

## *“Shut the Door, They’re Coming Through the Windows:”* Are Federal Facilities a Yesteryear Bombing Target?

by Ron Kendall, Kendall Associates

Shortly after 9:00 am on the morning of April 19, 1995, a disaffected US gulf war veteran parked an explosive-filled rental truck at the curb outside the Alfred P. Murrah Federal Building in Oklahoma City. The truck contained a fertilizer-based bomb, weighing over 7,000 pounds, consisting of a mixture of ammonium nitrate, liquid nitromethane, and a water-gel explosive called Tovex. The bomb, detonated by fuses, killed 168 people, injured over 680, damaged more than 350 buildings in a 16 block radius, and caused over \$650 million in property damage.

In the wake of the Oklahoma City bombing, the Federal government mobilized to prevent, or at least substantially reduce, the risk of death, injury and property damage from acts of “terrorism” and other threats directed at federal facilities. Initially, a task force led by the Department of Justice created a system of security standards with all buildings relegated to one of 5 levels, with rather inflexible security requirements for each level. Later, a standing interagency committee led by the Department of Homeland Security, has, over time, promulgated a more flexible, yet more complex security program, and a process that involves a determination of each building’s facility security level (FSL), the formation of a Facility Security Committee (FSC), and the application of Physical Security Criteria for Federal Facilities (PSC) to the building in question based upon the Design Basis Threat (DBT).

Security improvements, or “counter-measures” as they are referred to in government security parlance, can take the form of both capital improvements (e.g., “hardening” of the “target” through structural changes to prevent progressive collapse, special blast-resistant treatments for windows and exterior walls, a combination of perimeter barriers for vehicles, and increased building setbacks from the curb, etc.) as well as operational changes and enhancements (e.g., additional security guards at the building entrances and about the building grounds, screening of vehicles, monitoring by surveillance cameras, etc.)

These standards are applied both to Federally owned as well as to leased facilities, and in both cases, the countermeasures add considerably to both first costs, as well as to continuing, operational expenses. Within the last year or so, for leases, GSA has begun requesting, as a matter of course, a monetary allowance for security improvements, called Building Security Amortized Capital (BSAC). This allowance, incidentally, is not to cover base building security improvements/features, which must be present in order for an offeror to compete for a lease award, but rather for discretionary application as GSA and the Building Security Committee sees fit after lease award, during tenant build-out.

In all this time since the Oklahoma City bombing, there has been no attempt by either GSA or GAO to ascertain what facility security, in aggregate, is costing the government. (GAO plans to study this next year.) There are, of course, project-specific cost estimates developed for new building projects, and there are generic estimates, at least for federal construction, as to what the upcharge is for building security. But as an overall program, these costs are not known. And the risks for which these costs are incurred have not been measured, even in a probabilistic context.

More notably, with the exception of airplane attacks (i.e., the 9/11 assault on the World Trade Center (WTC) towers and the Pentagon, and a plane crash into an IRS-leased building in Austin, Texas in 2010) there have been no bombings of federal buildings since the Oklahoma City attack 18 years ago. And technically the 9/11 WTC attack, while it destroyed WTC6 which housed the Customs Service (now Customs and Border Protection agency,) this damage to a federal facility was collateral; no one has suggested that US government tenants in the WTC complex were the targets for the 9/11 attacks.

Each year there are many “incidents” inside and near federal buildings and courthouses involving hand-

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guns, small arms fire, and in at least one year a satchel-size explosive device was left near a building façade. But in the past 18 years, no one has successfully bombed a federal building on US soil except the aforementioned plane-as-bomb incidents (the US embassy attacks in Dar es Salaam, Nairobi, and Bengazi were all on foreign soil).

It would be difficult to claim that the lack of vehicular-borne bomb attacks on federal buildings is the consequence of deterrence through broad implementation of building “countermeasures,” since most federal buildings remain without the kinds of protections recommended by the Interagency Security Committee in terms of set-backs or building hardening. (And bombs in the form of planes have not yet been put forth as a typical threat against which countermeasures are designed.) It could perhaps more reasonably be argued that US intelligence agencies have foiled all would-be bombings, though there is no public information to corroborate such a claim. More plausible is the notion that the Transportation Security Administration’s screening of all commercial flight passengers has prevented the use of jets as bombs. This preventative measure, rather than the defensive measure of fortifying federal buildings, has an intuitive claim as a prudent and reasonable federal expenditure in terms of TSA costs.

Equally plausible is the claim that most federal buildings, in wake of the Oklahoma City bombing, are no longer the primary targets for terrorist attacks on US soil. The evidence for this is simple: there have not been any such attacks. The reasons may be more elusive, but a few suggest themselves:

1) given our country’s prodigious wealth, rebuilding is a certitude, so a terrorist attack leaves no permanent scar; although memorials to the victims are likely.

2) If killing and maiming people is the objective rather than property damage, there are far more convenient targets: shopping malls, transportation hubs, schools (e.g., Columbine, Newtown) sporting events

(e.g., the Boston Marathon), movie theaters (e.g., Aurora)—anyplace, in fact, where large groups of people gather in the open.

3) Just as the Boston Marathon bombing demonstrated that in the present day, much that happens in public space is captured on camera, so too with the ubiquity of surveillance cameras scanning the approaches to federal facilities, any would-be bomber of a state-side federal building must know that s/he will be caught and put to death. Not that this might dissuade some, since suicide bombers abound, especially in foreign lands, but is it likely that bombers will martyr themselves to blow up domestic administrative agency buildings?

The 9/11 attack and terrorist bombings abroad (train and station bombings in Spain and Britain; attacks and bombings in India), suggest that terrorist bombing targets of choice tend to be iconic structures (WTC), symbols of national government power (the Pentagon, US embassies) or commercial/cultural epicenters of activity (shopping malls, trains, airports) but not office buildings for federal workers that often also house childcare centers. In fact, the Oklahoma City bomber, Terry McVeigh, was unaware that a childcare center was situate in the Alfred P. Murrah building; he observed that he might have “switched targets” had he known this.

Iconic federal structures such as the White House, the Capitol Building, the Pentagon, and the Supreme Court certainly constitute the kind of symbolic targets which might attract a terrorist bombing attack, as might certain prominent federal buildings and courthouses around the country that, in that state or city, represent the most visible presence of the US government. But in both Washington DC and elsewhere, many non-iconic federal facilities, and many housing administrative agencies, are treated by federal decision makers as worthy bombing targets. To its credit, the ISC guidance directs that Building Security Committees should take “context” into account in determining the reasonable risk of certain threats. One would think this would mean that most federal facilities in DC would forego

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the expense of building shell hardening, special blast protection window treatments and building set-backs, since these buildings would not make a terrorist’s top 10 list of DC bombing targets. But apparently, this is not the case. Two places where I have worked are cases in point. The Judiciary Office Building, located directly across from Union Station, now has an elaborate bollard system to protect against a vehicular-borne bomb, even though Union Station next door is a much more iconic structure, more inviting of an attack (truck bomb or satchel-borne charge) in terms of the potential for disruption to commerce, and Union Station is protected by no more than close-up concrete barriers, with no screening of people moving through this major transportation and retail hub.

And GSA itself, in modernizing its headquarters building at 1800 F St. NW, installed blast-resistant glazing (on the renovation sides), even though here again, it is not a likely terrorist target, an administrative agency headquarters situated between two much more attractive targets: the White House and the State Department building. Moreover, the expenditure of public funds to protect federal workers ensconced in a dense urban fabric, should raise fundamental public policy questions: if the government considers any urban-based facility to be enough of a bombing risk to warrant the expenditure of public monies in the protection of the asset, is it ethical for the government to go forward with fortifying the federal facility but leave the surrounding private-sector denizens unaware and unprotected from a bomb, when bombs are omnidirectional in terms of blast force?

If the bomb threat is indeed deemed probable enough to warrant expenditure of public monies, this certainly raises the question as to whether the location decision needs to be re-thought: is it not more in keeping with GSA’s “good neighbor” policy to locate the facility at a significant remove from other occupied facilities, so as not to endanger them? Spending taxpayer dollars to protect federal workers, the presumptive bomb targets, by fortifying the GS Building, but

allowing George Washington University undergraduates in the dormitories across 19<sup>th</sup> Street to face the full brunt of a bomb seems an untenable public policy position. Maybe the argument is that the risk of a bomb is highly improbable; but then, why spend the money to fortify the GS Building for an improbable event? It is either worth the investment or not, and if it’s worth the investment, how in good conscience can federal actors making these decisions ignore the externalities?

The FBI is now searching for a new home for its headquarters, and wants a facility with deep set-backs from vehicular access, separate parking structure(s) and remote delivery screening. Certainly, if it is a terrorist target, the FBI is better off, and its neighbors are better off, if it is not located as it is today in downtown DC in a building flush with the sidewalk. But then again, the FBI has been in its current “vulnerable” facility for 49 years (and in multiple surrounding leased occupancies for shorter durations), and yet neither the J. Edgar Hoover building, nor any FBI leased space in DC, has ever been the object of a terrorist bombing attack.

Again, while incidents involving “active shooters” and workplace violence continue to occur episodically in and around federal buildings and courthouses, for which *operational* security countermeasures are in place, namely 13,000 physical security officer guard posts at GSA owned and leased buildings, the frequency specifically of ground-based bombings of federal buildings, or rather the lack of such bombings over the last 18 years, suggests that the federal security establishment (i.e., the Interagency Security Committee) needs seriously to reconsider the “design basis threat” for bombings, especially given that the countermeasures which are designed to protect against such bombs add considerably to the capital costs of new construction (both leased and federally owned) as well as in the case of renovation/modernization.

Given that governmental change is highly reactive to crises, it is not surprising that, in the immediate aftermath of the Oklahoma City bombing, federal actors reacted as they did in moving to fortify most federal

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buildings. But with the passage of time, it is surprising that this defensive posture, especially with regard to vehicular-based bombs, has not been thoroughly re-examined. One would think this re-examination was warranted given the significant additive expense to minimize the impacts of ground-based vehicular bombs: the cost of additional land area that is needed to enable 50-foot setbacks for buildings and stand-alone parking facilities, as well as the capital cost, as much as \$35 per gross square foot for a Level IV building, and \$25 per gross square foot for a Level III building (GSA’s estimates) for security improvements. Certainly, countermeasures for vehicular bombs are not the only ingredient in this cost mix, but they are the largest single cost item, by far. Ignoring the additional land cost needed for set-backs, the cost for security—at \$35 per rentable square foot (rsf)—for the Level 4 buildings alone in the GSA inventory (with Level 4 buildings comprising 138 million rsf of federally owned space, and 44 million rsf of leased space) equates to \$6.3 billion.

The federal focus on protecting against the prospect of a bombing reflects a mindset trained on external-based threats. Ironically, in the time since the Oklahoma City bombing, the greatest threats to federal workers and to US government assets stateside (both physical and non-physical) appear to be perpetrated as often by US employees and contractors as by anyone on the “outside.”

Recent history has shown that the government has good reason to re-evaluate its clearance methods after security breaches involving many federal employees and contractors: “well more than a dozen” Secret Service agents cavorting with prostitutes in more places than Cartagena, Columbia; Aaron Alexis, the IT contractor and Navy Reservist, and Nidal Hasan, the Army psychiatrist, both going on killing rampages with ballistic weapons inside secured facilities; NSA contractor Edward Snowden leaking more US intelligence data than Chinese state-sponsored hackers have apparently ever unearthed; CIA moles Aldrich Ames and Robert

Hanssen betraying US agents abroad; and Navy intelligence officers and rear admirals (allegedly) accepting unseemly gifts from a foreign national involved in big-time Defense contracting, in return for intelligence secrets. These are the breaches and incidents the public knows about; there may be many others that have been dealt with quietly, such as a contract guard recently committing suicide during the workday with his service revolver in a GSA-controlled building that houses a daycare center.

It is apparent that the Interagency Security Committee and the teams of analysts and engineers that support the ISC, bring a great deal of sophistication to the understanding of blast forces and the tensile strength of building materials. It is not clear, however, that an equal degree of sophistication has been mastered in understanding the risks and probabilities of bomb threats, and in carefully assessing whether the countermeasures routinely deployed for ground vehicular-borne bombs are warranted, given both the high cost of those countermeasures, and the probability, for any specific building, of an actual vehicular bomb attack. The ISC guidance addresses assumption of risk if a decision is made not to implement a countermeasure, but there is little support for electing this path.

As Senator Thomas Carper said during a December 17, 2013 hearing on security at federal facilities, “the nature of threats [within the federal workplace] is constantly changing, and the methods to deal with those threats must continue to evolve as well.” Eighteen years after the Oklahoma City bombing, it may well be time to reassess whether every Level III and Level IV federal building in the country needs to be considered a probable target for a terrorist bomb.

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