

**U. S. Department of Justice  
 FY 2018 Performance Budget  
 Congressional Submission  
 Federal Prison System  
 Buildings and Facilities  
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# **I. Overview for the Bureau of Prisons, Buildings and Facilities (B&F) Appropriation**

## **1. Introduction and Background**

The Bureau of Prisons (BOP) was established in 1930 to provide more progressive and humane care for federal inmates, to professionalize the prison service, and to ensure consistent and centralized administration of the 11 federal prisons in operation at that time (now 122). The mission of the BOP, an agency of the Department of Justice (DOJ), is to protect society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The BOP is a critical part of the federal criminal justice system. Arresting authorities, prosecutors, judges, and community members rely on the BOP to ensure the nearly 189,000 inmates in custody are accounted for at all times, are treated humanely and with dignity, and are returned to their communities with the training and skills they need to be productive law-abiding citizens. The BOP must carry out these duties while ensuring that staff are working in a safe environment and have the tools, training, and support they need on a daily basis.

For FY 2018, BOP requests a total of \$113,000,000, with 53 positions and 53 FTEs for the Buildings and Facilities (B&F) appropriation. Funding is included in this request to increase the Modernization and Repair (M&R) base program in order to help address critical major projects.

Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/02organizations/bpp.htm>.

For FY 2018, the BOP requests \$113 million for the M&R base program. This request for an increase will address a small percentage of the many backlogged, unfunded projects. The BOP maintains a backlog of M&R major project priorities totaling 242 projects at an approximate total cost of \$542 million. The backlog reflects only those major projects (typically costing over \$300,000) that have been approved to receive funding as resources become available, and excludes the universe of unfunded repair and improvement minor projects (less than \$300,000) which are managed and prioritized at the regional level. Sufficient funding for the M&R program allows the BOP to plan projects and schedule work appropriately.

## 2. Challenges

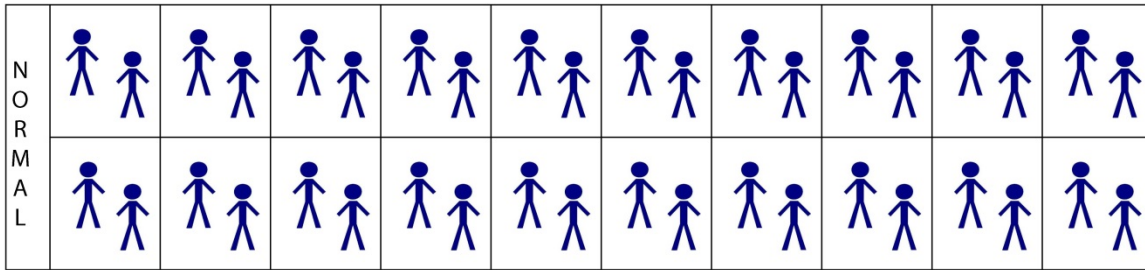
During the first five decades of the Bureau's existence, the number and type of inmates BOP housed remained stable. Beginning in the 1980s, however, federal law enforcement efforts and new legislation dramatically altered sentencing in the federal criminal justice system, bringing about a significant increase in the number and types of persons incarcerated for federal offenses. Largely as a result, the BOP's population doubled in the 1980s and doubled again in the 1990s. In the late 1990s, the BOP began absorbing the DC inmate population because of the National Capital Revitalization Act. The aftermath of September 11<sup>th</sup> also brought more inmates – individuals who presented very unique security concerns - as the nation's law enforcement efforts were targeted toward international terrorism. By 2013, the Bureau's population climbed to almost 220,000 its highest level ever with system-wide crowding at 36 percent.

Although the inmate population has been declining in recent years, there remains nearly 189,000 individuals serving time in federal prisons. BOP facilities and systems/equipment (water, sewer, electrical, and heating/air conditioning), many of which are aged and undersized, continue to be over utilized, which causes extensive wear and tear as well as premature deterioration. In addition, by nature of the environment, the systems are subjected to frequent abuse, which further shortens the life of the systems/equipment. This extra strain and misuse contribute to the critical need for additional M&R funds. The BOP faces challenges in managing the existing federal inmate population, and providing for inmates' care and safety in crowded conditions, as well as the safety of BOP staff and surrounding communities, within budgeted levels. BOP strives to accommodate the inmate population with a combined use of state, local and private sector contract beds, facility expansion, and acquisition of existing structures, as funding permits.

The size of the BOP inmate population exceeds the rated capacity of its prisons by 14 to 25 percent on average, depending on the security level (as of April 13, 2017). Rated capacity is the baseline used to calculate prison crowding, and assists in managing the BOP's inmate population to distribute the population throughout the system efficiently and equitably. The calculation for determining rated capacity involves stratified double bunking across all security levels and includes the following formulas: minimum and low security institutions at 100 percent double bunking; medium security institutions at 50 percent double bunking and; high security institutions at 25 percent double bunking.

The following charts show representations of inmate cells at normal rated capacity versus current crowding conditions at low, medium and high security levels:

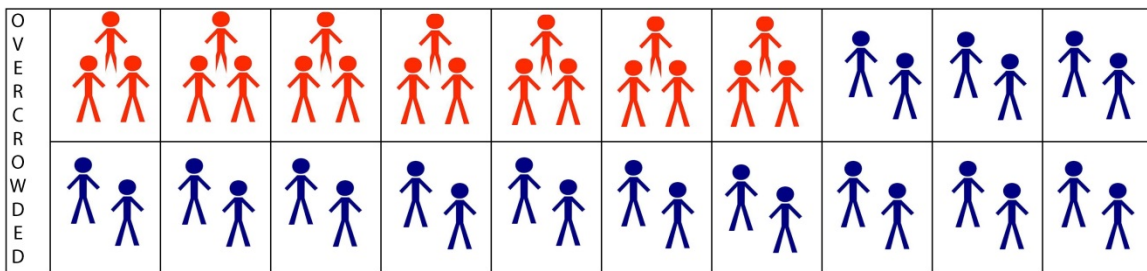
 = inmates housed at zero crowding      **Low Security**       = inmates housed in overcrowding situation



zero crowding

example at a **low** security prison

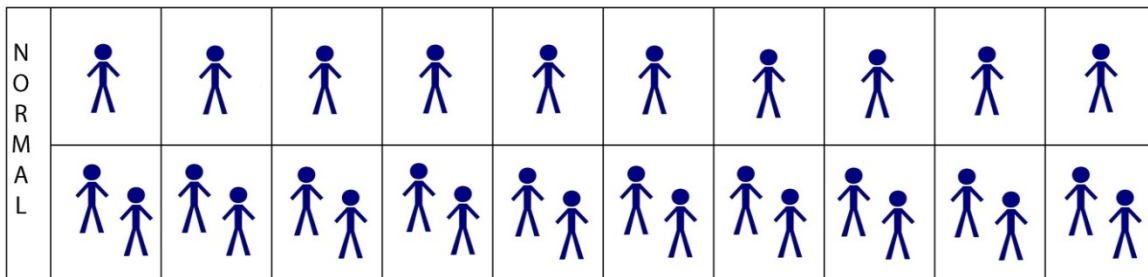
Rated Capacity: 2 inmates per cell, 20 cells, 100% double bunked.



18% crowding as of April 2017

(47 inmates and 40 beds rated capacity) - 45% of inmates are triple bunked

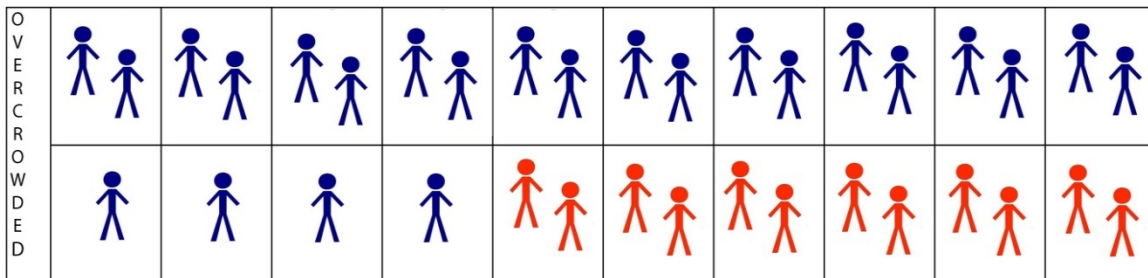
### Medium Security



zero crowding

example at a **medium** security prison

Rated Capacity: 2 inmates per cell in 50% of cells. 20 cells, 10 double bunked.

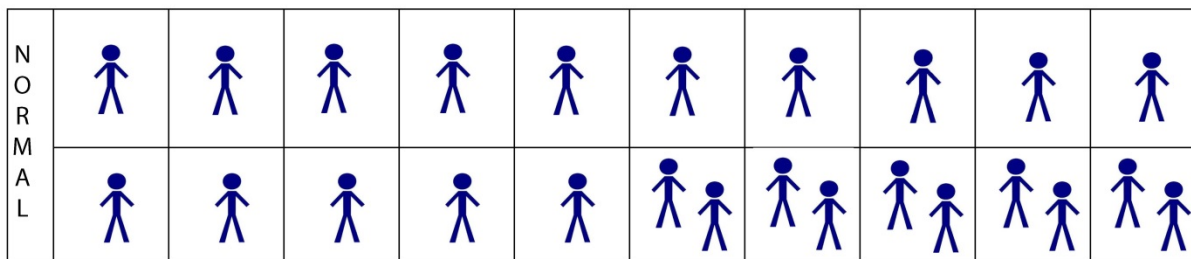


20% crowding as of April 2017

(36 inmates and 30 beds rated capacity)

89% of inmates are double bunked

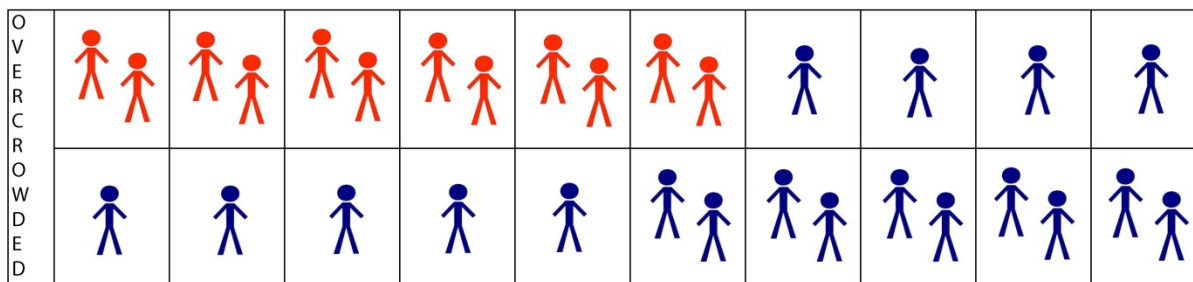
### High Security



**zero crowding**

example at a **high** security prison

Rated Capacity: 2 inmates per cell in 25% of cells. 20 cells, 5 double bunked.



**25% crowding as of April 2017**

**(31 inmates and 25 beds rated capacity)**

**71% of inmates are double bunked**

**29% of inmates are single bunked**

The following chart illustrates the actual and projected inmate population increases based on the current trends and accounting for the recently revised sentencing guidelines:

### Projected Population, Capacity, and Crowding

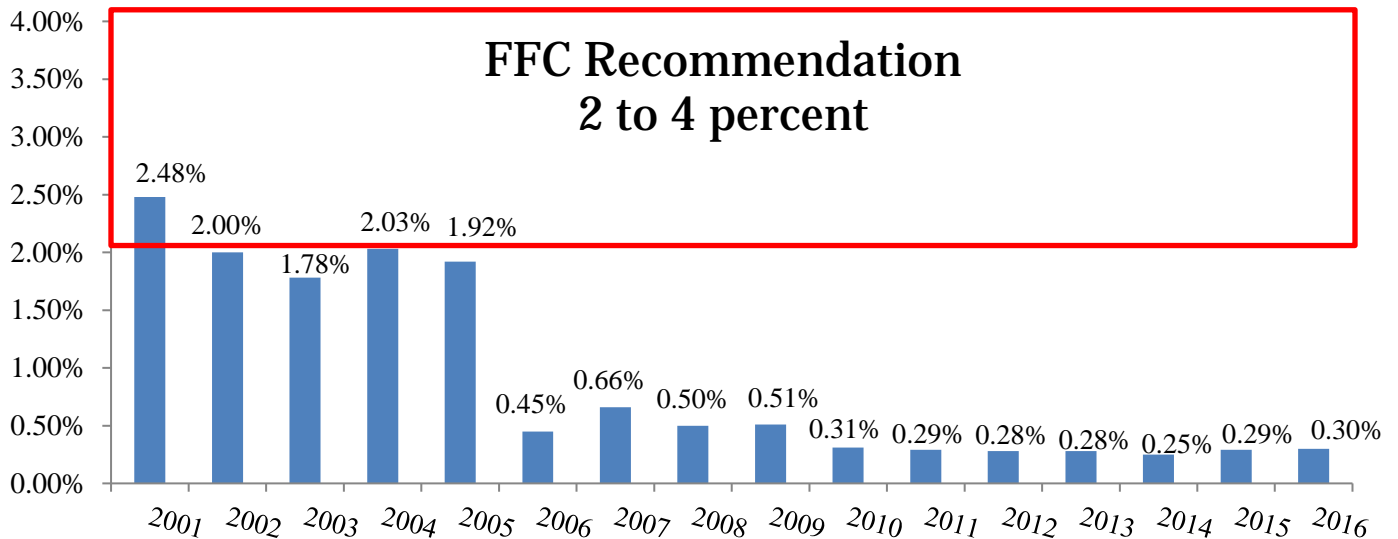
|  | 2014<br>(Actual) | 2015<br>(Actual) | 2016<br>(Actual) | 2017           | 2018           |
|--|------------------|------------------|------------------|----------------|----------------|
| <b>BOP Facilities</b>                  |                  |                  |                  |                |                |
| Starting Capacity                      | 129,726          | 132,803          | 134,470          | 135,232        | 135,403        |
| Additional Approved/Planned            | 3,077            | 1,667            | 762              | 171            | 500            |
| Subtotal Capacity                      | 132,803          | 134,470          | 135,232          | 135,403        | 135,903        |
| Pop. Projection                        | 172,242          | 165,134          | 156,266          | 152,085        | 156,256        |
| Percent Overcrowded                    | 30%              | 23%              | 16%              | 12%            | 15%            |
| Contract                               | 41,907           | 40,589           | 35,904           | 35,237         | 35,237         |
| Percent Contract                       | 19.6%            | 19.7%            | 18.7%            | 18.8%          | 18.4%          |
| <b>Total Federal Prison Population</b> | <b>214,149</b>   | <b>205,723</b>   | <b>192,170</b>   | <b>187,322</b> | <b>191,493</b> |

Note: The population projections are based on data and information from a variety of sources including the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, other DOJ components, and the BOP's own information system (SENTRY). The additional capacity projections shown above rely on enactment of funding for prison activation.

The B&F appropriation is comprised of two decision units: 1) the New Construction decision unit includes funding to expand existing facilities and acquire or construct new prison facilities; and 2) the M&R decision unit includes funding to maintain existing facilities in an adequate state of repair to provide a safe and secure environment to continue prison operations.

As a strategy to try to effectively manage the inmate population and crowding, the BOP continues to rely on a combination of contracts with private, state, and local vendors; increasing use of residential reentry centers and home confinement; expansions of existing facilities where infrastructure permits; and acquisition and renovation of existing structures. No new construction is being requested in FY 2018. However, the FY 2018 Salaries and Expenses budget includes some activation funding for the Administrative U.S. Penitentiary Thomson facility which would provide additional high security beds and reduce crowding at the high security level from 25 percent above capacity, as of April 13, 2017, to approximately 19 percent by the end of FY 2019, if the population remains stable.

The purpose of the M&R program is to provide the necessary resources to undertake essential rehabilitation, modernization and renovation of buildings, other structures, and associated systems. This program provides the necessary modifications to meet legal requirements and accommodate correctional programs. Further, the M&R base program is also responsible for repair or replacement of utilities systems and other critical infrastructure and repair projects at existing institutions in order to keep all systems and structures in an adequate state of repair. The proper maintenance, modernization, and repair of BOP institutions is important to ensure the long-term use of these facilities. Failure to maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required repairs. Most importantly, failure to maintain structures can cause direct and indirect security problems. The BOP continues to allocate M&R funds primarily for emergency, life safety, and some of the highest priority major projects, annually. The BOP tries to follow the Federal Facilities Council (FFC) Standing Committee on Operations and Maintenance Report Number 131 for maintaining existing prisons. The FFC recommends the BOP funds facilities maintenance programs at a minimum of 2 to 4 percent of their replacement value. Over the years, the BOP has received the following amounts as it relates to the replacement value:



Within the resources dedicated to the M&R program in FY 2017, the BOP proposes to address 25 major repair/replacement projects, and there are currently over 240 on the waiting list (e.g., fence, roofs, HVAC, fire alarms). Proper maintenance, repair, and replacement are necessary to address aging systems to avoid further deterioration and larger future replacement costs.

Several years ago, DOJ completed implementation of the Asset Management Plan (AMP) system achieving compliance with the Real Property Management initiative from OMB. The AMP inventories all real property and related information. This is a significant DOJ and BOP accomplishment as the Federal Prison System accounts for over 90 percent of all of DOJ’s capital assets.

### 3. Full Program Costs

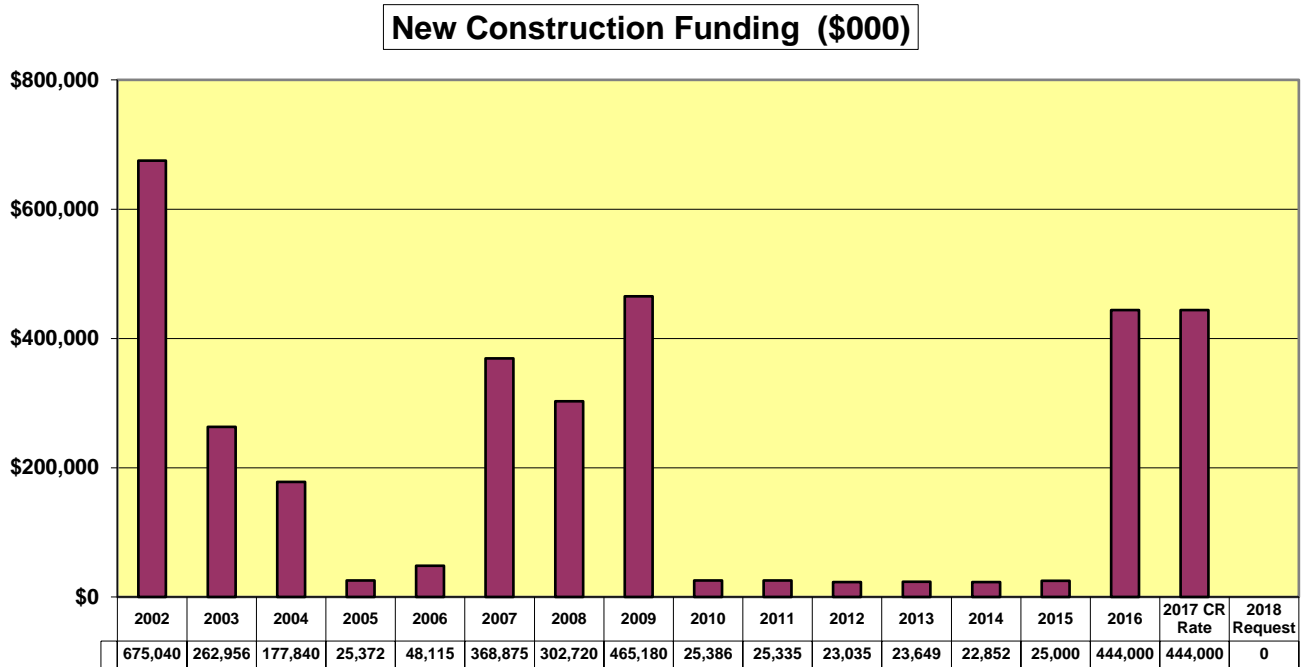
#### FY 2018 Budget Request by Decision Unit

##### New Construction Funds:

New Construction base resources fund land payments of the Federal Transfer Center in Oklahoma City and salaries and administrative costs of staff necessary to carry out the program objective. They also fund environmental requirements and geo-technical exploration, construction of inmate work program areas, expansion and conversion projects, i.e. additional special housing unit space; and any unforeseen preliminary project costs issues, which may arise and are not included in the individual project cost estimate. Further, when BOP has not identified a specific location, new construction base funds for site investigations are required for a project.

The BOP does not request New Construction funding for FY 2018. Further, the FY 2018 budget proposes a \$444 million rescission in unobligated New Construction balances, originally appropriated in FY 2016 for the construction of a new facility in Letcher County, KY.

The following chart shows the history of New Construction funding levels from FY 2002 to the FY 2018 Request:



Note: The BOP absorbed prior rescissions against new construction project funds of \$5.7 million in FY 2002, \$51.9 million in FY 2004, \$45 million in FY 2012, and \$64.7 million in FY 2013. Amounts shown include funding for B&F positions, as well as construction projects.



Modernization and Repair: \$113,000,000

| <b>M&amp;R Program Increase Request</b> | <b>Dollars<br/>(<u>\$000</u>)</b> | <b><u>Pos.</u></b> | <b><u>FTE</u></b> |
|---|-----------------------------------|--------------------|-------------------|
| M&R Replacement Value Adjustment        | <u>27,760</u>                     | <u>0</u>           | <u>0</u>          |
| Total Program Increase Request          | \$27,760                          | 0                  | 0                 |

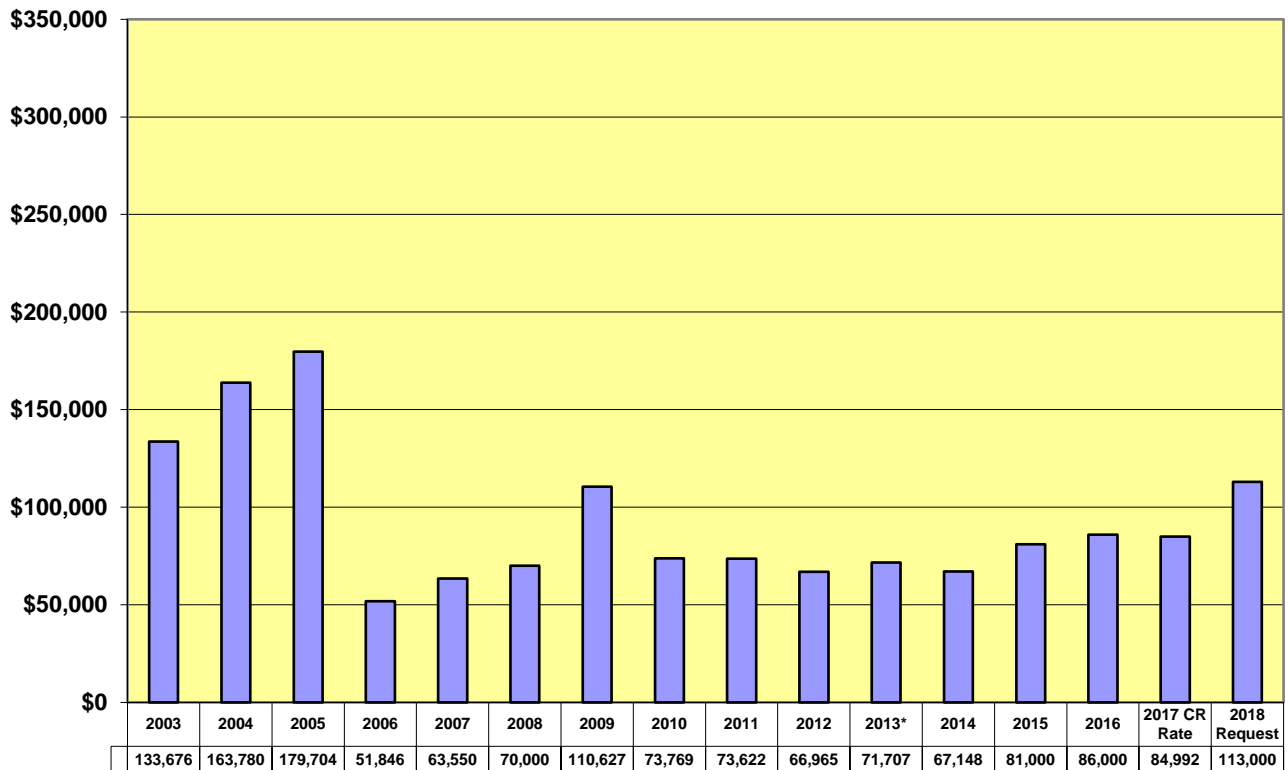
Funding for the M&R Program addresses critical repair and security projects in order to safely maintain federal prisons and efficiently manage public resources. For FY 2018, the BOP requests a total of \$113 million in M&R base funding. As noted earlier, the FFC recommends that an M&R funding level be 2 to 4 percent of the replacement value of existing facilities. This recommendation would equate to \$548 million at 2 percent and up to \$1.2 billion at 4 percent. In contrast, the BOP's request for a total M&R base of \$113 million is relatively low and would only total 0.36 percent of the replacement value. However, this request to increase the M&R base will allow the BOP to fund the highest priority repairs of aging facilities' infrastructures. The BOP's highest priority projects involve infrastructure, security and life safety needs to include fire alarm repair/replacement; water system renovation; roof repairs; fence repairs; generator/Switchgear/electrical repairs; elevator and chiller repairs. Priorities are constantly changing as emergencies arise and equipment/systems fail.

M&R is an important component of institution security, as deteriorated facilities add to increased risk of escape, inability to lock down cells, and potential violence due to frustration over inadequate living conditions, such as leaking and collapsing roofs. Further, deteriorating facilities can result in off-line housing units, which reduces bed space and increases crowding system-wide.

In addition, M&R base funds reduce further deterioration of prison buildings, infrastructures, and physical plants, and minimize repair costs in order to use the public's investment of \$31.5 billion in replacement costs in a practical and efficient way. Delays in completing these repairs have increased the number and cost of unfunded projects as well as contributed to additional deterioration of BOP's aging and failing infrastructure. Every year a project is not completed, the amount required for that project increases due to inflation and further deterioration. Inflation varies from state to state and from year to year. On average, for every year funding of a project is delayed, the cost increases at an average rate of 5 percent. Even a modest rate of inflation can seriously erode purchasing power over time. For example, at an inflation rate of 5 percent, \$957,212 is needed in five years to match the purchasing power of \$750,000 today. At the end of 20 years, \$1,989,973 will be needed to construct that same \$750,000 project. This request to increase the M&R base will provide much needed resources to fund some of the high priority projects. Thus, allowing the BOP to keep its goal to maintain a safe and productive environment for staff and inmates.

The following chart shows the history of M&R funding levels and requests from FY 2003 to FY 2018:

**Modernization & Repair Funding (\$000)**



\* This amount includes \$10 million in Supplemental Appropriation for Hurricane Sandy Relief, for repairs at prisons affected by the storm.

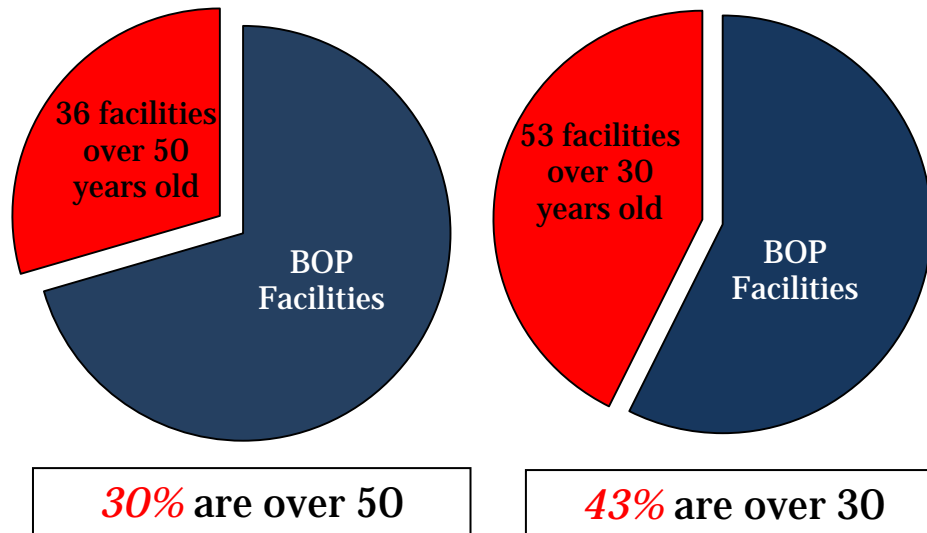
#### 4. Performance Challenges

The biggest challenge the BOP faces is managing and providing for the care of the federal inmate population, while maintaining the appropriately safe and secure prisons required to ensure the safety of inmates, BOP staff, and surrounding communities. The BOP is most concerned with reducing crowding in high security institutions, effectively managing federal inmates, and tending to deteriorating infrastructures.

Prison facilities are subjected to much heavier than normal use since they are continuously used 24 hours a day, 365 days a year, in crowded conditions. As a result, the rate of deterioration tends to be higher than other federal facilities, putting an additional strain on BOP's M&R resources. The BOP seeks to address this challenge by reprioritizing projects on a regular basis to ensure that the most critical needs are met, but is often unable to address lower priority projects due to funding constraints.

About 30 percent of the BOP's 122 institutions are over 50 years old and 43 percent are over 30 years old. These older facilities present higher needs for repairs and renovations than newer facilities and consume a large proportion of the BOP's M&R resources. The

BOP prioritizes its major M&R projects (typically those costing about \$300,000 or more) so that the most critical are funded first in order to maintain safe and secure facilities. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.



### **Environmental and Energy Performance**

The BOP has made significant progress in environmental and energy performance. The agency continues to integrate and improve prior practices and requirements, as funding permits. The BOP is actively using energy performance contracting finance mechanisms, including Energy Savings Performance Contracts (ESPC) and Utility Energy Service Contracts (UESC). Performance contracts provide services for design, acquisition, financing, installation, testing, and, where appropriate, operation, maintenance, and repair of an identified energy or water conservation measure or series of measures at one or more agency locations. The contractor incurs the costs of implementing energy and/or water saving measures, including the cost of conducting audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the utility savings directly resulting from the implementation of conservation measures.

In 2006, the BOP implemented a performance contracting schedule which requires each institution to initiate a performance contract by the end of FY 2020. The BOP has initiated 35 energy performance contracts over the last six years, with projects awarded at 21 BOP institutions through FY 2017. Since FY 2012, the awarded BOP projects implemented over \$386 million in green initiatives; such as solar power, biomass boilers, lighting upgrades, water conservation retrofits, building automation, heating and cooling equipment replacement, and many other conservation measures.

With 122 federal prisons and over 153,000 inmates in BOP-operated facilities, the BOP is the largest energy and water consumer in the Department of Justice. Like all government entities, the BOP is required to meet the goals established in the Energy Policy Act of 2005, the Energy Independence Act of 2007, and Executive Order 13693.

As stated, the BOP is aggressively pursuing energy performance contracts to help meet these goals, but with its large inmate population and aging infrastructure, energy performance contracts are not sufficient to meet these goals alone. It is estimated that during the next five years, the BOP would need over \$250 million in conservation related M&R funds to meet these goals. As an example, Executive Order 13693 requires agencies to meet the Guiding Principles on at least 15% of their existing buildings (either by building or by square footage) no later than FY 2025. An engineering firm performed a contract study on an existing institution to determine the estimated cost to meet the guiding principles. The estimate for this work is approximately \$3 million. To meet the 15 percent requirement, the BOP would have to make 18 prisons sustainable. This requirement alone would exceed \$50 million in M&R funds.

Agency Greenhouse Gas Emission Reduction requirements under Executive Order 13693 compel the BOP to reduce energy consumption even further. The BOP has not yet developed a strategy to meet the mandates of this EO, but anticipates that any plan would likely require significant M&R funding and the replacement of old equipment such as boilers. The BOP has 36 institutions that are over 50 years old and a large amount of equipment at these institutions is inefficient and emits large quantities of greenhouse gases. If the BOP were to replace the equipment, these costs could exceed \$50 million.

The BOP is also in the process of self-certifying the Environmental Management Systems (EMS) based on ISO 14001 requirements from the International Organization for Standardization. The main purpose of EMS is to identify operations which affect the environment. During the self-certification process, a survey team performs an inspection to determine if the institution complies with all environmental regulations. As a result of inspections, the BOP has found that many institutions would require infrastructure improvements to meet regulations. For example, an inspection of underground fuel tanks requires replacement at a cost of approximately \$350,000 to meet current standards. The total cost estimate to provide the necessary repairs, Bureau-wide, could amount to approximately \$10 million. If these repairs are not made, BOP may be subjected to possible fines by the EPA.

## **Environmental Accountability**

### **Energy Performance Contracting**

The BOP continues its progress of improving environmental and energy performance. The BOP is aggressively pursuing energy performance contracting finance mechanisms permitted by Executive Order 13693. Thirty-five energy performance contracts have been initiated over the last five years, with projects awarded at twenty-one BOP institutions through FY 2017. As part of these projects, the BOP is implementing green initiatives such as solar power, wind turbines, biomass boilers, geo-thermal systems, lighting upgrades, water conservation retrofits, heating and cooling equipment replacement, and many other energy saving measures.

The BOP's ESPC Program has won the following national awards:

- DOE Small Team Award for the FCC Victorville Project
- Presidential Award for Leadership in Federal Energy Management

- GSA Award for the “Greening of Prisons”
- DOJ Energy and Environmental Awards to USP Hazelton and FCC Victorville

Since FY 2012, 21 institutions have received energy performance contracts, including the United States Penitentiary (USP) Marion, IL; Federal Correctional Institutions (FCI) Beckley, WV; Cumberland, MD; Danbury, CT; Manchester, KY; Otisville, NY; Waseca, MN; El Reno, OK; Fort Worth, TX; Fort Dix, NJ; Ashland, KY; Milan, MI; Federal Prison Camp (FPC) Alderson, WV; Federal Medical Center (FMC) Rochester, MN; Carswell, TX; Lexington, KY; Federal Correctional Complex (FCC) Coleman, FL; Butner, NC; Metropolitan Detention Center (MDC) Brooklyn, NY; Federal Detention Center (FDC) Philadelphia, PA; and Correctional Institution (CI) Taft, CA. The combined square footage for the 21 institutions included over 13 million square-feet. The 160 implemented Energy Conservation Measures (ECMs) have had a significant impact on the agency’s reduction goals for water and energy consumption. The contracts included measures implementing water management, lighting enhancements, sub-meter integration, building automation upgrades, HVAC measures, refrigeration improvements, building envelope, and central plant improvements to include boilers, chillers, and cooling towers. The consolidated projected savings for the 21 sites include 983,053 MBtu/yr in energy savings and 1,053,425 KGal/yr of water reductions. Water conservation measures implemented under the PPCC had a significant impact in reducing the agency’s water consumption in fiscal year 2016; a reduction of 406 million gallons, possibly the largest annual reduction of water in agency history.

### **LEED Buildings**

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is the nationally accepted benchmark for design, construction and operation of high performance sustainable buildings. As part of this certification, these assets received points for a sustainable site, water efficiency, energy/atmosphere, materials/resources, indoor air quality and innovative designs. The BOP was one of the first to embrace sustainable design as early as 2002 under Executive Order 13123 working with FEMP of the DOE. The newer FCI in Butner, NC is one of the first prisons in the country to be LEED “Certified.” The Aliceville, AL FCI for women achieved a Silver Rating under the LEED program, which was the first LEED Silver Rating earned for one of the BOP’s new institutions. FCI Hazelton, WV received a LEED “Gold” Rating, which was also a first for the BOP. Most recently, USP Yazoo City, MS received a LEED “Silver.” Future new prisons will be developed to reach a minimum level of “Silver.”

As a leader in correctional design, and striving for compliance with mandates such as EPACT-2005, EISA-2007, EO-13693 and the Guiding Principles, BOP studied the process by which we could achieve self-sustaining facilities by the year 2030. To achieve this goal of Net-Zero Energy Buildings (Net-ZEB), BOP continues to incorporate sustainable technologies as they present themselves. Examples include Energy Recovery, Rain Water Harvesting, Geothermal Heat Exchange, and High Performance Systems

### **Energy Conservation**

In addition, the BOP is also pursuing energy conservation and greening projects via non-traditional methods. After years of work at FCC Allenwood, the BOP signed a contract

with Lycoming County to purchase electricity produced from landfill methane gas. The methane plant supplies FCC Allenwood with over 25,000 MWh of renewable electric power, approximately 85% of the institution’s electric consumption. This project has increased county revenue, reduced greenhouse gas emissions and provided affordable electricity to the federal prisons.

In an effort to conserve energy system-wide, the BOP implemented an Energy Conservation Initiative in 2006. This initiative employs integrated design principles, optimization of energy performance and operational changes. As part of this initiative, the BOP reduced the consumption of electricity, natural gas, fuel oil, gasoline and water.

### **Recycling**

The BOP continues to work at growing its existing recycling program. As of September 30, 2016, the BOP diverted approximately 38.5 percent of its waste from landfills. The total landfill wastes poundage was 113,138,248, including construction and demolition waste. Recycled poundage was 70,780,055, including composted and recycled construction and demolition waste. The BOP continues to strive to achieve a fifty percent solid waste diversion. Data is collected each quarter from all sites to monitor progress. The BOP Central Office is working with the new Regional Environmental and Safety Compliance Administrators to aid in developing the recycling programs by region. The recycling web page continues to be regularly updated with information developed by the recycling committee and information provided by institutions.

### **Water Conservation**

Water reduction challenges for the BOP continue to be a high priority. The current method of measuring for water reduction is gallons per square feet. It is difficult to achieve reductions in water usage due to inmate crowding in BOP facilities. In efforts to achieve current Executive Orders and Mandates concerning water conservation, the Agency’s Director issued a “Water Conservation Initiative” memorandum on March 5, 2012. The memorandum outlined water conservation requirements; to include monthly monitoring of water use, and new reporting obligations. The BOP continues implementation of water reduction measures in ESPCs and the use of water efficient products where feasible. Together, these efforts reduced the BOP’s water use by 406 million gallons of water from fiscal year 2015 to fiscal year 2016.

## **II. Summary of Program Changes**

| Item Name                         | Description      |          |          | Page            |                 |
|-----------------------------------|------------------|----------|----------|-----------------|-----------------|
|                                   |                  | Pos.     | FTE      |                 | Dollars (\$000) |
| Modernization and Repair Increase | Program Increase | 0        | 0        | 27,760          | 26              |
| <b>Total Program Changes</b>      |                  | <b>0</b> | <b>0</b> | <b>\$27,760</b> |                 |

### III: Appropriations Language and Analysis of Appropriations Language

#### Appropriations Language

New language proposed for FY 2018 is italicized and underlined, and FY 2016 Enacted appropriation language proposed for deletion is bracketed.

#### Buildings and Facilities

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, [\$530,000,000] *\$113,000,000*, to remain available until expended [, of which *\$444,000,000* shall be available only for costs related to construction of new facilities]: Provided, That labor of United States prisoners may be used for work performed under this appropriation. *(CANCELLATION) Of the unobligated balances available under this heading, \$444,000,000 are hereby permanently cancelled.* (Department of Justice Appropriations Act, 2016)

*Note.—A full-year 2017 appropriation for this account was not enacted at the time the budget was prepared; therefore, the budget assumes this account is operating under the Further Continuing Appropriations Act, 2017 (P.L. 114-254). The amounts included for 2017 reflect the annualized level provided by the continuing resolution.*

#### Analysis of Appropriation Language

No substantive language changes; however, a rescission of \$444 million in unobligated new construction balances is proposed.

#### IV. Decision Unit Justification

##### A. New Construction

| <b>New Construction</b>                       | <b>Direct Pos.</b> | <b>Estimate FTE</b> | <b>Amount (\$000)</b> |
|---|--------------------|---------------------|-----------------------|
| 2016 Enacted                                  | 98                 | 12                  | 444,000               |
| 2017 Continuing Resolution                    | 98                 | 60                  | 444,000               |
| Adjustments to Base and Technical Adjustments | -87                | -49                 | 0                     |
| 2018 Current Services                         | 11                 | 11                  | 0                     |
| 2018 Request                                  | 11                 | 11                  | 0                     |
| <b>Total Change 2017-2018</b>                 | <b>-87</b>         | <b>-49</b>          | <b>-\$444,000</b>     |

**No Information Technology for this program.**

##### 1. Program Description

###### New Construction

The BOP does not request New Construction funding for FY 2018. Further, the FY 2018 budget proposes a \$444 million rescission in unobligated New Construction balances, originally appropriated in FY 2016 for the construction of a new facility in Letcher County, KY.

As the final component on the law enforcement pipeline, the BOP has little control over the size of its population or the duration of inmates' incarceration. By law, the BOP must accept all inmates sentenced to confinement by the Federal courts. In addition, in accordance with the D.C. Revitalization Act of 1997, the BOP must accept responsibility for the District of Columbia sentenced felon population.

The BOP regularly reviews capacity requirements, considers the current and projected inmate population levels, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of existing facilities. The BOP strives to manage the existing large population and resulting crowding to ensure that federal inmates continue to serve their sentences in a safe and humane environment.

The BOP strives to accommodate its population in the safest and most cost effective manner. The BOP continues to explore opportunities for increasing capacity through the utilization of contract facilities, expansion of existing facilities, acquisition and conversion of military and other properties to prison use, and the ongoing design and construction of new prisons, consistent with capacity planning and available funding.

From a cost perspective, BOP considers the expansion of existing institutions to be a cost effective technique for increasing prison capacity, and the BOP has added housing units at facilities where program space and systems infrastructure can absorb further



population increases. However, where major program and support areas, such as food service and utilities are at capacity, institutional expansion may be cost prohibitive and other alternatives are considered.

GAO Report 08-634, *Prison Construction*, recommended that the BOP communicate in DOJ's annual Congressional budget submission: (1) the extent to which project costs may vary from initial estimates, and (2) changes that may impact the functionality of projects.

- (1) Actual Costs May Vary from Initial Estimates - The cost estimates appearing on the Status of Construction exhibit are preliminary and are updated periodically based on the following factors: when full construction funds are anticipated to become available, geographic location, historical and projected cost escalation, and allowances for uncertainty as to actual sites to be developed. Although cost escalation has been lower in recent years, preliminary cost estimates historically increase (approximately five percent or more) each year until full funding is provided for projects and construction contracts can be awarded.
- (2) Changes from the FY 2017 Congressional Budget – This budget proposes a \$444 million rescission of unobligated prison construction balances originally appropriated in FY 2016 for the construction of a facility in Letcher County, KY.

## 2. Performance and Resource Tables

| PERFORMANCE AND RESOURCES TABLE |  |         |         |         |         |           |         |  |           |                   |         |
|---------------------------------|--|---------|---------|---------|---------|-----------|---------|--|-----------|-------------------|---------|
| Decision Unit: New Construction |  |         |         |         |         |           |         |  |           |                   |         |
| RESOURCES                       |  | Target  |         | Actual  |         | Projected |         | Changes  |           | Requested (Total) |         |
|                                 |  | FY 2016 |         | FY 2016 |         | FY 2017   |         | Current Services Adjustments and FY 2018 Program Changes |           | FY 2018 Request   |         |
| Total Costs and FTE             |  | FTE     | \$000   | FTE     | \$000   | FTE       | \$000   | FTE  | \$000     | FTE               | \$000   |
|                                 |  | 56      | 530,000 | 56      | 530,000 | 109       | 528,992 | (56)   | (415,992) | 53                | 113,000 |
| TYPE                            | PERFORMANCE  | FY 2016 |         | FY 2016 |         | FY 2017   |         | Current Services Adjustments and FY 2018 Program Changes |           | FY 2018 Request   |         |
| Program Activity                | New Construction   | FTE     | \$000   | FTE     | \$000   | FTE       | \$000   | FTE  | \$000     | FTE               | \$000   |
| <b>Performance Measure</b>      | Number of Environmental Impact Studies/Environmental Assessments completed | 12      | 444,000 | 12      | 444,000 | 60        | 444,000 | (49)   | (444,000) | 11                | 0       |
| <b>Performance Measure</b>      | Number of major construction awards  | 2       |         | 0       |         | 2         |         | 0  |           | 2                 |         |
| <b>Performance Measure</b>      | System-wide crowding level   | 0       |         | 0       |         | 0         |         | 0  |           | 0                 |         |
| <b>Performance Measure</b>      | System-wide crowding level   | 14%     |         | 16%     |         | 12%       |         | 3  |           | 15%               |         |
| <b>OUTCOME</b>                  | Number of facilities completed   | 0       |         | 0       |         | 1         |         | (1)  |           | 0                 |         |

**Data Definition:** The crowding levels are based on a mathematical ratio of the number of inmates divided by the rated capacity of the institutions at each of the specific security levels. The percent of crowding represents the rate of crowding that is over rated capacity. For example, if an institution had a number of inmates that equaled the rated capacity, this would represent 100% occupancy, which equals 0% crowding. Any occupancy above 100% represents a percentage of crowding. System-wide: represents all inmates in BOP facilities and all rated capacity, including secure and non-secure facilities, low, medium, and high security levels, as well as administrative maximum, detention, medical, holdover, and other special housing unit categories. For new construction projects, a Notice to Proceed (NTP) is issued by the contracting officer, shortly after award of a design-build contract. The NTP authorizes the contractor to begin work under the contract, initially the start of design. Mission critical facilities are all existing BOP institutions.

**Data Collection and Storage:** Data are gathered from several computer systems. Each project is assigned a specific project code. Each obligation and expenditure is entered into the Financial Management Information System (FMIS) by the specific project code. Awards of design-build contracts for new construction projects are maintained and monitored through the BOP's fund control system and DOJ's FMIS. Inmate data are collected on the BOP on-line system (SENTRY). The BOP also utilizes a population forecast model to plan for future contracting and construction requirements to meet capacity needs.

**Data Validation and Verification:** Within BOP headquarters, staff retrieve and verify data on a daily basis, analyze it, and formulate reports and projections. Purchase requests for design-build contracts are approved by specific project management staff (based on dollar threshold limitations); commitments are entered into a computer based fund control system; and purchase requests are forwarded for procurement action. Once the procurement office awards a contract/purchase order, the obligation is entered into the DOJ FMIS. Each month, FMIS obligations are reconciled with the BOP's fund control register by project, and forwarded to the Central Office Finance Branch, Business Office, to ensure accuracy and compliance. The contracting officer issues the NTP, shortly after award of a design-build contract. The award of a contract is based on completing the

procurement of the contract and receipt of the necessary environmental or political requirements or clearances. Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conduct an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC), comprised of top BOP officials, meets quarterly to review, verify, and update population projections and capacity needs for the BOP. Offender data are collected regularly from the Administrative Office of the U.S. Courts by the BOP Office of Research and Evaluation in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that all available prison space is fully utilized, both in federal prisons and in contract care.

**Data Limitations:** Due to the unpredictable environment in prisons and other external factors, there may be discrepancies between projected and actual numbers contained in the performance tables. Most plans are developed based on historical data, and past experience to project for the future. In addition, budget delays and shortfalls also affect performance results. The time required for a project to go from NTP to “completion” depends on numerous factors, such as: the extent of site development or remediation activities required; climate of the project site (how many months of good construction weather); what time of year the NTP is issued; unusual weather; unforeseen site conditions; and quality of management by the contractor.

| PERFORMANCE MEASURE TABLE                       |   |         |         |         |         |         |        |         |         |
|---|---|---------|---------|---------|---------|---------|--------|---------|---------|
| Decision Unit: New Construction                 |   |         |         |         |         |         |        |         |         |
| Performance Report and Performance Plan Targets |   | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |        | FY 2017 | FY 2018 |
|   |   | Actual  | Actual  | Actual  | Actual  | Target  | Actual | Target  | Target  |
| <b>Performance Measure</b>                      | Number of Environmental Impact Studies/Environmental Assessments completed. | 1       | 0       | 0       | 2       | 2       | 0      | 2       | 2       |
| <b>Performance Measure</b>                      | Number of major construction awards   | 0       | 0       | 0       | 1       | 0       | 0      | 0       | 0       |
| <b>Performance Measure</b>                      | System-wide Crowding in Federal Prisons                                     | 38%     | 36%     | 30%     | 23%     | 14%     | 16%    | 12%     | 15%     |
| <b>OUTCOME Measure</b>                          | Number of facilities completed  | 1       | 2       | 0       | 0       | 0       | 0      | 1       | 0       |

### **3. Performance, Resources, and Strategies**

#### **a. Performance Plan and Report for Outcomes**

For FY 2016, the BOP projected that one environmental assessment (EA) and one environmental impact study (EIS) would be completed. An EA is a concise public document that provides sufficient analysis for determining if a federal action has the potential to cause significant environmental effects. If the agency determines, based on the EA, that the action will not have significant environmental impacts, the agency will issue a Finding of No Significant Impact (FONSI). If the EA determines that the environmental impacts of a proposed federal action will be significant, an Environmental Impact Statement (EIS) is prepared. These studies were started in FY 2016 but due to the complexity of the studies and changes in the requirements, the studies will extend into FY 2017. Two EA's are projected to be completed in FY 2018.

The BOP had no major construction awards in FY 2016 and the BOP anticipates no major construction awards in FY 2017 and FY 2018. For FY 2016, there were no facilities anticipated for completion. The BOP anticipates completing construction of the FCI Danbury project in FY 2017. For FY 2018, there are no facilities anticipated for completion.

The population projections are based on data and information from a variety of sources including the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, other DOJ components, and the BOP's own information system (SENTRY). Additional capacity projections rely on future enactment of funding for contract beds, acquisitions, new construction, and activations. In FY 2016, the actual system-wide crowding was 16 percent. BOP's new projections for system-wide crowding (per the most recent capacity plan) are estimated at 12 percent for FY 2017 and 15 percent FY 2018.

#### **b. Strategies to Accomplish Outcomes**

The BOP strives to acquire needed capacity through a multi-pronged approach of contracts with private providers of correctional services for male low security special populations, with state and local governments, expansions of existing facilities, and construction and acquisition of new prisons, as funding permits. BOP continues to contract out for male special population low and minimum security inmates. A total of 34,895 inmates (18.5 percent) were housed in contract confinement as of April 13, 2017.

## B. Modernization and Repair

| <b>Modernization and Repair</b>                  | <b>Direct.<br/>Pos.</b> | <b>Estimate<br/>FTE</b> | <b>Amount<br/>(\$000)</b> |
|--|-------------------------|-------------------------|---------------------------|
| 2016 Enacted                                     | 141                     | 44                      | 86,000                    |
| 2017 Continuing Resolution                       | 141                     | 49                      | 84,992                    |
| Adjustments to Base and Technical<br>Adjustments | -99                     | -7                      | 248                       |
| 2018 Current Services                            | 42                      | 42                      | 85,240                    |
| 2018 Program Increase                            | 0                       | 0                       | 27,760                    |
| 2018 Request                                     | 42                      | 42                      | 113,000                   |
| <b>Total Change 2017-2018</b>                    | <b>-99</b>              | <b>-7</b>               | <b>\$28,008</b>           |

**No Information Technology for this program.**

### 1. Program Description

#### Modernization and Repair

For FY 2018, the BOP requests a total of \$113,000,000 for the Modernization and Repair (M&R) base program. This request provides an increase of \$27,760,000 to the M&R base to begin to address some of the highest priority repair needs of existing institutions so inmates can continue to serve their sentences in safe and secure environments. This program is intended to provide the base resources to undertake rehabilitation; modernization, and renovation of buildings, other structures, and associated systems. It is also to make necessary modifications to meet legal requirements and accommodate correctional programs; repair or replacement of utilities systems; and complete other infrastructure and repair projects at existing institutions in order to keep all systems and structures in a good state of repair. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. Most important, failure to maintain structures can cause direct and/or indirect security problems.

Inmate work crews perform most maintenance and repair projects. This provides instructional work for inmates and labor for the performed work. Inmate work crews require staff supervision to direct the work being performed and to promote institutional security.

Almost one-third of the BOP's 122 institutions are over 50 years old, and most have not undergone major renovations from the time they were constructed, or acquired and converted, to prison use by the BOP. Each facility has numerous buildings on the compound, including inmate living quarters, many of which require extensive work to maintain an adequate state of repair to assure that they meet established standards. Prison facilities have much heavier than normal use due to continuous use 24 hours a day, 365 days a year, in crowded conditions. The size of the population at medium and high

security prisons leads to the overutilization of the facilities, causing extensive wear and tear as well as premature deterioration. This is especially true in many of the older facilities where the utility system infrastructures (water, sewer, electrical, and heating/air conditioning) were originally designed for a smaller inmate population.

Institutions perform detailed annual inspections of all areas of their physical plants and provide a list of projects to their regional office for all items that are in need of remedial action. The regional offices consolidate major project request lists from their facilities and forward the priority lists to the central office. The central office prioritizes all the major M&R project requests (typically those over \$300,000) submitted by the regions and allocates funds for as many projects as practical. As of March 2017, the BOP had 632 ongoing major and minor M&R projects at various stages of completion. Individual project costs range from a low of \$10,000 to about \$9 million.

The BOP M&R projects are classified under five general categories for internal management purposes (Life Safety, General Improvements, Infrastructure Improvements, Hazardous Waste, and Energy Savings). Within each of these categories are special projects to meet various regulations and codes requirements. Life Safety projects are required to make corrective actions in order to comply with National Fire Code (NFPA 101) standards. General Improvement projects modernize and/or improve equipment, entire rooms, such as kitchens, or buildings that require total rehabilitation of structures, including walls, floors and widows. Infrastructure Improvement projects modernize or replace utilities, such as water pipes and electrical systems. Hazardous Waste projects abate hazardous waste, such as asbestos, through removal, encapsulation, and other methods as necessary. Energy Savings projects conserve energy by using more energy efficient equipment and systems. Energy projects are also required to meet pertinent energy conservation laws and regulations.

The five categories may also contain subcategories of projects (such as Accessibility, Environmental, and others) to meet specific needs. For example, General Improvement projects may each include smaller Accessibility projects to meet Architectural Barriers Act requirements. Environmental projects are necessary for the BOP to be in compliance with environmental and safety regulations required by the Environmental Protection Agency (EPA) and the Office of Safety and Health Administration (OSHA).

The M&R program has demonstrated substantial improvements through the project time limit policy, and the two percent replacement value method of requesting funding. These changes have helped the BOP complete more projects in a shorter period and stretch its repair dollars. With the time limit policy, the BOP has substantially reduced the M&R unobligated balance from over \$118 million in FY 1999 down to \$22.3 million at the end of FY 2016.

## 2. Performance and Resource Tables

| PERFORMANCE AND RESOURCE TABLE                                 |   |         |         |         |         |           |         |  |           |                   |         |
|--|---|---------|---------|---------|---------|-----------|---------|--|-----------|-------------------|---------|
| Decision Unit: Modernization and Repair of Existing Facilities |   |         |         |         |         |           |         |  |           |                   |         |
| RESOURCES  |   | Target  |         | Actual  |         | Projected |         | Changes  |           | Requested (Total) |         |
|  |   | FY 2016 |         | FY 2016 |         | FY 2017   |         | Current Services Adjustments and FY 2018 Program Changes |           | FY 2018 Request   |         |
| Total Costs and FTE  |   | FTE     | \$000   | FTE     | \$000   | FTE       | \$000   | FTE  | \$000     | FTE               | \$000   |
|  |   | 56      | 530,000 | 56      | 530,000 | 109       | 528,992 | (56)   | (415,992) | 53                | 113,000 |
| TYPE   | PERFORMANCE                                     | FY 2016 |         | FY 2016 |         | FY 2017   |         | Current Services Adjustments and FY 2018 Program Changes |           | FY 2018 Request   |         |
| Program Activity   | Modernization and Repair of Existing Facilities | FTE     | \$000   | FTE     | \$000   | FTE       | \$000   | FTE  | \$000     | FTE               | \$000   |
|  |   | 44      | 86,000  | 44      | 86,000  | 49        | 84,992  | (7)  | 28,008    | 42                | 113,000 |
| Workload Measure   | Total projects completed and closed             | 350     |         | 553     |         | 429       |         | (129)  |           | 300               |         |
| Workload Measure   | Total projects active at year end               | 568     |         | 566     |         | 470       |         | 30   |           | 500               |         |
| Performance Measure  | Number of facilities over 30 years old          | 53      |         | 53      |         | 53        |         | 2  |           | 55                |         |
| Performance Measure  | Number of facilities over 50 years old          | 36      |         | 36      |         | 36        |         | 0  |           | 36                |         |
| Outcome  | Dollar value of fines for violations            | 0       |         | 0       |         | 0         |         | 0  |           | 0                 |         |

**Data Definition:** The total M&R projects active and those completed and closed are obtained from BOP's database in Microsoft Access that is used to establish and monitor B&F projects. Projects are considered active as soon as they are established in the database. Projects are considered completed and closed once they are officially closed in FMIS at which time the project is closed in BOP's database. The age of BOP facilities is calculated from a database developed to identify the year each institution was constructed. The three-year time limit policy for Modernization and Repair (M&R) projects means that institutions are allowed three years to complete scheduled projects or the project is canceled and the funds are committed to other high priority M&R projects. To ensure that electronic equipment utilized for life safety sustains trouble-free operation, the BOP schedules life cycle equipment replacement based on a ten-year cycle. The critical equipment is radio systems and PBX (Public Branch Exchange) systems. Mission critical facilities are all existing BOP institutions.

**Data Validation and Verification:** Within BOP headquarters, staff retrieve and verify data on a daily basis, analyze it, and formulate reports and projections. Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. Purchase requests are approved by specific project management staff (based on dollar threshold limitations); commitments are entered into a computer based fund control system; and purchase requests are forwarded for procurement action. Once the procurement office awards a contract/purchase order, the obligation is entered into the DOJ FMIS. Each month, FMIS obligations are reconciled with the BOP's fund control register by project, and forwarded to the Central Office Finance Branch, Business Office, to ensure accuracy and compliance. M&R data is maintained in the Microsoft Access database and is verified periodically against FMIS which also tracks the financial status of projects. On an annual basis, the BOP's Central Office Facilities Branch documents which electronic equipment, utilized for life

safety, will be at the end of the ten year life cycle. This is accomplished through review and evaluation of the systems by field staff, the contractor, and close monitoring of the TMS program. Each institution enters their data into the TMS program and the information on the critical equipment is reviewed and verified by their respective Regional Office for accurate dates and equipment condition.. Data are gathered from several computer systems. Each project is assigned a specific project code. Each obligation and expenditure is entered into FMIS by the specific project code. M&R projects are closely monitored to ensure completion and closure prior to the 3-year time limit. At the start of every fiscal year, the BOP's Central Office identifies the M&R projects that will reach the 3-year time limit by the end of that fiscal year. The BOP relies on an in-house data base in Microsoft Access and DOJ's FMIS to effectively track and manage M&R projects (dates and costs). The BOP uses the Total Maintenance System (TMS) program to determine nationally which radio, PBX System and equipment qualify for replacement annually, based on age and performance.

**Data Limitations:** Due to the unpredictable environment in prisons and other external factors, there may be discrepancies between projected and actual numbers contained in the performance tables. Most plans are all required equipment replacements based on the ten-year life cycle developed based on historical data, and past experience to project for the future. In addition, budget delays and shortfalls also affect performance results. For example, due to budget shortfalls in the M&R program projects could not be completed due to limited funds, and some replacements had to be delayed to the following year.

| PERFORMANCE MEASURE TABLE                       |  |         |         |         |         |         |         |         |         |
|---|--|---------|---------|---------|---------|---------|---------|---------|---------|
| Decision Unit: Modernization & Repair           |  |         |         |         |         |         |         |         |         |
| Performance Report and Performance Plan Targets |  | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |         | FY 2017 | FY 2018 |
|   |  | Actual  | Actual  | Actual  | Actual  | Target  | Actual  | Target  | Target  |
| <b>Workload Measure</b>                         | M&R projects: Completed/Active         | 300/665 | 420/527 | 452/568 | 454/600 | 350/568 | 553/566 | 429/470 | 300/500 |
| <b>Performance Measure</b>                      | Number of facilities over 30 years old | 51      | 51      | 51      | 52      | 53      | 53      | 53      | 55      |
| <b>Performance Measure</b>                      | Number of facilities over 50 years old | 33      | 34      | 35      | 36      | 36      | 36      | 36      | 36      |



### **3. Performance, Resources, and Strategies**

#### **a. Performance Plan and Report for Outcomes**

As illustrated in the preceding Performance and Resources Table, the outcome measures for this decision unit include: Court ordered remedial projects and dollar value of fines for violations.

The BOP funds M&R projects within its available resource level. In FY 2016, the BOP completed and closed 553 M&R projects, leaving 566 active at year end. For FY 2017, the BOP anticipates completing 429 M&R projects, leaving 470 active at year end, and for FY 2018, the BOP anticipates completing 300 M&R projects, leaving 500 active at year end. Institutions perform detailed annual inspections of all areas of their physical plants and provide a list of projects to their regional office for all items which are in need of remedial action. These items subsequently are placed on a priority list for funding.

#### **b. Strategies to Accomplish Outcomes**

The M&R program has demonstrated substantial improvements using the replacement value method and the project time limit policy.

The replacement value method of requesting funding was first implemented in FY 2000. It allowed the BOP to adopt a project management approach to the M&R program, since it should ensure a reliable funding stream and stable work force. This method is based on recommendations of the Federal Facilities Council (FFC), which recommends that facilities maintenance programs should be funded at two to four percent of their replacement value. The BOP calculates the M&R replacement value by multiplying the institutions' capacity with the current construction cost per bed, minus 10 percent for land costs, since the facility would be rebuilt on the existing property. This cost to rebuild would then be multiplied by 2 to 4 percent.

Using a replacement value method of funding, instead of the previous line item method, allows the BOP to plan projects well in advance, and preliminary/preparation work can be performed prior to the scheduled start of the projects. Previously, preliminary work could not always be performed since this required considerable expense, and there was no assurance projects would be funded. In addition, staff and jobs are scheduled to meet the unique requirements of each institution and project (i.e. shifting inmates between housing units at a given institution). The level of planning provided by this funding method enables management to obligate funds and start projects on schedule, which was not previously the case. Under the prior method, projects were funded up-front as line items and staff and funding were dedicated to specific projects, which could not be started until preliminary/preparation work was completed.

The replacement value method of funding has shortened the time required to complete large M&R projects, through concurrent management of projects in phases, based on projected availability of funds. Under this method, managers can plan projects in smaller

stages over a longer period of time and can schedule work to allow for regional and seasonal weather conditions, as well as the unique needs of the facilities and availability of local contractors. Prior to this method, it could take BOP four to five years to complete large M&R projects. With the replacement value method, the time to complete these projects can be reduced by two to three years.

In addition, in 1998, the BOP implemented a three-year time limit policy for M&R projects to ensure that institutions complete scheduled projects in a timely manner or the projects will be cancelled. When a project is cancelled, the funding is applied to the next highest priority project. All projects are monitored to inform local, regional, and central office management of projects that may not meet the time limit. The number of M&R projects cancelled per fiscal year decreased from sixty-five in FY 2002 to seven in FY 2016.

## V. Program Increases by Item

### Item Name: Modernization and Repair (M&R) Program Increase

Budget Decision Unit: Modernization and Repair

Organizational Program: Modernization and Repair

| <b>Program Increase:</b> | <b>Pos.</b> | <b>Agt/Atty</b> | <b>FTE</b> | <b>Dollars<br/>(\$000)</b> |
|--------------------------|-------------|-----------------|------------|----------------------------|
| M&R Program Increase     | <u>0</u>    | <u>0</u>        | <u>0</u>   | <u>27,760</u>              |
| TOTAL                    | 0           | 0               | 0          | \$27,760                   |

#### Description of Item

For FY 2018, BOP requests an increase of \$27,760,000 to the M&R base program. Due to inmate crowding, BOP facilities continue to be over utilized, which causes extensive wear and tear as well as premature deterioration. Additional M&R resources will permit the BOP to tend to some high priority infrastructure needs and reduce the large backlog of unfunded projects.

#### Justification

For many years, the BOP's M&R funding primarily was allocated to emergency and life safety projects, and a minimal amount went to the highest priority major projects. This has led to a backlog of unfunded M&R priority projects. This list of projects will continue to grow every year the BOP does not receive additional M&R resources.

With the requested M&R funding, the BOP will be able to replace aged equipment with new energy efficient models, thus resulting in reduced energy costs and increased reliability. Moreover, instead of constantly reacting to emergency repairs, an increased M&R base will permit managers to plan and fund larger infrastructure repairs/replacement projects and achieve cost savings while improving deteriorating infrastructure in one project instead of funding them in phases.

The BOP promotes public safety by ensuring federal offenders serve their sentence of imprisonment in institutions that are safe, humane, cost-efficient, and appropriately secure. Failure to appropriately maintain structures and utility systems can cause direct and/or indirect security problems and make it more difficult for BOP to achieve its mission of providing safe and humane institutions.

#### Impact on Performance

This request to increase the M&R base program supports safe operations and preserves the infrastructure of existing BOP prisons. Without additional funding, the BOP expects the backlog of required M&R projects will increase even more, as resources will need to be allocated to emergencies and life safety systems rather than regular maintenance. As facilities age and this backlog increases, it will be increasingly difficult for the BOP to ensure the safe and humane confinement of its inmate population as well as the safety of its officers.

## M&R Funding

### Base Funding

| FY 2016 Enacted |     |         | FY 2017 Continuing Resolution |     |         | FY 2018 Current Services |     |         |
|-----------------|-----|---------|-------------------------------|-----|---------|--------------------------|-----|---------|
| Pos             | FTE | \$(000) | Pos                           | FTE | \$(000) | Pos                      | FTE | \$(000) |
| 0               | 0   | \$0     | 0                             | 0   | \$0     |                          |     | \$0     |

### Non-Personnel Increase/ Cost Summary

| Non-Personnel Item  | Unit | Quantity | FY 2018 Request (\$000) | FY 2019 Net Annualization (change from 2016) (\$000) | FY 2020 Net Annualization (change from 2017) (\$000) |
|---------------------|------|----------|-------------------------|--|--|
| Project Costs       | 1    | 1        | \$27,760                | \$0  | \$0  |
| Total Non-Personnel | 1    | 1        | \$27,760                | \$0  | \$0  |

### Total Request for this Item

|                   | Pos | FTE | Personnel (\$000) | Non-Personnel (\$000) | Total (\$000) | FY 2017 Net Annualization (change from 2016) (\$000) | FY 2018 Net Annualization (change from 2017) (\$000) |
|-------------------|-----|-----|-------------------|-----------------------|---------------|--|--|
| Current Services  | 0   | 0   | \$0               | \$0                   | \$0           | \$0  | \$0  |
| Increases:<br>M&R | 0   | 0   | \$0               | \$27,760              | \$27,760      | 0  | 0  |
| Grand Total       | 0   | 0   | \$0               | \$27,760              | \$27,760      | \$0  | 0  |

## VI. Program Offsets by Item

### Item Name: Rescission of USP Letcher County, KY Unobligated Balances

Budget Decision Unit: New Construction

Organizational Program: New Construction

| Program Reduction: | <u>Pos.</u> | <u>Agt./Atty.</u> | <u>FTE</u> | Dollars<br><u>(\$000)</u> |
|--------------------|-------------|-------------------|------------|---------------------------|
|                    | 0           | 0                 | 0          | -\$444,000                |

#### Description of Item

The budget proposes to rescind \$444,000,000 in unobligated New Construction balances originally appropriated in FY 2016 for the construction of a facility in Letcher County, KY. This proposal will result in stoppage of any major site work, preliminary project work and/or planned contract activities for this construction project.

#### Justification

For FY 2018, the budget proposes a rescission of \$444,000,000 in unobligated prison construction balances. Rather than investing in new construction, the budget includes funding to expand prison capacity in more efficient and cost-effective ways. In Salaries and Expenses, \$80 million is requested to activate the Tomson, IL facility, which would provide additional capacity to reduce crowding without the need for new construction. In addition, the BOP is able to leverage contracts with private facilities to house additional inmates, particularly at the low-security level.

#### Impact on Performance

N/A

**USP Letcher County, KY Rescission of Funds**

Base Funding

| FY 2016 Enacted |     |           | FY 2017 Continuing Resolution |     |           | FY 2018 Current Services |     |            |
|-----------------|-----|-----------|-------------------------------|-----|-----------|--------------------------|-----|------------|
| Pos             | FTE | \$(000)   | Pos                           | FTE | \$(000)   | Pos                      | FTE | \$(000)    |
| 0               | 0   | \$444,000 | 0                             | 0   | \$444,000 | 0                        | 0   | -\$444,000 |

Non-Personnel Offset Cost Summary

| Non-Personnel Item         | Unit     | Quantity | FY 2018 Request (\$000) | FY 2019 Net Annualization (change from 2016) (\$000) | FY 2020 Net Annualization (change from 2017) (\$000) |
|----------------------------|----------|----------|-------------------------|--|--|
| Project Costs              | 1        | 1        | -\$444,000              | \$0  | \$0  |
| <b>Total Non-Personnel</b> | <b>1</b> | <b>1</b> | <b>-\$444,000</b>       | <b>\$0</b>   | <b>\$0</b>   |

Total Request for this Item

|                                | Pos      | FTE      | Personnel (\$000) | Non-Personnel (\$000) | Total (\$000)     | FY 2017 Net Annualization (change from 2016) (\$000) | FY 2018 Net Annualization (change from 2017) (\$000) |
|--------------------------------|----------|----------|-------------------|-----------------------|-------------------|--|--|
| Current Services               | 0        | 0        | \$0               | -\$444,000            | -\$444,000        | \$0  | \$0  |
| Offset:<br>USP Letcher Cty, KY | 0        | 0        | \$0               | -\$444,000            | -\$444,000        | 0  | 0  |
| <b>Grand Total</b>             | <b>0</b> | <b>0</b> | <b>\$0</b>        | <b>-\$444,000</b>     | <b>-\$444,000</b> | <b>\$0</b>   | <b>0</b>   |