



**Testimony of Stephen Amitay, Esq.  
Federal Legislative Counsel**

**National Association of Security Companies (NASCO)**

**Before the  
House Homeland Security Committee**

**Hearing on  
*“Federal Protective Service: Would Federalization of Guards  
Improve Security at Critical Facilities?”***

**April 16, 2010**

Testimony of Stephen Amitay, Esq.  
Federal Legislative Counsel  
National Association of Security Companies  
April 16, 2010  
House Homeland Security Committee

***“Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?”***

Background on Private Performance versus Federal Performance

In the past year there have been three separate incidents where at the entrance of crowded federal facility an armed gunman started shooting. The first incident was last July at the U.S. Holocaust Museum in Washington. The second incident was in January at the U.S. Court House in Las Vegas, Nevada. The third, and most recent incident, was in March at the Pentagon in Virginia. In all three incidents the gunmen opened fire at the security personnel stationed at the entrance. Tragically, in two of the incidents security personnel were killed by the gunman, but in all three incidents security personnel were able to neutralize the gunmen before he could proceed any further and without any additional loss of life.

At the Holocaust Museum, the security personnel who stopped the gunman were contract security officers. In Las Vegas, the security personnel were also contract security officers. At the Pentagon, the security personnel were Pentagon police officers.

However, while it can be shown that contract security officers can be as proficient in providing security at federal facilities as federal security/police officers; the impetus for today’s hearing on the potential for federalization of FPS contract security officers stems directly from the troubling results of GAO’s 2009 covert explosive detection testing at FPS federal facilities. In these tests, GAO investigators “with the components for an improvised explosive device (IED) concealed on their persons...passed undetected through access points controlled by FPS guards.”<sup>1</sup> Based on the failure of the FPS contract guards in these tests, it has been suggested that just as private screeners at airports were federalized to increase screener performance and security at airports, FPS guards should also be federalized to increase performance and security at high risk federal facilities.

It has been estimated that the cost of replacing a contract security officer with a federal officer will be on the magnitude of two to three times more expensive. But for the time being putting aside the massive increased cost per officer aside and other inherent management and workforce problems associated with converting contractors to federal employees, today’s hearing is about whether federalizing security officers at FPS guarded facilities will improve job performance and thus security.

---

<sup>1</sup> GAO, Homeland Security: Preliminary Results Show Federal Protective Service’s Ability to Protect Federal Facilities Is Hampered By Weaknesses in Its Contract Security Guard Program, GAO-09-859T (Washington, D.C.: July 8, 2009)

In 2007, several years after airports had switched from private screeners to federal transportation security officers, GAO conducted covert explosive detection tests on the TSA officers that were virtually identical to the tests of FPS contract security. How did the federal security officers fare? The results were that “GAO investigators succeeded in passing through TSA security screening checkpoints undetected with components for several improvised explosive devices (IED) and an improvised incendiary device (IID) concealed in their carry-on luggage and on their persons.”<sup>2</sup>

These were not the first (or last) failed explosive screening tests by federal TSA security officers, and in the wake of these and other failed tests, one of my fellow witnesses, Mr. Clark Kent Ervin, the former Homeland Security Inspector General, told this very Committee in November 2007 that,

“The sad fact is that for all the dollars and attention that has been focused on screener performance since 9/11 study after study – by the DHS Inspector General, the Government Accountability Office; news organizations, and, even, the TSA itself - shows that it is just as easy today to sneak these deadly weapons past screeners than it was on 9/11.”<sup>3</sup>

The above examples of both exemplary and non-exemplary performance by federal and contract security demonstrate that it would be inaccurate to assume that federalizing security guards at FPS protected facilities will lead to greater performance and security at the facilities. In fact, it bears noting that a 2007 TSA sponsored study analyzing the performance of private contractor passenger screening at airports (permitted under the Screening Partnership Program) found that private screeners performed at a level that was “equal to or greater than” that of TSA federal transportation security officers.<sup>4</sup>

### The Problem of Poor Guard Performance

In the GAO’s numerous reviews of the operation of the FPS “Contract Guard Program,” GAO has never inferred that contract security officers are incapable or unable to fulfill the security responsibilities of their posts or increase performance. As GAO accurately describes, “Guards are primarily responsible for controlling access to federal facilities by (1) checking the identification of government employees as well as members of the public who work in and visit federal facilities, and (2) operating security equipment, such as x-ray machines and

---

<sup>2</sup> GAO, “Aviation Security: Vulnerabilities Exposed Through Covert Testing of TSA’s Passenger Screening Process,” Statement of Gregory D. Kutz, Managing Director Forensic Audits and Special Investigations; John W. Cooney, Assistant Director Forensic Audits and Special Investigations GAO-08-48T, November 17, 2007.

<sup>3</sup> Statement of Clark Kent Ervin before the House Homeland Security Committee November 14, 2007 Hearing “Did TSA Tip Off Airport Screeners about Covert Testing?”

<sup>4</sup> Catapult Consultants, Private Screening Operations: Business Case Analysis, Transportation Security Administration, Screening Partnership Program, December 14, 2007 SEE ALSO, GAO, “Aviation Security: TSA’s Cost and Performance Study of Private Sector Airport Screening” GAO-09-27R, January 9, 2009.

magnetometers to screen for prohibited materials such as firearms, knives, explosives, or items intended to be used to fabricate an explosive or incendiary device.”<sup>5</sup>

In commenting on poor performance by FPS guards, the GAO and other reports often site weaknesses in the training of contract security officers in building access control procedures, and particularly in the obviously crucial area of magnetometer and X-ray machine training. The FPS has always had the responsibility to conduct training in this area. In its July 2009 report on the Contract Guard Program the GAO noted that in some cases the required x-ray and magnetometer training was simply not provided to contract security officers or in other cases it was inadequate.

Federalizing contract security forces will not change the outcome of poor training. When making decisions about federalizing the force, one must look at the root causes of the current deficiencies and one root cause is poor training administered by the FPS, not necessarily the recipient of the training. What then is needed is what FPS has started to do, conduct more x-ray and magnetometer training with improved and consistent procedures across all regions of the country. The new “National Weapons Detection Training Program” will include 16 hours of standardized screening and detection training, and 8 hours annual refresher training. In the past such crucial training consisted of a total of 8 hours and it was not uniform, leading to further problems and confusion. In addition, through its new “Operation Shield” program, FPS has increased the number of internal FPS covert tests of contract guard performance. NASCO would also like to see greater development of well written policies and consistent application of access control standards across the board (both intra and inter regional).

Again, quoting from Mr. Ervin’s 2007 testimony on airport screener performance; “There should be no mystery as to what it takes to improve screener performance significantly. The recommendations that my former office made four years ago remain as valid today as they were then. Screeners need to be trained regularly and stringently, under conditions that approximate real world ones as closely as possible.”

#### Other Efforts and Areas to Address to Improve FPS Security Officer Performance

Training and standards for FPS contract guards (“protective security officers”) have also been updated and/or improved in other key areas besides detection (such as firearm qualification, equipment, physical requirements). These efforts are the result of a comprehensive “job task analysis” recently completed by the FPS to produce “validated” and “defensible” standards that have been carefully crafted and substantiated that will improve the performance of security officers. These FPS security officer standards could potentially be applied to contract security officers throughout the federal government.

NASCO believes the new training procedures and programs and other improvements currently being implemented by the FPS in partnership with the contract security community will increase performance given proper time and resources. FPS is also taking other steps beyond better training that will improve the contract guard program and lead to better guard performance. There are also some areas where more work involving FPS and contractors is still needed.

---

<sup>5</sup> See July GAO report in Footnote 1.

On the operational level, FPS' new Risk Assessment Management Program (RAMP) – a centralized interactive database management system --- potentially could provide for a big improvement over the current unreliable de-centralized CERTS system for collecting and monitoring training and certification data. RAMP should make the input and management of data more efficient and provide FPS with access to more up to date and reliable data in one location. However, contractors must also be able benefit from RAMP's improvements in data management. FPS has told contractors they will not provide information on the status of certifications of FPS security officers and that training must be provided by the company for all officers, even if such officers had previously received the training while working for a different FPS contractor. This will mandate higher prices for what could be unnecessary training and ultimately favor incumbents, who may not have the same high level of past performance delivery as an outside competing contractor but will have a pricing advantage. For its own potential benefit, FPS should share information related to the previous training and certification of officers when a contract is taken over by a new contractor.

There are other areas where more work can be done. The GAO noted that improvements in building-specific and scenario-specific training are needed and improvements in these areas could be very beneficial. More guidance is needed on the issue of arrest versus detain and post orders can be improved in this regard.

The GAO also called for better management and oversight of Contract Guard Program contracts and the need for more and better trained Contracting Officer Technical Representatives (COTRs). Efforts are underway to assign more COTRs. Underlying better management and oversight is the need for better communication between FPS offices, and between FPS and contractors. In some instances training has been affected by a lack of communication between FPS headquarters and the field. NASCO commends FPS efforts to ascertain the problems and concerns of contractors with information flow and efficiency issues that have caused delays and added expenses in the hiring and processing of officers.

Another issue that was recently the subject of a congressional hearing and has been a persistent problem is how the security of individual federal buildings is managed. Building security is managed by what is referred to as a Building Security Committee (BSC) made up of building tenant representatives, who more often than not do have any security background. The BSC is commonly chaired by a primary tenant agency of the building and the FPS COTR may or may not be active in this committee. Often, the BSC is more interested in "customer service" than building security. This forces the security contractor to answer to two masters when the BSC does not want to cause any hindrance to the access to the building through the now more stringent access control processes as advocated by the FPS.

Improvements in contract oversight and management, data automation, standardization of policies and guidance, communication and especially expanded and more frequent training will definitely improve performance of contractors and security officers in the Contract Guard Program. The flaws and weaknesses found in contractor performance by the GAO though also point to another area in which FPS can take action that will increase contractor and officer performance. NASCO strongly urges FPS to take all the necessary steps required so that in the

contractor procurement process quality will play a primary role in the selection of a private security company and not cost. There are tangible reasons why higher quality security costs more. Being able to provide high caliber officers means the company is paying higher salaries; better company training and screening costs more; strong company management and internal oversight are also factors. The FPS contract award process must continue to be improved to ensure that quality service and performance, in relation to cost, is properly considered.

NASCO is not alone in believing that awards allegedly based on “best value” are more realistically based on lowest cost, and technical capability and past performance are not being valued as they should. The FPS is now placing more emphasis on past performance rather than the “low bid” approach but price is still a deciding factor (the three evaluation criteria are now past performance, technical approach and price). NASCO also supports the inclusion of higher performance related standards in contracts, as well as taking steps to ensure that the quality of a company’s training, personnel, management and operational procedures – which result in a higher bid ---are adequately considered during the procurement process. Companies should not be essentially penalized for going beyond the minimum training and management standards required by the contract.

#### Background on NASCO and Private Security

NASCO is the nation's largest contract security trade association, representing private security companies that employ more than 400,000 security officers across the nation who are servicing commercial and governmental clients including the Federal Protective Service (FPS). Formed in 1972, NASCO has strived to increase awareness and understanding among policy-makers, consumers, the media and the general public of the important role of private security in safeguarding persons and property. NASCO also has been a leading advocate for raising standards at the federal, state and local level for the licensing of private security firms and the registration, screening and training of security officers.

Nearly 2 million people are employed in private security domestically compared to fewer than 700,000 public law enforcement personnel. Approximately 75 percent of private security personnel work for contract security companies, with the balance serving as proprietary or “in-house” security. The vast majority of contract security firms employ many former law enforcement and military personnel in senior management. Private security officers are guarding federal facilities, businesses, public areas and critical infrastructure sites (of which almost 90% are protected by private security officers).

#### The Transfer of FPS from ICE to NPPD

The transfer of FPS from under ICE to NPPD is a very positive move. The federal infrastructure protection mission of FPS aligns with NPPD’s mission to protect all critical infrastructure (of which federal buildings is an important element). This alignment should lead to greater effectiveness for both NPPD and FPS. NPPD also chairs the operations of the Interagency Security Committee, which is the lead in the federal government for setting government-wide security policies for federal facilities.

## Concluding Remarks

Under the leadership of Director Schenkel, and with the new initiatives within the Contract Guard Program in the last eighteen months, FPS is making strides to rectify the problems with the program. FPS has come a long way since its troubled time within ICE, and with the continued partnering with quality private companies; the security of federal buildings will continue to improve. The GAO covert tests and other field work related to contract security officers was conducted over a year ago, and much has already improved since then.

The proposition of “insourcing” FPS security officers at critical facilities would not only come at a great expense, impede the current efforts underway to improve contractor performance, and potentially create new difficulties for FPS, but as the TSA example clearly shows, the improvements in security could be marginal. With resources scarce and tenant agencies resistant to increased fees and security assessments, there is still much FPS can do within its budget or with modest realistic increases to improve the quality, selection, and training for FPS contract security officers to provide better security at federal facilities. If more resources are available, an increase in the permanent number of FPS Inspectors could provide for better oversight and management of the contract security force, more training, more building assessments and inspections, and improvements in other related elements of the FPS mission.