

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Court Security

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2020 Enacted Appropriation	\$639,165,000
Fiscal Year 2021 Appropriation Request	\$664,011,000
Requested Increase from Fiscal Year 2020 Enacted Appropriation	\$24,846,000

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), [\$639,165,000]\$664,011,000, 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.

(P.L. 116-93 - Financial Services and General Government Appropriations Act, 2020)

**SUMMARY OF REQUEST
COURT SECURITY
FISCAL YEAR 2021
(Dollar amounts in thousands)**

<u>Fiscal Year 2021 Resource Requirements:</u>		<u>FTE</u>	<u>Amount</u>
<u>Page</u>	Fiscal Year 2020 Total Obligations	75	\$666,187
	Less encumbered carryforward from FY 2019 into FY 2020	-	(16,992)
	Less utilization of Judiciary Information Technology Fund (JITF)	-	(30)
	Less unencumbered carryforward and recoveries from prior years into FY 2020	-	(10,000)
	Fiscal Year 2020 Enacted Appropriation	75	\$639,165
<u>A. Adjustments to Base:</u>			
	1. Pay and benefits adjustments		
7.14	a. Proposed January 2021 pay adjustment (1.0%)	-	159
7.14	b. Annualization of assumed January 2020 pay adjustment (3.1% for three months)	-	93
7.14	c. Promotions and within-grade increases	-	89
7.15	d. Health Benefits increases	-	18
7.15	e. FICA adjustment	-	12
7.15	f. FERS adjustment	-	163
7.15	g. One less compensable day	-	(1,853)
7.15	2. Annualization of court security officer (CSO) positions (103)	-	4,578
7.15	3. Annualization of district supervisor positions (11)	-	577
7.16	4. FY 2021 CSO contract and wage rate adjustments (3.0%)	-	7,554
7.16	5. Inflationary increases in charges for contracts, services, supplies, and equipment	-	997
7.16	6. Inflationary increase in GSA space rental costs (2.0%)	-	164
7.16	7. Changes in Federal Protective Service security charges		
	a. Decrease in basic security charges	-	(4,979)
	b. Increase in building-specific security charges	-	1,632
7.17	8. Adjustments to base requirements for security systems and equipment	-	1,699
	Subtotal, Adjustments to Base to Maintain Current Services	-	10,903
	Total Current Services Appropriation Required	75	650,068

<u>Page</u>	<u>B. Program Increases / Decreases</u>	<u>FTEs</u>	<u>Amount</u>
7.21	9. Physical access control systems replacement strategy	-	5,000
7.21	10. New courthouse construction projects		
	a. Security infrastructure for new courthouse construction projects.	-	1,300
	b. CSOs for new courthouse construction projects (31 CSOs)	-	2,035
7.21	11. Equipment modernization and cyclical replacement strategy		
	a. Video management systems.	-	3,700
	b. Screening equipment	-	600
	c. Staffing positions at USMS	2	308
7.22	12. Facility access card sustainment.	-	1,000
	Subtotal, Program Increases.	2	13,943
	Total Fiscal Year 2021 Appropriation Required	77	664,011
	Total Appropriation Increase, Fiscal Year 2020 to Fiscal Year 2021	2	24,846
 <u>Financing the Fiscal Year 2021 Request:</u>			
	Total Appropriation Required.	77	664,011
7.22	Anticipated unencumbered carryforward from FY 2020 and prior years into FY 2021	-	10,000
	Estimated Obligations, Fiscal Year 2021	77	674,011

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

Activity	FY 2019 Actual	FY 2020 Assumed	FY 2021 Request
Total Obligations	613,992	666,187	674,011
Unobligated Balance, Start of Year: Judiciary Information Technology Fund	(49)	(30)	-
Deposits and Other Adjustments: Judiciary Information Technology Fund	(19)	-	-
Unobligated Balance, End of Year: Judiciary Information Technology Fund	30	-	-
Direct Obligations	613,955	666,157	674,011
Unobligated Balance, End of Year	3,913	-	-
Less No-Year Obligations	(10,758)	(26,992)	(10,000)
Appropriation Total	607,110	639,165	664,011

Obligations by Budget Object Class (\$000)

Description	FY 2019 Actual	FY 2020 Assumed	FY 2021 Request
11 Personnel compensation	7,158	8,993	9,301
12 Personnel benefits	2,357	2,670	2,831
13 Benefits for former personnel	-	-	-
21 Travel	1,788	614	626
22 Transportation of things	40	46	47
23 Rent, communications and utilities			
<i>Rental payments to GSA</i>	7,685	8,977	9,141
<i>Communications utilities & misc. charges</i>	-	-	-
24 Printing and reproduction	-	-	-
25 Other services			
<i>CSO Contract</i>	409,452	438,748	451,900
<i>Other Contractual Services</i>	30,777	25,233	33,738
<i>Federal Protective Service Charges</i>	83,004	87,890	84,543
<i>AO Reimbursable</i>	1,613	1,903	1,953
26 Supplies and materials	996	394	402
31 Equipment	22,658	29,927	26,854
32 Land and Structures	46,427	60,762	52,675
42 Insurance	2	-	-
91 Undefined Disbursements	-	-	-
Direct Obligations	613,955	666,157	674,011
Other Obligations (JITF)	37	30	-
Grand Total Obligations	613,992	666,187	674,011

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
COURT SECURITY
Relation of Direct Obligations to Outlays (\$000)

	FY 2019 Actual	FY 2020 Assumed	FY 2021 Request
Direct Obligations	613,955	666,157	674,011
Obligated balance, start of year	173,134	202,082	226,000
Adjustments for prior year activity	(10,049)	-	-
Obligated balance, end of year	(202,082)	(226,000)	(236,000)
Total Outlays	574,958	642,239	664,011
Less Offsets	(162)	(176)	(178)
Net Outlays	574,796	642,063	663,833

Personnel Summary

	FY 2019 Actual	FY 2020 Assumed	FY 2021 Request
Total compensable workyears (FTE):			
United States Marshals Service	59	75	77
Total, Court Security	59	75	77

GENERAL STATEMENT AND INFORMATION

The Court Security appropriation 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) 2021 Court Security appropriation request of \$664,011,000 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 several existing major strategic security initiatives, each of which is in a different stage of development including: improved physical access control systems (PACS) at courthouses nationwide; phased, multi-year implementation of new court security officer (CSO) staffing standards; improved equipment modernization and cyclical replacement of video management systems (VMS) and screening equipment; and on-going operations and maintenance of the facility access card (FAC) program.

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 solely 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 court security officer (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 implemented a new cost model across the entire Federal Government for assessing basic and building-specific security charges. The new cost model eliminates the \$0.78 per square foot charge for basic security. Instead, FPS uses a risk-based structure for assessing basic security charges. As detailed later in this chapter, as a result of implementation of the new risk-based charge for basic security, there is a \$5.0 million base decrease in FY 2021 to reflect lower judiciary security costs.

The new cost model also eliminates the eight percent building-specific charge that FPS collects on contracted guard services and contracts to procure and install security technical countermeasures at court facilities. In a policy shift, FPS no longer funds the upfront costs for technical countermeasures, which means that it no longer amortizes new technical countermeasures for customer agencies over multiple fiscal years. Beginning in FY 2020, tenant agencies must provide the full costs for a countermeasure project before the project begins.

As previously requested by Congress, the AO continues to implement clear and consistent parameters for budgetary decisions related to FPS billings. The judiciary understands the 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 also continues to work with FPS officials to obtain detailed billing information to ensure that payments to FPS are accurate.

Perimeter Security Pilot Program

The judiciary's FY 2008 appropriations bill authorized the USMS 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 courthouses in FY 2009. An eighth courthouse was added in FY 2015.

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 USMS 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. The judiciary's FY 2021 appropriation request includes language to continue the pilot (see *General Provisions*, page 12.1). The judiciary will continue to explore additional sites and evaluate the cost-effectiveness of expanding the pilot to more locations.

FY 2020 APPROPRIATIONS

The judiciary built the fiscal year (FY) 2021 discretionary budget request for Court Security on the FY 2020 enacted appropriation, which is \$639,165,000. The FY 2020 enacted appropriation, combined with \$10,000,000 in unobligated carryforward from FY 2019 and prior years, fully funds all FY 2020 requirements. For bill language, the judiciary used the language from P.L. 116-93, Financial Services and General Government Appropriations Act, 2020.

SIGNIFICANT ISSUES FOR FY 2021

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, which is an Executive Branch directive that mandates a federal standard for secure and reliable forms of identification to access federal facilities.

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 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. 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 will fund the approximately 500 facilities that have PACS, and those that house judges but do not currently have PACS, over a 10-year period. The program will then move into a sustainment phase, working to replace PACS that have reached the end of their useful life. This strategy increases funding requirements by approximately \$5 million each year from FY 2019 to FY 2022. In FY 2019, the judiciary funded PACS at \$27.0 million and obligated \$26.3 million for PACS upgrades at 22 facilities. In FY 2020, the judiciary included an increase of \$5.0 million over the FY 2019 enacted funding level for a total of \$32.0 million for PACS. The FY 2021 budget request includes an additional \$5.0 million for a total of \$37.0 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. (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.

Security related costs for new courthouses depend on when occupancy will occur. In FY 2021, the judiciary requests a net increase of \$3.3 million above the FY 2020 level for security-related new courthouse infrastructure costs. These additional funds are needed for security systems and equipment requirements as well as additional CSOs in these new facilities. See page 7.21 for more details.

Equipment Modernization and Cyclical Replacement Strategy

Over the past two years, the USMS has significantly improved reporting, prioritization, and management of judicial facility security vulnerabilities and requests. The USMS, working with AO staff, developed a plan to modernize key security equipment and ensure the cyclical replacement of this equipment.

One of the principal pieces of this initiative is replacing video management systems (VMS). VMS are the camera systems in court space that allow the USMS to monitor doors, hallways, courtrooms, and other court space. With a VMS system failure, 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 makes a facility particularly vulnerable. Most existing VMS have exceeded their useful life expectancies, are at risk of failure, and are no longer supported by the manufacturers. Further, most judiciary VMS are analog systems, and these systems need to be upgraded to digital IP (internet protocol) based systems.

To address critical immediate failures in the recent past, the USMS used existing funds in FY 2017, FY 2018, and FY 2019 for several emergency VMS replacements. A more definite stream of funding was needed to address a growing problem. In FY 2020, the judiciary requested \$6.3 million to begin replacing failing or obsolete VMS. As USMS and AO staff further explored the issue, it became apparent that additional resources are required. Using the PACS strategy as a model, the USMS developed a risk-based matrix that prioritizes system replacements based on the vulnerability of current system failures, facility threat level, and age of equipment. While the industry life expectancy of these systems is seven years, ultimately, a ten-year replacement cycle is envisioned. The judiciary continues to collaborate with the USMS to refine and develop out-year budgetary requirements. For FY 2021, the judiciary is requesting a further increase of \$3.7 million for a total of \$10.0 million for VMS.

While PACS and VMS represent over 80 percent of the cost for security systems used by the USMS to secure courts space, there are other critical systems that support security. These include equipment used to screen people and parcels into court space, such as magnetometers, wands, x-ray machines, duress alarms, and intrusion detection systems. The USMS is in the process of conducting and developing an inventory of these systems and developing a risk matrix to prioritize and determine the cost of upgrading these systems, if necessary, and cyclically replacing them when they become obsolete. There also may be additional costs associated with transitioning from an analog environment to the digital IP environment, such as IP licenses and bandwidth costs. The USMS currently spends approximately \$3.8 million per year for cyclical replacement of screening equipment. For these security systems, the judiciary requests an increase of \$0.6 million for a total annual amount of \$4.6 million in FY 2021.

In addition, the judiciary requests \$0.3 million for four physical security specialists (2.0 FTE) at the USMS to support the equipment modernization and cyclical replacement plan for VMS and other security systems.

Looking forward, the USMS estimates that it may be more cost effective if VMS are installed concurrently with new PACS. These systems share the same enterprise network infrastructure, so if upgraded together it is expected that infrastructure installation (Internet Protocol (IP) based equipment and the new conduit) would be significantly less expensive. More information will be available about potential savings once there are completed projects involving simultaneous VMS and PACS installation.

Court Security Program Summary

	FY 2020 Assumed			FY 2021 Request		
	\$000	CSO Positions	FTE	\$000	CSO Positions	FTE
Court Security Officers	438,748	4,514		451,900	4,545	
Federal Protective Service Charges	87,890			84,543		
Systems and Equipment	106,952			103,284		
Program Administration	32,567		75	34,284		77
JITF	30			-		
Total Obligations	666,187			674,011		
JITF	(30)			-		
Direct Obligations	666,157			674,011		
<i>Prior Year Carryforward</i>						
Systems and Equipment Slippage (Encumbered)	(16,023)			-		
Program Administration Slippage (Encumbered)	(969)			-		
Systems and Equipment Savings (Unencumbered)	(10,000)			(10,000)		
Available Appropriation	639,165			664,011		

JUSTIFICATION OF CHANGES

The FY 2021 request for the Court Security program totals \$664,011,000. The request is \$24,846,000, or 3.9 percent, above the FY 2020 enacted appropriation level of \$639,165,000. The funding requested for this program maintains current security services and also 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 phased implementation of an equipment modernization and cyclical replacement strategy for video management systems (VMS), screening equipment and staffing; and the sustainment of the facility access card (FAC) program.

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. Proposed January 2021 pay adjustment

Requested Increase: \$159,000

The judiciary is assuming federal pay rates will increase by 1.0 percent in January 2021. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2021, from January 2021 to September 2021. (If the pay adjustment

included in the President's FY 2021 budget request is different than 1.0 percent, the judiciary will revise this line item in its FY 2021 budget re-estimate.)

b. Annualization of January 2020 pay adjustment

Requested Increase: \$93,000

The requested increase provides for the annualized costs of the 2020 pay adjustment for Employment Cost Index (ECI) and locality pay. Based on the FY 2020 enacted appropriation bill, federal pay rates will increase by an average of 3.1 percent, effective as of January 2020. The requested increase provides for the cost of three months (from October 2020 to December 2020) of the enacted 2020 pay increase in FY 2021.

c. Promotions and within-grade increases

Requested Increase: \$89,000

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.

d. Health Benefits increases

Requested Increase: \$18,000

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.2 percent in January 2020. The requested increase annualizes the 2020 premium increase and includes a nine-month provision for an estimated 3.2 percent increase anticipated for FY 2021.

e. FICA adjustment

Requested Increase: \$12,000

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 2020. The salary cap for OASDI increased from \$132,900 to \$137,700 in January 2020. The requested amount is needed to pay the agency contribution in FY 2021.

f. FERS adjustment

Requested Increase: \$163,000

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employees Retirement System (FERS) plans for FY 2021. For most employees, the agency contribution rate will increase from 16.0 percent to 17.3 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.

g. One less compensable day

Requested Decrease: (\$1,853,000)

There is one less compensable day in FY 2021 than in FY 2020. The requested amount decreases personnel compensation and benefits as well as contractual CSO costs, associated with one less compensable day.

2. Annualization of CSO positions

Requested Increase: \$4,578,000

In FY 2020, funding was provided to support 69 new CSO positions consistent with the implementation of new CSO staffing standards and 34 new CSO positions needed to staff new courthouse construction projects. This request includes the increase required to fund the full-year cost of these 103 CSO positions in FY 2021.

3. Annualization of district supervisor positions

Requested Increase: \$577,000

In FY 2020, funding was provided to support 11 new district supervisors (contractors) to support the CSO program. This request includes the increase required to fund the full-year cost of these district supervisor positions in FY 2021.

4. FY 2021 CSO contract and wage rate adjustments

Requested Increase: \$7,554,000

A total of \$7,554,000 is requested for anticipated increases in the hourly rates and overtime pay for CSO contract services in FY 2021. The request is an average increase of 3.0 percent on a national basis over FY 2020 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 potential pay freeze imposed on federal workers.

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

Requested Increase: \$997,000

Consistent with guidance from the Office of Management and Budget, this requested increase 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).

6. Inflationary increase in GSA space rental costs

Requested Increase: \$164,000

This request represents a 2.0 percent inflationary increase in GSA space rental charges estimated by GSA to be used by CSOs and judiciary-funded USMS personnel for FY 2021.

7. Changes in Federal Protective Service security charges

Requested Decrease: (\$3,347,000)

In FY 2021, FPS continues implementing the new cost model for assessing basic and building-specific security charges (see pages 7.7 – 7.8).

The FY 2021 security cost estimate of \$84.5 million for FPS security services consists of basic security (\$29.7 million) and building-specific security costs (\$54.8 million). This cost represents a net decrease of \$3.3 million from the FY 2020 estimate of \$87.9 million. Additional information regarding the increases in FPS security charges is summarized below:

a. Decrease in basic security charges: (\$4,979,000)

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

The FY 2021 request for basic security charges is \$29.7 million, which is \$5.0 million below the FY 2020 estimated level.

**b. Increase in building-specific security charges:
\$1,632,000**

In FY 2020, the new cost model eliminated the 8 percent oversight charge for building-specific security that FPS collects data on countermeasure contracts and will no longer amortize the costs for new technical countermeasure projects. The total FY 2021 request for building-specific security charges is \$54.8 million, which is \$1.6 million above the FY 2020 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 judiciary’s regular review of FPS charges.

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.)

8. Adjustments to base requirements for security systems and equipment

Requested Increase: \$1,699,000

	(\$000)
FY 2020 Available Funding	\$92,829
Adjustments to base - increases	1,699
FY 2021 Current Services	\$94,528

The requested amount reflects an increase of \$1.7 million for the security systems and equipment program. Table 7.1 on page 7.20 and the following justification of increases provide further information regarding the judiciary’s security systems and equipment funding requirements.

Increased Funding for Security Systems and Equipment

- **Other Additional and Replacement Equipment (Requested Increase: \$521,000)**

This program provides for general enhancements or upgrades to closed-circuit television (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.

- **Nationwide Maintenance Contract for Existing Security Systems and Equipment (Requested Increase: \$518,000)**

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 increase is due to inflationary cost adjustments and additional costs to support the relocation of existing screening equipment due to facility closures, relocations, and repair actions not covered under warranty limitations.

- **Perimeter Security Improvements (Requested Increase: \$278,000)**

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.

- **GSA Installation/Alterations (Requested Increase: \$191,000)**

GSA designs, procures, and installs security system conduit; provides dedicated power circuits for security systems; procures and installs ballistic and break-resistant glass at public intake counters; and provides emergency lighting in courtrooms and chambers and other security construction projects required to protect federal court facilities adequately. This program also funds unanticipated construction items. The increase is primarily due to inflationary cost adjustments.

- Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors (Requested Increase: \$115,000)

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 increase is primarily due to inflationary cost adjustments.

- Miscellaneous Systems and Equipment (Requested Increase: \$76,000)

An increase of \$76,000 is requested for various miscellaneous systems and equipment requirements in FY 2021. This includes an increase of \$51,000 for the nationwide vehicle barrier maintenance contract and \$25,000 for equipment for probation, pretrial services, and defender services.

Table 7.1
Court Security Appropriation
Security Systems & Equipment Funding Summary
Fiscal Years 2020 and 2021

Category	FY 2020 Assumed ¹	FY 2021 Adjustments to Base ¹	FY 2021 Program Increases / Decreases	FY 2021 Request ¹	Change FY 2020 to FY 2021
	\$000	\$000	\$000	\$000	\$000
Physical Access Control Systems	32,023	-	5,000	37,023	5,000
New Courthouse Construction Projects	1,500	-	1,300	2,800	1,300
Video Management Systems	6,300	-	3,700	10,000	3,700
Other Additional and Replacement Equipment (Excludes VMS)	10,653	521	-	11,174	521
Nationwide Maintenance Contract for Existing Security Systems and Equipment	16,315	518	-	16,833	518
Perimeter Security Improvements	9,276	278	-	9,554	278
GSA Installation/Alterations	6,358	191	-	6,549	191
Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors	3,846	115	600	4,561	715
Miscellaneous Systems and Equipment					
<i>Nationwide Vehicle Barrier Maintenance Contract</i>	1,719	51	-	1,770	51
<i>Equipment for Probation, Pretrial Services, and Defender Services</i>	841	25	-	866	25
<i>CSO Radios, Accessories, Repairs and Over-the-Air-Re-key</i>	2,098	-	56	2,154	56
Total Miscellaneous Systems and Equipment	4,658	76	56	4,790	132
Total Security Systems and Equipment	90,929	1,699	10,656	103,284	12,355

¹ Excludes encumbered carryforward

PROGRAM INCREASES / DECREASES

9. Physical access control systems replacement strategy

Requested Increase: \$5,000,000

The judiciary requests an additional \$5.0 million to continue the implementation of the PACS replacement strategy, for a total of \$37.0 million in PACS funding for FY 2021. The PACS replacement strategy increases funding requirements by \$5 million each year from FY 2019 through FY 2022. For additional information on the need for PACS replacement, refer to page 7.9.

10. New courthouse construction projects

Requested Increase: \$3,335,000

For the new construction projects funded by Congress in FY 2016, the judiciary requests an increase of \$3.3 million above the FY 2020 level. For additional information on new courthouse construction projects, see page 7.10.

a. Security infrastructure for new courthouse construction projects

Requested Net Increase: \$1,300,000

In FY 2021, a decrease of \$1.5 million is associated with non-recurring security requirements for new courthouse construction projects funded in FY 2016. This is partially offset by an increase of \$2.8 million for new security systems

and screening equipment at the new courthouse for Toledo, OH and Savannah, GA.

b. CSOs for new courthouse construction projects (31 CSOs)

Requested Increase: \$2,035,000

In addition to the systems and equipment requirements, funding is needed for CSOs in these new facilities projected to open in FY 2021 and early FY 2022. The FY 2021 budget request includes \$2.0 million for 31 new CSO positions to ensure the necessary lead time to onboard CSOs for Charlotte, NC; San Antonio, TX, Anniston, AL; and Greenville, MS. 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.

11. Equipment modernization and cyclical replacement strategy

Requested Increase: \$4,608,000

The FY 2021 request includes \$4.6 million towards the phased implementation of an equipment modernization and cyclical replacement strategy for video management systems (VMS), screening equipment and staffing. For additional information on the need for VMS replacement, see page 7.11.

a. Video Management Systems

Requested Increase: \$3,700,000

For FY 2021, the judiciary requests an additional \$3.7 million for VMS. With the \$6.3 million available in FY 2020, there will be \$10.0 million for VMS in FY 2021.

b. Screening equipment

Requested Increase: \$600,000

For FY 2021, the judiciary requests an additional \$0.6 million for screening equipment. With the \$3.8 million available in FY 2020 combined with \$0.2 million in FY 2021 inflationary adjustments, there will be \$4.6 million for screening equipment in FY 2021.

c. Staffing Positions at USMS

Requested Increase: \$308,000

FTE: 2

The judiciary requests \$0.3 million for four new positions (2 FTE) at the USMS to support the equipment modernization and cyclical replacement strategy.

12. Facility access card sustainment

Requested Increase: \$1,000,000

The FAC project is the judiciary’s version of HSPD-12, which developed standards for a secure and reliable form of

identification (also known as “smart cards”) for federal government employees and contractors.

In FY 2020, the Court Security budget request included \$2.0 million in recurring, annual funding for operating and maintaining the FAC program. A total of \$3.0 million in annual funding will be required for FAC sustainment based on revised cost estimates. Therefore, the judiciary requests an additional \$1.0 million for FAC sustainment in FY 2021 to reach the revised total. Without the necessary funding, the FAC program will not have the resources necessary to operate and maintain the program. In addition, smart cards may no longer work for access control if the licenses are not maintained.

FINANCING THE FY 2021 REQUEST

ANTICIPATED CARRYFORWARD BALANCES FROM FY 2020 AND PRIOR YEARS INTO FY 2021

Estimated Funds Available: \$10,000,000

The judiciary projects \$10.0 million will be available through anticipated savings and prior-year recoveries to carry forward from FY 2020 into FY 2021 to offset partially the FY 2021 appropriation request for the Court Security program. The judiciary will advise the appropriations subcommittee staffs of changes to this estimate.