hope we can continue down that path. We have not, ever since I have been here, traded off the safety side of that equation, however, for dollar savings. Because, although you weren't here, the manpower has shifted around in various ways. The absolute dollars being spent on securing the agency has gone up every year, including the 2 years I have been here.

Mr. DAVIS. Thank you. I yield back, Mr. Chairman.

Mr. HORN. Before calling on Mr. Kanjorski, I want to finish up a question in relation to what Mr. Davis has elicited on intelligence.

As I understood your remarks, Mr. Administrator, you noted that intelligence is the most important aspect of security; and, in light of that comment, I wonder who has the primary jurisdiction for assessing security in Federal facilities. Is it GSA or is it other Federal agencies with intelligence responsibilities such as the FBI? Is it a joint effort? I would just like clarification of that question.

Mr. JOHNSON. I can give you a summary of what I understand, and I would like my colleagues to comment.

The security risk analysis of a current Federal building is our responsibility. However, in making that assessment, we rely not only on the factors that we can see ourselves but we rely on intelligence that would come from various other sources in the government, particularly the Federal Bureau of Investigation. That process, the gathering of information, the dissemination of it, the coordination of it, is also a subject that is being reviewed. But would you guys comment if that is a——

Mr. DAY. Yes. I would add also that there is continuous and ongoing interfacing at all levels—Federal, State and local—independent of and complementing these survey and risk assessments so that the interfacing goes on on a daily basis, both at the regional and operating levels and also on the national level.

Mr. HORN. So you would say there is a collaborative process. You do take that input. GSA has the final word, however.

Now, have we ever had situations where, after GSA has made an assessment, that the FBI has said, wait a minute, you are not doing that right, either you are saying too much security or too little? Is that kind of dialog—do they see your final answer and can they then comment and appeal, if need be, to the Administrator?

Mr. KIMBROUGH. Mr. Horn, if I may, there is a level of awareness and a level of involvement I think that's going to proceed out of this that perhaps wasn't part of the paradigm before April 19th. The bulk of our issues regarding security, related to securing the building against unauthorized intrusion, all of the Federal agencies all have their own alarm systems which they monitor themselves. We are always in a dialog, and we are always willing to respond.

There have been isolated incidents where we might have relocated or moved an agency in response to their concerns, and we always would have done that. But I think—I sense that your question is, in the future, will we be taking more input. And I think we will need to have input from an intelligence source, which is not normally the business of GSA to gather or assess, and we would want to factor that into either design or site selection or the mix or the building selected for an agency. That would definitely be interplay as we would move into the future.

Mr. HORN. Yes. I think I would ask the staff to follow up with both the FBI, the Secret Service, the Bureau of Alcohol, Tobacco, Firearms to see are they inputting intelligence to the FBI.

I think we saw in Dallas in the tragedy of 1963, that the left hand and the right hand weren't coordinated within the executive branch on intelligence gathering. And after that tragic event of the

assassination of President Kennedy there was a lot of posturing by various Federal security agencies.

So this is the chance to get it straight and make sure everybody is inputting so that you, who are not a traditional security agency, have their best thinking as to what kind of hazards exist in a particular area. And I ask staff for both the minority and the majority to work together to follow up on that series of questions. I think we really need to deal with that.

It is a pleasure to yield to the gentleman from Pennsylvania, Mr. Kanjorski.

Mr. KANJORSKI. Thank you, Mr. Chairman.

Mr. Chairman, I think I am one of two Members of Congress that have had a personal experience with terrorism at a very early age. In 1954, while a page in the House of the Congress, radical terrorists came and fired upon and injured five Members of Congress. That day is as clear in my memory as any day I have ever lived, although it occurred some 41 years ago.

My caution would be that whenever these acts occur as in Oklahoma City, we hurriedly first want to find someone at fault. That's absolutely essential. And I want to assure the GSA that there is nothing that you could have done, there is nothing the Federal Government could have done to prevent that.

I think we can take action to make sure there is swift and severe penalty for the bombing. That is something I agree with the President on. I think we can discourage loose talk and excitement of fringe people who have weaknesses that can be propelled. I happen to agree in not targeting any one group. I think the dialog in America maybe has grown just a little too exacerbated for all our good, and we ought to step back and take a deep breath and tone it down a little bit.

But, finally, the experience that I had in 1954, I remember they wanted to seal the Chamber of the House with bulletproof glass. They finally decided that there were only 435 of us, in 60 days we are all replaceable, and we are not particularly that essential. That's part of the idea when you come to serve in public service. There is a certain risk. And I tend to agree with that. If we have to tradeoff liberty and freedom and accessibility in our society for some risk, we are just going to have to do it.

I think we, however, probably should tone down our punishment of what we call, quote, the bureaucrats and how we like to punish them so badly, because some of them do give the ultimate sacrifice to this country, as they did in Oklahoma City.

In 1982, we had a similar explosion at the Senate, after all the precautions taken. Then just 2, 3 years ago, we almost had a severe occurrence at the House of Representatives, which would have destroyed the entire House, probably most of the Capitol building.

I don't think we can correct it. All I would like the GSA to do is to step back, make the analysis, but don't let us panic you from what you do from the legislative side, and certainly not the American people. Because every day in this world people are dying, every day in this country people are dying, people are getting killed. There are 20,000 murders every year in this country. If we are going to have an open society, we just have to accept that.

The panic of expending a great deal of money to move the margin up a few percentage points on security I do not think is a reasonable expenditure of either effort or time. And I am quite convinced if you are dealing with insanity there is very little you can do.

Certainly if the terrorists are willing to give their life, there is, I think, as the Middle East proves, there is very little that can be done. Unless you can get to absolute security. And I don't think you ever could, nor could we afford it, nor do we want to pay the terrible price on liberty and freedom.

I just want to tell the GSA and executive branch of government, one, I compliment you on handling Oklahoma City. I think all of us should step back, take a deep breath and be as intelligent as we can about what the future calls for, and certainly not be punishment.

If there is a law on the books, Mr. Johnson, that says you have to hire 1,000 people and you only hired 400, you have my support that you avoid that law. That's the dumbest thing of any law. Whoever passes a stupid law like that to begin with? That is our simple answer to complex problems.

I just think it's time that all of us on the legislative side, the executive side—and, most of all, with the average American people, they can help the most. If they start to tone down the quality in this country of exacerbating the people who are on the margins, if they help and cooperate with the police authorities, both on a local, State and county level, and if we have swift judicial process, which perhaps we could help out in some way by taking some of these encumbrances out of there, I think as we look back on Oklahoma City, we will be a little more mature country that recognizes how much we could have done to prevent it.

But I think nothing should reflect on any of the officials, the executives or the people in charge of Oklahoma City and that installation, that they should ever carry any guilt. There isn't any.

And since that time, I can tell you, I have been prouder to be a Member of Congress and a part of this government because of what's been done down there. I have never seen an effort quite as complete and comprehensive as that. So I congratulate you. Anything we can do on this side, that I can be a part of, I want to make myself available for it.

Mr. JOHNSON. Thank you, sir.

Mr. HORN. I thank the gentleman from Pennsylvania.

Let me pursue a few questions just to round out some of the earlier testimony. I want to be very clear.

GSA, as I understand it, has a fixed appropriation for Federal Protective Officers, contract guards, security specialists and criminal investigators; is that correct? It's a specific——

Mr. KIMBROUGH. That is correct.

Mr. HORN [continuing]. Specific fixed approach. Yet there exists a statutory mandate to have a set number of police officers; is that correct?

Mr. KIMBROUGH. Yes.

Mr. HORN. So the question obviously arises, shouldn't that legal requirement be the first-met need under that general appropriation that covers those categories?

Mr. JOHNSON. The question, Mr. Chairman?

Mr. HORN. For Mr. Kimbrough or the Administrator. Whatever your pleasure is. It's just a question of interpretation of the law here. We have got a law on the books.

It said you should have 1,000 full-time equivalent protective officers. You have got a general appropriation to include similar categories—contract guards, security specialists, criminal investigators—for which, to my knowledge, there is no specific which tells you how many contract guards, how many security specialists, how many criminal investigators. The answer is obvious. You have a law that says you need to do this, and the appropriations are there.

Because the question came up earlier that, oh, we have a law, but, gee, other things such as the NPR and Executive order all told us to do something different. But when Congress passes a law, that is the law of the land. And the only excuse anyone in an executive branch agency or in a judicial branch agency has is that the Congress did not put up the money.

There are laws where we have passed an authorization, we have said do this, and the Appropriations Committee coming behind has said it isn't worth doing to themselves. They may not say that publicly. They don't put any funds in.

Then we have got Congress passing a law, not funding it, and unless they say take it out of your agency budget, one could make an excuse and say, hey, you never gave us the money.

But here we have a law where they gave you the money and they told you how many police they wanted. I am just curious, how do we differentiate there? And the question was, why weren't those 1,000 FTEs implemented? You had the money.

Mr. KIMBROUGH. Mr. Horn, I would like to give you an answer right now; but, as Administrator Johnson has said, we inherited a situation that was well on a course that was set before we arrived. And if you are directing us to take another look at this, we certainly will do that. We need to understand fully all of the things that have led us to be where we are. And, as you are saying, it can't simply be funds, because there are moneys.

I can say that we have been in a close watch in terms of understanding the results of what we are doing, and I do know that the crime rates per thousand in our Federal family are far below other government-type agencies in the cities where we have found. So we know that what we are doing is getting good results.

Specifically, you are saying why aren't we doing it a different way, and I don't know that I could answer you today and give you that direct answer because it's part of a much bigger set of responses to this that are well under way and have had a lot of history before I arrived.

Mr. JOHNSON. Mr. Chairman, just to the issue, I think I have one of two choices. Either begin implementing the law in best faith as we can, or come back to you and recommend we change it.

I would like a little bit of time here to make that decision in the context of some broader issues. But I think eventually—to the law part of the thing, I think it is clear there is only one of two choices: You either do it or you ask the Congress to change it. And if you choose not to change it, well, then we go do it. But with history here, I would like a little bit of time to be able to assess and make a responsible recommendation one way or the other to you.

Mr. HORN. Well, I agree. By stressing this, I am just trying to get it clarified. Because if I was an Administrator, I would be very disappointed if my career and/or political staff did not inform me about that gap in agency performance, and I want to know why they didn't do it.

Mr. JOHNSON. With all due respect, Mr. Chairman, I don't think the staff that came in knew it either. That had been on the books a long time and apparently never been brought up. It was supposed to be staffed at that level in 1992, and seemed to have just disappeared off a lot of people's—someone must have known it. I have questioned that issue as well——

Mr. HORN. I am not saying if we had 1,000 Federal Protective Officers we wouldn't have had this tragedy. What I am saying is, let us learn from this lesson. And I gather, Mr. Kimbrough, you have got a review going——

Mr. KIMBROUGH. Yes.

Mr. HORN [continuing]. Of all these various aspects, and I commend you for that. It's like the Navy. Does it learn anything from Pearl Harbor? I have got a few cases I can prove to you they don't seem to have learned anything from Pearl Harbor, and we will deal with that one later this year.

But this is a learning experience. It's tragic. Maybe we could have prevented it, but I want to get on, as I say, and I am not quite done with that yet.

But here the Federal Work Force Restructuring Act established as an exemption, for example, which is the law that came after that 1988 law—it made an exemption for mission-critical positions or categories.

So the obvious arises, Mr. Kimbrough, in particular, did GSA request that Federal Protective Officers be designated mission critical, particularly since GSA faced the 1988 statutory requirement? There was a chance to say, hey, these are mission critical. We don't want them touched. They don't have to be reduced under the NPR or National Performance Review or an Executive order.

Now, do we think that protective agents, whether contract or Federal Protective Service officers, do we think they are mission critical? What's our feeling? Because you would come under an exemption under the Federal Work Force Restructuring Act. What's your reaction? Has that been discussed within GSA?

Mr. JOHNSON. Mr. Chairman, may I comment on that, please? It certainly has been discussed, and apparently not just by this administrator but by previous administrators.

I understand the question, I asked it when I came to GSA, irrespective of that law, and it had to do with uniformed law enforcement. The question is, why is that in GSA vis-a-vis all the other law enforcement, and particularly as it runs to the issue of experienced management? So that was my question having to do with that piece.

The issue having to do with protection of buildings, which is a normal function of any real estate operation, is not at issue there. I think the contract officers that we have—and there are many ways to fulfill that obligation. So it has been a mission issue. It is a mission issue.

Mr. HORN. Do the members of the Federal Protective Service have rights of arrest? Can they arrest citizens?

Mr. JOHNSON. That needs to be qualified. Would you go—I have learned a lot here, too, chairman. I would like to share my learning with you, if I may.

Mr. DAY. Mr. Chairman, they do have the power of arrest specific to the public properties that they protect.

Mr. HORN. Can they arrest off that public property if the person has parked the car in the street in front loaded with explosives?

[The information referred to follows:]

Question: Do the Members of the Federal Protective Service have rights of arrest? Can they arrest citizens?

Answer: Yes. FPS Police Officers have the authority to make arrests on property under the charge and control of GSA. This arrest authority applies not only to Federal employees who occupy such property, but also to citizens and any other persons committing a cognizable offense. Offenses for which FPS Police Officers may effect an arrest include: (1) felonies committed in their presence; (2) felonies not committed in their presence when reasonable suspicion exists to believe that the person to be arrested has committed a crime; (3) misdemeanor violations of Federal law that are committed in their presence; and (4) violations of GSA building rules.

Question: Can they arrest off that public property if the person has parked the car in the street in front loaded with explosives?

Answer: Generally, no. The jurisdiction of FPS Police Officers is limited to property under GSA's charge and control. With the limited exception of cases of hot pursuit, FPS Police Officers have no authority to act off of GSA controlled property. In such cases, an FPS Police Officer possesses the same authority as a private citizen. Therefore, if an FPS Police Officer were to suspect that a person had parked a car loaded with explosives in front of a Federal building, in an area not under GSA's charge and control, the Officer would not have jurisdiction to arrest that person. Instead, the Officer would contact local law enforcement personnel who would have the authority to make arrests on that property.

Mr. DAY. Only if in pursuit of or continuing an investigation from the property. If they were to observe something that was suspicious, there might be probable cause for an offense, then they would be able to do that from where they observed it. Likewise, they would be able to pursue a fleeing felon off property. But their legal authority is specific to, they are uniformed guards as special policeman with all the powers of constables and sheriffs.

Mr. JOHNSON. Excuse me. Would you just outline for the chairman briefly the three categories of proprietary? Because that runs to this question, doesn't it?

Mr. DAY. Randy, can you?

Mr. HORN. Why don't you identify yourself, since we don't have signs for the four of you that we didn't know were going to be testifying.

Mr. LASH. Yes, my name is Randy Lash. I am Deputy Assistant Commissioner of the Federal Protective Service.

We operate under three types of jurisdiction: concurrent, exclusive and proprietorial. Exclusive jurisdiction pertains to those properties where the authority rests with the Federal Government and is not exercised by the local law enforcement.

Under concurrent jurisdiction, both local and Federal police officers have essentially the same authorities.

Under proprietorial, the local law enforcement officers have their State jurisdiction, city jurisdiction. When it comes to the Federal, however, our jurisdiction is primarily limited to theft of government property.

Mr. JOHNSON. What are most of our buildings?

Mr. LASH. Proprietorial.

Mr. HORN. That is very helpful.

From a past incarnation, I was a State university president, and we did have our own police force, and they had a 1-mile jurisdiction around the campus. Obviously, they had to go through some of what you are talking about in terms of probable cause, this kind of thing, but what we had before we got that in the predecessor institution and under State policy was simply sort of a night watchman approach.

And I really think GSA needs to think through the degree to which we move from the night watchman approach, which probably was in people's minds when they said let's protect Federal buildings, see if the doors are locked, and move to a professionalized force that goes through the same type of training that you would on much of the city police or county sheriff's deputy—maybe not as extensive.

But what worries me, and I think the staff will follow up to find out what kind of training they get at Glynco, but also what kind of training are those security guards getting? Because I think we have got to take this very seriously. We not only have nuts in this country. We have nuts abroad, and this could be another type of incident, and we need to be trained for it.

Mr. DAY. May I follow up on that, Mr. Chairman? I am Gary Day, Assistant Commissioner.

With respect to, just in summary fashion, the type of training received at the Federal law enforcement training in Glynco, it is the

same as that received by the uniformed Secret Service, Supreme Court and other police entities throughout.

In addition to that, since I have been here we have instituted an initiative to improve the quality of the efforts I mentioned earlier about pay but also the equipment and uniform element. So we have undertaken that. We have instituted in-service training for those officers over a cycle, 3-year cycle period. So we have instituted a number of things in coordination with the Federal law enforcement training center.

Mr. HORN. But you would admit that the security service provided by private contract doesn't reach that level in terms of training; is that correct?

Mr. DAY. I would say that it is a—it is an industry standard type training that's out there.

And, again, I would add that in the way of a characterization of private security that has been mentioned by the Administrator earlier, presently there are approximately 600,000 sworn Federal, State and local police officers; and there is almost three times that number throughout public, private and universities that do provide a security function. So that number is growing. It's recognized. Public entities today recognize the need to do strategic partnering and alliancing with the private sector in a host of areas.

Mr. HORN. Yes, I would like for you to furnish for the record at this point what type of training do the private security people get with—and firms with which you contract—specifics in relation to Glynco, types of courses, hours of seat time. Is there retraining on an annual basis? Et cetera. Staff for the majority and minority will follow up on that, because I would like to round this out so we get a feel for what type of actual training there is, what kind of proficiency.

Do they have to take drug exams, for example? That's Federal policy in a number of areas. Does it apply here? Do you know, offhand, if it does?

Mr. DAY. Does not.

Mr. HORN. It does not apply here. So they could be bombed out of their minds in many of the areas they are watching—and not watching as a result.

So I think we need to look at that kind of training. Maybe we provide training institutions for these, if you are going to contract it out, decide that's a route you want to continue to pursue.

[The information referred to follows:]

Contract guards under a GSA contract receive 80 hours of initial classroom training in a variety of mandated topics including: bomb threats and natural disaster response, entry/exit controls, report writing, patrol methods, response to disturbances, safety and fire prevention, response to crimes in progress, arrest procedures and the law, use of force, search and seizure, rules and law of evidence, crowd and riot control, defensive tactics, principles of communication and professional public relations. Contract guards receive no training at the Federal Law Enforcement Training Center in Glynco, GA. Contract guards are also required to pass a written examination every five years, attend facility training and complete annual firearms, First Aid and CPR certifications to be eligible to perform duties under a GSA contract.

Mr. HORN. I would also like to know, since I come from a State which is a pioneer in contracting out some police services in terms of cities. I have got three in my district. These cities do not have their own police forces, but instead they contract with the Sheriff of Los Angeles County and pay the Sheriff for X amount of deputies. They find that cheaper than maintaining their own individual police forces with all the infrastructure you need behind the deputies.

Now, that might be a possibility if the Federal Government and GSA wished to pursue contracting with local police, or contracting with the sheriff of a particular county, assuming a certain level of training, which you are the ones who are going to be expert in knowing what level you need based on what kind of situations you face. Have you thought of pursuing that?

Mr. DAY. Well, as I said earlier, we do—by agreement, the local law enforcement assists us in a number of our locations where we have no Federal Protective Service presence.

Mr. HORN. And no private security by which to contract, I take it.

Mr. DAY. Well, it's mixed, as I said. It would depend on the risk assessment and what that location would require.

Mr. HORN. Very good.

I now yield to the gentlewoman from New York, Mrs. Maloney.

Mrs. MALONEY. Thank you, Mr. Chairman.

In the letter and statement that was submitted by Mr. Aho with the Federal Protective Services, he stated in his statement, his written statement, that in 1994 the GSA bought out the two Federal Protective Service employees in Oklahoma and then he further states that they were not replaced. Does that mean that there was no protection at that building in 1994?

[The information referred to follows:]

At the time of the bombing, a contract security officer provided roving patrol to the three building federal complex which included the Murrah building FPS had one physical security specialist located at the Federal complex. The physical security specialist did not perform exterior patrols, but was tasked with conducting risk assessments, security surveys and crime prevention programs within the entire state of Oklahoma. The Oklahoma City Policy Department located within five minutes of the Murrah building, provided normal police patrols, including parking control.

Mr. DAY. Congresswoman, I would mention that, as I said at the onset, that our core city concept called for the consolidation of our officers in our primary locations. Oklahoma City was not a primary location by our risk assessment, based on the level—threat levels and risks historically.

With respect to two officers, our policy also included that when in those non-core locations those officers would retire our policy called for attrition as a sole method by which they—those officers would be consolidated, and they would not be replaced upon retirement.

With respect to what we would do in terms of the security, again, that would be part of our overall survey and risk assessment.

I mentioned earlier one item that we—contract service was put in place there.

Mrs. MALONEY. So, in other words, there were no Federal Protective Service officers in 1994 in Oklahoma after these two men retired?

Mr. DAY. Well, one of the officers became a physical security specialist who actually was promoted into the ranks during that timeframe.

Mrs. MALONEY. Was he the one officer who was there when the bombing took place in 1995? Was this the same——

Mr. DAY. He was the same individual, who is now a physical security specialist, which gets back to our recruitment problem. He was promoted within the ranks.

Mrs. MALONEY. Do you think there's a possibility that the terrorists knew that there was weak security at Oklahoma? Certainly in New York City we believe that more police officers are a deterrent. We are always working for more police presence on the street, and we believe it is a deterrent. And do you believe that if we had more police officers in Oklahoma City, it would have been a deterrent?

Mr. DAY. Well, I would just like to add that, with respect to our deterrent capability, we had the Oklahoma police in our patrol route covering that building, so there is—there was presence there.

We did not have a physical presence as a uniform, but we have to rely on and work with our local counterparts in so many of our locations. And, in this case, they were on a patrol route. They were within a 5-minute response time, which is an acceptable response time for any emergency. What's more is they also had street coverage on parking. A number of things were in place, as you would find in a standard metropolitan location.

Mrs. MALONEY. Well, one of the new steps that Mr. Johnson mentioned was that he is implementing exterior patrols of premises with the assistance of local law enforcement officials that have been very cooperative. Does this, taking that step, mean that there were no prior exterior patrols? You talked in your testimony about the exterior patrols you were implementing with the local police.

Mr. DAY. I think what's been mentioned earlier, there is a need to expand the perimeter. Our legal perimeter coverage is the building itself.

Mrs. MALONEY. Was the sole police officer doing exterior patrols in Oklahoma?

Mr. DAY. I'm sorry?

Mrs. MALONEY. You mentioned there was one police officer in the Federal police service in Oklahoma. Was this particular individual doing exterior patrols?

Mr. DAY. He was a physical security specialist. He was not patrolling.

Mrs. MALONEY. So he was not patrolling.

Mr. DAY. No, he was not.

Mrs. MALONEY. So there were no exterior patrols in Oklahoma such as you have implemented since the bombing.

Mr. DAY. We had the local police. In addition, we had contract guard service patrolling as well, which, again, is consistent with the risk assessment, consistent with the fact it's in a non-core location where we don't have our own uniformed officers.

Mr. JOHNSON. Congresswoman, I think if—may I? I think even in a microcosm we need to think of the security in its different dimensions. In this case, we had an agreement with the local police to do perimeter surveys. So just talking about how many security guards we have in any particular place doesn't necessarily address the security.

As to your previous question, speculating of what's in the mind of a crazy guy with bombs, I don't think it's appropriate if we speculate on what his motives were or what he knew. We have no idea.

Mrs. MALONEY. On page 3, you testified that your 400 uniformed FPSs, many of them have been placed on a 12-hour shift to provide increased uniform presence and to be a visible deterrent factor. And possibly—I am just stating—if we had more police officers, it would be more of a deterrent, as you so stated in your testimony, and possibly these officers would not have to be on 12-hour patrols now.

Mr. JOHNSON. I think when you get a situation, as experts tell me, you react to the situation. It doesn't necessarily mean that the presence of that situation prior would have deterred it or if you keep it on forever that it would also deter it.

I think the country—not just we, but FBI and others—responded to a situation prudently because we just didn't know and still probably don't know exactly what is going on at this moment. You then have to deal with the ongoing situation as you see it.

I think the response you see had to do with a particular situation with several different dimensions to it at that instant and continuing today and the implications of that.

Mrs. MALONEY. And you responded brilliantly when the tragedy occurred. But I am trying to piece together what happened prior to that tragedy.

Mr. JOHNSON. But to the point, Congresswoman, I think inferring or not, I just don't know, that whatever we did to respond to it, if done prior, would have had an effect on it, I think is a conclusion one can't jump to. No more than saying, gee, if you just keep that level up, will it prevent it from happening in the future? I don't think you can conclude that, either. I think the response has to be dealt with on its own merits for its own situation.

Mrs. MALONEY. Mr. Administrator, a year ago the National Federation of Federal Employees, GSA counsel, requested formal negotiations concerning the Public Building Service's Federal Protective Service Division, particularly with regard to the uniformed GSA police officers. What can you tell me about these negotiations which they contacted you about in 1994?

Mr. JOHNSON. I am not recollecting that particular issue.

We have had a good partnership with our labor organization since we came. I have been recently concerned about statements from union officials which I view to be not productive in this situation. I am greatly concerned about current comments being made by them in the public press. I will so notify them. But on that particular issue, I don't remember specifically.

Mrs. MALONEY. I have a letter dated May 25, 1994, addressed to you, that raised negotiated items for increasing participation of police officers at Federal buildings. I would like to submit it to the record and possibly you could respond in the record.

[The information referred to follows:]

The Federal Protective Service (FPS) is conducting a business line review which will be completed by the end of this calendar year. The purpose of the review is to determine the most cost-effective manner of providing law enforcement services. We are also implementing recommendations in the June 28th DOJ Study "Assessing Vulnerabilities in Federal Facilities," and studying the long term implications of DOJ's conclusions. After FPS completes its business line review and completes its study of the DOJ report.

In the May 25, 1994, letter to the Administrator, the President of the NFFE Council of GSA Locals requested negotiations over a proposed reorganization of the GSA Public Buildings Service, "especially with regard to the Federal Protective Services Division." The GSA national labor relations staff had numerous discussions with the NFFE President over the ensuing months and on August 26, 1994 formally responded (copy enclosed) and began a process of negotiation of groundrules. This process could have led to formal negotiations concerning the PBS reorganization. However, the union ultimately did not pursue formal negotiations under the May 25, 1994 request. Instead the union returned to the less formal "partnership" involvement in the PBS reorganization.

Mr. JOHNSON. Sure. Let me respond to a piece of that.

I had at least two meetings with the FPO people. I wasn't cognizant it was a union issue, and it certainly was, because you have the letter. But it was from those meetings that it became clear to me that they were not being properly compensated.

The first meeting raised that issue. Apparently, it had been raised dozens of years before. The study I had done confirmed that that was the case, and so one action from that was the legislation that's about to come to the Congress to fix that particular situation.

I don't remember their discussions about levels of—it might have been, but I don't remember levels of staffing.

Mrs. MALONEY. Well, finally, in this statement——

Mr. HORN. Without objection, that letter will be included in the record.

[The letter referred to follows:]

National Federation of Federal Employees
THE GSA COUNCIL OF NFFE LOCALS
18th and "F" Streets, NW, Room 5119
Washington, D.C. 20405

FILE
94-COR-XXX-003

May 25, 1994

Roger Johnson, GSA Administrator
General Services Administration
Washington, D.C. 20405

Re: Request for Full and Open Negotiations.

Dear Mr. Johnson,

This Union is the exclusive bargaining agent for many of the GSA Police Officers throughout the country.

According to the National Agreement between the General Services Administration and the National Federation of Federal Employees dated January, 1992, and as set forth in Title 5, United States Code, Section 7106(b), we request formal negotiations as appropriate and to the fullest extent under the law over the Public Buildings Service's proposed reorganization, especially with regard to the Federal Protective Service Division, and specifically with reference to the uniformed GSA Police Officers. Expanded negotiable rights in accordance with Executive Order #12871 will include negotiation over the following:

1. on the numbers, types, and grades of employees or positions assigned to any organizational subdivision, work project, or tour of duty, or on the technology, methods, and means of performing work:

2. procedures which management officials of the Agency will observe in exercising any authority under this section, or;

3. appropriate arrangements for employees adversely affected by the exercise of any authority under this section by such management officials;

4. and will include but not be limited to:

   a. certification of the lawful candidates for the **uniformed U.S. Special Police Officer** appointment as set forth in Title 40 United States Code, Section 318, as amended;

   b. certification of the lawful law enforcement authority, responsibilities, and obligations of the **uniformed U.S. Special Police Officer** as set forth in Title 40, United States Code, Section 318, as amended;

   c. certification of the lawful jurisdiction of the **uniformed U.S. Special Police Officer** as set forth in Title 40, United States Code, Section 318, including as amended under the Annual Postal and Appropriations Act;

   d. certification of the lawful law enforcement authority extending the authority of the **uniformed U.S. Special Police Officer** as set forth in Title 40, United States Code, Section 318(d) to allow official duties to be performed while not in uniform;

e. confirmation of the formal role of the uniformed GSA Police Officer role and organizational mission within the Agency pertaining to law enforcement and police services;

f. relocation of the uniformed GSA Police Officer from the Public Building Services, an organization of real estate professionals which considers successful management of a law enforcement organization as being removal of its FTE and resources, assign it token tasks, deny its members worth, and through this and the continued, intentionaL mis-communication of the uniformed GSA Police Officer classification, title, lawful authority, and statutory obligations, prevent responsible professional recognition within GSA and its client agencies, as well as the law enforcement community in general.

g. relocation of the uniformed GSA Police Officer from the Federal Protective Service Division, currently a security based organization with over 65% of the FPSD total FTE to prevent the continued diversion and "raiding" of GSA Police Officer FTE, resources, and responsible professional recognition in FPSD 's determined pursuit of its publicized goals to rechannel GSA's priorities from "enforcement" to "security".

Included as part of this formal request is that these negotiations take place at the earliest opportunity, beginning in earnest not later than June 25, 1994. Naturally, it is expected that a status quo will be in place regarding all matters pertaining the the areas to be negotiated.

These negotiations are necessary to allow GSA's Police Officers to address the numerous obstacles (including the effect in the clandestine re-assignment of over 90% of the necessary FTE Police Officer positions to other classifications and organizations), the results of which effectively interferes with, and sometimes prevents, the performance of their stautory law enforcement *obligations* as assigned in the public's safety by the U.S. Congress and the Agency's *determined charge* to provide quality "law enforcement" and "police" services to GSA and its clients at competitive quality, cost, and on time. They are being requested against the following backdrop of information, circumstances, and conditions.

When establishing the GSA, the United States Congress, concerned with the very serious question of meeting GSA's "public safety" needs, determined that GSA would have a proprietary police "force" of uniformed U.S. Special Policemen to assure the public's safety and protection. They further provided annual revenues and allocations of people to assure that the taxpayers of the cities hosting GSA facilities would not suffer the burden of providing for it or competing for emergency responses with GSA. The Congress legislated Title 40, United States Code, Section 318, and the establishment of the GSA's uniformed (Special) Police Officers which authorized:

- **"the GSA Administrator may appoint uniformed guards of the Agency as U.S. Special Policemen".** Congress specifically identified "who" would be appointed because the initial Bill (40USC318) included authority for the GSA Administrator to assign police authority to any employee of the Agency and Congress refused to authorize this authority stating that they felt the uniformed guards were people selected and trained properly and gained experience through their full time, regular duties.

- **"having all the powers of the sheriff and constables".** Congress used the standard common-law language found in "police officer empowerment laws of most jurisdictions to insure the necessary authority was empowered to the "uniformed U.S. Special Policemen".

- **"to enforce all laws passed for the protection of people and property".** In addition to the keeping of the peace and enforcing the regulations of the Administrator, the Congress assigned the "uniformed U.S. Policemen" the broad responsibility for enforcing all laws

regarding people and property.

- **"on (*all) properties under the control of the GSA"** (* note: the original requirement in 40USC318 that the GSA property be *exclusive* or *concurrent* was amended to, "*all GSA properties*" by **The Postal and Appropriations Act**).

During the years 1971 through 1994, in addition to all of the injuries encountered in providing police enforcement services at GSA facilities, six GSA uniformed Police Officers gave their lives in the line of duty. During this same period, and in spite of the necessary monies and manpower being allocated by the U.S. Congress, the numbers of GSA's uniformed police officers have been quietly and systematically reduced:

1971	**5,074**	**uniformed**	**officers**
1980	**3,100**	"	"
1988	**1,250**	"	"
1991	**550**	"	"
1993	**514**	"	"
1994	*** 450**	"	"

(* - fully expected to fall to below 400 officers as a result of the "Buyout")

The United States Congress has seen fit to confront GSA regarding these reduction on many documented occasions actually ordering GSA to reverse the reductions (ie: October, 1988), but the reductions simply continued.

The National Federation of Federal Employees has confronted these reductions, as recently as December, 1993, citing them as "by design" and that they are intended to create an illusion with the purpose of deceiving the Congress and the taxpayers. First GSA removed all GSA police officers from 90 of the 114 cities in which GSA facilities reside. In the remaining 24 so-called *core* and *satellite* cities, GSA Police Officers are severely under-manned. Throughout all GSA facilities people are now instructed to "**call the local police**". In doing so, GSA passed their major proportionate GSA costs of its own police services directly to the cities which host GSA facilities ***for their taxpayers to pay for***. GSA also caused the same taxpayers in host cities to: ***at best*** - compete with GSA for emergency police responses; ***at worst*** - do without emergency police response when GSA is *using* them. The host city taxpayers were/are being re-taxed several times over. In many cities where the local police feel their obligations are to their citizens and, while not refusing to respond, rarely respond or arrive; and GSA and its clients just don't receive the services. GSA's clients were left to suffer and complain regarding the lack of police services and the absence of the valued "GSA police presence" which had been provided by GSA Police Officers. While GSA management found it was free to use the allocated manpower and monies resulting from the deception as new revenues to use where and as they saw fit, many clients simply went on to recruit their own police officers (ie: CIA, etc.).

Clients who confronted GSA were provided with *contract security guards* and *GSA security specialists*; neither can lawfully perform police enforcement and simply became another frustration in not receiving services. GSA was recently informed that NFFE's legal staff, as well as a number of other legitimate students of law, believe that Title 40, US Code, Section 318, cannot convey empowerment as a Special U.S. Policeman to candidates who are not classified as a uniformed Police Officer (formerly "*guard*") of the Agency; and officials who knowingly assign such unlawful police authority are at extreme legal risk if it is exercised, especially if injury or death were to result. Some Police Officers suspect that the misuse of allocated FTE and revenues as described herein, which unfortunately appears to be far reaching, and the threatened exposure of the deceptive double-taxing on a national scale of the host cities' taxpayers, simply assigns the matter of GSA's own unlawful assignment of police authority as the least of many evils.

NFFE is fully convinced that these serious problems do in fact exist and that they seriously impede GSA's uniformed Police Officers as they attempt to perform their law enforcement and public safety obligations; we are determined to agressively pursue their proper resolution. In considering the true spirit of partnership, good faith negotiations, and especially a complete resolution of these matters, we would not disagree with any formal request to allow the other two major labor unions representing large segments of GSA Police Officers, to be seated at the negotiation table with equal participation in the true spirit of "bringing the people who do the job to the (negotiating) table". NFFE's negotiators will be Stephanie Swiger, NFFE National Council President, and Jack Aho, Chairman of NFFE's National Committee for Police and Law Enforcement.

We respectively request a timely response to this letter.

Sincerely:

/S/ S.S.

Stephanie Swiger
Council President
NFFE Council GSA Locals

/ J. A.

Jack Aho
Committee Chairman
Police and Law Enforcement Committee

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Mrs. MALONEY. Thank you, Mr. Chairman.

In addition, in the statement of Mr. Aho that Congresswoman Collins submitted to the record—and I thank the chairman for submitting it—he attached a draft of legislation to establish within GSA a law enforcement organization to be known as the U.S. Protective Services, and I would like you to look at this draft and possibly respond for the record on the recommendations that he put forward.

Again, Mr. Chairman, may I add this——

Mr. HORN. Sure.

Mrs. MALONEY. For the record. Thank you.

Mr. HORN. Without objection, it will be entered in the record.

[The information referred to follows:]

GSA is in favor of legislation to clarify the statutory authority and jurisdiction of GSA's Federal Protective Service police officers and to provide them with increased compensation levels and retirement benefits.

Mr. HORN. Let me pursue a few items just to round it out. We won't keep you long.

I would like, for the record, if we could get some idea of the copies of GSA agreements with local police and a copy of agreements with the service with which they contracted to secure the Federal facilities in Oklahoma City. Please give us a feel. Are there differences in most of these agreements? Are there standard agreements GSA uses when they enter into negotiation and agreement with a private security force? We will enter those in the record at this point without objection.

[The information referred to follows:]

The majority of the agreements with local law enforcement officials are oral. Attached is correspondence between the Federal Protective Service and the Oklahoma City Chief of Police, confirming the arrangement under which Oklahoma City police officers will respond to emergencies within Federal offices in Oklahoma City. Also attached is a copy of the contract between the General Services Administration and TEG Security for contract guard services in Oklahoma City.

GSA has issued "guide specifications" to the Regions. Guide specifications are used as the basis for guard service contracts nationwide, although each Region has the discretion to tailor these specifications where appropriate or necessary. These guide specifications are attached.

February 24, 1995

Mr. Sam Gonzales
Chief of Police
Oklahoma City Police Department
Oklahoma City, Oklahoma 73102

Dear Chief Gonzales:

This letter is to confirm my conversation with one of your representatives on February 21, 1995, in which we discussed the response of officers from your department to emergencies which occur within Federal Offices in Oklahoma City.

As discussed, your officers will respond to these emergencies, as the officers are available. If I can be of any assistance to you, please feel free to contact me on 405-231-5092.

Your cooperation in this matter is greatly appreciated.

Sincerely,

Thomas E. Hunt
Physical Security Specialist
General Services Administration
Federal Protective Service (7?SO-1)

Mr. HORN. Let's see. We have a few other things.

What's the rule of thumb—and this might have come up before but let's wrap it up here. What is the rule of thumb regarding the cost of a Federal Protective Service officer and benefits versus a private security force officer and benefits?

What I would like you to do is spell out the types of benefits, put a cost on it. If you have the rule of thumb now, fine, but back it up with the specifics and what, if any, benefits are given by the private security forces. I realize they might vary. I am not asking you to go through every contract. Just give us a feel for what they generally include as benefits for the people when you contract with them. Because, obviously, one of the emphases on private contracts is to save the money you would spend on Federal benefits. So we need to lay that picture out.

Now, I understand that GSA was offering buyouts of $25,000 to encourage Federal Protective Service individuals to retire. How much has GSA spent this way to reduce Federal Protective Service staffing levels? Furnish that for the record unless you have it available now.

[The information referred to follows:]

BUYOUT ROUND I: TOTAL BUYOUT DOLLAR AMOUNT (FOR FPS EMPLOYEES IN SERIES 0083 & 1811) IS REFLECTED IN OUR DATABASE AS - $1,786,305.00

BUYOUT ROUND II: A TOTAL OF 33 EMPLOYEES (SERIES 0083 & 1811 FPS ONLY) ARE SCHEDULED FOR SEPARATION UNDER THIS BUYOUT ROUND WITH DATES EXTENDING FROM OCTOBER 1995 THROUGH DECEMBER 1996. HOWEVER, THE FUTURE BUYOUT AMOUNTS ARE NOT CURRENTLY AVAILABLE FROM THIS DATABASE.

Mr. JOHNSON. Mr. Chairman, for the record, those buyouts were offered to all people in the GSA, not just Federal Protective Service.

Mr. HORN. That's a good point. In other words, you had no choice. Once they were offered across the board to personnel, those individuals could volunteer.

And you raise a point I have made recently that—in fact, in yesterday's hearing on the Federal restructuring generally—that it seems to me management ought to see if we can't get a buyout policy where not everybody can take advantage of it. Because we are losing outstanding people with this as well as some people that may be never should have been hired or should have retired long ago. It just seems to me, and I realize it's tough, but that management ought to be able to save some of the key people and say, sorry, the buyout isn't available.

Mr. JOHNSON. I would love to discuss that in the reinventing hearing, Mr. Chairman.

Mr. HORN. Yes. And then the question would be, would Congress buy that? And I, frankly, don't know. As a former manager and executive, I certainly believe in that. I think we lose too many good people.

Are there any other questions by the ranking minority member?

Mrs. MALONEY. I would like to ask a question, having lived through the terrorist attack at the World Trade Center—granted it wasn't as powerful, but it was a powerful attack—and then following it daily on the news in Oklahoma City.

In New York the building didn't collapse because it was made out of steel. Yet the building in Oklahoma City collapsed tremendously because it was made out of concrete. Have you thought of that as an approach of how we construct our buildings?

I even called the police department. Why were we able to sustain a terrorist attack and not have the building collapse? He said it was all in the construction, the construction of the building.

Mr. JOHNSON. Certainly, as we look at new facilities, materials and resistance to these types of threats will be considered.

I would like Mr. Kimbrough to comment about the particular construction in Oklahoma City—that, as I understand it, was a 1972 construction—to put it in context.

Mr. KIMBROUGH. Mrs. Maloney, unless my facts are off, I think the bomb in Oklahoma City was considerably bigger. And some of this is speculation about how big it is until there is more information known, but on the order of may be four times bigger. So that truly is a factor.

Second, it is known that steel construction probably would withstand a bomb blast and not have the building pancake as it did in Oklahoma City.

But I want to assure you that 15 years ago when that building in Oklahoma City was being designed, I don't think it was in our paradigm to consider that that building might be a target. We had both the fortunate long history of being relatively immune from these kinds of acts. April 19, 1995, was a watershed event. It will forever affect our lives. And I am certain that, going forward, some consideration for future Federal construction will take into consideration things such as mitigation for terrorist events.

Now, it is probably not practical in every building in every case everywhere to do a level of construction that's robust enough to withstand even a small bomb, and, as I indicated before, no building would withstand a bomb of that magnitude. We just don't build any, and that's fairly direct information. I think it's fairly correct that not even—there might have been less deaths, but I don't think a steel construction building would have withstood that bomb.

Mr. JOHNSON. One of the things we will have to be concerned with, Congresswoman and Mr. Chairman, of course, is the issue of, do we now, forevermore, consider any Federal worker to be more vulnerable than anyone else? If you should conclude that, and I don't know the answer to that, then the issue gets much broader to your point.

Because, of course, most of our people are not in buildings we build. So will that run then to any building housing a Federal worker? Will we then have to change the standards for all construction on the premise that maybe someday a Federal worker would be in there or require that? Some pretty serious discussions and a very serious question.

Mr. Chairman, I have, for the record, if I may, some materials that I think are at least partly responsive to some of the questions you asked, particularly relative to cost. And, also, I would like to enter for the record in the same piece of material specific definitions of the different categories of security people in the agency. That came up a few times. I would like to clarify that, if I may.

Mr. HORN. Without objection, that will be entered at this point in the record.

[The information referred to follows:]

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FRANK MASCARA, PENNSYLVANIA
CHAKA FATTAH, PENNSYLVANIA

BERNARD SANDERS, VERMONT
INDEPENDENT

MAJORITY — 202) 225-0074
MINORITY — 202) 225-5051

April 27, 1995

Honorable Roger W. Johnson
Administrator
General Services Administration
Eighteenth and F St. NW
Washington, DC 20405

Dear Administrator Johnson:

In the wake of the tragic events in Oklahoma City, I am sure you share my deep conviction that all of us in government should carefully consider any policies that might help protect us from future tragedies of this nature. We must review the extent to which existing policies concerning security have been effectively implemented. With this information, appropriate measures can be taken.

Along with millions of Federal workers, this Subcommittee applauds your recent security enhancements, including the security alert at 1,300 Federal office buildings, increased patrols, bomb threat education, increased shifts for the Federal Protective Service's (FPS) law enforcement personnel, and physical security assessments for Federal office buildings and child care centers.

The Subcommittee on Government Management, Information, and Technology of the Committee on Government Reform and Oversight is conducting a review of the General Services Administration's (GSA) practices and policies regarding security at Federal office buildings. This is being conducted pursuant to Rules X and XI of the House of Representatives. In preparation for this hearing, the Subcommittee requires certain information from your agency.

Please provide us with a sense of the challenges the FPS encounters in its mission to protect Federal office buildings. We request information on the number of attempted bombings, assaults and attempted assaults and other violent crimes at Federal office buildings. This information will help the Subcommittee get a sense of the scope of the security problems faced by GSA.

In addition, the Subcommittee seeks the following information:

1. Provide the following budget information for fiscal years 1988 to 1996 inclusive for the FPS, private contract security services and any other GSA security expenditures:

   a) Amounts requested by GSA of the Office of Management and Budget;
   b) Amounts contained in the President's Budget transmitted to Congress;

c) Amounts authorized by Congress;
d) Amounts approved in the adopted budget; and
e) Actual expenditures.

2. Provide the average full time equivalent employees (F.T.E.) for fiscal years 1988 to 1994 inclusive and the most recent full time equivalent totals for the following catagories:

a) Federal Protective Service;
b) Uniformed officers of the Federal Protective Service;
c) Private contract security services; and
d) Other GSA employees engaged primarily in providing security services.

3. What is the current average cost per F.T.E. of Federal Protective Officers and private contract security guards? Please describe the methodologies used to determine these numbers. Please describe the roles of various FPS officers and contract guards and how the contract guards, officers, investigators and security specialists complement each other.

4. Please describe the nature of GSA's security coordination with state and local law enforcement agencies.

The information requested above should be delivered to Room B-373, Rayburn Building, by 12:00 p.m., May 2, 1995. In the event that you are unable to completely fulfill this request by that time, please provide the requested documents which are available in time. If you or your staff have questions, please contact Mark Brasher, Professional Staff Member or Michael Stoker, Counsel to the Subcommittee at 202-225-5147.

Sincerely,

Stephen Horn

Stephen Horn, Chairman
Subcommittee on Government Management,
Information and Technology

cc: Chairman William F. Clinger, Jr.
Rep. Cardiss Collins
Rep. Carolyn B. Maloney

General Services Administration
Federal Buildings Fund
Real Property Operations
Protection (Direct Program)
$(Thousands)

Question 1. Budgetary Data for Protection.
Budgeted and actual direct program:

	GSA REQUEST		PRESIDENT's BUDGET		ENACTED		ACTUAL OBLIGATIONS	
	FTE	$000	FTE	$000	FTE	$000	FTE	$000
1988								
Protection	1,457	72,483	1,569	74,747 *			1,179	49,360
Total RPO	9,100	809,758	8,790	845,384		805,384	8,081	816,839
1989								
Protection	1,493	74,026	1,493	72,897 *			1,144	52,254
Total RPO	7,803	888,622	7,741	881,703		882,000	7,885	872,167
1990								
Protection	1,391	64,314	1,338	62,354			1,144	63,154
Total RPO	7,876	999,900	7,889	968,298		948,000	7,978	953,415
1991								
Protection	1,338	66,642	1,303	66,340			1,156	69,513
Total RPO	7,849	1,035,964	7,879	1,037,200		1,037,200	8,047	1,002,256
1992								
Protection	1,263	70,002	1,225	71,256			1,140	75,236
Total RPO	8,118	1,154,362	7,894	1,107,372		1,071,372	8,142	1,078,204
1993								
Protection	1,225	78,649	1,225	74,964			1,148	81,386
Total RPO	7,937	1,202,334	7,887	1,174,337		1,130,871	8,241	1,167,121
1994								
Protection	1,225	84,233	1,201	81,437			1,110	92,805
Total RPO	7,887	1,261,084	7,739	1,233,082		1,226,085	7,994	1,205,040
1995								
Protection	1,188	89,173	1,250	87,823			N/A	N/A
Bldg Oper.**	8,953	1,589,864	9,261	1,323,689		1,309,525	N/A	N/A
1996								
Protection	1,151	97,178	996	90,974			N/A	N/A
Bldg Oper.**	8,524	1,414,342	7,175	1,352,551		N/A	N/A	N/A

NOTES:

* In FY 1988 and 1989, GSA Request and President's Budget also included amounts for Fire and Lifesafety (not in actual column).
** Beginning in FY 1995, Real Property Operations, Program Direction, and part of Design and Construction Services budget activities were consolidated into a single Building Operations budget activity.

- Protection figures exclude costs for delegated buildings.
- FTE is full-time equivalent employment (GSA employees only).
- GSA Request is agency request to OMB.
- President's Budget is amount approved by OMB for inclusion in the President's Budget for the fiscal year shown. E.g., FY 1995 data are as shown in the FY 1995 budget; the FY 1995 column of the FY 1996 budget may be different.
- Enacted is the amount contained in annual appropriations acts for the line item Real Property Operations; Congress does not enact FTE or specific amounts for the Protection sub-program.
- Actual obligations in some cases exceed enacted amounts because of approved reprogrammings.

Question. We request information on the number of attempted bombings, assaults and attempted assaults and other violent crimes at Federal office buildings.

In response to your request, the following information is being provided on bombings, attempted bombings, assaults, and other violent crimes occurring in Federal Office Buildings from 1990 through 1994:

TYPE OF OFFENSE	1990	1991	1992	1993	1994	TOTALS
Homicide	0	4	2	5	1	12
Rape	0	2	1	6	0	9
Robbery	65	53	73	68	59	318
Aggravated Assault	113	105	97	135	120	570
Burglary	535	443	520	363	304	2,165
Larceny	6,892	6,845	6,751	6,054	4,800	31,342
Bombings	4	1	1	2	2	10
Attempted Bombings	1	1	0	1	0	3
Arson	21	27	22	22	9	101
TOTALS	7,631	7,481	7,467	6,656	5,295	34,530

General Services Administration
Federal Buildings Fund
Real Property Operations
Protection (Total Program)
$(Thousands)

Question 1. Budgetary Data for Protection.
Total Direct and Reimbursable obligations:

FISCAL YEAR	AMOUNT
1988	107,597
Direct	49,360
Reimbursable	58,237
1989	107,516
Direct	52,254
Reimbursable	55,262
1990	117,058
Direct	63,154
Reimbursable	53,904
1991	129,201
Direct	69,513
Reimbursable	59,688
1992	137,768
Direct	75,236
Reimbursable	62,532
1993	149,508
Direct	81,386
Reimbursable	68,122
1994	160,803
Direct	92,805
Reimbursable	67,998
1995 (1996 Budget)	161,031
Direct	87,823
Reimbursable	73,208
1996 (1996 Budget)	161,954
Direct	90,974
Reimbursable	70,980

NOTE: Reimbursable amounts are paid by customers for protection above standard levels.

General Services Administration
Federal Buildings Fund
Real Property Operations
Protection

Question 2. Distribution of FTE by category.

Part A. Direct GSA personnel (FTE) (see below for category definitions).

FISCAL YEAR	SECURITY SYST. SPECIALISTS	FED PROTECT. OFFICERS	SECURITY PROFESSIONALS	MANAGEMENT & SUPPORT	TOTAL FPS
1988	127	684	165	203	1,179
1989	131	651	171	191	1,144
1990	137	589	178	240	1,144
1991	144	571	206	235	1,156
1992	137	554	230	219	1,140
1993	135	469	242	302	1,148
1994	134	441	264	271	1,110
1995*	130	433	260	259	1,082
1996*	120	386	239	251	996

* As shown for FY 1995 and FY 1996 in the FY 1996 President's Budget. FY 1995 is the currently estimated program. Latest on-board data are: 123 Security Syst. Specialists; 409 Fed. Protect. Officers; 234 Security Professionals; and 259 Management and Support. Total is 1,025.

Part B. Contractor Personnel (FTE).

FISCAL YEAR	TOTAL
1988	2,600
1989	2,650
1990	2,700
1991	2,850
1992	3,050
1993	3,000
1994	2,318
1995	2,318
1996	2,318

Security System Specialists: Includes security systems personnel who review physical security needs and design, install, and maintain security systems; and Control Center Staff who dispatch officers/guards in response to calls, monitor and respond to alarms, provide central emergency communications, and make National Crime Information Center inquiries.
Federal Protective Officers: Uniformed police who patrol, provide police response, arrest and detain, perform preliminary investigations, undertake emergency operations, and provide special protection.
Contract Security Guards: Provide access control to facilities, make roving patrols of buildings/sites, and staff fixed posts to provide visible security presence.
Security Professionals: Includes criminal investigations employees for surveillance of people and property, follow-up investigations, coordinating intelligence and liaison support, and conducting undercover operations; and Physical Security personnel who conduct security surveys, provide crime prevention services, coordinate Occupancy Emergency Planning, administer security guard contracts, establish and maintain local law enforcement response agreements, and provide suitability determinations and adjudication.

3. Current average cost per FTE of PO's and private contract security guard. Describe methodologies used to determine these numbers.

Police Officers: Current average cost is based on 433 budgeted FY1995 FTE
NOTE: Current Onboard for Police Officers - 409

Average Salary $33,200; and an average cost of $7,103 for "Other" costs (See below)*

Contract Guard: Current average cost is based on 2,318 guards and an estimated cost of contracts $86,000,000 (direct and reimbursable)

Police Officers -	Average Annual Cost*	$40,300.00
	Hourly Rate	19.31
Contract Guard -	Average Annual Cost**	$37,100.00
	Hourly Rate	17.78

The following reflects a description of Police Officers type costs versus Contract Guard type costs:

*The average Police Officer

Salaries/Benefits
Travel
Transportation of things
Rent/Communications
Printing
Supplies/materials
Equipment
Motorpool
Contractual services (weapons, uniforms, training which includes eight weeks of basic training; 80 hours of Refresher training every 3 years, 40 hours of in-service training annually; fire-arms qualifications semi-annually; and specialized law enforcement training).

**Average Contract cost includes

Salaries/benefits
Uniforms
Firearms/ammunition
Flashlights, etc.
Health and Physical Fitness
License
Training (80 hours of initial classroom training; annual firearms qualification; First Aid and CPR

* Overtime and the additional cost for the Oklahoma bombing are not included.

In addition to the costs for a contract guard , GSA incurs additional expenses which include : Contract suitability, office space/furniture, costs of government security equipment (i.e., radios,), telephones, costs of contract monitoring, GSA examination testing and certification; vehicles, if required; and administrative forms.

3.(b) Please describe the roles of various FPS officers and contract guards and how the contract guards, officers, investigators and security specialists complement each other.

In order to provide an accurate description of the roles and how they interrelate, one must first address the responsibilities of the protection mission. All of these resources provide for servicing the protection mission for the people in GSA controlled space and also the assets in those locations. The main determination for providing protection is based on the risk assessment and security survey that examines the existing state of potential threats and vulnerabilities. The purpose of the assessment is to determine the degree of protection required by applying the most cost-effective countermeasures. These countermeasures are protective applications or actions that are applied to reduce, offset, prevent, or deter specific threats and fall into several categories:

a. human resources (guards)
b. physical measures (structural,barriers)
c. systems (CCTV, intrusion detection)

Safeguards are also actions that serve to prevent, deny or reduce threats such as:

a. law enforcement response (Federal Protective Service Police Officers)
b. investigations and intelligence gathering (investigators)
c. crime prevention activities (educational briefings)
d.. occupant emergency programs (security specialists)
These above described methodologies and countermeasures are assessed and recommended by the security specialists who prepare survey reports for implementation after approval by management.

Specific roles of the FPS police officer is to provide directed patrol within GSA controlled space and respond to incidents and conduct preliminary investigations. They may also enforce laws, rules and regulations and effect arrests if warranted. The contract guards provide, for the most part, security control at fixed posts at access entries to the buildings. They also may provide foot patrols in buildings and detain offenders who violate laws but have limitations regarding arrest authority in most cases. The criminal investigators conduct follow-up investigations on offenses that warrant such actions where there are solvability factors prevalent. They also liaison with other law enforcement agencies to ascertain intelligence information regarding threats or risk that may be valuable to the patrol force for offsetting, preventing, or reducing the threats. The criminal investigator also provides assistance to the security specialists who review criminal history records for determining the eligibility of contract employees to work as child care employees, guards or cleaners on GSA sites. The security specialist also provides, as previously mentioned, the risk assessment evaluation. They may also be used to respond as law enforcement officers, upon being properly trained, for emergency conditions. The security specialist, and in some cases, the police officers, monitor the performance of contract guards to ensure compliance with guard contract specifications.

* Overtime and the additional cost for the Oklahoma bombing are not included.

In addition to the costs for a contract guard , GSA incurs additional expenses which include : Contract suitability, office space/furniture, costs of government security equipment (i.e., radios,), telephones, costs of contract monitoring, GSA examination testing and certification; vehicles, if required; and administrative forms.

U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

May 2, 1995

Ms. Emily C. Hewitt
General Counsel
General Services Administration
Washington, D.C.

Dear Ms. Hewitt:

At your request, I am writing to provide you with guidance on responses to Congressional inquiries concerning security in Federal buildings. It is important to note at the outset that the investigation of the crime at the Murrah Federal Building in Oklahoma City is continuing and some of the persons believed to be responsible are still at large.

I also note that a task force on building security has been established by the administration to review security in light of the terrorist bombing in Oklahoma City.

The Federal Bureau of Investigation (FBI) believes that it is not in the interest of the ongoing investigation, nor would it be safe for specific security arrangements for Federal buildings be disclosed in public hearings, especially at this time. For example, it would not be appropriate to disclose the details of an evaluation of security risks at a particular facility. Neither would it be appropriate to describe the level of security services provided in response to perceived risks under existing guidelines.

It is also our view that general security policies which would be of interest to persons engaged in criminal activity should not be disclosed in public hearings. Security evaluation criteria, standards for security responses and the like may all provide valuable resources to criminals.

The FBI is available to work with the General Services Administration to make appropriate information available to Congress in a manner which will not increase the risk to Federal workers.

Sincerely,

Howard M. Shapiro
General Counsel

Mr. HORN. As the Administrator knows, since I think I kidded him about it, I moved out of the Federal building in Long Beach, CA. I never went in, and that's because my predecessor was paying $80,000 a year for the space. And the building is named after my predecessor, and if it had been named after me, I would have had a lot better space on the top floor. But the FBI apparently has that, and it's hard to get up there. So they have got the view of the ocean. But I moved into private space with no view of the ocean about 5 miles north of that Federal building, and I only pay $30,000 a year and save the taxpayers $50,000.

So I guess you raise a very good question when we talk about Federal employees in leased space, and I assume that in your report, you are going to try to grapple with some of those issues, because they are a never ending problem. You see this around Washington, but you also see it in the regional office cities, and you also see it with Members of Congress who decide to go in the private sector, although most I suspect are in Federal buildings.

But let me just say in closing I thank all of you for coming here and being forthcoming.

Is your general counsel here by chance?

Mr. JOHNSON. Yes.

Mr. HORN. Would you identify the general counsel?

Mr. JOHNSON. Ms. Emily Hewitt is our general counsel from—came to us from Boston and has been serving us very well.

Mr. HORN. Well, I would like to ask you a question in concluding. If you will take the oath.

[Witness sworn].

Mr. HORN. Let me ask this question. How long have you been general counsel?

Ms. HEWITT. Since July——

Mr. HORN. Why don't you take the microphone down here? It will be a little easier.

How long have you been general counsel?

Ms. HEWITT. Since July 1993.

Mr. HORN. 1993. Is the career general counsel here also? I take it you are a political appointee or is the general counsel a career position?

Ms. HEWITT. Political appointee.

Mr. HORN. Do you have a career deputy?

Ms. HEWITT. I do not.

Mr. HORN. This question we might also ask the career deputy to answer since you came in 1993. Does the general counsel review the laws that are implemented and not implemented and advise the Administrator and the top administrators of particular bureaus in offices and agencies within GSA as to whether they are being carried out?

Because it seems to me that is partly a role of the general counsel to brief the Administrator that we have got a law on the books that nobody around here is following. That started at the end of the Reagan administration, went through the Bush administration, and now is in the Clinton administration. Was there any briefing of anybody that the law was not being followed?

Ms. HEWITT. If you are asking specifically——

Mr. HORN. Public Law 100–440 is what I am asking about.

Ms. HEWITT. Public Law 100–440, which has been discussed, that particular law came to the attention of the Office of General Counsel in my administration in 1994.

Mr. HORN. So your own staff wasn't briefing you.

Ms. HEWITT. Correct. And, at that time, there has been comment made already in the hearing about the discussion of it within the agency.

Mr. HORN. Well, very good.

Mr. JOHNSON. Mr. Chairman, I'm sorry. May I comment?

First of all, I greatly appreciate the substantive nature of this hearing, and I thank you very much for the opportunity. In that regard, I have also been told, and I will ask further in our own agency, but for whatever value it is to you, that this is not a very unusual occurrence that there are many laws on the books that nobody is following. So I am going to be asking the question with my own agency, well, what else is there hiding around? And it might be an interesting question to ask in a broader sense.

Mr. HORN. Well, very frankly, the reason I raise this, having been 18 years a university president where I had some of this pulled on me by people that should have known better, is that I am very sensitive to what happens when new administrators and executives take over and they aren't shown the full deck when people know about it.

And I really think, since White Houses have increasingly developed some sort of orientation for their appointees, that this very question ought to be told to every single political appointee when you come into this hot potato, this frying pan, or whatever we want to call it, and you decide to give up private service for some temporary stewardship in the public service.

A good question to ask the staff is, OK, folks, what laws aren't we following around here? Then take a look at them. As you say, it seems to me if they aren't going to carry it out we need to inform the appropriate committees of Congress and try to get the law changed.

As I said, if they don't put up the money in Congress, fine, you are safe. But if they are putting up the money and then they aren't following the law in the agency, then that is a real problem.

Mr. JOHNSON. Many other categories I would like to see added to that list also, Mr. Chairman.

Mr. HORN. What we have here is a law that specifically said, specifically, 1,000 full-time equivalent protective officers; and starting from the date of the law it seemed to go ever downward.

So I close with that as just advice to a fellow administrator, but now I am a Member of Congress. It would be nice if the executive branch realized they needed to obey laws passed by a Congress created by Article I versus the executive branch, which is Article II, and I say that gently, but I mean it very sincerely.

Is there anything else from the ranking minority member?

Mrs. MALONEY. I have one technical question. Should we do it in writing or ask it right now? What do you think?

Mr. HORN. It depends what it is. If it is within the scope of the current hearing, which is directed to the security situation, fine. Otherwise, let's do it in writing.

Mrs. MALONEY. Title 40 of the Public Buildings Property and Works, Section 318(d), speaks of nonuniformed special policemen powers, arrests without warrant. And throughout the testimony this description of a—of police—special policeman was not mentioned in any way. How do you show them in your operation or do they not exist in your operation? And I believe our office has contacted you earlier for an explanation, and we have not been able to receive one.

Mr. JOHNSON. They are in your materials, but go ahead.

Mr. DAY. They would be your criminal investigators. The route of that stems from the legislation which allowed the officers to perform in a nonuniform capacity, and that was broadened over time to include what is now known as criminal investigators, your 1811 series.

Mr. JOHNSON. I think they are in my testimony, Mr. Chairman, on page 4.

Mrs. MALONEY. Let me add, investigators don't enforce. In the definition it says, the power to enforce rules and regulations made——

Mr. JOHNSON. Mr. Chairman, in my testimony, there is a detailed list of the other nonuniformed people, including 52 security assistant personnel, 64 investigators, 170 security personnel. In the materials I asked to submit for the record, there are definitions specifically of each of those. May I ask that those be reviewed? They may answer the question. They may not. They are fairly technical definitions.

Mr. HORN. Without objection, that will be in the record with Mrs. Maloney's questions so that it is a full record. And if there are any further comments, minority staff will ask for clarification.

Let me thank the staff members that have helped prepare this hearing: Jonathan Yates, associate counsel of the full committee for Chairman Clinger is on my left. The principal credit for developing this hearing goes to Mike Stoker, counsel to the subcommittee; Mark Brasher, professional staff member; Russell George, staff director of the subcommittee; and then professional staff members Mark Uncapher; Anna Young; staff assistants Wallace Hsueh, Andrew Richardson, and Tony Polzak; and the minority staff represented by Miles Romney.

Mrs. MALONEY. Yes. I would like to add my thanks to Miles Romney and to Mark Stephenson.

Mr. HORN. And, obviously, we owe great thanks to the patience and dexterity of the fingers of Jody Goettlich, the official reporter. Thank you, Jody.

And without further comment, this hearing is adjourned.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned.]