



**Testimony**

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**For a hearing on**

“Federal Building Security: Examining the Risk Assessment Process”

**Before**

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## **Introduction**

Chairman Correa, Ranking Member Meijer, and Members of the Subcommittee. Thank you for the opportunity to testify today on behalf of the U.S. Department of Homeland Security's (DHS) Federal Protective Service (FPS) regarding FPS's critical mission to protect and secure U.S. Government federal facilities.

My name is Richard K. Cline and I serve as FPS's Principal Deputy Director, a position that I have held since August 2017. In this role I work closely with the FPS Director, Eric Patterson, to manage FPS's diverse and nationally dispersed workforce and coordinate with federal, state, and local public officials to ensure the protection of the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government, as well as the persons on those properties. Prior to serving as the FPS Principal Deputy Director, I served several years as FPS's Deputy Director for Operations, a role that allowed me to gain familiarity and experience with FPS's operations across the Nation. I am pleased to be joined by the Government Accountability Office, with whom our Agency maintains a very positive relationship, as well as the Cybersecurity and Infrastructure Security Agency (CISA). FPS works collaboratively with CISA's Interagency Security Committee (ISC) and leverages the great work of the ISC in many of our programs, including our Facility Security Assessment process, conducted through our ISC-certified Modified Infrastructure Survey Tool, as well as our ISC-certified training curricula at our national training academy at the Federal Law Enforcement Training Centers (FLETC).

Last year, FPS celebrated its 50th anniversary as an agency. Since its inception in 1971, FPS has protected people and property in the Federal Government by identifying and mitigating vulnerabilities through risk assessments, law enforcement, intelligence analysis, and security countermeasures.

FPS personnel are located in every U.S. state and territory, charged to protect over 9,000 federal facilities and more than 1.4 million people who work, visit, or conduct business at these facilities. Our mission serves 66 different federal agencies each day, ensuring safe work environments for federal employees performing the essential duties that impact the day-to-day lives of Americans. FPS continually adapts to meet threats, working with our federal, state, and local partners to ensure complete security coverage and efficient communication to protect people and property. We have well established procedures in place to address threats to federal property and have been successful in mitigating these threats.

While our core mission has remained the same during our 51 years, we have made remarkable progress in our capabilities. FPS has leveraged technology, training, and partnerships to detect and deter crime before it happens. With expertise in all aspects of policing and physical security, FPS is a recognized, award-winning leader in facility protection. We also realize that as our capabilities grow, so too do those of our adversaries.

Though our organization might not be a household name, we often assist in some of the country's most urgent and critical responses and operations, from protecting federal facilities at the U.S.-Mexico border to responding to active shooters and even assisting the U.S. Capitol Police on January 6, 2021. This level of dedication to our country's security comes with the highest of costs. Each day, our law enforcement officers risk their lives to protect and secure the government of this great nation.

In its history, seven sworn FPS officers and three Protective Security Officers (PSO), who are our contracted security guard force, have died in the performance of their duties. This serves as a stark reminder that the men and women who wear the FPS uniform are prepared to sacrifice all in service to our country and government, and we must ensure they are supported in every way possible to respond to and prevent the threats of our nation's people, property, and institutions.

### **FPS History**

In 1790, six "night watchmen" were hired to protect government buildings in the newly designated nation's capital that became Washington, D.C. Over time, the network of security guards evolved and was known as the U.S. Special Police. In 1971, the "Federal Protective Service" was established. FPS was transferred to the Department of Homeland Security (DHS) on March 1, 2003, pursuant to the *Homeland Security Act of 2002* (6 U.S.C. §§101 et. seq) in recognition of the role that it plays in securing the homeland. FPS now resides under the Management Directorate in DHS Headquarters. Headquartered in Washington, D.C., FPS is organized through three zones and 11 regions for mission execution.

### **FPS Workforce**

Our law enforcement personnel, made up of over 1,000 men and women stationed across the country, are physical security experts and sworn Federal law enforcement officers, trained with cutting-edge technologies and techniques that allow us to remain an effective and responsive force. These law enforcement officers perform a variety of critical functions, including conducting comprehensive security assessments to identify vulnerabilities at federal facilities, developing and implementing protective countermeasures, providing uniformed police response and investigative follow-up to crimes and threats, and other law enforcement activities in support of our mission. FPS's law enforcement mission involves responding to a range of threats and incidents, including the recent attack at the Federal Bureau of Investigation facility in Cincinnati, Ohio, where our PSOs prevented an assailant from gaining access to the facility. FPS law enforcement personnel maintain regular communication with federal, state, and local law enforcement entities across all regions and have open exchanges of information.

Within FPS, nearly 400 mission support staff are responsible for a myriad of important tasks, including outreach and engagement with critical external stakeholders (e.g., Congress and the Federal Executive Boards); human capital management; finance, budgeting, and security officer contract oversight; and security training and law enforcement.

FPS, through contracts with commercial security vendors, relies on approximately 15,000 PSOs to assist in the protection of federal facilities. Some of FPS's PSOs service providers (i.e., contractors) are experiencing staffing shortages in the post-pandemic environment. Ultimately, each contractor is responsible for planning and appropriately staffing its contract with a sufficient number of PSOs, and FPS Contracting Officers are currently working with contractors experiencing staffing shortages to ensure that they will provide a level of staffing that will meet all contractual requirements. Despite the challenge of coverage, our PSOs are often the front line of FPS and are in daily contact with our federal facility customers and visitors. They, too, put themselves at risk to accomplish our mission. FPS has lost three PSOs in the line of duty since 2015, all of whom were tragically killed protecting federal facilities and employees.

## **FPS Authorities**

FPS has broad law enforcement authorities and jurisdiction to prevent, investigate, mitigate, and defeat threats to federal property and people on federal property. Section 1706 of the *Homeland Security Act*, 40 U.S. Code § 1315, grants FPS traditional police powers, including the authority to enforce federal law and to make arrests. In certain circumstances, FPS has the ability to enter into agreements and utilize other federal, state, and local law enforcement authorities for purposes of protecting federal property. For example, in the District of Columbia (DC), FPS has an agreement with the Metropolitan Police Department allowing FPS to enforce the DC penal code 300 feet from listed federal facilities and expanded distances from St. Elizabeths campus and the Nebraska Avenue Complex.

## **FPS Funding Structure**

FPS is completely funded by the fees it charges federal departments and agencies to execute its mission and does not receive a direct appropriation. We have established a risk-based revenue model to align basic security assessments with the security work that FPS performs. This method employs statistical analysis of operational workload data at each building to understand the key drivers of FPS's security costs. FPS uses a three-factor model to determine that operational workload data. The first factor is the total volume of service calls made to FPS and security alarm activations from each building within the portfolio. The second factor is the total number of times an emergency responder is dispatched to incidents for each FPS-protected facility. The final model factor is the total quantity of PSO posts set at each facility. FPS uses this three-factor model to determine the basic security assessments for each customer agency. This approach is equitable for assessing basic security fees because it reflects FPS's historical security workload data for each building.

## **FPS Operations**

FPS ensures safety through five vital functions:

- Facility threat and security assessments through Facility Security Assessments (FSAs);
- On-site facility and event security through FPS's Countermeasures and PSO Program;
- Intelligence gathering and sharing through FPS's Government Facility Sector program;
- Criminal investigation through law enforcement certified Special Agents and Inspectors; and
- Incident and emergency response through deployment of law enforcement and FPS's Rapid Protection Force in times of need.

Our personnel work every single day, including during holidays and natural disasters. This means that every day of the year, FPS employees could be fulfilling any of the following duties:

- Conducting security assessments of federal facilities to identify risks;
- Designing, installing, and maintaining security countermeasures to mitigate risks;
- Providing a visible law enforcement response and presence;
- Overseeing contract security guards who conduct access control and security screening;
- Performing background suitability checks for FPS contract personnel;
- Conducting criminal investigations, including threats to federal employees and facilities;
- Monitoring security alarms via centralized communication centers;

- Integrating and sharing criminal intelligence for risk-informed decision making;
- Providing security during Federal Emergency Management Agency Stafford Act deployments, National Special Security Events and Special Event Activity Rating events;
- Leading special operations, including K-9 explosive detection operations; and
- Training federal employees in active shooter response, crime prevention, and occupant emergency planning.

FSA's represent a cornerstone of FPS's approach to comprehensive security. Our inspectors are rigorously trained to identify potential facility vulnerabilities. Working with security specialists, countermeasure experts, and FPS leadership, our inspectors provide these detailed reports to facility tenants as our FPS recommendations for adequate building security and coverage. FPS designed and implemented an award-winning computer program, Modified Infrastructure Survey Tool (MIST), to further evaluate and identify potential threats at FPS-secured locations. Using both the institutional knowledge of our inspectors with the high-performance capabilities of MIST means that our FSA's are a superior resource for providing our customers with the best possible security enhancement suggestions.

In 2021, at the behest of Chairman Correa, the Government Accountability Office (GAO) conducted and released a report that examined our stakeholders' perspectives of FPS's performance. The report, which revealed that our stakeholders are largely satisfied with our services, provided recommendations to our FSA cost estimation process. Since then, FPS has implemented changes to its FSA reports to better detail the accuracy of cost estimates for recommended security measures. Additionally, we have begun providing new training and additional resources to our staff to enable them to develop countermeasure cost estimates that are more accurate and detailed.

### **FPS Accomplishments in 2021**

For FPS, 2021 was a landmark year that focused on: cutting-edge innovations, collaborations with other law enforcement agencies, and, most importantly, a committed workforce which excelled and achieved unprecedented successes in our organization's history. Faced with the challenges of the global COVID-19 pandemic, FPS has never wavered in our mission readiness. We undertook a record number of criminal and threat investigations, achieved breakthroughs in countermeasure capabilities, and led the federal law enforcement community in establishing a comprehensive public order policing policy. While a comprehensive list of our accomplishments is too numerous to account for here, below are some notable highlights:

- Last year, FPS made 1,148 arrests and citations issued under its governing authorities and criminal statutes, ensuring the safety of those employees and visitors of FPS-protected facilities while also preserving the Constitutional rights of American citizens.
- Equipped with a cadre of Special Agents, FPS opened nearly 400 cases and investigated 276 threats to federal property and persons thereon in 2021. Those investigations have led to at least seven convictions, 25 arrests, and 16 citations for federal, state, and municipal penal code violations, U.S. District Court Notices of Violations, and criminal charges under Title 18 of the U.S. Code.
- In 2021, FPS made 4,625 recommendations to add or upgrade countermeasures at FPS-protected

federal facilities, including assisting U.S. Marshals at U.S. Courthouses where several nationally prominent trials were held, such as the trial of two men in Michigan charged with and convicted of plotting to kidnap the Michigan governor.

- Last year, FPS conducted 1,979 FSAs, to help our stakeholders identify security requirements.
- FPS has had a significant role in DHS's Countering Unmanned Aircraft Systems program, a cutting-edge countermeasure technology that monitors the skies of FPS-protected facilities for unauthorized unmanned aircraft, just one example of how FPS evolves to meet emerging threats.
- FPS's 70 Explosive Detection Canine Teams provide specialty services throughout the Homeland, sweeping buildings, vehicles, parking lots, and other structures for potential explosives. Their presence not only helps locate potential explosives, but also serves as a deterrent to criminals. In 2021, FPS's Canine Teams made 103,512 total sweeps, including 28,258 building sweeps and 75,254 vehicle sweeps.
- One of FPS's newest divisions, the Cyber-Physical Division, completed 19 Cyber Security Assessments at 19 separate, large-scale federal facilities, resulting in the identification and remediation of 61 cyber vulnerabilities to federal systems.
- More than a dozen FPS officers assisted the U.S. Capitol Police to secure the U.S. Capitol on January 6, 2021.
- FPS developed and issued a Public Order Policing policy directive—a first for the agency and the Department—that clearly outlines instructions on how Law Enforcement Officers should manage and respond to First Amendment-protected activities and other types of crowd management events.

## **Conclusion**

FPS continues to demonstrate that we are more than capable of deterring and responding to any and all threats toward federal employees, visitors, and facilities.

The FPS mission must be accomplished every day to ensure the continuity of the U.S. Government and our great country. Support from Congress and our stakeholders can help us progress as a law enforcement agency responsible for securing these sacred governmental institutions.

I am very proud of all that FPS has accomplished in our rich 51-year history, and I know that our talented and committed workforce will always ensure we are ready to meet our mission as it continues to evolve.

I would like to acknowledge and thank the distinguished members of this Subcommittee for allowing me the opportunity to testify today.

I would be pleased to answer your questions.