

107TH CONGRESS
2^D SESSION

H. R. 4770

To amend the Act of June 1, 1948, to enhance homeland security and the public property protection capabilities of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2002

Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Act of June 1, 1948, to enhance homeland security and the public property protection capabilities of the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ronald C. Sheffield
5 Federal Property Protection Act of 2002”.

1 **SEC. 2. LAW ENFORCEMENT AUTHORITY OF GENERAL**
2 **SERVICES ADMINISTRATION.**

3 (a) IN GENERAL.—The Act of June 1, 1948 (40
4 U.S.C. 318–318d; chapter 359; 62 Stat. 281) is amended
5 to read as follows:

6 **“SECTION 1. SHORT TITLE.**

7 “This Act may be cited as the ‘Protection of Public
8 Property Act’.

9 **“SEC. 2. DEFINITIONS.**

10 “In this Act, the following definitions apply:

11 “(1) ADMINISTRATOR.—The term ‘Adminis-
12 trator’ means the Administrator of General Services.

13 “(2) COMMISSIONER.—The term ‘Commis-
14 sioner’ means the Commissioner of the Federal Pro-
15 tective Service.

16 **“SEC. 3. LAW ENFORCEMENT AUTHORITY OF GENERAL**
17 **SERVICES ADMINISTRATION.**

18 “(a) OFFICE OF FEDERAL PROTECTIVE SERVICE.—
19 There is established in the General Services Administra-
20 tion the Office of the Federal Protective Service.

21 “(b) COMMISSIONER OF FEDERAL PROTECTIVE
22 SERVICE.—

23 “(1) APPOINTMENT.—The head of the Office
24 shall be the Commissioner of the Federal Protective
25 Service, who shall be appointed by the Adminis-

1 trator. The Commissioner shall report directly to the
2 Administrator.

3 “(2) QUALIFICATIONS.—The Commissioner
4 shall be appointed from among individuals who have
5 at least 5 years of professional law enforcement ex-
6 perience in a command or supervisory position.

7 “(3) DUTIES.—The Administrator shall pre-
8 scribe the duties and responsibilities of the Commis-
9 sioner.

10 “(c) OFFICERS AND AGENTS.—

11 “(1) DESIGNATION.—The Administrator may
12 designate employees of the Office of the Federal
13 Protective Service as officers and agents for duty in
14 connection with the protection of property owned or
15 occupied by the Federal Government and persons on
16 the property, including duty in areas outside the
17 property to the extent necessary to protect the prop-
18 erty and persons on the property.

19 “(2) POWERS.—While engaged in the perform-
20 ance of official duties, an officer or agent designated
21 under this subsection may—

22 “(A) enforce Federal laws and regulations
23 for the protection of persons and property;

24 “(B) carry firearms;

1 “(C) make arrests without a warrant for
2 any offense against the United States com-
3 mitted in the presence of the officer or agent or
4 for any felony cognizable under the laws of the
5 United States if the officer or agent has reason-
6 able grounds to believe that the person to be ar-
7 rested has committed or is committing a felony;

8 “(D) serve warrants and subpoenas issued
9 under the authority of the United States; and

10 “(E) conduct investigations, on and off the
11 property in question, of offenses that may have
12 been committed against property owned or oc-
13 cupied by the Federal Government or persons
14 on the property.

15 “(d) REGULATIONS.—

16 “(1) IN GENERAL.—The Administrator may
17 prescribe regulations necessary for the protection
18 and administration of property owned or occupied by
19 the Federal Government and persons on the prop-
20 erty. The regulations may include reasonable pen-
21 alties, within the limits prescribed in paragraph (2),
22 for violations of the regulations. The regulations
23 shall be posted and remain posted in a conspicuous
24 place on the property.

1 “(2) PENALTIES.—A person violating a regula-
2 tion prescribed under this subsection shall be fined
3 under title 18, United States Code, imprisoned for
4 not more than 30 days, or both.

5 “(e) DETAILS.—

6 “(1) REQUESTS OF AGENCIES.—On the request
7 of the head of a Federal agency having charge or
8 control of property owned or occupied by the Federal
9 Government, the Administrator may detail officers
10 and agents designated under this section for the pro-
11 tection of the property and persons on the property.

12 “(2) APPLICABILITY OF REGULATIONS.—The
13 Administrator may—

14 “(A) extend to property referred to in
15 paragraph (1) the applicability of regulations
16 prescribed under this section and enforce the
17 regulations as provided in this section; or

18 “(B) utilize the authority and regulations
19 of the requesting agency if agreed to in writing
20 by the agencies.

21 “(3) FACILITIES AND SERVICES OF OTHER
22 AGENCIES.—When the Administrator determines it
23 to be economical and in the public interest, the Ad-
24 ministrator may utilize the facilities and services of

1 Federal, State, and local law enforcement agencies,
2 with the consent of the agencies.

3 “(f) AUTHORITY OUTSIDE FEDERAL PROPERTY.—
4 For the protection of property owned or occupied by the
5 Federal Government and persons on the property, the Ad-
6 ministrator may enter into agreements with Federal agen-
7 cies and with State and local governments to obtain au-
8 thority for officers and agents designated under this sec-
9 tion to enforce Federal laws and State and local laws con-
10 currently with other Federal law enforcement officers and
11 with State and local law enforcement officers.

12 “(g) ADMINISTRATOR AND ATTORNEY GENERAL AP-
13 PROVAL.—The powers granted to officers and agents des-
14 ignated under this section shall be exercised in accordance
15 with guidelines approved by the Administrator and the At-
16 torney General.

17 “(h) LIMITATION ON STATUTORY CONSTRUCTION.—
18 Nothing in this section shall be construed to preclude or
19 limit the authority of any Federal law enforcement agency.

20 **“SEC. 4. SPECIAL PAY.**

21 “Without regard to the pay provisions of chapter 51
22 of title 5, United States Code, and subchapter III of chap-
23 ter 53 of such title, the Administrator may, in the Admin-
24 istrator’s sole discretion, fix the rates of basic pay for the
25 positions occupied by officers and agents designated under

1 this Act so as to enable the officers and agents to be ap-
2 propriately compensated in comparison to personnel per-
3 forming comparable duties in other law enforcement orga-
4 nizations in the local labor market.

5 **“SEC. 5. MINIMUM STANDARDS FOR CONTRACTING OF SE-**
6 **CURITY PERSONNEL.**

7 “The Commissioner shall prescribe minimum stand-
8 ards of suitability for employment to be applied by the
9 Commissioner in the contracting of security personnel for
10 property owned or occupied by the Federal Government
11 and persons on the property.”.

12 (b) TRANSITIONAL PROVISIONS.—

13 (1) COMMISSIONER OF FEDERAL PROTECTIVE
14 SERVICE.—On the date of enactment of this Act, the
15 individual serving as the Assistant Commissioner of
16 the Federal Protective Service shall become the
17 Commissioner of the Federal Protective Service
18 under section 3(b) of the Protection of Public Prop-
19 erty Act (as amended by this section). The require-
20 ments contained in that section concerning the ap-
21 pointment and qualifications of the Commissioner
22 shall not apply to that individual.

23 (2) POWERS OF OFFICERS AND AGENTS.—Until
24 the date of approval of guidelines by the Adminis-
25 trator and the Attorney General under section 3 of

1 the Protection of Public Property Act (as amended
2 by this section), officers and agents of the Office of
3 the Federal Protective Service may exercise only
4 those powers specified in section 1 of the Act of
5 June 1, 1948 (40 U.S.C. 318; chapter 359; 62 Stat.
6 281), as in effect on the day before the date of en-
7 actment of this Act.

8 (c) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that the number of full-time equivalent employees
10 of the Office of the Federal Protective Service designated
11 as officers and agents should be maintained at not fewer
12 than 750.

13 **SEC. 3. FEDERAL PROTECTIVE SERVICE OFFICERS RETIRE-**
14 **MENT AND BENEFITS PROVISIONS.**

15 (a) MAXIMUM AGE FOR ENTRY INTO THE POSITION
16 OF FEDERAL PROTECTIVE SERVICE OFFICER.—Section
17 3307 of title 5, United States Code, is amended—

18 (1) in subsection (a) by striking “and (f)” and
19 inserting “(f), and (g)”; and

20 (2) by adding at the end the following:

21 “(g) The Administrator of General Services may de-
22 termine and fix the maximum age limit for an original
23 appointment to a position as a Federal Protective Service
24 Officer, as defined by section 8331(29) or 8401(35).”.

1 (b) AMENDMENTS RELATING TO THE CIVIL SERVICE
2 RETIREMENT SYSTEM.—

3 (1) DEFINITION.—Section 8331 of title 5,
4 United States Code, is amended—

5 (A) by striking “and” at the end of para-
6 graph (27);

7 (B) by striking the period at the end of
8 paragraph (28) and inserting “; and”; and

9 (C) by adding at the end the following:

10 “(29) ‘Federal Protective Service Officer’
11 means—

12 “(A) an employee occupying a position in
13 the Office of the Federal Protective Service (es-
14 tablished by section 3(a) of the Protection of
15 Public Property Act), the duties of which posi-
16 tion are primarily—

17 “(i) to detect, investigate, apprehend,
18 arrest, or detain individuals suspected or
19 convicted of offenses against the criminal
20 laws of the United States;

21 “(ii) to protect and secure the per-
22 sonal safety of officials and other employ-
23 ees of the United States, as well as occu-
24 pants and visitors on Federally-controlled
25 property; and

1 “(iii) to gather, assess, and analyze
2 information relating to threats, and to re-
3 spond to threats and attacks, against per-
4 sons and property of the United States;
5 and

6 “(B) an employee who is transferred di-
7 rectly to a supervisory or administrative posi-
8 tion in the Office of the Federal Protective
9 Service from a position of Federal Protective
10 Service Officer (as defined by subparagraph
11 (A)) or law enforcement officer;

12 any determination as to whether or not an employee
13 satisfies subparagraph (B) shall, in the case of an
14 employee occupying a position in the Office of the
15 Federal Protective Service on the date of the enact-
16 ment of this paragraph, be made without regard to
17 any requirement that the employee have completed a
18 minimum period of one or more types of service be-
19 fore the date of transfer.”.

20 (2) DEDUCTIONS, CONTRIBUTIONS, AND DEPOS-
21 ITS.—Section 8334 of title 5, United States Code, is
22 amended—

23 (A) in subsection (a)(1), by striking “or
24 nuclear materials courier,” and inserting “nu-

1 clear materials courier, or Federal Protective
2 Service Officer,”; and

3 (B) in subsection (c), by adding after the
4 item relating to a nuclear materials courier the
5 following:

“Federal Protective Service Officer 7.5 After the date of the en-
actment of the Ron-
ald C. Sheffield Fed-
eral Property Protec-
tion Act of 2002.”.

6 (3) COMPUTATION OF ANNUITY FOR CERTAIN
7 OFFICERS MANDATORILY SEPARATED.—Section
8 8339 of title 5, United States Code, is amended by
9 adding at the end the following:
10 “(v) The annuity of a Federal Protective Service Offi-
11 cer retiring under section 8335(e) is—

12 “(1) 2½ percent of the officer’s average pay
13 multiplied by so much of his total service, performed
14 as a Federal Protective Service Officer or law en-
15 forcement officer, as does not exceed 20 years; plus

16 “(2) 2 percent of the officer’s average pay mul-
17 tiplied by so much of his total service as exceeds the
18 number of years of service taken into account under
19 paragraph (1).”.

20 (4) IMMEDIATE RETIREMENT.—Section
21 8336(e)(1) of title 5, United States Code, is amend-
22 ed by striking “or nuclear materials courier” and in-

1 serting “nuclear materials courier, or Federal Pro-
2 tective Service Officer”.

3 (5) MANDATORY SEPARATION.—

4 (A) IN GENERAL.—Section 8335(b) of title
5 5, United States Code, is amended—

6 (i) by striking “or nuclear materials
7 courier” and inserting “nuclear materials
8 courier, or Federal Protective Service Offi-
9 cer (other than one described in subsection
10 (e))”; and

11 (ii) by striking “or courier” and in-
12 serting “courier, or Federal Protective
13 Service Officer (other than one described
14 in subsection (e))”.

15 (B) PROVISIONS RELATING TO CERTAIN
16 INCUMBENTS.—Section 8335 of title 5, United
17 States Code, is amended by inserting after sub-
18 section (d) the following:

19 “(e) A Federal Protective Service Officer who is em-
20 ployed by the Office of the Federal Protective Service on
21 the date of the enactment of this subsection, and who is
22 otherwise eligible for immediate retirement under section
23 8336, shall be separated from the service on the last day
24 of the month in which such officer becomes 57 years of
25 age or completes 10 years of service as a Federal Protec-

1 tive Service Officer if then over that age. The Adminis-
 2 trator of General Services, under such regulations as the
 3 Administrator may prescribe, may exempt a Federal Pro-
 4 tective Service Officer having exceptional skills and experi-
 5 ence as a Federal Protective Service Officer from the auto-
 6 matic separation provisions of this subsection until the of-
 7 ficer becomes 60 years of age. The Administrator shall
 8 notify the officer in writing of the date of separation at
 9 least 60 days before that date. Action to separate the offi-
 10 cer is not effective, without the consent of the officer, until
 11 the last day of the month in which the 60-day notice ex-
 12 pires.”.

13 (c) AMENDMENTS RELATING TO THE FEDERAL EM-
 14 PLOYEES’ RETIREMENT SYSTEM.—

15 (1) DEFINITION.—Section 8401 of title 5,
 16 United States Code, is amended—

17 (A) by striking “and” at the end of para-
 18 graph (33);

19 (B) by striking the period at the end of
 20 paragraph (34) and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(35) ‘Federal Protective Service Officer’ has
 23 the meaning given that term in section 8331(29).”.

24 (2) DEDUCTIONS AND CONTRIBUTIONS.—

1 (A) EMPLOYEE DEDUCTIONS AND CON-
 2 TRIBUTIONS.—Section 8422(a)(3) of title 5,
 3 United States Code, is amended by adding after
 4 the item relating to a nuclear materials courier
 5 the following:

“Federal Protective Service Officer 7.5 After the date of the en-
 actment of the Ron-
 ald C. Sheffield Fed-
 eral Property Protec-
 tion Act of 2002.”.

6 (B) AGENCY CONTRIBUTIONS.—Para-
 7 graphs (1)(B)(i) and (3)(A) of section 8423(a)
 8 of title 5, United States Code, are amended by
 9 inserting “Federal Protective Service Officers,”
 10 after “firefighters,” each place it appears.

11 (3) PROVISIONS RELATING TO COMPUTATION
 12 OF BASIC ANNUITY.—

13 (A) ANNUITY FOR CERTAIN OFFICERS
 14 MANDATORILY SEPARATED.—Section 8415 of
 15 title 5, United States Code, is amended by add-
 16 ing at the end the following:

17 “(j) The annuity of a Federal Protective Service Offi-
 18 cer retiring under section 8425(e) is—

19 “(1) 2½ percent of the officer’s average pay
 20 multiplied by so much of his total service, performed
 21 as a Federal Protective Service Officer or law en-
 22 forcement officer, as does not exceed 20 years; plus

1 “(2) 2 percent of the officer’s average pay mul-
2 tplied by so much of his total service as exceeds the
3 number of years of service taken into account under
4 paragraph (1).”.

5 (B) TECHNICAL AND CONFORMING AMEND-
6 MENTS.—

7 (i) INAPPLICABILITY OF 1.1 PERCENT
8 ACCRUAL RATE.—Section 8415(g)(2) of
9 title 5, United States Code, is amended by
10 inserting “Federal Protective Service Offi-
11 cer,” after “nuclear materials courier,”.

12 (ii) ANNUITIES ON REEMPLOY-
13 MENT.—Section 8468(b)(1)(A) of title 5,
14 United States Code, is amended by insert-
15 ing “and (j)” after “through (g)”.

16 (4) IMMEDIATE RETIREMENT.—Section 8412(d)
17 of title 5, United States Code, is amended by strik-
18 ing “or nuclear materials courier” each place it ap-
19 pears and inserting “nuclear materials courier, or
20 Federal Protective Service Officer”.

21 (5) MANDATORY SEPARATION.—

22 (A) IN GENERAL.—Section 8425(b) of title
23 5, United States Code, is amended by inserting
24 “Federal Protective Service Officer (other than

1 one described in subsection (e)),” after “law en-
2 forcement officer” each place it appears.

3 (B) PROVISIONS RELATING TO CERTAIN
4 INCUMBENTS.—Section 8425 of title 5, United
5 States Code, is amended by redesignating sub-
6 section (e) as subsection (f), and by inserting
7 after subsection (d) the following:

8 “(e) A Federal Protective Service Officer who is em-
9 ployed by the Office of the Federal Protective Service on
10 the date of the enactment of this subsection, and who is
11 otherwise eligible for immediate retirement under section
12 8412, shall be separated from the service on the last day
13 of the month in which such officer becomes 57 years of
14 age or completes 10 years of service as a Federal Protec-
15 tive Service Officer if then over that age. The Adminis-
16 trator of General Services, under such regulations as the
17 Administrator may prescribe, may exempt a Federal Pro-
18 tective Service Officer having exceptional skills and experi-
19 ence as a Federal Protective Service Officer from the auto-
20 matic separation provisions of this subsection until the of-
21 ficer becomes 60 years of age. The Administrator shall
22 notify the officer in writing of the date of separation at
23 least 60 days before that date. Action to separate the offi-
24 cer is not effective, without the consent of the officer, until

1 the last day of the month in which the 60-day notice ex-
2 pires.”.

3 (d) PAYMENTS.—

4 (1) IN GENERAL.—The Administrator of Gen-
5 eral Services shall pay into the Civil Service Retire-
6 ment and Disability Fund an amount determined by
7 the Director of the Office of Personnel Management
8 to be necessary to reimburse the Fund for any esti-
9 mated increase in the unfunded liability of the Fund
10 resulting from the amendments made by subsection
11 (b).

12 (2) TIMING.—The Administrator of General
13 Services shall pay the amount so determined in 5
14 equal annual installments with interest computed at
15 the rate used in the most recent valuation of the
16 Civil Service Retirement System, with the first pay-
17 ment thereof due by the end of fiscal year 2003.

18 (3) SOURCE.—The Administrator of General
19 Services shall make payments under this subsection
20 from amounts available from the Federal Buildings
21 Fund (established by section 210(f) of the Federal
22 Property and Administrative Services Act of 1949
23 (40 U.S.C. 490(f)).

24 (e) LAW ENFORCEMENT PAY.—

1 (1) PAY AND BENEFITS UNDER PROVISIONS OF
2 FEPCA.—A Federal Protective Service Officer (with-
3 in the meaning of section 8331(29) or 8401(35) of
4 title 5, United States Code) is entitled to the same
5 pay and benefits as are provided by sections 403,
6 404, and 407 of the Federal Employees Pay Com-
7 parability Act of 1990 (5 U.S.C. 5305 note) to a law
8 enforcement officer (as defined by section 402 of
9 such Act).

10 (2) AWARD FOR FOREIGN LANGUAGE CAPABILI-
11 TIES.—Section 4521 of title 5, United States Code
12 is amended—

13 (A) by striking “and” at the end of para-
14 graph (5);

15 (B) by striking the period at the end of
16 paragraph (6) and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(7) a Federal Protective Service Officer (with-
19 in the meaning of section 8331(29) or 8401(35)).”.

20 (3) OVERTIME PAY.—Section 5542(a)(4) of title
21 5, United States Code, is amended by inserting “or
22 a Federal Protective Service Officer (within the
23 meaning of section 8331(29) or 8401(35))” after
24 “law enforcement officer”.

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