



# NCSP

## ***National Council of Security Police***

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**Statement of Mike Stumbo  
Before the  
Senate Armed Services Committee – Sub Committee on Strategic Forces  
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Mr. Chairman and members of the subcommittee, I am Mike Stumbo and am pleased to be here at your request to testify before you on issues relating to the Dept. of Energy Protective Forces. I am one of them proudly serving as a Security Police Officer at the Pantex Nuclear Site. I see my job as continuing service to my country by defending against adversaries who are organized to destroy our country, Today; I am here to represent all of the Protective Forces who proudly serve our country throughout the DOE Complex. I serve as the President of the National Council of Security Police, commonly known as the NCSP. Our organization was formed by constituent unions to act as a collective voice on matters that are common to all protective forces throughout the DOE Complex. Our mission is not to bargain on behalf of labor unions at the sites, but to speak on issues where we have first hand personal experience and provide unfiltered insight from the field. For the past several years, we have focused on the question of federalizing the protective force which has been an area of extensive discussion and review within the DOE for many years. As highlighted in the recent GAO Report, there are significant personnel issues affecting the ability of the protective forces to perform their mission to standards that cannot be compromised. We believe the time is now to take the necessary steps to correct personnel issues which will insure a battle ready force; whether it is through federalization or some other form of legislative mandate which accomplishes the same results.

On July 16<sup>th</sup>, 1945 in the early morning hours near Alamogordo New Mexico a test code named "Trinity" refashioned our world forever. This new weapon ended a war and has become the very fabric of our national defense and the primary deterrent to an attack from our greatest enemies. Our government produces these weapons of mass destruction as part of our defense posture. There is no greater mission than to assure these weapons, and their components, are secured and protected so that every American can be assured our adversaries have NO access to them. The consequences of an event at one of these sites are so dire as to be unthinkable. We believe the securing and protection of our nuclear arsenal is an inherent government function and must be treated as such. Anything less is compromising the proper role of our government and in our judgment potentially compromising the security of our nuclear assets.

Currently security of our Nation's nuclear weapons and weapons grade materials, which are stored at various facilities near population centers throughout the country, is contracted out to private security contractors. It is this private structure that has not allowed the exceptional men and women who protect this nation to enjoy terms and conditions of employment commensurate with a shortened career resulting from the many requirements and demands of their jobs. In the field, this means many of the protective force become dissatisfied with their job as requirements increase and prospects for career progression or a secure retirement do not exist. As it relates to current employment, we are seeing a trend toward lowered job performance and increasing attrition rates. Quite frankly, new hires coming out of the military initially see these jobs as a continuation of military service in the private sector. However, once they have experienced the jobs, the jobs fall out of favor because there is very little incentive to make this a career. After investing all the time, money, and training necessary to attain full clearances, many of our qualified protective forces opt to transition to local law enforcement careers.

This is not a new or novel issue. The conflicts of interest, including profit versus performance that are inherent when a private security company protects nuclear assets has been the subject of ongoing discussion and review. As far back as 1990, a GAO report began to unveil problems with securing nuclear weapons and weapons grade material within a private structure. This report resulted in no action after identifying the inherent problems. Years later, in 2004, the topic was re-addressed by a working group. I quote from the memo issued by the 2004 DOE Protective Force Working Group:

Memorandum: "The world-changing events of September 11, 2001, decisively subordinated the old industrial security model to a "combat force" model. This new standard carries profound legal and practical implications, all of which tend to support adoption of the Federal force option."

In 2004, the mandate was clear and the reasons were sound. Again, no action.

Inexplicably, in 2009 the Dept changed its position yet again with a Memorandum dated January 13, 2009 to the Acting Deputy Secretary of DOE stating "that federalizing the protective force is no longer a viable option". The apparent overriding reasons were budgetary and the lack of any precedent of federalizing a group which has been historically contracted out. What were not adequately addressed are the many serious security issues that relate to the decision to eliminate federalization as an option. In our view, the reasoning behind the change in direction is flawed. The time is now to right the ship and take corrective action to address the serious personnel issues faced by DOE.

Due, in part, to NCSP's efforts, on March 31, 2009, the Chief Health, Safety, and Security Officer (HS-1) of the Department of Energy (DOE) commissioned a study to examine "realistic and reasonable options for improving the career opportunities and retirement prospects of protective force members. With the support of both DOE line management and the leadership of the National Council of Security Police (NCSP), a study team was assembled under the leadership of the Office of Health, Safety, and Security (HSS). The result of the report is captured in the January 2010 GAO report" **NUCLEAR SECURITY DOE Needs to Address Protective Forces' Personnel System Issues."**

I commend the GAO and its staff who committed approximately 18 months of resources identifying the facts of the current private DOE structure. One point that stands out in my mind which is captured in the 2010 GAO

report is the advantages and disadvantages of a contractor structure. Upon a careful reading of Table 7, you will be hard pressed to find any rational basis for concluding that the contractor model has any “real” advantage. At the core of federalizing protective forces is imposing more direct management and standardization throughout the complex. No one can argue these objectives will not better prepare protective forces to defend against the enemy. Equally important to the men and women who serve at our sites, there are federal benefits which better serve them for a shortened law enforcement type career. I know from experience how the current system impacts my brothers and sisters. It is not uncommon for one of us to reach an age, well before a normal retirement age, where we can no longer meet the demands of the job. This may be because of an injury where we cannot meet medical requirements. Or, it may be just middle age setting in and we cannot meet the physical fitness requirements. Many good men and women have found themselves without their job and without a real retirement option. After giving the best fifteen to twenty years of their working lives, these men and women find it difficult to survive in today’s economy. We are looking for a way to give back to them, in some small way, what they have given to their country. We now do it for others serving our country and we should do it for our protective forces.

The current Protective Force is not alone in its struggle to achieve a reasonable career path. The Department of Energy (DOE), in years past had approached the U.S. Office of Personnel Management (OPM) to determine if “nuclear materials couriers” were eligible for coverage under the “law enforcement” category for enhanced retirement benefits under the special “20-Year” benefits under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). As you know, nuclear couriers transport the nuclear materials we protect at the sites. The medical, physical training, and weapons requirements are nearly identical to the requirements and qualifications we must meet. The only significant difference in employment is nuclear couriers are federal employees. OPM determined that nuclear materials couriers did not meet the definition of “law enforcement” for eligibility and coverage under the special 20-year retirement benefits. Despite this decision, the Department pursued and acquired congressional support for including nuclear materials courier positions under the special 20-year retirement provisions. Congress acknowledged the uniqueness and nature of the work performed by nuclear materials couriers, and accepted the Department’s rationale for including this type of work under the enhanced special 20-Year retirement benefits. Consequently, a bill was introduced (1998 HR 3616) that later was passed and resulted in establishment of new legislation under Public Law 105-261. This law became effective on 10/17/98. The enactment of this law established a new category of positions, “Nuclear Materials Courier,” for inclusion under the enhanced retirement benefits for special 20-Year retirement under the CSRS and FERS retirement systems. The law authorized retroactive credit of service, for the purpose of establishing an entitlement to an annuity, back to the date the DOE was established. This date was October 1, 1977.

I come to you today to again acknowledge the uniqueness of and nature of the work performed by the current DOE Security Police Force. We are required to maintain the most stringent physical, medical and training standards in the law enforcement area. Like nuclear couriers, we should have our own federal classification recognizing the important duties and functions we perform for the citizens of our great nation. Three entities perform the task of securing nuclear weapons and nuclear grade material. They are the military, OST couriers, and DOE Security Police Officers. However only one of those entities is outside of a federal structure, the men and women I am here speaking on behalf of, DOE Security Police Officers throughout the United States. This is not right!

Our men and women are entrusted to protect the most powerful weapons known to mankind. Every work day, no matter how quiet it starts or how routine can turn, with or without warning into a terrorist attack. Our mission is to turn back and defend such an attack putting our lives on the line. There is no second line of defense, In addition to combat risks; working at nuclear sites exposes us to Radiation, Beryllium and other chemicals that are potentially harmful to our health. We encounter daily risks not encountered by our counterparts in other law enforcement employment. My brothers and sisters who wear the DOE Protective Force badge are well aware of these risks and have chosen this service. We train, prepare, and are well equipped. We have wives, children and parents who also know the risks and support us knowing how important the job we have is to our nation. We simply are looking for a career path and retirement system which provides some reasonable measure of financial security when our job comes to an end,

The current career structure that DOE Security Police Officers must be reformed. Over the last 20 years multiple studies demonstrate the system is broken. There is no need for more studies or reviews. The time has come to fix the system by imposing personnel policies that carry out the long term objectives of our mission. We believe the correct fix is federalizing the protective forces. If that cannot be accomplished through legislation, at the very least there needs to be a legislative mandate requiring private contractors provide pension and retiree health and welfare benefits that mirror federal benefits, For many years, we have been told budgetary restraints drive decision making in this area. We disagree that security in this area can be compromised because of funding. However, there is a current opportunity to use available stimulus money to fund benefits for the protective force. I believe that is exactly what President Obama has in mind by allocating stimulus monies to DOE. It would serve the dual purpose of working to raise the level of protection at nuclear sites and present better economic conditions to newly retired security police officers.

In closing I wish to thank those men and women that serve as DOE Security Police Officers and the privilege it has been to serve them as their spokesman in their efforts to secure a better career path. I also want to thank this Committee for giving me the opportunity to present the case on behalf of the NCSP and look forward to answering any questions you may have or providing any additional information you may need,

Respectfully,  
Mike Stumbo  
NCSP President