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Description of document: Each written response or letter from the Department of Homeland Security (DHS) to any of the following Members of Congress in CY 2011 - CY 2013 to date: Rep. Michael McCaul, Rep. Candice Miller, Rep. Peter King, Rep. Patrick Meehan, Rep. Susan Brooks, Rep. Jeffrey Duncan, and Rep. Richard Hudson

Request date: 30-September-2013

Released date: 24-April-2014

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Source of document: FOIA Officer
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
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[Online FOIA Request Submission Form](#)

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**Homeland
Security**

April 24, 2014

SENT VIA EMAIL:

Re: **2014-NPFO-00148**

This is the electronic final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated September 30, 2013, and received by this office on February 4, 2014. You are seeking a “copy of each written response or letter from the Department of Homeland Security to any of the following Members of Congress in calendar years 2011, 2012 and 2013 to date: Rep. Michael McCaul, Rep. Candice Miller, Rep. Peter King, Rep. Patrick Meehan, Rep. Susan Brooks, Rep. Jeffrey Duncan, and Rep. Richard Hudson”.

DHS FOIA/PA Office transferred 28 pages of responsive documents. I have determined that 6 pages were duplicates and they have been removed. Of the remaining pages, I have determined that 17 pages of the records are releasable in their entirety and 5 pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), FOIA Exemption 6.

Enclosed are 22 pages with certain information withheld as described below.

FOIA Exemption 6 exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public’s right to disclosure against the individual’s right to privacy. [*The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.*] The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

You have a right to appeal the above withholding determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: Associate General Counsel (General Law), U.S. Department of Homeland Security, Washington, D.C. 20528, following the procedures outlined in the DHS regulations at 6 C.F.R. § 5.9. Your envelope and letter should be marked “FOIA Appeal.” Copies of the FOIA and DHS regulations are available at www.dhs.gov/foia.

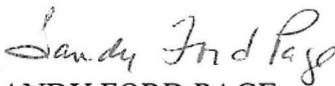
The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting

access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at ogis@nara.gov or call 1-877-684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge. 6 CFR § 5.11(d)(4).

If you need to contact our office again about this matter, please refer to **2014-NPFO-00148**. This office can be reached at 703-235-2211.

Sincerely,


SANDY FORD PAGE
Chief, FOIA Operations

Enclosure(s): Responsive Documents, 22 pages



Homeland Security

The Honorable Patrick Meehan
U.S. House of Representatives
940 West Sproul Road
Suite 202
Springfield, PA 19064

061411

Dear Representative Meehan:

Thank you for your April 28, 2011, letter written on behalf of your constituent (b)(6) regarding her allegation that the Federal Protective Service (FPS) violated the Health Insurance Portability and Accountability Act (HIPAA) with respect to (b)(6)

(b)(6)
(b)(6) FPS, a component of the Department of Homeland Security's National Protection and Programs Directorate (b)(6) alleges that (b)(6) violated HIPAA when the leadership contacted her and otherwise inquired about (b)(6) medical condition.

FPS' Compliance Investigations Division (CID) is investigating (b)(6) allegations. As such, we are unable to provide further details of this matter until CID completes its investigation. Appropriate action will be taken if it is determined that (b)(6) violated HIPAA.

FPS is dedicated to ensuring the safety and well-being of all employees and visitors to Federal facilities and will ensure that this investigation and any subsequent actions are handled in accordance with established directives and laws.

For additional assistance, please have your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,


L. Eric Patterson
Director



Homeland
Security

The Honorable Patrick Meehan
U.S. House of Representatives
940 W. Sproul Road
Suite 202
Springfield, PA 19064

030311
030311

Dear Representative Meehan:

Thank you for your letter of July 18, 2011, written on behalf of your constituent (b)(6) to Nelson Peacock, Acting Assistant Secretary for Legislative Affairs. (b)(6) wrote concerning an alleged violation of his Health Insurance Portability and Accountability Act (HIPAA) rights and a required fitness-for-duty examination.

(b)(6) an employee of the Federal Protective Service (FPS), a component of the Department of Homeland Security's (DHS) National Protection and Programs Directorate, alleges that FPS reviewed his medical information prior to sending him a fitness-for-duty examination request. The FPS Compliance Investigations Division is investigating the HIPAA violation allegation. Upon the conclusion of this investigation, appropriate action will be taken if it is determined that the medical records of (b)(6) were mishandled.

(b)(6) was ordered to report for a fitness-for-duty examination before returning to full duty in light of the injuries he sustained. In accordance with 5 C.F.R. § 339.301, FPS has the authority to require an employee who occupies a position which has physical requirements or medical standards to report for a medical evaluation whenever there is a direct question about that employee's capacity to meet those physical or medical requirements. While the opinions and assessments of an employee's personal doctors are informative, FPS is responsible for determining whether an employee can perform his or her duties in order to protect the safety of its employees and the public we serve. To confidently make this determination, FPS must rely on the examination and assessment of its own medical experts.

Should you need additional assistance, please contact the DHS Office of Legislative Affairs at (202) 447-5890.

Sincerely,

L Eric Patterson
Director



Homeland Security

The Honorable Patrick Meehan
U.S. House of Representatives
Attn: Mara Killian
940 West Sproul Road, Suite 202
Springfield, PA 19064

101811

Dear Representative Meehan:

Thank you for your letter dated September 14, 2011, to Nelson Peacock, Assistant Secretary for Legislative Affairs, regarding your constituents, [REDACTED] (b)(6) and the allegations of Federal Protective Service (FPS) [REDACTED] (b)(6) violating the Health Insurance Portability and Accountability Act (HIPAA) through mishandling of [REDACTED] (b)(6) medical information.

FPS's Compliance Investigations Division (CID) conducted a thorough investigation of the alleged violations. This investigation included interviewing the FPS [REDACTED] (b)(6) Medical Coordinator [REDACTED] (b)(6) and FPS [REDACTED] (b)(6) named in [REDACTED] (b)(6) complaint. FPS is confident that the matter has been fully and appropriately adjudicated. Thank you for your concern.

Should you need additional assistance, please have your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,


L. Eric Patterson
Director *Deputy Director*



Homeland
Security

121311

The Honorable Patrick Meehan
U. S. House of Representatives
940 W. Sproul Road, Suite 202
Springfield, PA 19064

Dear Representative Meehan:

Thank you for your November 18, 2011, letter to Nelson Peacock, Assistant Secretary for Legislative Affairs, concerning your constituent (b)(6) and his request to have his security clearance reinstated. (b)(6) was employed as a Protective Security Officer (PSO) with (b)(6) a security service provider doing business with the Federal Protective Service (FPS) in the (b)(6) metropolitan area.

To add some specificity, (b)(6) was arrested for using an Internal Revenue Service (IRS) contracted parking facility without authorization, and for using an unauthorized placard to gain access to the parking facility in violation of Title 18, United States Code, Section 641 (Theft/Conversion of Government Property to personal use). As stated in your incoming letter on (b)(6) behalf, he believes he was wrongfully charged in this matter based on his good faith efforts to secure valid parking through the IRS, and based on his history of working at the IRS location in question.

Please be advised that an initial review of this matter reveals that FPS did not revoke (b)(6) clearance, rather (b)(6) terminated his employment upon learning of the arrest noted above. Subsequently and as a result of this termination (b)(6) clearance was placed in "inactive" status. If (b)(6) rehires (b)(6) for employment as a PSO with FPS, then (b)(6) clearance status will change to active status subject to an employment suitability determination based on his conduct.

Should you have any questions, please have your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,

L. Eric Patterson
Director

JUL 02 2012



Homeland
Security

The Honorable Patrick Meehan
940 W. Sproul Road, Suite 202
Springfield, PA 19064

Dear Representative Meehan:

Thank you for your June 14, 2012, letter to Nelson Peacock, Assistant Secretary for Legislative Affairs, regarding your constituent (b)(6). Your letter has been referred to me for response.


(b)(6) for Federal Protective Service (FPS) (b)(6) expressed dissatisfaction with certain FPS lunch break practices. Specifically, he indicated that his normal daily work schedule covers an 8.5 hour period that includes one-half hour for a lunch break while some of his colleagues holding the same position in other FPS Regions are allowed to work a straight 8-hour day without a separate lunch break. (b)(6) asked that his Region have the ability to work a straight 8-hour day and inquired about a standard policy across FPS to address this issue.

FPS comprises 11 geographically dispersed Regions across the United States and its territories, operating with differing workforce levels and servicing a variety of Federal facilities. Each Region is headed by a Regional Director who is responsible for operations and has discretion on a variety of matters to include identifying coverage needs and scheduling the workforce to meet those needs. This allows for tailored operations to meet unique mission requirements, and it results in supervisory work schedules that may vary among the Regions.

However, FPS is currently reviewing the issue raised by (b)(6) to determine whether it is prudent to create a national standard. In its effort to promote continuous improvement, FPS has already refined and adjusted parts of its operations and staffing levels to meet its mission, and there is an ongoing effort to modify existing processes and procedures as appropriate.

Should you need additional assistance, please have your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,


L. Eric Patterson
Director



Homeland
Security

JUN 21 2013

The Honorable Patrick L. Meehan
Ranking Member
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

Dear Representative Meehan:

Thank you for your letter regarding the West Fertilizer plant explosion and the Department of Homeland Security's (DHS) efforts to identify facilities not in compliance with Top-Screen submission requirements under the Department's Chemical Facility Anti-Terrorism Standards (CFATS) program. Although the initial cause has not been determined, these tragic events are a reminder of the importance of ensuring that our Nation's chemical facilities are secured against terrorist attacks. CFATS is an integral part of achieving that goal, and we believe that the CFATS program has enhanced the security of our Nation by lowering the risk posed by high-risk chemical facilities. The answers to your specific questions are enclosed.

Since the CFATS program's inception in 2007, over 3,000 chemical facilities have eliminated, reduced, or otherwise made modifications to their holdings of chemicals of interest (COI) and are now no longer considered high-risk. The significant reduction in the number of chemical facilities that represent the highest risk is attributable both to the design of the program as enacted by Congress and to the work of CFATS personnel and industry at thousands of chemical facilities. The Department has also received more than 44,000 Top-Screen assessments from facilities that possess one or more of the 322 DHS-designated COI in quantities that meet or exceed the respective screening thresholds. Based on the information received in the Top-Screens, the Department identified more than 8,500 facilities that were initially identified as high-risk facilities. These facilities submitted Security Vulnerability Assessments, which were used by DHS in conjunction with the Top-Screens and other available information to make a final determination on whether the facility should be considered high-risk. At this time, CFATS covers approximately 4,330 high-risk facilities nationwide.

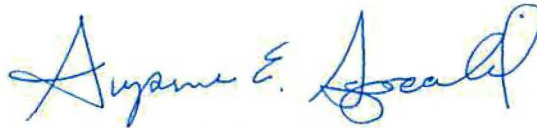
DHS continues to support extensive outreach and industry engagement to ensure that all non-exempt CFATS facilities who possess threshold levels of COI comply with their Top-Screen submission requirements. The CFATS-regulated community is expansive and dynamic and DHS is committed to pursuing all reasonable measures to identify potentially noncompliant facilities and urge them toward compliance.

The Honorable Patrick L. Meehan

Page 2

An identical response has been sent to Representative McCaul, who co-signed your letter. Should you need additional assistance, please do not hesitate to contact Emily Early of the Office of Infrastructure Protection Legislative Affairs, at 703 235-9449.

Sincerely yours,



Suzanne E. Spaulding
Acting Under Secretary

Enclosure

SEP 26 2011



**Homeland
Security**

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO's) recommendations contained in its report, GAO-11-492, BUDGET ISSUES: Better Fee Design Would Improve Federal Protective Service's and Federal Agencies' Planning and Budgeting for Security.

This letter provides a status update on efforts to implement the GAO recommendations contained in the report and is being provided to the following Members of Congress and the Director of OMB:

The Honorable Peter King
Chairman, Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, Committee on Homeland Security

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform

The Honorable Joseph I. Lieberman
Chairman, Committee on Homeland Security and Governmental Affairs

The Honorable Susan M. Collins
Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Jacob Lew, Director
Office of Management and Budget

I appreciate your interest in the Department of Homeland Security. If I may be of further assistance, please contact me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink, appearing to read "Nelson Peacock".

Nelson Peacock
Assistant Secretary
Office of Legislative Affairs

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO) recommendations contained in its report, GAO-11-492, BUDGET ISSUES: Better Fee Design Would Improve Federal Protective Service's and Federal Agencies' Planning and Budgeting for Security.

"The Secretary of Homeland Security should direct the Director of the Federal Protective Service to take the following six actions:

Recommendation 1: conduct regular reviews of FPS's security fees and use this information to inform its fee setting;"

Response: NPPD/FPS concurred with this recommendation. As part of the annual budget submission process, the National Protection and Programs Directorate's (NPPD)/ Federal Protective Service (FPS) reviews best available data to develop projections for new staff, inflation, enhancements, and new investments. Those projections are translated into the annual President's Budget submission to the Office of Management of Budget (OMB). In addition, NPPD/FPS reviews security fees on a monthly basis to ensure revenues match expenditures. NPPD/FPS then informs stakeholders of fee setting for out-year budgets; stakeholders also use this information to make resource decisions on current year operational activities. These monthly reviews include specific processes for each of the revenue streams as follows:

- For building-specific revenue, the NPPD/FPS Financial Management Division (FMD) analyzes estimated-to-actual building security costs via a Billing Analysis Template. This template is then shared with NPPD/FPS regional offices to review variances and perform root cause analyses. The regional offices then communicate any adjustments as a result of these analyses to customer agencies.
- For Security Work Authorization (SWA) revenue, FMD conducts a similar analysis of the 1/12th billing process (recurring SWAs) to compare actual expenditures with revenue. This template is also shared with NPPD/FPS regional offices to review variances and determine whether adjustments to SWAs or obligated balances need to be made. The regional offices then communicate any adjustments as a result of these analyses to customer agencies.
- For basic security, the General Services Administration (GSA) provides square footage information to NPPD/FPS to generate bills to customer agencies.

Based on revenues collected from regions, annual budgets are adjusted and funds are reallocated as necessary by NPPD/FPS FMD.

NPPD/FPS has recently enhanced the Activity Based Costing (ABC) model to align with management and oversight activities inclusive of contractor-provided countermeasures. This enhancement includes the development of a new Program Project and Activity (PPA) structure that more clearly maps to the activities conducted by NPPD/FPS, the identification of an allocation method to allocate costs across the PPAs, and the evaluation of approaches for a tiered fee structure. NPPD/FPS seeks to continually improve the quality and transparency of its regular fee reviews. Beginning in Fiscal Year (FY) 2012, NPPD/FPS will also review fee rates biennially.

To further improve stakeholder communication and transparency of fee rates, NPPD/FPS is developing a Strategic Communications Plan to communicate information on fees and the basis for these fees to its customers. NPPD/FPS will also begin its budget process earlier in the fiscal year to be able to provide customer agencies information on fee rates to facilitate their preparation of budget submissions.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Conduct monthly revenue review	Monthly recurring	Monthly recurring	Ongoing
Develop Annual President's Budget submission	4 th Quarter (Qtr) Annually	4 th Qtr FY 2012	
Conduct biennial review of fee rates	4 th Qtr FY 2012	4 th Qtr FY 2012	
Update ABC model to include rate-setting structure	4 th Qtr FY 2012	4 th Qtr FY 2012	
Develop and implement NPPD/FPS Strategic Communications Plan (per GAO Recommendation 6)	2 nd Qtr FY 2012	2 nd Qtr FY 2012	

Recommendation 2: “include systemwide capital investments when estimating costs and include them when setting basic security fee rates;”

Response: NPPD/FPS concurred with this recommendation. NPPD/FPS has identified the need to include system-wide capital investments when estimating costs. For FY 2012, NPPD/FPS is developing an acquisition review process to identify all procurements in FY 2012 budgets. For procurements over a specified threshold, internal stakeholders will submit procurement justifications to NPPD/FPS’s Acquisition Review Board to inform decision-making. In future years, when sufficient fees to allow new investments are not raised, NPPD/FPS will no longer use carryover funds to initiate an investment.

NPPD/FPS is also enhancing the ABC model to include a rate-setting structure that allows costs to be distributed across different activities. For system-wide capital investments, these enhancements will include the identification of a methodology to allocate indirect costs across activities, and analyses to identify potential approaches for improving activity/cost alignment to improve NPPD/FPS’s fee setting.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Develop NPPD/FPS Acquisition Review Process	October 1, 2011	October 1, 2011	
Update ABC model to include rate-setting structure	4 th Qtr FY 2012	4 th Qtr FY 2012	

Recommendation 3: “make information on the estimated costs of key activities as well as the basis for these cost estimates readily available to affected parties to improve the transparency and credibility—and hence the acceptance by stakeholders—of the process for setting and using the fees;”

Response: NPPD/FPS concurred with this recommendation. NPPD/FPS has made progress in updating its ABC model to better align activities with costs and determine the appropriateness of the administrative and basic security fees. Specifically, NPPD/FPS is working to align all direct costs with the activities in the fee model. Once activities in the model have been aligned and DHS and the OMB are in agreement, NPPD/FPS will present this information to its stakeholders.

NPPD/FPS is developing a Strategic Communications Plan, which will include a plan for communicating information on fees and the basis for these fees to its customers. NPPD/FPS will also begin its budget process earlier in the fiscal year to be able to provide customer agencies information on fee rates to facilitate their preparation of budget submissions.

Additionally, NPPD/FPS is reviewing security policies and mandatory standards regarding the estimated costs of key activities as well as the basis for these cost estimates. The use of an established structure is critical to gaining acceptance and managing expectations. Information related to an established structure would then be distributed through agency channels and NPPD/FPS.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Update ABC Model to include rate-setting structure	4th Qtr FY 2012	4th Qtr FY 2012	
Develop and implement NPPD/FPS Strategic Communications Plan	2nd Qtr FY 2012	2nd Qtr FY 2012	

Recommendation 4: “in implementing our previous recommendation to evaluate the current fee structure and determine a method for incorporating facility risk, assess and report to Congress on:

- the current and alternative fee structures, to include the options and trade-offs discussed in this report, and if appropriate,
- options to fund FPS through a combination of fees and direct appropriations, to include the options and trade-offs discussed in this report;”

Response: NPPD/FPS concurred with this recommendation. NPPD/FPS will continue to seek funds through the President’s Budget process.

In addition, NPPD/FPS is assessing a number of approaches including:

- Developing an analysis that compares the current fee structure with the following options:
 - Option 1: a tiered fee system based on risk
 - Option 2: a two-part fee system: 1) fixed fees, based on services provided; and 2) risk-based fees, calculated as a percentage of the fixed fees.

In this scenario, the fee structures would be analyzed based on the options and tradeoffs discussed in GAO-08-386SP, FEDERAL USER FEES: A Design Guide. Additionally, these options will be compared with actual costs, including capital investment estimates, to determine the appropriateness of the structure. We have and continue to discuss the possibility of a direct appropriation – in addition to a fee-based system – including the challenges associated with such a funding approach. However, no final decisions have been made with respect to a direct appropriation.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Conduct analysis of NPPD/FPS fee structure	3 rd Qtr FY 2012	3 rd Qtr FY 2012	
Identify NPPD/FPS stakeholder user group	1 st Qtr FY 2012	1 st Qtr FY 2012	
Report findings to Congress	To Be Determined (TBD)	TBD	

Recommendation 5: “evaluate and report to Congress on options to mitigate challenges agencies face in budgeting for FPS security costs, such as:

- an alternative account structure for FPS to increase flexibility, while retaining or improving accountability and transparency or
- an approved process for estimating fee rates; and”

Response: NPPD/FPS concurred with this recommendation. NPPD/FPS is working with DHS and OMB to speed up budget submissions and OMB decisions/direction. OMB decisions with regard to NPPD/FPS fees can then be communicated to stakeholders with other OMB guidance in a timelier manner.

NPPD/FPS will strive to mitigate potential challenges agencies face with the current fee structure by establishing a stakeholder working group (WG). This WG will serve as a forum for participating agencies to discuss identified challenges and develop mitigation strategies during budgeting for NPPD/FPS security costs. NPPD/FPS believes that Congress will be more receptive to mitigation strategies if these challenges and potential solutions are collaboratively formulated directly by stakeholder agencies. NPPD/FPS will participate in an oversight role to ensure the objectives of the WG are met.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Establish a stakeholder WG	1 st Qtr FY 2012	1 st Qtr FY 2012	
Identify challenges and mitigation strategies (via stakeholder WG)	3 rd Qtr FY 2012	3 rd Qtr FY 2012	
Report findings to Congress	TBD	TBD	

Recommendation 6: “work with customer agencies to collect and maintain an accurate list of points of contact of customer agency officials responsible for budget and billing activities as well as facility designated points of contact as we previously recommended.”

Response: NPPD/FPS concurred with this recommendation. NPPD/FPS has established points of contact (POC) with all customer agencies and communicates with them annually regarding the square footage fee. These POCs are either the agency Chief Financial Officer or a secondary POC. The Burlington Finance Center (BFC) maintains and updates the list. Additionally, NPPD/FPS POCs are identified on the monthly bills that are sent to customers.

To address more specific customer concerns regarding communications, NPPD/FPS is working in consultation with BFC to develop and maintain an accurate list of POCs responsible for budget formulation functions.

With the development and implementation of the Strategic Communications Plan, NPPD/FPS will deploy strategies to further improve coordination and communication across regions, particularly for those customers with cross-regional security needs, and segment customers to provide targeted communications.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Develop a list of POCs for Budget Formulation Functions	1 st Qtr FY 2012	1 st Qtr FY 2012	
Develop and implement NPPD/FPS Strategic Communications Plan	2 nd Qtr FY 2012	2 nd Qtr FY 2012	

JAN 20 2012

Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO) recommendations contained in its report, GAO-11-857, **FEDERAL COURTHOUSES: Improved Collaboration Needed to Meet Demands of a Complex Security Environment.**

This letter provides a status update on efforts to implement the GAO recommendations contained in the report and is being provided to the following Members of Congress and the Director of OMB:

The Honorable Peter King
Chairman, Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, Committee on Homeland Security

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform

The Honorable Joseph I. Lieberman
Chairman, Committee on Homeland Security and Governmental Affairs

The Honorable Susan M. Collins
Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Jacob Lew
Director, Office of Management and Budget

I appreciate your interest in the Department of Homeland Security. If I may be of further assistance, please contact me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink, appearing to read "Nelson Peacock".

Nelson Peacock
Assistant Secretary
Office of Legislative Affairs

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO) recommendations contained in its report, GAO-11-857, FEDERAL COURTHOUSES: Improved Collaboration Needed to Meet Demands of a Complex Security Environment.

Recommendation 1: "The Secretary of the Department of Homeland Security and Attorney General instruct the Director of FPS and the Director of the Marshals Service, respectively, to jointly lead an effort, in consultation and agreement with the judiciary and GSA, to update the MOA on courthouse security to address the challenges discussed in this report. Specifically, in this update to the MOA stakeholders should:

1. clarify federal stakeholders' roles and responsibilities including, but not limited to, the conditions under which stakeholders may assume each other's responsibilities and whether such agreements should be documented; and define GSA's responsibilities and determine whether GSA should be included as a signatory to the updated MOA;
2. outline how they will ensure greater participation of relevant stakeholders in court or facility security committees; and
3. specify how they will complete required risk assessments for courthouses, referred to by the Marshals Service as court security facility surveys and by FPS as facility security assessments (FSA), and ensure that the results of those assessments are shared with relevant stakeholders, as appropriate."

Response: Concur. DHS agrees that the current memorandum of agreement among Federal Protective Service (FPS), the Marshals Service, and the Administrative Office of the U.S. Courts (AOUSC) should be reviewed and revised to clarify roles and responsibilities of all parties. In addition, the revised memorandum of understanding (MOA) needs to ensure greater participation of all parties in both the Court Security Committee (CSC) and Facility Security Committee (FSC). Lastly, it is essential that the revised MOA outlines responsibilities for completion of required assessments for courthouse security, as well as the appropriate mechanism for sharing assessments. DHS is committed to working collaboratively with all parties to further determine the conditions under which stakeholders may assume multiple and overlapping responsibilities.

	Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
<i>A</i>	Establish a stakeholder working group in coordination with the Marshals Service	01/09/2012	COMPLETED	
<i>B</i>	Review and assess current MOA to identify necessary changes as enumerated in recommendation #1 of the final report	04/30/2012	04/30/2012	
<i>C</i>	Develop draft revisions to the MOA	06/30/2012	06/30/2012	
<i>D</i>	Vet final draft and incorporate changes based on leadership guidance	08/30/2012	08/30/2012	
<i>E</i>	Publish final MOA and implement the MOA	10/30/2012	10/30/2012	

Recommendation 2: “To the extent that steps are taken to expand the perimeter pilot program, the Secretary of the Department of Homeland Security and Attorney General instruct the Director of FPS, and the Director of the Marshals Service, respectively, to work collaboratively, in consultation and agreement with the judiciary and GSA, to further assess costs and benefits, in terms of enhanced security, of expanding the pilot program to other primary courthouses, and assess all stakeholders' views about the pilot program.”

Response: Concur. We agree that continued collaboration and further review of pilot program results will enhance security at Federal courts. However, we do not agree with any suggested expansion of the pilot program to include additional facilities.

The protection of the people in the buildings and on the grounds of property owned, occupied, or secured by the Federal Government is an authority provided to the Secretary of Homeland Security by the *Homeland Security Act of 2002*. FPS is the primary Federal agency responsible for patrolling and protecting the perimeter of General Service Administration (GSA)-controlled facilities, including facilities housing Federal court functions and judicial officers, as well as enforcing Federal laws and regulations. FPS exercises the Secretary's authority and is responsible for the safety of more than one million people and for the security of more than 9,000 facilities nationwide each day, including courthouses.

The transfer of FPS into the National Protection and Programs Directorate (NPPD) unified the Department's efforts to ensure security of the Federal facilities sector within the Directorate, enabling DHS to provide a comprehensive infrastructure protection program under the guidance provided by, and in collaboration with, the Interagency Security Committee (ISC). In addition to those synergies, NPPD/FPS plans to leverage guidance from the ISC, which issued an interim standard in July 2011 titled, *Facility Security Committees: An Interagency Security Committee Standard*. This guidance will improve upon existing internal management of facility protection at Federal courts among NPPD/FPS, Marshals Service, and the AOUSC. NPPD/FPS will continue to work closely with the Marshals Service, the AOUSC, and GSA to ensure cost-effective law enforcement and security services are provided at all U.S. courthouses. NPPD/FPS likewise will continue efforts to ensure improvement with coordination of command and control, security roles and responsibilities, and meaningful participation in security committees.

	Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
<i>A</i>	Establish a stakeholder working group in coordination with the Marshals Service	01/09/2012	COMPLETED	
<i>B</i>	Conduct a review of perimeter pilot program results and the AOUSC analysis	04/30/2012	04/30/2012	
<i>C</i>	Determine the feasibility, cost and benefits of expanding the perimeter pilot program	06/30/2012	06/30/2012	
<i>D</i>	Draft final report of results	08/30/2012	08/30/2012	

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Homeland Security

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO's) two recommendations contained in its report, GAO-11-554, *Federal Protective Service: Progress Made but Improved Schedule and Cost Estimate Needed to Complete Transition*.

The attached document provides a status update on efforts to implement the GAO recommendations contained in the report and is being provided to the following Members of Congress and the Director of the Office of Management and Budget:

The Honorable Peter King
Chairman, Committee on Homeland Security

The Honorable Bennie G. Thompson
Ranking Member, Committee on Homeland Security

The Honorable Darrell Issa
Chairman, Committee on Oversight and Government Reform

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform

The Honorable Joseph I. Lieberman
Chairman, Committee on Homeland Security and Governmental Affairs

The Honorable Susan M. Collins
Ranking Member, Committee on Homeland Security and Governmental Affairs

The Honorable Jacob Lew, Director
Office of Management and Budget

I appreciate your interest in the Department of Homeland Security. If I may be of further assistance, please contact me at (202) 447-5890.

Respectfully,

A handwritten signature in black ink, appearing to read "Nelson Peacock".

Nelson Peacock
Assistant Secretary
Office of Legislative Affairs

Pursuant to the requirements of 31 U.S.C. Section 720, the Department of Homeland Security (DHS) is submitting this written statement on actions taken regarding the Government Accountability Office's (GAO's) two recommendations contained in its report, GAO-11-554, *Federal Protective Service: Progress Made but Improved Schedule and Cost Estimate Needed to Complete Transition*.

Recommendation 1: *The Director of the Federal Protective Service (FPS), in consultation with the Assistant Secretary of Immigration and Customs Enforcement (ICE) and the Undersecretary for the National Protection and Programs Directorate (NPPD) shall improve the schedule for transferring information technology (IT) services, in accordance with the transition plan, and to reflect scheduling best practices.*

Response: NPPD/FPS concurred with this recommendation. The FPS established an IT transition Integrated Process Team (IPT) in June 2011. The IPT brought together representatives from transition stakeholders that included FPS, ICE's Office of the Chief Information Officer (OCIO), NPPD's OCIO, and the DHS OCIO. The IPT's initial review and subsequent updates to the Integrated Master Schedule (IMS), completed on June 26, 2011, incorporated scheduling best practices, identified key tasks related to the transition effort, defined task interdependencies, and estimated durations and start/end dates. The FPS IT transition IPT met regularly to review schedules and to ensure reporting accuracies.

Since GAO's issuance of the final report, representatives from FPS, NPPD CIO, ICE CIO, and DHS CIO's Information Technology Services Office (DHS ITSO) met to review and update the IT-related activities associated with migrating FPS's IT infrastructure from ICE hosted facilities to DHS Headquarter/NPPD. A technical evaluation was made that required DHS ITSO and ICE OCIO to evaluate both the physical and logical aspects of the topologies of their respective network infrastructures. The results of the technical evaluation led to the conclusion that a refinement of specific required activities was necessary to complete the FPS IT migration to include an update of the tasks associated with the migration as well as the development of a business requirements document and Statements of Work (SOW). DHS ITSO, as the IT service provider for NPPD, is currently reviewing these requirements with ICE CIO and their prime contractor to best determine the optimal sequencing, scheduling, and resource assignment needs.

ICE OCIO, NPPD OCIO, and DHS OCIO engineering teams continue to execute the transition plan and related activities for the IT transition. The deliverables from the action items identified above are intended to provide additional input into the IT transition schedule and deployment timelines.

NPPD initially intended to hire a master scheduler to provide ongoing scheduling expertise to the NPPD CIO organization. The NPPD CIO chose to establish a rotational detail assignment for an employee with this skill set to provide interim support and also has identified a NPPD OCIO employee to acquire training to fulfill the requirement in the long term.

As part of the transition, FPS agreed to augment its IT Branch staff. These additional employees are to assist in the transition planning and execution efforts at the grassroots level. FPS has taken additional steps to establish a separate IT Division and has made the following progress:

- Supervisory IT Specialist (IT Division Director) hired and on board as of August 29, 2011.
- Logistician hired and on board September 25, 2011.
- FPS will re-advertise positions for the Information Security IT Specialist, Computer Engineer, Cost Estimator and one Lead IT Specialist.
- One Lead IT Specialist position will be reclassified and advertised by FPS as a GS 0340 Program Manager to serve as the lead for business applications management.

Finally, FPS, NPPD and ICE executives are briefed monthly with updates on the status of the FPS IT transition and the transition schedule. These meetings serve as a forum to identify risks and issues that require executive involvement to mitigate and resolve.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Review GAO schedule best practices and include into schedule updates	June 2011		June 2011
Consult with NPPD component organization to gain scheduling expertise	June 2011		June 2011
Update schedule in collaboration with FPS, ICE CIO and DHS CIO	July 2011		June 2011
Conduct periodic schedule reviews during weekly FPS IT transition IPT meetings	July 2011		Ongoing
Establish rotational detail mission for an employee with appropriate skills to provide interim support. Identify NPPD OCIO employee to acquire training to fulfill requirement in the long term	September 2011		September 2011
Augment FPS IT Branch Staff	September 2011		Ongoing
Conduct monthly executive-level updates to identify issues	July 2011		Ongoing
Update transition schedule to reflect approved technical solution (<i>pending DHS ITSO scheduling input</i>).	October 2011		Ongoing
DHS CIO ITSO transitions FPS from the IRMnet (ICE network) to DHSnet (DHS HQ network)	December 2012		Ongoing

Recommendation 2: *The Director of the Federal Protective Service, in consultation with the Assistant Secretary of Immigration and Customs Enforcement and the Undersecretary for the National Protection and Programs Directorate, will update the IT transition cost estimate, in accordance with cost-estimating best practices.*

Response: NPPD/FPS concurred with this recommendation. The outcome of the technical evaluation conducted in response to recommendation one resulted in the August 2011 approval of an alternate network design and led to the refinement of requirements and activities that would be needed to complete the FPS IT migration. The major change in design was the decision to procure and deploy new network equipment to designated FPS sites with a shared ICE infrastructure, in contrast to the original plan to replace most of the existing network infrastructure. The IT transition cost estimate was updated based on these equipment efficiencies and the new labor plan to support the migration of FPS employees to DHSnet.

DHS ITSO, as the IT Service Provider for NPPD, is currently reviewing these requirements with ICE CIO and their prime contractor to determine final migration cost estimates. Once finalized, DHS ITSO will provide revised scheduling and cost data to NPPD/FPS, who will then need to identify and transfer funding to DHS ITSO, as the DHS IT service provider, who will then work with the Office of Procurement Operations (OPO) to initiate contracting actions necessary to allow the prime contractor to execute the migration.

ICE CIO, NPPD CIO, FPS and DHS ITSO have developed SOWs for Tier 1 (Service Desk level resolution) and Tier 2 (technician level resolution) Service Desk Support for FY12. These SOWs were submitted to the contracting office on September 15, 2011.

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Identify an alternate network design solution	July 2011		August 2011
Refine cost estimate based on using best cost-estimating practices and an alternate network design solution	August 2011		September 2011
Identify IT infrastructure requirements for the FPS IT transition	November 2011		Ongoing

Key Milestones	Original Target Date	Current Target Date	Actual Completion Date
Provide FPS IT requirements and Statement of Work to DHS ITSO for detailed scheduling and cost estimate deliverables	September 2011		ITSO completed a detailed cost estimate and NPPD completed the SOW detailing the FPS IT requirements for the migration. Both documents were submitted to the Office of Procurement Operations (OPO) and the Contracting Officer. The SOW was submitted to OPO on 9/27/2011 and the cost estimate was submitted to OPO on 9/29/2011.
DHS ITSO provides detailed scheduling and cost estimate to NPPD/FPS (<i>pending DHS ITSO scheduling input</i>)	October 2011		See above. Cost estimation for migration has been provided. ITSO is revising the work breakdown structure (WBS) and adjusting the schedule as needed.
NPPD/FPS provides IT transition funding to DHS ITSO (<i>pending DHS ITSO scheduling input</i>)	October 2011		FPS provided \$903,000 to DHS ITSO for the migration. Remaining \$5.3million transferred on October 25, 2011.
DHS CIO ITSO transitions FPS from the ICE network to DHSnet (DHS HQ network)	December 2012		Ongoing