

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Court Security

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2019 Assumed Appropriation	\$607,275,000
Fiscal Year 2020 Appropriation Request	\$641,273,000
Requested Increase from Fiscal Year 2019 Assumed Appropriation	\$33,998,000

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

**COURT SECURITY
(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), [\$607,275,000]\$641,273,000, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

(H.R. 6147 - Financial Services and General Government Appropriations Act, 2019, updated to reflect the judiciary's fiscal year 2019 assumed appropriation)

**SUMMARY OF REQUEST
COURT SECURITY
FISCAL YEAR 2020
(Dollar amounts in thousands)**

Fiscal Year 2020 Resource Requirements:

<u>Page</u>	<u>FTE</u>	<u>Amount</u>
Fiscal Year 2019 Assumed Obligations	75	\$633,377
Less encumbered carryforward from FY 2018 into FY 2019	-	(16,053)
Less utilization of Judiciary Information Technology Fund (JITF)	-	(49)
Less unencumbered carryforward and recoveries from prior years into FY 2019	-	(10,000)
Fiscal Year 2019 Assumed Appropriation	75	\$607,275

A. Adjustments to Base:

	1. Pay and benefits adjustments		
7.14	a. Annualization of assumed January 2019 pay adjustment (1.9% for three months)	-	55
7.14	b. Promotions and within-grade increases	-	85
7.14	c. Health Benefits increases	-	7
7.15	d. FICA adjustment	-	4
7.15	e. FERS adjustment	-	257
7.15	f. One more compensable day	-	1,845
7.15	2. Annualization of court security officer (CSO) positions (35)	-	1,549
7.15	3. Fiscal year 2020 CSO contract and wage rate adjustments (3.0%)	-	13,208
7.16	4. Inflationary increases in charges for contracts, services, supplies, and equipment	-	945
7.16	5. Inflationary increase in GSA space rental costs	-	161

<u>Page</u>		<u>FTEs</u>	<u>Amount</u>
7.16	6. Changes in Federal Protective Service security charges		
	a. Increase in basic security charges	-	1,691
	b. Increase in building-specific security charges	-	422
7.17	7. Adjustments to base requirements for security systems and equipment	-	5,296
	Subtotal, Adjustments to Base to Maintain Current Services	-	25,525
	Total Current Services Appropriation Required	75	632,800
	<u>B. Program Increases / Decreases</u>		
7.21	8. Physical access control systems replacement strategy	-	5,003
7.21	9. New courthouse construction projects		
	a. Security infrastructure for new courthouse construction projects	-	(9,001)
	b. CSOs for new courthouse construction projects (34 CSOs)	-	1,660
7.21	10. Video management systems replacement strategy	-	6,300
7.22	11. Phased implementation (4th Year) of CSO staffing standards (69 CSOs)	-	3,951
7.22	12. Additional district supervisors	-	560
	Subtotal, Program Increases	-	8,473
	Total Fiscal Year 2020 Appropriation Required	75	641,273
	Total Appropriation Increase, Fiscal Year 2019 to Fiscal Year 2020	-	33,998
	<u>Financing the Fiscal Year 2020 Request:</u>		
	Total Appropriation Required	75	641,273
7.23	Anticipated unencumbered carryforward from FY 2019 and prior years into FY 2020	-	10,000
	Estimated Obligations, Fiscal Year 2020	75	651,273

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
COURT SECURITY
Obligation by Activity (\$000)

Activity	FY 2018 Actual	FY 2019 Assumed Obligations/ Appropriation	FY 2020 Request
Court Security - Total Obligations including Judiciary Information Technology Fund (JITF) and Encumbered Carryforward	579,958	633,377	651,273
Unobligated Balance, start of year			
JITF	(185)	(49)	-
Recoveries	-	-	-
Deposits	-	-	-
Unobligated Balance, end of year	49	-	-
Court Security - Total Obligations excluding JITF	579,822	633,328	651,273
Less Encumbered Carryforward	(956)	(16,053)	-
Total Direct Obligations	578,866	617,275	651,273
Unobligated Balance, start of year	(17,947)	(26,053)	(10,000)
Unobligated transfers between			
expired and unexpired accounts	(10,000)	(10,000)	-
Prior Year Recoveries/Obligations	10,027	16,053	-
Unobligated Balance, end of year	26,053	10,000	-
Available Appropriation	586,999	607,275	641,273

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
COURT SECURITY
Obligations by Budget Object Class (\$000)

Description	FY 2018 Actual	FY 2019 Assumed Obligations/ Appropriation	FY 2020 Request
11 Personnel compensation	6,867	8,825	9,122
12 Personnel benefits	2,314	2,620	2,857
21 Travel	602	431	498
22 Transportation of things	48	12	12
23 Rent, communications and utilities			-
<i>Rental payments to GSA</i>	7,587	7,569	7,730
25 Contractual Services			-
<i>CSO Contract</i>	392,476	416,434	438,748
<i>Other Contractual Services</i>	40,362	38,007	41,717
<i>Federal Protective Service Charges</i>	82,169	85,813	87,926
<i>AO Reimbursable</i>	1,767	1,516	1,561
26 Supplies and materials	1,706	364	369
31 Equipment	43,104	55,733	60,733
Total obligations excluding encumbered carryforward (slippage)¹	579,002	617,324	651,273

¹ Includes JITF obligations as follows: \$136,000 in FY 2018 and \$49,000 in FY 2019.

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
COURT SECURITY
Relation of Obligations to Outlays

	FY 2018 Actual (\$000)	FY 2019 Assumed Obligations (\$000)	FY 2020 Request (\$000)	Difference (+) or (-) (\$000)
Total Obligations incurred, net	579,822	633,328	651,273	17,945
Obligated balance, start of year	171,579	173,134	184,462	11,328
Adjustments in expired and unexpired accounts	(12,516)	-	-	-
Obligated balance, end of year	(173,134)	(184,462)	(193,735)	(9,273)
Net Outlays	565,751	622,000	642,000	20,000

Personnel Summary

	FY 2018 Actual	FY 2019 Assumed Obligations	FY 2020 Request	Difference (+) or (-)
Total compensable workyears (FTE):				
United States Marshals Service	55	75	75	-
Total, Court Security	55	75	75	-

GENERAL STATEMENT AND INFORMATION

The Court Security appropriation was established in 1983 and funds the necessary expenses, not otherwise provided for, incident to the provision of protective guard services, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing federal court operations. This includes building access control, inspection of mail and packages, directed security patrols, perimeter security, and other similar activities as authorized by 28 U.S.C. § 604(a)(22).

Federal courthouses are often the most visible symbols of the U.S. Government presence in communities outside of Washington, D.C., and, as such, may be considered inviting targets for terrorist attacks. In addition, the judicial process compels the attendance of suspected and convicted criminals to its facilities daily, which invites additional risks. At the same time, witnesses, jurors, family members of the suspected or convicted criminals, members of the Bar of the Court, the press, court employees, and the public must be able to enter and use the buildings. Maintaining the proper balance between ensuring an open court system and having secure court facilities is a complex task given the increasing number of threats against the federal judiciary.

The fiscal year (FY) 2020 Court Security appropriation request of \$641,273,000 will provide an appropriate level of security at existing court facilities and provide security coverage at new and renovated facilities. It will also allow the judiciary to sustain and make progress on two existing major strategic security initiatives: (1) improved physical access control systems (PACS) at courthouses nationwide; and (2) phased, multi-year implementation of new court security officer (CSO) staffing standards. Additionally, the FY 2020 request includes a new strategic security initiative to replace video management systems at courthouses nationwide (see page 7.12).

SECURING THE COURTS

Court security is provided jointly by the Department of Justice's (DOJ) United States Marshals Service (USMS) and the Department of Homeland Security's (DHS) Federal Protective Service (FPS). By statute, the USMS has primary responsibility for the security of the federal judiciary, including the safe conduct of court proceedings, as well as the security of federal judges and court personnel at court facilities and off-site. The security that FPS provides may include, to varying degrees, entry screening, perimeter patrols, garage access control, and mail and package screening. Each is discussed below.

UNITED STATES MARSHALS SERVICE PROTECTION

The USMS is responsible for the security of the judiciary (28 U.S.C. §§ 564, 566), including securing prisoners; conducting protective investigations on threats against judges and other judiciary personnel; providing protective details when necessary; and providing security for witnesses and high threat trials. This mission is funded by DOJ/USMS operating funds.

The USMS is also responsible for the day-to-day management of the Judicial Facility Security Program (JFSP), which is funded by the judiciary's Court Security appropriation. The JFSP is a collaborative effort between the judiciary and the DOJ to ensure the integrity of the judicial process by providing secure facilities in which to conduct judicial business. To support the JFSP, funding from the Court Security appropriation is transferred to the USMS, which is responsible for administering the JFSP consistent with standards or guidelines agreed to by the Administrative Office of the U.S. Courts (AO) Director and the Attorney General.

The goals of the JFSP are ensuring:

1. an adequate CSO presence at new, renovated, and existing court facilities;
2. that effective security screening and/or access control systems are in place for judiciary facilities housing judges, probation and pretrial services offices, and other federal court operations; and
3. timely installation and maintenance of required security systems and equipment at new, renovated, and existing courthouses.

CSOs and security systems and equipment are key aspects of providing physical security to the courts. Together, they are an integral part of the USMS's security plan to prevent and deter violence that can undermine the effectiveness, viability, and integrity of the judicial process and erode public confidence in the judicial system.

FEDERAL PROTECTIVE SERVICE SECURITY

FPS is the primary federal agency responsible for patrolling and protecting the perimeter of GSA-controlled facilities and enforcing federal laws and regulations in those facilities. There are two types of facility-related security charges imposed by FPS on government facilities, including those occupied by the judiciary: (1) the "basic" security charge, to provide FPS with general funding to operate; and (2) the "building-specific" security charge, to reimburse FPS for FPS-provided, site-specific contract guards and security systems and equipment.

Beginning in FY 2020, FPS will implement a new cost model for assessing basic and building-specific security charges. The new cost model eliminates the \$0.78 per square foot charge for basic security, as well as the 8 percent building-specific oversight charge that FPS collects on countermeasure contracts. Instead, FPS will use a risk-based structure for assessing basic security charges, using 17 operational security workload data points. The new model for the basic security charge is based on an average of three years of actual operating costs and includes a three-year transition period to phase-in the realignment of customer assessments. Building-specific security charges for contracted guard services and technical countermeasures will include only direct costs. Additionally, FPS will no longer amortize new technical countermeasures for customer agencies. In the past, FPS would fund the costs of building-specific countermeasure projects directly and then charge the costs to tenant agencies over a 10-year amortization period. Beginning in FY 2020, tenant agencies will pay the full costs associated with any new countermeasure project in the fiscal year the project begins. At this point, the new cost model is not expected to have a significant impact on the judiciary's FPS requirements.

As previously requested by Congress, the AO continues to implement clear and consistent parameters for budgetary decisions related to FPS billings. All courts have been reminded of the continued need to control FPS building-specific charges, and FPS headquarters staff have been notified that additional services (FPS-provided guards, equipment, or systems) cannot be provided without an AO certification that funds are available.

The judiciary continues to work with FPS officials to obtain detailed billing information that will allow review and certification that the bills are valid, proper, and correct, in accordance with 28 U.S.C. § 613.

Perimeter Security Pilot Program

The judiciary's FY 2008 appropriations bill authorized the USMS, which has the statutory responsibility to provide protection of the judicial process, to establish a perimeter security pilot program to consolidate the responsibility for perimeter security guarding and security systems and equipment under the district U.S. Marshal, who is supported by the judiciary-funded and USMS-administered JFSP. The pilot was implemented at seven primary courthouses in FY 2009. A primary courthouse is one in which the judiciary and judiciary-related offices (i.e., USMS and/or U.S. Attorney's Office) occupy 75 percent or more of the rentable square footage, and there is at least one resident judge and courtroom.

The pilot was designed to address several issues, including the bifurcated systems with two security providers - the FPS and the USMS - providing physical security at many federal courthouses, problems with FPS security equipment not functioning for extended

time periods, and a lack of national standards for determining how many FPS guards are needed to provide adequate security at federal facilities, including courthouses. At the pilot locations, the USMS is responsible for all interior and perimeter security.

The response to the pilot from judges, court unit executives, and district U.S. Marshals Service office staff has been uniformly positive. The benefits of the program include improved quality of security services, improved security coverage, unified command and control over courthouse physical security, improved communication, and improved stewardship and monitoring of security equipment.

Each year since the pilot began, the judiciary's annual appropriations bills have authorized the pilot project to continue. Congress has also expressed support for expanding the pilot at any locations where the judiciary and the USMS can do so in a cost-neutral manner. In FY 2015, the judiciary identified such a site and added the Richard B. Russell Federal Building and U.S. Courthouse in Atlanta, Georgia, to the pilot program on October 1, 2015, bringing to eight the number of courthouses in the pilot program. The judiciary will continue to explore additional sites and evaluate the cost-effectiveness of expanding the pilot to more locations. The judiciary's FY 2020 appropriation request includes language to authorize the continuation of the pilot at the existing locations (see *General Provisions*, page 12.1).

FY 2019 APPROPRIATIONS ASSUMPTION

In the absence of enacted full year FY 2019 appropriations, the judiciary made assumptions to construct a FY 2020 budget request. The judiciary built the FY 2020 budget request for Court Security assuming a FY 2019 appropriation of \$607,275,000. The FY 2019 assumed appropriation, combined with \$26,053,000 in unobligated carryforward from FY 2018 and prior-years, funds FY 2019 standard pay and non-pay adjustments, and adjustments to base for CSOs, FPS charges, and security systems and equipment costs. In addition, the FY 2019 assumed appropriation funds program increases for the PACS replacement strategy, security infrastructure for new courthouse construction projects, and the third year of the phased implementation of the CSO staffing standards.

For bill language, the judiciary used the language from H.R. 6147, the House-passed FY 2019 Financial Services and General Government (FSGG) appropriations bill, updated with the assumed funding level as described above, as the closest approximation of eventual enacted FY 2019 appropriations language.

After full-year FY 2019 appropriations are enacted, the judiciary will re-estimate its FY 2020 budget request and transmit to the Appropriations Committees any changes to FY 2020 appropriations requirements and language.

SIGNIFICANT ISSUES FOR FY 2020

Physical Access Control Systems and Funding Strategy

Physical Access Control Systems (PACS) are a critical component of the court security program. They are designed to ensure that dangerous people do not gain entry to court facilities, and only judges, authorized federal employees, and contractors can access secure interior court space. Access is managed with issued cards that are read by automated card readers for authorized persons at exterior and/or interior doors, and for judges at secure elevators. PACS are procured and installed at court facilities by the USMS through the JFSP.

Many of the current PACS are fragile and failing, or in danger of failing, due to aging equipment and outdated software no longer supported by the vendor. As existing legacy PACS increase in age, the system failure rate continues to climb. In addition, PACS are being upgraded nationwide in federal facilities, including courthouses, in response to the Homeland Security Presidential Directive (HSPD)-12. HSPD-12 is an Executive Branch directive that mandates a federal standard for secure and reliable forms of identification to access federal facilities.

The judiciary has included funding in its annual budget request for cyclical PACS replacement, and Congress has approved reprogrammings in recent fiscal years to fund additional PACS upgrades. In FY 2018, the judiciary spent \$21 million for PACS upgrades at 16 facilities. In FY 2019, the judiciary's assumed funding level includes \$27.0 million for PACS requirements.

The number of PACS upgrades initiated in each fiscal year is determined by the costs associated with replacing PACS at the highest risk of system failure. The costs for PACS upgrades vary significantly, depending on the size of the court facility and the number of judges in a facility. Even if 25 facilities were to receive PACS upgrades each fiscal year, it would take decades to install and upgrade PACS at the approximately 700 judiciary facilities. A more significant, long-term investment will be necessary to ensure that stable, modern PACS are installed in court facilities nationwide.

The judiciary worked with the USMS to develop a risk-based strategy that focuses resources on the highest priority PACS requirements, addressing facilities with the greatest need in a timeframe that avoids system failures. The risk-based approach attempts to contain costs by focusing on equipment replacements at court facilities with the highest risk for a PACS failure. In addition, the strategy also incorporates a refreshment cycle for PACS to ensure the program is sustainable in the future.

When fully implemented, the PACS strategy would fund the approximately 500 facilities that have PACS, and those that house judges but do not have PACS, over a 10-year period. The program would then move into a sustainment phase, working to replace PACS that have reached the end of their useful life. This strategy would increase funding requirements by approximately \$5 million each year from FY 2019 to FY 2022. In FY 2019, the judiciary included an increase of \$5.5 million over the FY 2018 enacted funding level for a total of \$27.0 million for PACS. The FY 2020 budget request includes an additional \$5.0 million for a total of \$32.0 million for PACS.

New Courthouse Infrastructure Costs

In FY 2016, Congress provided an unprecedented \$948 million to the General Services Administration (GSA) for the construction of courthouses on the judiciary's Courthouse Project Priorities (CPP) plan. That funding supports the construction of eight courthouses and provides partial funding for a ninth project. In addition, \$53 million was appropriated for new construction and acquisition of facilities that are joint U.S. courthouses and federal buildings in Greenville, MS and Rutland, VT. Joint courthouses/federal building projects are prioritized by GSA and do not appear on the judiciary's CPP. In FY 2018, Congress provided \$437 million to fully fund the ninth FY 2016 courthouse project and to construct two additional courthouses. Funding for the construction of courthouses is appropriated directly to GSA. However, the judiciary is responsible for funding items that will take the courthouses from shell condition to finished and usable spaces, including furniture, technology, and security. For FY 2020, the judiciary requests \$3.4 million for security systems and equipment requirements to support courthouse construction projects; based on current schedules, this funding is needed for the Des Moines, IA project. The \$3.4 million will be offset by a decrease of \$12.4 million associated with non-recurring security requirements for new courthouse construction projects assumed to be funded in FY 2019. Thus, the FY 2020 request contains a program decrease of \$9.0 million (see page 7.21 for more details).

In addition to the systems and equipment requirements, funding is needed for CSOs in these new facilities. The FY 2020 budget request includes \$1.7 million for 34 new CSO positions to ensure the necessary lead time to onboard CSOs for new courthouse facilities (Greenville, SC; Savannah, GA (Annex); Toledo, OH (Annex), and Nashville, TN) projected to open in FY 2020 and early FY 2021. The USMS will also transfer CSO positions from any related facilities in which the judiciary has vacated its space, but new positions are necessary when the size of a court facility increases. For FY 2021 and beyond, additional CSOs to staff new facilities may be required based on CSO staffing assessments.

Video Management Systems Replacement Strategy

Video management systems (VMS) are the camera systems in court space that allow the USMS to monitor doors, hallways, courtrooms and other court space. If a VMS system failure occurs, the USMS control room operators lose viewing capability of all closed-circuit television (CCTV) coverage within a facility, crippling the USMS's capability to visually assess potential threats. The loss of camera views and control capability would make the facility vulnerable to surreptitious entry. Current VMS are analog systems, many of which are no longer being supported by the manufacturers. These systems need to be upgraded to digital IP (internet protocol) based systems.

Using the PACS funding strategy as a model, the USMS is developing a risk-based model that prioritizes system replacements based on the vulnerability of current systems failure, facility threat level, and age of equipment. The model proposes a 10-year replacement plan that will begin with the replacement of those systems that are approximately 18 years of age or older, far exceeding the normal industry life expectancy of seven years, and that are at risk of failure. This strategy alleviates the cost burden by spreading the funding over multiple fiscal years while still meeting the replacement needs. The judiciary's FY 2020 budget request includes \$6.3 million for the replacement of VMS that have exceeded their useful life expectancies and are at significant risk of failure. The initial cost estimate of the replacement plan is \$63 million over 10 years (\$6.3 million per year). As the replacement program progresses, AO staff will work with the USMS to refine the scope and estimated costs of these VMS projects in future years.

Court Security Program Summary

	FY 2019 Assumed Obligations/Appropriation			FY 2020 Request		
	\$000	CSO Positions	FTE	\$000	CSO Positions	FTE
Court Security Officers	\$416,434	4,411		\$438,748	4,514	
Federal Protective Service Charges	85,813			87,926		
Systems and Equipment	99,424			92,829		
Program Administration	31,657		75	31,770		75
JITF	49			-		
Total Obligations	\$633,377			\$651,273		
<i>Prior Year Carryforward</i>						
Systems and Equipment Slippage (Encumbered)	(14,328)			-		
Program Administration Slippage (Encumbered)	(1,725)			-		
JITF	(49)			-		
Total Direct Obligations	\$617,275			\$651,273		
Systems and Equipment Savings (Unencumbered)	(10,000)			(10,000)		
Program Administration Savings (Unencumbered)	-			-		
Available Appropriation	\$607,275			\$641,273		

JUSTIFICATION OF CHANGES

The FY 2020 request for the Court Security program totals \$641,273,000. The request is \$33,998,000, or 5.6 percent, above the FY 2019 assumed appropriation level of \$607,275,000. The funding requested for this program provides for the maintenance of current security services. The FY 2020 request includes program increases for the continued implementation of the physical access control systems (PACS) replacement strategy, security infrastructure and additional CSOs for new courthouses, the implementation of the video management systems (VMS) replacement strategy, the phased implementation of new CSO staffing standards, and additional district supervisor contractors. Additionally, the request includes non-recurring security requirements for the new courthouse construction projects that were funded in FY 2016.

The following sections provide information and justification for each of the adjustments to base and program increases.

A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

1. Pay and benefits adjustments

a. Annualization of assumed January 2019 pay adjustment

Requested Increase: \$55,000

The requested increase provides for the annualized costs of an assumed 2019 pay adjustment for Employment Cost Index (ECI) and locality pay. Based on the FY 2019 appropriations actions to date, federal pay rates are assumed to increase by an average of 1.9 percent, effective as of January 2019. The requested increase provides for the cost of three months (from October 2019 to December 2019) of the assumed 2019 pay increase in FY 2020. (If Congress ultimately does not authorize a 2019 pay adjustment for federal civilian workers, or one is provided at a rate different than 1.9 percent, the judiciary will revise this line item in a FY 2020 budget re-estimate.)

b. Promotions and within-grade increases

Requested Increase: \$85,000

The requested increase provides for promotions and within-grade increases for personnel. The AO salary plan, as well as the USMS salary plan, provide for periodic within-grade increases for staff who receive at least a satisfactory performance rating.

c. Health Benefits increases

Requested Increase: \$7,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 1.2 percent both in January 2019 and January 2020. The requested increase

annualizes the 2019 premium increase and includes a nine-month provision for the increase anticipated for FY 2020.

d. FICA adjustment

Requested Increase: \$4,000

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2019. The salary cap for OASDI increased from \$128,400 to \$132,900 in January 2019. The requested amount is needed to pay the agency contribution in FY 2020.

e. FERS adjustment

Requested Increase: \$257,000

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employee Retirement System (FERS) plans for FY 2020. For most employees, the agency contribution rate will increase from 13.7 percent to 16.0 percent. Any FERS increase is in accordance with revised estimates of the cost of providing benefits by the Board of Actuaries of the Civil Service Retirement and Disability System.

f. One more compensable day

Requested Increase: \$1,845,000

There is one more compensable day in FY 2020 than in FY 2019. The requested amount increases costs both for personnel compensation and benefits as well as for contractual CSO costs, associated with one more compensable day.

2. Annualization of CSO positions (35)

Requested Increase: \$1,549,000

In FY 2019, partial funding was requested to support 35 new CSO positions consistent with the implementation of new CSO staffing standards. This request includes the increase required to fund the full-year cost of the 35 CSO positions in FY 2020.

3. FY 2020 CSO contract and wage rate adjustments

Requested Increase: \$13,208,000

A total of \$13,208,000 is requested for anticipated increases in the hourly rates and overtime pay for CSO contract services in FY 2020. The request is an average increase of 3.0 percent on a national basis over FY 2019 projected levels.

The minimum hourly wage rates paid by the vendors who are retained by the USMS to provide CSO services are determined by the Department of Labor and vary around the country based on an annual assessment of the prevailing wage rates paid for occupations like the CSO category of service in a specific locality. CSO wages are also adjusted through collective bargaining agreements negotiated between CSO contractors and unions. In accordance with the McNamara-O'Hara Service Contract Act, the contract CSOs must be paid the

hourly rates determined by the Department of Labor unless a collective bargaining agreement is in place. The wage adjustment must be paid regardless of any 2020 pay freeze imposed on federal workers.

4. Inflationary increases in charges for contracts, services, supplies, and equipment

Requested Increase: \$945,000

Consistent with guidance from the Office of Management and Budget, this request of \$945,000 is required to fund inflationary increases of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment (exclusive of the CSO contracts).

5. Inflationary increase in GSA space rental costs

Requested Increase: \$161,000

This request represents a 3.47 percent inflationary increase and other adjustments in the cost of GSA space rental charges estimated by GSA to be used by CSOs and the judiciary-funded USMS personnel for FY 2020.

6. Changes in Federal Protective Service security charges

Requested Increase: \$2,113,000

In FY 2020, FPS will implement a new cost model for assessing basic and building-specific security charges (see pages 7.7 – 7.8).

The FY 2020 security cost estimate of \$87.9 million for FPS security services consists of basic security (\$34.7 million) and building-specific security costs (\$53.2 million). This represents an increase of \$2.1 million from the FY 2019 estimate of \$85.8 million. Additional information regarding the increases in FPS security charges is summarized below:

a. Increase in basic security charges: \$1,691,000

Beginning in FY 2020, the new cost model eliminates the \$0.78 per square foot charge for basic security, and FPS will use a risk-based structure for assessing basic security charges.

The FY 2020 request for basic security charges is \$34.7 million, which is \$1.7 million above the FY 2019 estimated level.

b. Increase in building-specific security charges: \$422,000

In FY 2020, the new cost model eliminates the 8 percent oversight charge for building-specific security that FPS collects on countermeasure contracts and will no longer provide an amortization funding mechanism on behalf of customer agencies for new technical countermeasure projects. The total FY 2020 request for building-specific security charges is \$53.2 million, which is \$0.4 million above the FY 2019 estimated

level. The requested increase is due to the cost associated with new countermeasure projects.

Building-specific charges are based on FPS-provided countermeasures for a specific building and are charged to all federal tenants in the building in direct proportion to each customer agency’s percentage of federal occupancy. Each building is supposed to have a facility security committee (FSC). The FSC consults with and seeks recommendations from FPS on new or revised countermeasures. A tenant agency cannot avoid a building-specific charge if a majority of FSC members endorse a countermeasure. FPS is responsible for maintaining records of these operating expenditures on a building-by-building basis. These expenses are based on FPS projections and may be adjusted as a result of the current, ongoing review of FPS charges by the judiciary.

Building-specific expenses include:

- Facility contract guards, both fixed post and roving, assigned to a specific building; and
- Purchase, installation and maintenance of perimeter security devices such as cameras, alarms, motion detectors, and other physical security features.

(Note: In courthouse facilities, the FPS contract guards and security device expenses listed above are usually limited to the perimeter of the building because security for interior judicial space is provided by the USMS.)

7. Adjustments to base requirements for security systems and equipment

	(\$000)
Adjustments to base - increases	5,635
Adjustments to base - decreases	(339)
Net adjustments to base	5,296

The requested amount reflects a net increase of \$5.3 million for the security systems and equipment program. The total increase of \$5.6 million is partially offset by a reduction of \$0.3 million. The chart on page 7.20 and the following justification of increases and decreases provides further information regarding the judiciary’s security systems and equipment funding requirements.

Increased Funding for Security Systems and Equipment

- Nationwide Maintenance Contract for Existing Security Systems and Equipment (Requested Increase: \$3,907,000)

The national contract for security systems installation provides for the maintenance of the inventory of security systems located in all facilities nationwide, such as the repair of closed-circuit television (CCTV) systems, access control systems, alarm systems, and other command and control center components. The contract also provides for off-site monitoring of alarms for buildings without a 24-hour CSO presence and for repairs and preventive maintenance for the nationwide inventory of x-ray

machines. The contractor is required to complete an annual inventory of security components and the maintenance costs are adjusted accordingly. The annual inventory of security components was completed on December 31, 2017. As a result of the comprehensive inventory, the contractor identified additional security components that should be covered by the maintenance contract. The increase in maintenance costs is associated with additional security components being added to the contract, including new PACS as replacement projects are completed.

- CSO Radios, Accessories, Repairs and Over-the-Air Re-key (Requested Increase: \$502,000)

This request supports radios for new CSO positions based on planned occupancy dates for new and renovated court facilities and changes in CSO staffing requirements, cyclical replacement of radios, installation and maintenance of CSO radio systems, and funding for accessories and repairs. It also includes over-the-air re-key systems to provide secure cryptographic protection to ensure the integrity of the information transmitted on CSO radios. Various means are available for the dissemination of the security keys necessary for communications including the use of electronic hand-held key loaders and by means of over-the-air re-key. The increase is primarily associated with fully funding the lifecycle replacement costs for CSO radios and courthouse repeaters.

Current funding for CSO radios can support 428 radio replacements per year and allows for each radio to be in service for 12 years. The long replacement cycle contributes to a high failure rate. Additional funding for CSO radios will support 669 radio replacements per year on an eight-year cycle. Current funding for courthouse repeaters can support a total of five repeaters per year. Additional funding for courthouse repeaters can support a total of 11 repeaters per year on a 15-year replacement cycle.

- Nationwide Contract for Vehicle Barrier Maintenance (Requested Increase: \$433,000)

The vehicle barrier maintenance contract provides a nationwide preventative maintenance and repair program for vehicle barriers installed by the USMS. The contract requirements include 24/7 technical support, training, emergency response capability, preventive maintenance, and repairs. The maintenance contract increases the reliability of vehicle barriers and reduces the frequency of breakdowns. The increase is primarily due to an increase in the number of older vehicle barriers refurbished to keep them operational as well as ten additional vehicle barriers added to the maintenance agreement.

- Other Additional and Replacement Equipment (Requested Increase: \$311,000)

This program provides for general enhancements or upgrades to CCTV surveillance systems, alarm systems, and

command and control centers in newly occupied space in existing court facilities and replaces outdated equipment in currently occupied space. The increase is primarily due to inflationary cost adjustments.

- Perimeter Security Improvements (Requested Increase: \$271,000)

Perimeter security is a critical first line of defense for federal judicial facilities. Perimeter security improvements consist of the installation of guard booths and vehicle barriers, such as planters and hydraulic bollards, to help maintain a secure setback for the courthouse. These security enhancements allow the USMS to screen vehicle traffic adequately, provide pedestrian separation from the court facility, obscure the public's view of judicial officers, and limit the potential damage and loss of life from improvised explosive devices. In addition, the installation of perimeter CCTV surveillance systems and intrusion detection systems are covered in this category. The increase is primarily due to inflationary cost adjustments.

- Miscellaneous Systems and Equipment (Requested Increase: \$211,000)

An increase of \$211,000 is requested for various miscellaneous systems and equipment requirements in fiscal year 2020. This includes an increase of \$186,000 for GSA installation/alterations and \$25,000 for equipment for probation, pretrial services, and defender services.

Decreased Funding for Security Systems and Equipment

- Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors (Requested Decrease: -\$339,000)

The cyclical replacement program ensures that walk-through metal detector and x-ray screening systems are replaced when they become technologically obsolete or when maintenance costs exceed a pre-determined threshold. The decrease is primarily due to the need to cyclically replace 9 fewer x-ray units in FY 2020 than in FY 2019.

**Court Security Appropriation
Security Systems & Equipment Funding Summary
Fiscal Years 2019 and 2020**

Category	FY 2019 Assumed Appropriation ¹	FY 2020 Adjustments to Base ¹	FY 2020 Program Increases / Decreases	FY 2020 Request ¹	Change FY 2019 to FY 2020
	\$000	\$000	\$000	\$000	\$000
New Courthouse Construction Projects	\$12,401	\$0	(\$9,001)	\$3,400	(\$9,001)
Physical Access Control Systems	\$27,020	\$0	\$5,003	\$32,023	\$5,003
Video Management Systems (Matrix Switchers)	\$0	\$0	\$6,300	\$6,300	\$6,300
Nationwide Maintenance Contract for Existing Security Systems and Equipment	\$12,408	\$3,907	\$0	\$16,315	\$3,907
CSO Radios, Accessories, Repairs and Over-the-Air-Re-key	\$1,461	\$502	\$135	\$2,098	\$637
Nationwide Vehicle Barrier Maintenance Contract	\$1,286	\$433	\$0	\$1,719	\$433
Other Additional and Replacement Equipment	\$10,342	\$311	\$0	\$10,653	\$311
Perimeter Security Improvements	\$9,005	\$271	\$0	\$9,276	\$271
Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors	\$4,185	(\$339)	\$0	\$3,846	(\$339)
Miscellaneous Systems and Equipment					
<i>GSA Installation/Alterations</i>	\$6,172	\$186	\$0	\$6,358	\$186
<i>Equipment for Probation, Pretrial Services, and Defender Services</i>	\$816	\$25	\$0	\$841	\$25
Total Miscellaneous Systems and Equipment	\$6,988	\$211	\$0	\$7,199	\$211
Total Security Systems and Equipment	\$85,096	\$5,296	\$2,437	\$92,829	\$7,733

¹ Excludes encumbered carryforward

PROGRAM INCREASES / DECREASES

8. Physical access control systems replacement strategy

Requested Increase: \$5,003,000

The judiciary requests an additional \$5.0 million to continue implementation of the PACS replacement strategy, for a total of \$32.0 million in PACS funding for FY 2020. The PACS replacement strategy would increase funding requirements by \$5 million each year from FY 2019 to FY 2022. For additional information on the need for PACS replacement, refer to page 7.10.

9. New courthouse construction projects

For the new construction projects funded by Congress in FY 2016, the judiciary requests a net decrease of \$9.0 million for security systems and equipment requirements and \$1.7 million for 34 CSO positions.

a. Security infrastructure for new courthouse construction projects

Requested Net Decrease: -\$9,001,000

In FY 2020, a decrease of \$12,401,000 is associated with non-recurring security requirements for new courthouse construction projects funded in FY 2016. This is partially offset by an increase of \$3,400,000 for new security systems and screening equipment at the new courthouse planned for

Des Moines, IA. For additional information on new courthouse construction projects, see page 7.11.

b. CSOs for new courthouse construction projects (34 CSOs)

Requested Increase: \$1,660,000

The FY 2020 request includes \$1,660,000 for an additional 34 CSO positions, consisting of \$683,000 for 14 CSO positions at Greenville, SC; \$440,000 for 9 CSO positions at Savannah, GA; \$49,000 for 1 CSO position at Toledo, OH; and \$488,000 for 10 CSO positions at Nashville, TN. These positions are needed to staff new courthouse construction projects that are projected to open in FY 2020 or early FY 2021.

10. Video management systems replacement

Requested Increase: \$6,300,000

The FY 2020 request includes \$6.3 million to begin implementing a 10-year VMS replacement strategy. Based on initial estimates, the proposed VMS replacement plan would cost \$63.0 million over 10 years (\$6.3 million per year). After the 10-year replacement period, the program would then move into a sustainment phase. For additional information on the need for video management systems replacement, see page 7.12.

11. Phased implementation (4th Year) of the new CSO staffing standards (69 CSOs)

Requested Increase: \$3,951,000

When the revised CSO staffing standards were implemented in FY 2015, the USMS estimated that 346 additional CSOs are necessary to fully staff to the new standards, which include a crucial exterior/forward watch CSO position at the courthouse perimeter. The USMS recommended a phased, multi-year implementation of the new CSO staffing standards.

The judiciary requests an additional 69 CSO positions in FY 2020 to continue implementation at an estimated cost of \$4.0 million, of which \$3.5 million is for the CSO positions, \$0.4 million is primarily for one-time charges for program administration-related costs for hiring the CSOs, and \$0.1 million is for CSO radios.

With this request, the phased implementation of the new CSO staffing standards will be 70 percent complete.

	Incremental Number of CSOs Requested	Cumulative Number of CSOs Requested	Total Number of CSOs Required Per Staffing Standards	Percent Complete
FY 2016	69	69	346	20%
FY 2017	69	138	346	40%
FY 2018	0	138	346	40%
FY 2019	35	173	346	50%
FY 2020	69	242	346	70%

12. Additional district supervisors

Requested Increase: \$560,000

The judiciary requests \$0.6 million for 11 additional district supervisors (contractors) to support the CSO program. District supervisors are employees of the CSO vendors tasked with managing CSO personnel, providing oversight for security operations performed by Lead CSOs and CSOs, and conducting all performance standard violation investigations. The current CSO contract assigns only one district supervisor to each district throughout the nation, regardless of the district size or number of CSO positions. The total number of CSOs requiring supervision varies greatly between each district.

The additional 11 district supervisor positions will provide an increased level of supervision over personnel and a higher level of accountability in managing the CSO contract. The district supervisor is prohibited from performing as a CSO or Lead CSO, and is not subject to the uniform, medical, or physical requirements stated in the CSO contract. The additional positions would be assigned to districts with many facilities, districts covering a wide geographic area, and/or districts with a large CSO workforce. These positions would be assigned to a specific facility, but travel to other facilities within the district as needed.

FINANCING THE FY 2020 REQUEST

**ANTICIPATED CARRYFORWARD BALANCES FROM
FY 2019 AND PRIOR YEARS INTO FY 2020**

Estimated Funds Available: \$10,000,000

The judiciary projects \$10,000,000 will be available through anticipated savings and prior-year recoveries to carry forward from FY 2019 into FY 2020 to offset partially the FY 2020 appropriation request for the Court Security program. The judiciary will advise the appropriations subcommittee staffs of changes to this estimate.