

S 3806

SECURE Facilities Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

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Sponsor

Name: Sen. Lieberman, Joseph I. [ID-CT]

Party: Democratic • **State:** CT • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Sep 20, 2010
Sen. Collins, Susan M. [R-ME]	R · ME		Sep 20, 2010
Sen. Voinovich, George V. [R-OH]	R · OH		Sep 20, 2010

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Dec 10, 2010

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Supporting Employee Competency and Updating Readiness Enhancements for Facilities Act of 2010 or the SECURE Facilities Act of 2010 - (Sec. 3) Amends the Homeland Security Act of 2002 to set forth provisions governing the Federal Protective Service (FPS), the Interagency Security Committee (ISC), and the security of federal facilities.

Requires the Director of FPS to: (1) secure federal facilities protected by FPS and safeguard occupants; (2) ensure that violations of federal law affecting the security of protected facilities are investigated and referred for prosecution; (3) inspect protected facilities for compliance with federal security standards and make appropriate risk mitigation recommendations; (4) provide adequate numbers of trained personnel to ensure that such standards are met; (5) provide crime prevention, threat awareness, and intelligence information to the Administrator of General Services (GSA) and tenants of federal facilities and ensure effective coordination and liaison with federal, state, and local law enforcement agencies; (6) ensure that a security risk assessment is conducted for each protected facility on a recurring basis and in accordance with standards established by the ISC; (7) ensure that each protected facility has adequate plans for emergency situations; (8) ensure and supervise the effective design, procurement, installation, maintenance, and operation of security countermeasures for protected facilities; (9) ensure that background investigations are conducted for contract guards and building service contractors and that each such guard and contractor is suitable for work in a protected facility before being granted unescorted or recurring access; and (10) ensure coordination with, and provide assistance to, Facility Security Committees (FSCs) on matters relating to facilities, facility vulnerabilities, and potential consequences of an incident.

Requires the Secretary of Homeland Security (DHS) to ensure that FPS maintains not fewer than 1,350 full-time equivalent employees in FY2011, 1,500 in FY2012, 1,600 in 2013, and 1,700 in FY2014. Requires the Secretary to: (1) maintain not fewer than 900 in-service field staff; and (2) report to specified congressional committees in any fiscal year after FY2014 in which the number of full-time equivalent FPS employees is fewer than the number in the previous fiscal year.

Requires the Director to: (1) establish minimum training requirements for all armed guards procured by FPS; (2) establish a program to periodically assess guard training; (3) update the Security Guard Information Manual and post orders for each guard post overseen by FPS every two years; (4) establish a database to monitor all contracts for guard services; and (5) increase the number of infrastructure security canine teams by up to 15 in each of FY2011-FY2014.

Requires the Director: (1) in coordination with the Office of Infrastructure Protection, to establish criteria necessary to ensure that infrastructure security canine teams trained by nonprofit organizations, universities, and private sector entities are adequately trained and maintained; (2) review the status of the private sector programs at least annually; and (3) use the additional canine teams to enhance security at federal facilities. Authorizes the use of the additional canine teams: (1) on a more limited basis in support of other homeland security missions; and (2) from other agencies within DHS for high-risk areas to address specific threats or on an as-needed basis. Requires the Director to: (1) encourage, but not require, any federal facility under the purview of FPS to deploy FPS-certified infrastructure security canine teams developed under this section; and (2) ensure that such teams are procured as efficiently as possible and at the lowest cost, while maintaining the needed level of quality.

Directs the Secretary, through the Director, to designate three federal facilities protected by FPS for the deployment of advanced imaging technology. Requires the Secretary to establish procedures that protect the privacy of individuals who are screened with such technology and ensure that individuals screened or working with the technology suffer no adverse health effects. Prohibits an agency from storing images of individuals screened by such technology. Directs the Secretary

to: (1) prescribe regulations to protect the privacy and health of individuals before deployment of any such technology which generates images of individuals that are viewed by a human operator; and (2) coordinate with the GSA Administrator and the head of the relevant agencies in the deployment. Requires the Secretary and the Administrator to jointly submit a report within one year after this section's implementation that includes an evaluation of the lessons learned from the technology implemented and analyses of: (1) the readiness or use of automatic detection technology for facility security; (2) the effect of such implementation on entry into federal facilities; (3) requirements, including costs, to install and maintain advanced imaging technology; (4) privacy protections used under the program; and (5) how FPS and GSA identified and resolved health and safety issues associated with the use of such technology in federal facilities.

Directs the Secretary, in coordination with the ISC, to develop performance-based standards for checkpoint detection technologies for explosives and other threats at FPS protected facilities.

Authorizes the Secretary to assess and collect: (1) fees and security charges from agencies for the costs of providing protective services to agency facilities; and (2) additional charges for the costs of necessary security countermeasures for facilities determined to be in noncompliance with ISC standards or a final determination regarding countermeasures made by the appeals board (established by this Act). Authorizes the Director of the Office of Management and Budget (OMB) to adjust fees as necessary. Directs the Secretary to report on any facility determined to be in noncompliance with the federal security standards established by the ISC.

Establishes the ISC within the executive branch. Makes the ISC responsible for the development of safety and security standards and best practices to mitigate the effects of natural and man-made hazards in federal facilities.

Directs the ISC to: (1) prescribe regulations for determining federal facility security levels and to establish risk-based performance standards for facility security; (2) establish protocols for testing facility compliance with such standards; (3) prescribe regulations to determine minimum levels of training and certification of contract guards; (4) establish a list of prohibited items for entry into federal facilities; (5) establish minimum requirements and a process for providing basic security training for members of FSCs; and (6) take necessary actions to enhance the quality and effectiveness of federal facility protection.

Requires the ISC to establish: (1) an appeals board to consider appeals from any FSC of a facility security level determination, of FPS or designated security organization recommendations for countermeasures, or of a determination of noncompliance with security standards; and (2) a process under which the Secretary, in consultation with the ISC, may authorize an agency to provide protective services for a facility instead of FPS (but provides that FPS shall retain its law enforcement authorities at any federal facility where an exemption is approved). Requires agencies that are tenants at a federal facility and that are not authorized to provide protective services at that facility to maintain an FSC.

Requires an employee, before serving as a member of an FSC, to successfully complete a training course that meets a minimum standard of training as established by the ISC. Sets forth provisions regarding additional training requirements, waivers, meetings, and appeals of ISC appeals board recommendations.

(Sec. 4) Authorizes FPS law enforcement officers to carry firearms on or off duty.

(Sec. 5) Includes such FPS officers as federal employees for purposes of civil service retirement and federal employee retirement system provisions.

(Sec. 6) Requires the Secretary to report to specified congressional committees on: (1) FPS personnel needs, including recommendations on the numbers of FPS officers and the workforce composition needed to carry out its mission during the 10-fiscal year period beginning after this Act's enactment and on the feasibility of federalizing the FPS contract guard

workforce; and (2) the method of funding for FPS, including recommendations regarding whether FPS should continue to be funded by a collection of fees and security charges, by appropriations, or by a combination of fees, security charges, and appropriations.

Actions Timeline

- **Dec 10, 2010:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with an amendment in the nature of a substitute. Without written report.
- **Dec 10, 2010:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 684.
- **Sep 29, 2010:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Sep 20, 2010:** Introduced in Senate
- **Sep 20, 2010:** Sponsor introductory remarks on measure. (CR S7210-7211)
- **Sep 20, 2010:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (text of measure as introduced: CR S7211-7216)