TESTIMONY OF CLARK KENT ERVIN, FORMER INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY, BEFORE THE HOUSE HOMELAND SECURITY COMMITTEE FOR THE APRIL 14, 2010 HEARING TITLED, "FEDERAL PROTECTIVE SERVICE: WOULD FEDERALIZATION OF GUARDS IMPROVE SECURITY AT CRITICAL FACILITIES?"

Thank you, Chairman Thompson, Ranking Member King, and members for inviting me to testify today on this important topic, "Federal Protective Service: Would Federalization of Guards Improve Security at Critical Facilities?"

Investigation after investigation, and report after report, year after year, have documented in detail FPS' apparent inability to carry out its most critical mission – protecting federal buildings against the threat of terrorism in the post-9/11 age. In my judgment, the time has come to take the admittedly radical step of federalizing the agency's contract guard force. There are at least two good reasons to think that taking this step can make FPS more effective.

First, logic. It is inarguable that private contractors are primarily motivated by the desire to make a profit, and as much profit as possible. This is not a normative statement; it is a factual one. The way to maximize profit is to minimize costs. The less guards are paid in salary and benefits and the less money is invested in their training, the more profit their contractor-employers can make. By way of contrast, the public's interest, needless to say, is in maximizing security, and security is costly. While not a one-to-one ratio, certainly, the better guards are paid and trained, the better they are at providing security because they are more qualified and motivated to do so.

Second, experience. The reason we created TSA after 9/11 and federalized the airport passenger and baggage screener workforce was the recognition that, left to their own devices before the attacks, contractors put profit ahead of security. For all the problems that remain with screeners today, they are better paid, better trained, and more motivated than they were before the terror attacks.

Now, that said, let me hasten to add that federalization, in and of itself, is no panacea. Likewise, both logic and experience make the case.

First, logic. If other relevant factors are equal, there is no good reason to think that merely exchanging a public paycheck for a private one will improve guard performance. Those relevant factors – salary and benefits (including promotion opportunities); training; and the degree of oversight exercised and accountability obtained – matter enormously.

Second, experience. As telegraphed above, and as we all very well know, the federalized TSA screener workforce continues to have its challenges, to put it charitably. Recalling my own such reports during my time as DHS Inspector General at the inception of the department and the transition from a privatized screener workforce to a federalized one, I despair every time I see another DHS Inspector General, GAO, or media report that shows little to no improvement in screeners' ability to spot artfully concealed guns, knives, and explosives, and, sometimes, even barely concealed ones.

That said, the conclusion to be drawn from TSA's continued challenges, I would argue, is not that federalizing the screener workforce was a mistake. Instead, the conclusion to be drawn is what I said a second ago – federalization in and of itself is not a panacea. I believe that federalized screeners should receive even higher salaries and benefits; more promotion opportunities; more intensive training (including more frequent and more rigorous covert tests); and more and better technology. The quality of their work should be rigorously overseen by supervisors and managers, and those supervisors and managers, and ultimately the employees themselves, should be held strictly accountable for poor performance. If this were to be done, in time, it would stand to reason that results would measurably improve.

Furthermore, TSA suffered greatly by the manner in which the screener workforce was federalized. Because of congressional pressure in the wake of 9/11 "to do something quick," we didn't "do federalization smart." By that I mean the process was done so hurriedly that some 60,000 screeners weren't properly vetted, much less trained. One of my earliest reports as DHS IG concerned the fact that some screeners had been hired by TSA before their background checks were complete, only to learn after the fact that they'd been convicted of crimes, in some cases, serious ones. And, in some instances, it took TSA some months even after learning of such instances to fire the screeners.

So, I would urge that federalization, if done with regard to FPS guards, be done deliberately, with due time for thorough planning, vetting and training. And, the ultimate size of the guard force should, needless to say, be driven by security concerns, not budgetary ones.

In short, federalization, if done right, would not be cheap, quick, or easy. But, with adequate resources; planning and deliberation; and due oversight, it would likely result in making federal workers safer at a time when we know that terrorists are working overtime to exploit security gaps.