

**U.S. Department of Justice  
Federal Prison System  
FY 2013 CONGRESSIONAL BUDGET  
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 117). 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.

For FY 2013, a total of \$99,189,000, with 260 positions and 241 FTEs are requested for the Buildings and Facilities (B&F) appropriation. The FY 2013 request maintains B&F programs at prior years' request levels but does not add new prison beds. A rescission of \$75,000,000 in prior years' New Construction unobligated balances is also proposed. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in available funding in each. 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>.

## **2. Challenges**

The BOP continues to face unprecedented challenges in managing the growing 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. Thus far in FY 2012, the federal inmate population totals 217,051, and system-wide crowding is at 38 percent over rated capacity, with 53 percent and 49 percent at high and medium security institutions respectively (data as of February 2, 2012). The net increase in inmates this year is projected to be 5,000 by the end of FY 2012, with an additional 6,500 in FY 2013.



The BOP projects that the inmate population will continue to grow for the foreseeable future. BOP strives to accommodate inmate population growth with a combined use of state, local and private sector contracts beds, facility expansion, acquisition of existing structures, and construction of new prisons, as funding permits.

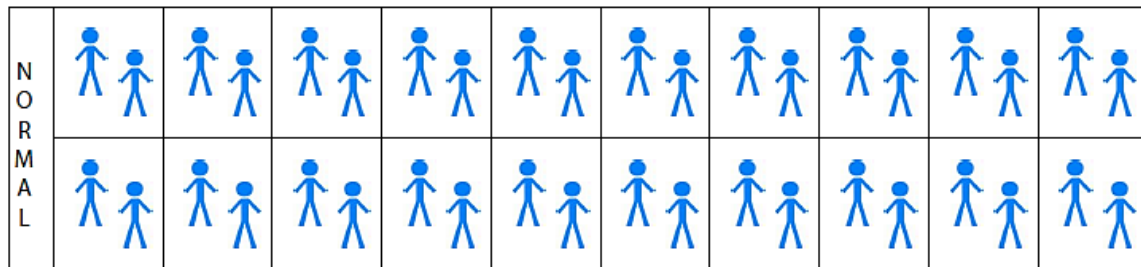
The size of the BOP inmate population exceeds the rated capacity of its prisons by 38-53 percent on average, depending on the security level (as of February 2, 2012). Rated capacity is the baseline used to calculate prison crowding, and assists in managing the BOP's inmate population to distribute the 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.

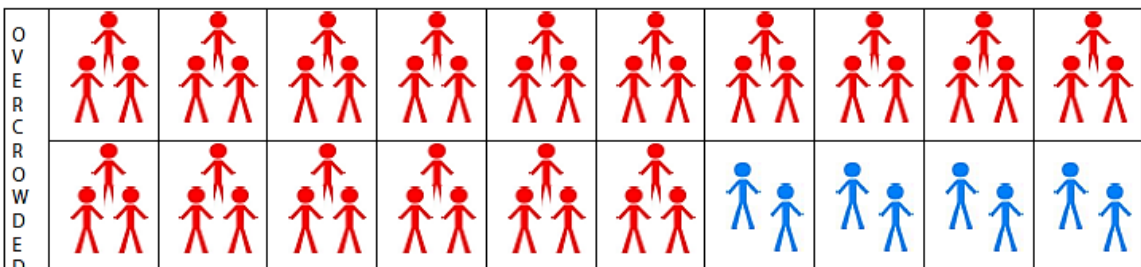
Prison Crowding has been identified as a Federal Managers Financial Integrity Act (FMFIA) material weakness, and is reported as such each year in the DOJ’s Performance and Accountability Report (PAR). It describes the issue as, “The growth of the federal inmate population continues to exceed available capacity. At the end of FY 2011, the inmate population housed in BOP operated institutions reached 177,934. Inmates were housed in a rated capacity of 127,795, resulting in an over-crowding rate of 39 percent above rated capacity. The BOP’s Long Range Capacity Plan relies on multiple approaches to house the increasing federal inmate population, such as contracting with the private sector and state and local facilities for certain groups of low-security inmates; expanding existing institutions where infrastructure permits, programmatically appropriate, and cost effective to do so; and acquiring, constructing, and activating new facilities as funding permits.” In light of overcrowding and stresses on prison staffing, BOP’s ability to safely manage the increasing federal inmate population is one of the Department’s top ten management and performance challenges identified by the Office of the Inspector General in the DOJ PAR, stating “In sum, the Department continues to face difficult challenges in providing adequate prison and detention space for the increasing prisoner and detainee populations and in maintaining the safety and security of prisons.”

The following charts show inmate cells at normal rated capacity versus overcrowded conditions at low, medium and high security facilities.

 = 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.



40% crowding  
(56 inmates and 40 beds rated capacity) -86% of the inmates are triple bunked.  
-14% of the inmates are double bunked.

**Medium Security**

N O R M A L										

**zero crowding**  
 example at a **medium** security prison  
 Rated Capacity: 2 inmates per cell in 50% of cells. 20 cells, 10 double bunked.

O V E R C R O W D E D										

**50% crowding**  
 (45 inmates and 30 beds rated capacity)  
 -33% of the inmates are triple bunked -67% of the inmates are double bunked.  
 - 0% of the inmates are single bunked.

**High Security**

N O R M A L										

**zero crowding**  
 example at a **high** security prison  
 Rated Capacity: 2 inmates per cell in 25% of cells. 20 cells, 5 double bunked.

O V E R C R O W D E D										

**56% crowding**  
 (39 inmates and 25 beds rated capacity)  
 -97% of the inmates are double bunked.  
 - 3% of the inmates are single bunked.

With the continued and future projected inmate growth and age of existing prisons, 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 Standing Committee on Operations and Maintenance Report Number 131 for maintaining existing prisons. As noted in report (GAO-10-94) released in November 2009, GAO concluded that BOP’s methods for projecting inmate population changes have been accurate. GAO found projections were accurate, on average, to within

1 percent of the actual inmate population growth from fiscal year 1999 to August 2009. The full GAO report is available at: <http://www.gao.gov/new.items/d1094.pdf>.

As of February 2, 2012, BOP facilities are overcrowded and operating at 38 percent above rated capacity system-wide; and most critically, with 49 percent overcrowding at the medium security level and 53 percent overcrowding at high security. As of December 2011, 20,896 (96 percent) high security inmates were double bunked, and 20,286 (33 percent) of medium security inmates and almost 36,000 (81 percent) of low security inmates were triple bunked or housed in space not originally designed for inmate housing. Overcrowding rates will increase given incarceration trends. Over 176,400 of the current Federal inmate population are in facilities operated by the BOP. The remainder, over 40,600 inmates or 19 percent, are in contract care including privately operated secure facilities, facilities managed by state and local governments, residential reentry centers, or home confinement. The percentage of inmates in contract care has steadily increased from 2 percent in 1980, 11 percent in 1990, and 14 percent in 2000, to 19 percent currently. Future population, capacity and crowding projections are shown in the following table:

### Projected Population, Capacity, and Crowding

	2009 (Actual)	2010 (Actual)	2011 (Actual)	2012	2013
BOP Facilities					
Starting Capacity	122,366	125,778	126,713	127,795	128,433
Additional Approved/Planned	3,412	935	1,082	638	3,002
Subtotal Capacity	125,778	126,713	127,795	128,433	131,435
Population Projection	172,423	173,289	177,934	182,624	188,051
Percent Overcrowded	37%	37%	39%	42%	43%
Contract	36,336	36,938	39,834	40,144	41,217
Percent Contract	17.4%	17.6%	18.3%	18.0%	18.0%
Total Federal Prison Population	208,759	210,227	217,768	222,768	229,268

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 contract beds and prison activations. Also, these projections do not incorporate the impacts of proposed legislation to increase potential Good Conduct Time awards for sentenced inmates.

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 Modernization and Repair (M&R) decision unit is intended to include funding to maintain existing facilities in an adequate state of repair to provide a safe and secure environment to continue prison operations, thereby protecting taxpayer capital investments.

For FY 2013, a total of \$99,189,000 with 260 FTEs and 241 positions are requested for the B&F appropriation to support DOJ Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. This request funds the base program for New

Construction, but does not add new prison beds, and it includes base resources at prior year request levels for the M&R program. In addition to this request, a rescission of \$75,000,000 in prior years' New Construction unobligated balances is proposed. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding in each.

As a strategy to try to keep pace with the ever growing inmate population, 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; acquisition and renovation of existing structures; and new prison construction, as funding permits.

#### Modernization and Repair (M&R)

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 essential. Failure to adequately 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.

As stated in the Inspector General's memo dated November 13, 2009, regarding Top Management and Performance Challenges in the Department of Justice, "With approximately one-third of BOP's 116 institutions 50 years or older, the increasing prison population also exacerbates a challenge for the BOP in repairing failing infrastructure at these institutions". In addition, the most recent Top Management and Performance Challenges report, dated November 8, 2011, states "Further, the BOP must constantly work to maintain the infrastructure of its aging facilities."

The BOP's goal is to maintain a safe and productive environment for staff and inmates. The level of annual resources being provided for the M&R program is sufficient for the BOP to be reactive to emergencies as major infrastructure and life safety systems begin to fail and to address a limited amount of high priority major projects, annually. Currently, there are 117 existing institutions. By the end of FY 2013, the BOP anticipates activation of two additional prisons (FCI Berlin, NH and Secure Female FCI Aliceville, AL), and two more prisons (USP Yazoo City, MS and FCI Hazelton, WV) will have begun the activation process. As these facilities become fully operational, any repairs or maintenance above the \$10,000 threshold will be funded from the M&R program. Within the resources dedicated to the M&R program, in FY 2012 the BOP proposes to address 34 major repair/replacement projects (one has been awarded as of December 2011) and there are currently 154 on the waiting list (e.g., fence, roofs, HVAC, fire alarms). Proper maintenance and repair/replacement is necessary to address failing systems to avoid significant deterioration and larger future replacement costs.

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 and tracks repair needs. 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.

In accordance with the Administration's direction to focus on place-based policies and initiatives [M-09-28], the BOP has a long standing practice of locating many of its new Federal prisons in rural areas. As stated in the White House memo "The prosperity, equity, sustainability, and livability of neighborhoods, cities and towns, and larger regions depend on the ability of the Federal government to enable locally-driven, integrated, and place-conscious solutions guided by meaningful measures, not disparate or redundant programs which neglect their impact on regional development." The BOP's positive impact on rural communities is significant. By bringing in new federal jobs, stimulation of local businesses and housing, contracting with hospitals and other local vendors, and coordinating with local law enforcement, the BOP improves the economy of the town and the entire region where these rural facilities are located.

#### Environmental Accountability

The BOP continues its progress of improving environmental and energy performance. The BOP is aggressively pursuing the Energy Saving Performance Contract (ESPC) finance mechanism permitted by Executive Order 13423 and Energy Policy Act. Twenty-seven ESPCs have been initiated over the last five years, and the BOP has moved forward with ESPCs at twenty-one institutions. As part of these projects, the BOP is implementing green initiatives such as solar power, wind turbines, biomass boilers, geothermal systems, lighting upgrades, water conservation retrofits, heating and cooling equipment replacement, and many other energy saving measures.

For example, four institutions have recently completed ESPCs and Energy Conservation Measures (ECMs) are having a significant impact on the facilities consumption of water and energy. The four institutions are the Federal Correctional Institution (FCI) Englewood, CO; FCI Big Spring, TX; Federal Correctional Complex (FCC) Victorville, CA; and FCC Petersburg. The combined acreage for the four institutions is 2,518 and the total building space is 3,580,000 square feet. The four institutions have a total of 28 ECMs. The ECMs included water management, sub-metering, control upgrades, wind energy, solar PV, solar thermal, biomass, geothermal, lighting, HVAC and plumbing upgrades, and electric vehicles. The combined impact of the energy savings and emissions reductions generated by these ECMs is allowing the BOP to make a significant contribution to the reduction of federal greenhouse gas emissions. The consolidated projected savings for the four sites are electrical 12,036,552 KWh/yr, natural gas 118,286 MBtu/yr, water 126,302 KGal/yr, sewage 70,9000 KGal/yr annually, and a significant saving in operation and maintenance costs. Total emissions reductions for the four sites include CO<sub>2</sub> 24,705,781 lbs/yr, NO<sub>x</sub> 19,693 lbs/yr, and Sox 25,348 lbs/yr.

The FCC in Butner, NC is one of the first prisons in the country to be LEED "Certified". 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. Currently, new prisons are being built in Yazoo City, MS, Aliceville, AL, and Hazelton, WV. All three of these prisons will be at a minimum, LEED “Certified”.

In addition to ESPCs, the BOP is also pursuing energy conservation and greening projects via non-traditional methods. As an example, the BOP is researching waste to power purchasing from a company that burns waste stream materials. After years of work at FCC Allenwood, the BOP has signed a contract with Lycoming County to purchase electricity produced from landfill methane gas. According to Commissioner Rebecca A. Burke, the project will increase county revenue, reduce greenhouse gas emissions and provide affordable electricity to the Federal penitentiary.

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. This resulted in a 2 percent reduction in energy consumption over the fiscal year. Also, the BOP implemented additional water conservation initiatives in 2009 to reduce water consumption throughout the system.

Over the last five years, the BOP’s ESPC Program has won the following national awards:

- 2006 DOE Small Team Award for the FCC Victorville Project
- 2007 Presidential Award for Leadership in Federal Energy Management
- 2007 GSA Award for the “Greening of Prisons”
- 2009 DOJ Energy and Environmental Awards to USP Hazelton and FCC Victorville

The BOP has a very ambitious recycling program. As an example, the Safety Department at the FCC in Lompoc, California, operates a multi-faceted recycling and environmental awareness operation. The institution employs several inmate workers to sort recyclable materials throughout the complex. In FY 2007, FCC Lompoc’s recycling efforts kept 320,000 tons of recyclables, such as wood, cardboard, ferrous metals, non-ferrous metals, tires, batteries, anti-freeze, engine oil, cooking oil, wood pallets, plastics, light bulbs, computers and paper from entering the Nation’s waste stream. The recycling program generated \$28,885 in FY 2007 and avoided more than \$24,000 in land fill disposal fees.

The BOP has six institutions that have various size bio-diesel operations. At these facilities, waste kitchen grease is converted into bio-diesel, and is used in vehicles and lawn equipment. USP Big Sandy, Kentucky produces over 500 gallons of bio-diesel per month. The BOP anticipates this program will be expanded to most institutions over the next few years.

Water reduction challenges for the BOP continue to be a high priority. The challenge is the ever increasing inmate population and the ability to provide space for the increases. The current method of measuring for water reduction is gallons per square feet. This



method is difficult for the BOP to achieve success due to these increases. The BOP continues the use of ESPCs and incorporates water conservation in every project.

The BOP's mission plays a direct role in supporting DOJ, Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. For FY 2013, a total of \$99,189,000 with 260 positions and 241 FTEs are requested for the B&F appropriation to support the Department's Strategic Goal to:

In addition to this request, a rescission of \$75,000,000 in prior years' New Construction unobligated balances is proposed. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding in each.

### **3. Full Program Costs**

#### **FY 2013 Total Bureau of Prisons Request by DOJ Strategic Goal**

The BOP's mission plays a direct role in supporting DOJ, Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels. In FY 2013, a total of \$99,189,000 with 260 positions and 240 FTEs is being requested for the B&F appropriation to support the DOJ goal to:

- Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the Federal Prison System (Strategic Goal 3.3)

The BOP's budget integrates both DOJ and BOP Strategic Goals and Objectives. Each performance objective is linked with the costs of critical strategic actions. The FY 2013 B&F budget request includes \$25,393,000 in resources to continue the New Construction base program and \$73,786,000 for the most critical Modernization and Repair needs of existing institutions.

Resources for each objective that the BOP supports are identified under each decision unit. The total costs include the following:

- The direct cost of all activities
- Indirect costs
- Common administrative systems costs

Both performance and resource tables within each decision unit justification define the total costs of achieving the strategies the BOP will implement in FY 2013.

## FY 2013 Budget Request by Decision Unit

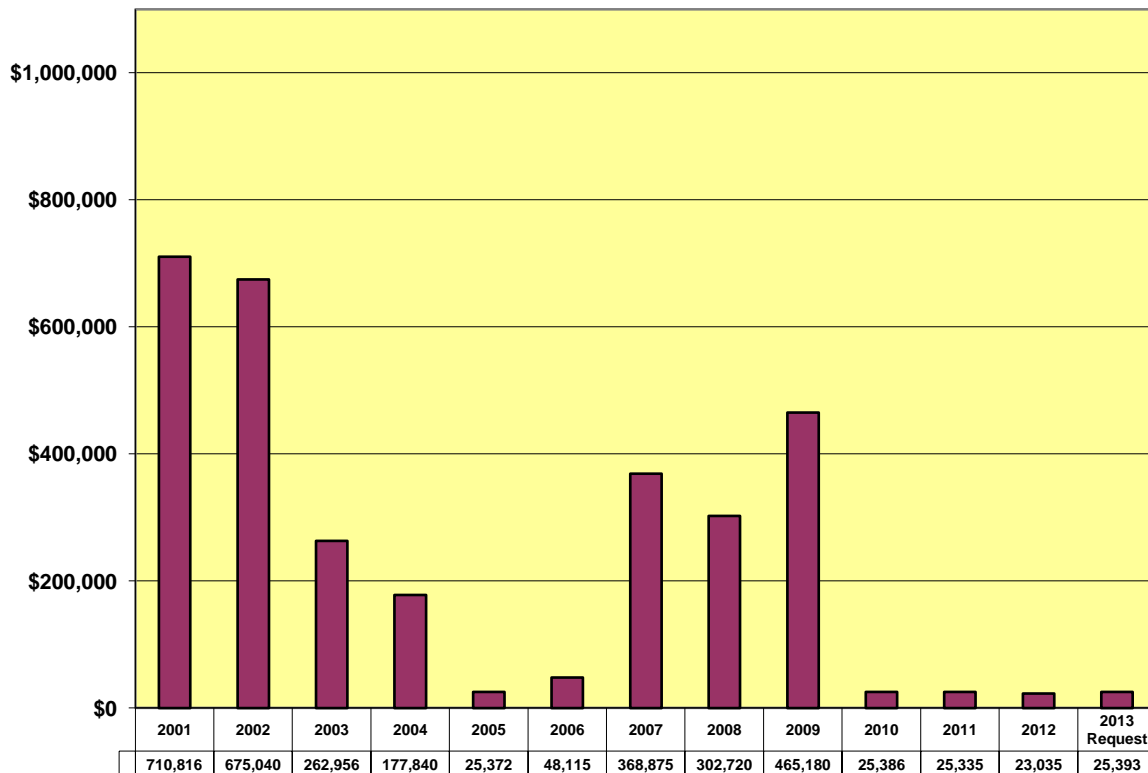
### New Construction Funds: \$25,393,000

*Note: The budget proposes a \$75 million rescission in prior years' unobligated New Construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding in each.*

For FY 2013, \$25.4 million in New Construction base funds are required to provide for ongoing expenses within the decision unit. New Construction base resources are essential to the program and required for the Oklahoma Transfer Center lease payments (approximately \$10 million per year); salaries and administrative costs of architects, project managers, site selection, procurement, and other staff necessary to carry out the program objective; 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, new construction base funds are utilized when site investigations are required for a project in which a specific location has not yet been identified.

The following chart shows the history of New Construction funding levels from FY 2001 to the FY 2013 Request.

**New Construction Funding (\$000)**



Note: For FY 2013, this budget proposes a rescission of \$75 million in prior years' unobligated New Construction balances. The BOP absorbed rescissions against new construction project funds of \$5.7 million in FY 2002, \$51.9 million in FY 2004 and \$45 million in FY 2012.

Modernization and Repair: \$73,796,000

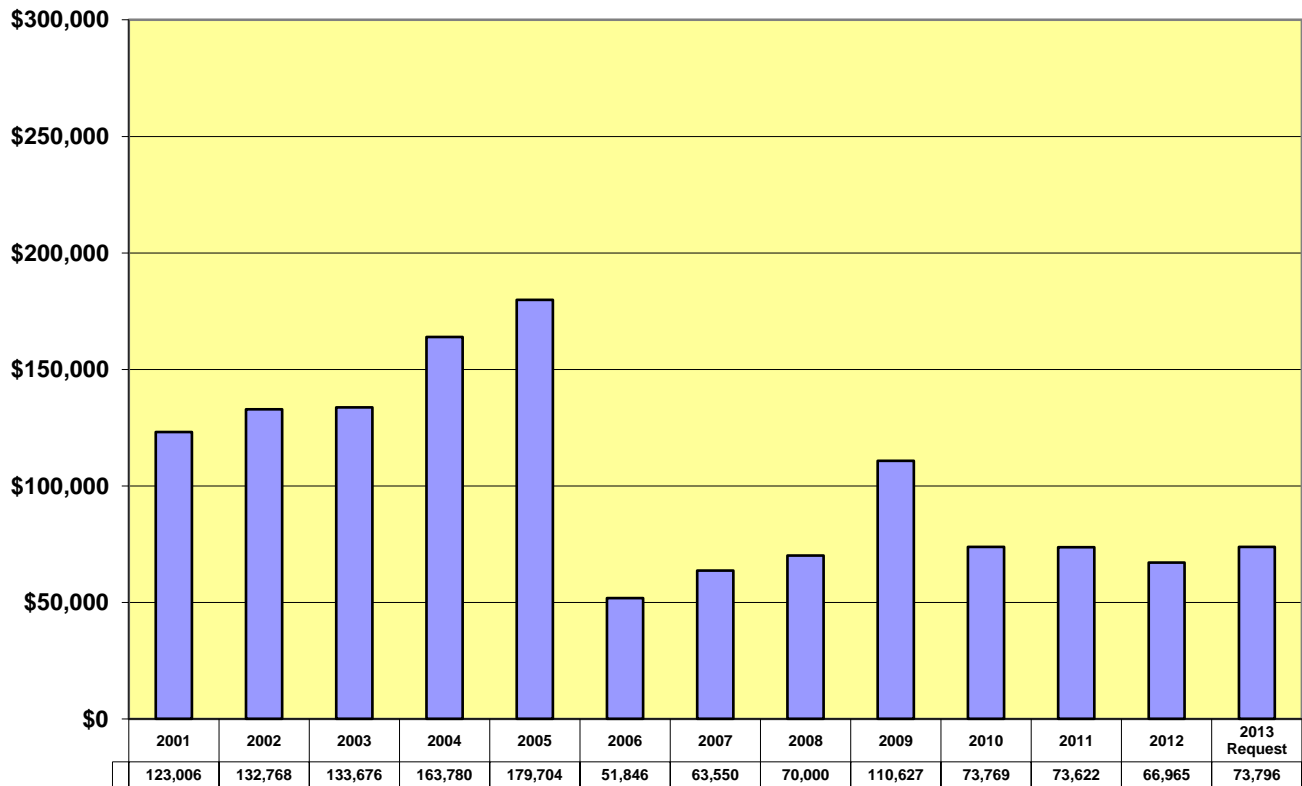
It is important that sufficient funding for the M&R program be provided to address critical repair and safety projects in order to maintain Federal prisons. For FY 2013, \$73,796,000 or a 0.29 percent replacement value adjustment is requested for the M&R program. The replacement value of BOP's owned prisons and institutions is \$25.4 billion. This requested base level for M&R will allow the BOP to be reactive to emergencies as major infrastructure and life safety systems begin to fail and to address a limited number of high priority major projects.

The M&R program is intended to provide the necessary resources to undertake essential rehabilitation, renovation and replacement projects at existing institutions to ensure structures, utilities systems, and other plant facilities are operational.

Delays in completing needed repairs have increased the number and cost of unfunded projects as well as contributed to additional deterioration of BOP's aging infrastructures. M&R is essential to institution security because deteriorated facilities add to increased risk of escape, inability to lock down cells, and violence due to frustration over inadequate living conditions, such as leaking and collapsing roofs at some locations that are in need of replacement.

The following chart shows the history of M&R funding levels and requests from FY 2001 to FY 2013.

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



#### **4. Performance Challenges**

The biggest challenge facing the BOP is managing the ever increasing federal inmate population and providing for their care and safety, while maintaining appropriately safe and secure prisons required to ensure the safety of BOP staff and surrounding communities within budgeted levels. The system-wide crowding level in BOP facilities is currently 38 percent above rated capacity (as of February 2, 2012), and it is projected that the population will continue to outpace available bed space in future years. This is why the requested resources for BOP's operations budget (S&E) and for M&R are vital. The operations budget will fund new prison activations to add new capacity to accommodate some growth in the Federal prison population. Obtaining the requested M&R funding should allow the BOP to safely manage existing prisons. Prison facilities are subjected to much heavier than normal use, since they are continuously used 24 hours a day, 365 days a year, in overcrowded conditions. Failure to maintain structures can cause direct and/or indirect security problems.

It has been particularly challenging to manage the Federal prisoner population at higher security levels. The combined inmate population confined in medium and high security facilities represents over 45 percent of the entire inmate population. It is important to note that at the medium security level, about 67 percent of the inmates are drug offenders or weapons offenders, approximately 75 percent have a history of violence, 40 percent have been sanctioned for violating prison rules, and half of the inmates in this population have sentences in excess of 8 years. At the high security level, more than 70 percent of the inmates are drug offenders, weapons offenders, or robbers, another 10 percent have been convicted of murder, aggravated assault, or kidnapping, and half of the inmates in this population have sentences in excess of 10 years. Furthermore, nearly 70 percent of high security inmates have been sanctioned for violating prison rules, and more than 90 percent have a history of violence.

Further, with the ongoing threats and activity of terrorist organizations, the BOP's work has taken on significantly greater risks with the incarceration of high-profile convicted terrorists such as: Zacarias Mossaoui, Nidal Ayyad (World Trade Center Bomber), Terry Nichols, Sheik Rahman, Richard Reid, Ramzi Yousef, Ahmed Ghailani, and Colleen LaRose (a.k.a. Jihad Jane).

About one-third of the BOP's 117 institutions are over 50 years old. 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. Maintaining sufficient M&R resources is essential to ensuring BOP facilities are kept in an adequate state of repair for the safety of staff, inmates, and the surrounding communities. 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. This is particularly important given the Administration's emphasis on agency asset management planning processes.

The BOP has made significant progress in environmental and energy performance and will continue to integrate and update prior practices and requirements. Without the requested M&R funds, the BOP will be unable to meet the goals and mandates as required. The BOP is actively utilizing the ESPC finance mechanism permitted by Executive Order 13423 and Energy Policy Act.

An ESPC is a contract that provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations. The contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings, with any savings in excess of that guaranteed by the contractor accruing to the Federal Government. The BOP has twenty ESPCs in different phases, and plans to look into the utilization of these contracts at every institution where it is practical.

With 117 federal prisons and over 217,000 inmates, the BOP is the largest energy and water consumer in the Department of Justice. Like all other government entities, the BOP is required to meet the goals established in the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007 and Executive Order (EO) 13423. As stated, the BOP is aggressively pursuing ESPCs to help meet these goals, but with our increasing inmate population and aging infrastructure, ESPCs alone will not be enough. Currently, on the M&R backlog list, there are approximately \$29 million in energy related projects. It is estimated that during the next five years, the BOP will need over \$250 million in energy related M&R funds to meet these goals. As an example, Executive Order 13423 requires that by 2015, 15 percent of BOP buildings/institutions are to be sustainable. To be considered sustainable, these buildings have to meet the five guiding principles of sustainability. An engineering firm performed a contract study on an existing institution to determine the estimated cost to meet these guiding principles. The estimate for this work is approximately \$3 million. To meet the 15 percent requirement, the BOP would have to make 17 prisons sustainable. This alone would require approximately \$51 million in M&R funds.

Most recently, Executive Order (EO) 13514 was issued. The purpose of this EO is to reduce Green House Gases government-wide. This will require the BOP to reduce energy consumption even further. It has not yet been determined how the BOP will meet the mandates of this EO, but it is anticipated that a significant amount of M&R funds will be needed to get there. Also, in order to meet the requirements of this EO, old equipment will have to be replaced, i.e. boilers. The BOP has 33 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 requirements of International Organization Standards 14001. 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 require infrastructure improvements to meet regulations. For example, after an inspection that took place at USP Atlanta, it was determined that the underground fuel tanks would have to be replaced to meet the current standards. The cost

of this work is approximately \$350,000. The total cost estimate to provide the necessary repairs, Bureau-wide, could amount to \$10 million. If these repairs are not made, BOP may be subjected to possible fines by the EPA, and even worse, could have an incident that damages the environment.

## II. Summary of Program Changes

Item Name	Description				Page
		Pos.	FTE	Dollars (\$000)	
Proposed Rescission of Prior Years' Unobligated Balances	Proposed Rescission of Prior Years' Unobligated Balances (New Construction Projects)	0	0	(75,000)	32
<b>Total Program Changes</b>		<b>0</b>	<b>0</b>	<b>(\$75,000)</b>	

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

#### **Appropriations Language**

The 2013 budget estimates include proposed changes in the appropriation language listed and explained below. New language is *italicized and underlined*, and 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, [\$90,000,000] *\$99,189,000*, to remain available until expended, of which not less than [\$66,965,000] *\$73,796,000* shall be available only for modernization, maintenance and repair, and of which not to exceed \$14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation. (*Department of Justice Appropriations Act, 2012*)

#### **(cancellation)**

*Of the unobligated balances from prior year appropriations under this heading, \$75,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.*

*-- Note: The language proposed above differs from the language included in the Budget Appendix regarding the types of balances proposed for cancellation. The difference is due only to timing restrictions during production of these separate documents as it is the intent of both the language proposed in the Budget Appendix and the language proposed here to cancel expired balances or balances currently available.*

#### **Analysis of Appropriations Language**

No substantive language changes; however, a rescission of \$75 million in prior years' unobligated New Construction balances is proposed.



## IV. Decision Unit Justification

### A. New Construction

<b>New Construction</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2011 Enacted	140	122	25,335
2012 Enacted	134	115	23,035
Adjustments to Base and Tech. Adj	(15)	(15)	2,358
2013 Current Services	119	100	25,393
2013 Program Changes	0	0	0
2013 Program Offsets (Rescission)	0	0	*[\$75,000]
2013 Request	119	100	25,393
<b>Total Change 2012-2013</b>	<b>(15)</b>	<b>(15)</b>	<b>\$2,358</b>

*\*The Budget proposes a \$75 million rescission in prior years' unobligated New Construction balances.*

#### 1. Program Description

##### New Construction

For FY 2013, \$25.4 million in New Construction base funds are required to provide for ongoing expenses within the decision unit. New Construction base resources are required for the Oklahoma Transfer Center lease payments (approximately \$10 million per year); salaries and administrative costs of architects, project managers, site selection, procurement, and other staff necessary to carry out the program objective; 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, new construction base funds are utilized when site investigations are required for a project in which a specific location has not yet been identified.

Most criminal justice agencies have some degree of discretion in controlling their workloads, typically through priority systems developed to ensure that the most important cases are handled first. However, the BOP must, by law, 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. As federal inmate population levels are projected to continue increasing, the BOP will strive to manage the population 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 the capacity plan and available funding.

From a cost perspective, the expansion of existing institutions is considered by BOP to be a cost effective technique for increasing prison capacity, and the BOP has recently 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.

The major challenges in managing the federal prisoner population stem from the increasing inmate population particularly at higher security institutions. It is important to note that at the medium security level, about 67 percent of the inmates are drug offenders or weapons offenders, approximately 75 percent have a history of violence, 40 percent have been sanctioned for violating prison rules, and half of the inmates in this population have sentences in excess of 8 years. At the high security level, more than 70 percent of the inmates are drug offenders, weapons offenders, or robbers, another 10 percent have been convicted of murder, aggravated assault, or kidnapping, and half of the inmates in this population have sentences in excess of 10 years. Furthermore, nearly 70 percent of high security inmates have been sanctioned for violating prison rules, and more than 90 percent have a history of violence.

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. Preliminary estimates in this budget have been adjusted primarily due to when full construction funds are anticipated to become available and based on security level and capacity changes noted below. Although cost escalation has been lower in recent years, preliminary cost estimates historically increase (approximately 5 percent or more) each year until full funding is provided for projects and construction contracts can be awarded.
- (2) Changes from the FY 2012 Congressional Budget – Construction at FCI Mendota and FCI Berlin have been completed. Therefore, the projects were removed from the report. The proposed Administrative USP Thomson, IL project was removed as funding was not provided in the FY 2011 Enacted Appropriation. The construction completion date for Secure Female FCI Aliceville, AL was changed

from September 2011 to January 2012. The FY 2012 Enacted Appropriation includes rescissions that impact two new construction projects: Rescission of \$40 million from the Acquire Existing Institution for higher security FCI project and rescission of \$5 million from the FCI Midwestern/Leavenworth, KS with camp project.

In addition, activation funding dates for the following projects were changed, consistent with the fiscal years in which construction funding is anticipated to be received: FCI Midwestern/Leavenworth, KS with camp (changed from FY 2016 to FY 2018); USP Letcher County, KY with Camp (changed from FY 2017 to 2018); USP South Central/Forrest City, AR with camp (changed from FY 2016 to FY 2018); Administrative USP El Reno, OK with camp (changed from FY 2016 to FY 2018); USP Bennettsville, SC with camp (changed from FY 2016 to FY 2018); USP North Central/Pekin, IL with camp (changed from FY 2017 to FY 2018); and FCI Florida with camp (changed from FY 2017 to FY 2018).

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: New Construction											
DOJ Strategic Goal/Objective: 3.3											
Workload/Resources		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Workload:											
1. Number of beds added (BOP facilities)		1,210		1,082		638		2,364		3,002	
2. End of Year Capacity (BOP facilities)		127,923		127,795		128,433		3,002		131,435	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		263	98,957	263	98,957	256	90,000	(15)	9,189	241	99,189
TYPE/ STRATEGIC OBJECTIVE	Performance	FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		122	25,335	122	25,335	115	23,035	(15)	2,358	100	25,393
Performance Measure	3. Number of Environmental Impact Studies/Environmental Assessments completed	2		2		1		(1)		0	
Performance Measure	4. Number of major construction awards	0		0		0		0		0	
Performance Measure	5. System-wide crowding level *	38%		39%		42%		1%		43%	
OUTCOME	6. Number of facilities completed	1		0		1		1		2	
<p><b>Data Definition:</b> 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. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a lower inmate-to-staff ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, lowest inmate-to-staff ratio, close control of inmate movement. 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.</p>											

**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 FMIS by the specific project code. Award 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 bi-monthly 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 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target
<b>Performance Measure</b>	Number of Environmental Impact Studies/Environmental Assessments completed.	1	1	1	0	2	1	2	2	2	1	0
<b>Performance Measure</b>	Number of major construction awards	0	1	0	2	1	2	0	0	0	0	0
<b>Performance Measure</b>	*System-wide Crowding in Federal Prisons	41%	34%	36%	37%	36%	37%	37%	38%	39%	42%	43%
<b>OUTCOME Measure</b>	Number of facilities completed	9	1	2	1	0	0	3	1	0	1	2

\* Denotes inclusion in the DOJ Annual Performance Plan FY 2012 - 2016 Strategic Plan

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

The New Construction decision unit contributes directly to the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this Goal, the decision unit's resources specifically address the Department's Strategic Objectives 3.3: Provide for the safe, secure, humane, and cost effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the Federal Prison System.

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

As illustrated in the preceding Performance and Resources Table, the outcome measures for this decision unit include: Number of facilities completed/constructed and System-wide crowding level.

The BOP completed one environmental assessment in FY 2010 (USP Yazoo City, MS). During FY 2011, the BOP completed two environmental assessments (Administrative USP Thomson, IL and USP South Central/Forrest City, AR). Community concerns at Thomson and minor environmental issues at Forrest City are being addressed. For FY 2012, the BOP will complete one Environmental Impact Study/ Environmental Assessment (FCI Leavenworth, KS). The BOP does not anticipate completing any additional environmental assessments in FY 2013.

The BOP did not have any major construction awards in FY 2011 and does not currently anticipate any major construction awards in FY 2012 or FY 2013.

For FY 2012, BOP anticipates one completion (Secure Female FCI Aliceville, AL). For FY 2013, the BOP anticipates the completion of the remaining two ongoing construction projects (USP Yazoo City, MS and FCI Hazelton, WV). There are no other ongoing construction projects for future years.

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. For FY 2011, the actual system-wide crowding was 39 percent. BOP's new projections for system-wide crowding (per the most recent capacity plan dated January 10, 2012) are estimated at 42 percent for FY 2012, and 43 percent for FY 2013.

### **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 40,652 inmates (19 percent) were housed in contract confinement as of February 2, 2012.

## B. Modernization and Repair

<b>Modernization and Repair</b>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount (\$000)</b>
2011 Enacted	141	141	73,622
2012 Enacted	141	141	66,965
Adjustments to Base and Tech. Adj.	0	0	6,831
2013 Current Services	141	141	73,796
2013 Program Increases	0	0	0
2013 Program Offsets	0	0	0
2013 Request	141	141	73,796
<b>Total Change 2012-2013</b>	<b>0</b>	<b>0</b>	<b>\$6,831</b>

### 1. Program Description

#### Modernization and Repair

For FY 2013, a total of \$73.8 million is requested for the Modernization and Repair (M&R) program. This program is intended to provide the base resources to undertake essential rehabilitation, modernization and renovation of buildings, other structures, and associated systems, necessary modifications to meet legal requirements and accommodate correctional programs, 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 a good state of repair. Proper maintenance, modernization, and repair of BOP institutions are essential. 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.

Most maintenance and repair projects are performed using inmate work crews. This provides instructional work for inmates and labor for the work to be performed. Inmate work crews require staff supervision to direct the work being performed and for obvious security reasons.

Almost one-third of the BOP's 117 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 are subjected to much heavier than normal use, since they are continuously used 24 hours a day, 365 days a year, in overcrowded conditions. Because of the size of the population, at medium and high security prisons (which are 49 percent and 53 percent over rated capacity respectively as of February 2, 2012), the facilities are over utilized, 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 December 31, 2011, the BOP had 730 ongoing major and minor M&R projects at various stages of completion. Individual project costs range from a low of \$10,000 to many millions of dollars. To manage this volume of projects and resources most efficiently, the BOP has significantly improved the M&R program by using long range master planning with detailed surveys of older facilities; and establishing a project time limit policy (three years).

To address the large inventory of older facilities, the BOP established a Long Range Master Plan that includes surveys of pertinent facilities. The first facilities to be surveyed were those which are over 50 years old and have not had any major renovations. Surveys were conducted by contractors to determine the extent of renovations required to bring the older facilities to an adequate state of repair, and whether the costs of repair would equal or exceed the cost of replacing the facility. Survey results, along with other known renovation needs, are then used by management in a long range plan, so M&R projects can be prioritized and planned well in advance.

A three year time limit policy for M&R projects was implemented in 1998 to ensure that institutions either 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 so local, regional, and central office management are informed of projects which may not meet the time limit. The number of M&R projects being cancelled per fiscal year decreased from 65 in FY 2002 to 10 in FY 2011.

The replacement value method of requesting funding was first implemented in FY 2000 which 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 2 to 4 percent of their replacement value.

Using a replacement value method of funding rather than the previous line item method, allows projects to be planned 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 can now be 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, so 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 from 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.

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 are established to modernize and/or improve equipment, entire rooms, such as kitchens, or buildings that require total rehabilitation of structures, including walls, and utilities. Infrastructure Improvement projects are established to modernize or replace utilities, such as water pipes and electrical systems. Hazardous Waste projects are established to abate hazardous waste, such as asbestos, through removal, encapsulation, and other methods as necessary. Energy Savings projects are established to 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 BOP has made significant progress in environmental and energy performance and will continue to integrate and update prior practices and requirements. Receipt of sufficient M&R funding will further ensure enhanced performance and compliance with statutory and legal requirements. The BOP is actively utilizing the Energy Saving Performance Contract (ESPC) finance mechanism permitted by Executive Order 13423 and Energy Policy Act.

An ESPC is a contract that provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations. The contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a

predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings, with any savings in excess of that guaranteed by the contractor accruing to the Federal Government. The BOP has twenty four ESPCs plus one Utility Energy Savings Contract (UESC) in different phases, and plans to look into the utilization of these contracts at every institution where it is practical.

With 117 federal prisons and over 217,000 inmates, the BOP is the largest energy and water consumer in the Department of Justice. Like all other government entities, the BOP is required to meet the goals established in the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007 and Executive Order (EO) 13423. As stated, the BOP is aggressively pursuing ESPCs to help meet these goals, but with our increasing inmate population and degrading infrastructure, ESPCs alone will not be enough. Currently, on the M&R back log list, there are approximately \$29 million in energy related projects. It is estimated that during the next five years, the BOP would need over \$250 million in energy related M&R funds to meet these goals. As an example, Executive Order 13423 requires that by 2015, 15 percent of BOP buildings/institutions are to be sustainable. To be considered sustainable, these buildings have to meet the five guiding principles of sustainability. An engineering firm has been contracted to perform a study on an existing institution to determine the estimated cost to meet these guiding principles. The estimate for this work is approximately \$3 million. To meet the 15 percent requirement, the BOP would have to make 17 prisons sustainable. This alone would require approximately \$51 million in M&R funds.

Most recently, Executive Order 13514 was issued. The purpose of this EO is to reduce Green House Gases government-wide. This will require the BOP to reduce energy consumption even further. It has not yet been determined how the BOP will meet the mandates of this EO, but it is anticipated that a significant amount of M&R funds will be needed to get there. Also, in order to meet the requirements of this EO, old equipment will have to be replaced such as boilers. The BOP has 33 institutions that are over 50 years old and a large amount of equipment at these institutions are inefficient and emit 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). The main purpose of EMS is to identify operations which effect 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 require infrastructure improvements to meet regulations. For example, after an inspection that took place at USP Atlanta, it was determined that the underground fuel tanks would have to be replaced to meet the current standards. The cost of this work was approximately \$350,000. The total cost estimate to provide the necessary repairs, bureau-wide, could amount to as much as \$10 million. If these repairs are not made, BOP may be subject to possible fines by the EPA, and even worse, could have an incident that damages the environment.

The M&R program has demonstrated substantial improvements through the implementation of the Long Range Planning method with its associated facility surveys, 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 of time and stretch its repair dollars. With the time limit policy, the BOP has been able to substantially reduce the M&R unobligated balance from over \$118 million in FY 1999 down to \$21.6 million at the end of FY 2011.

The BOP has a current backlog of M&R major project priorities totaling 154 projects at an approximate cost of \$348.6 million. This list is not all encompassing of BOP's M&R needs. The list reflects only those major projects (typically costing over \$300,000) that have been approved to receive funding as resources become available. Also, the list does not reflect the universe of unfunded repair and improvement minor projects (less than \$300,000) which are managed and prioritized at the regional level.

For FY 2013, an M&R base amount of \$73.8 million is requested to maintain current services. The level of annual resources being requested for the M&R program is sufficient for the BOP to be reactive to emergencies as major infrastructure and life safety systems begin to fail and to address a limited number of high priority major projects annually.

Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Modernization and Repair of Existing Facilities											
DOJ Strategic Goal/Objective: 3.3											
Workload/Resources		Final Target		Actual		Projected		Changes		Requested (Total)	
		FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Workload:											
1. Total projects established		332		455		350		75		425	
Total Costs and FTE		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		263	98,957	263	98,957	256	90,000	(15)	9,189	241	99,189
TYPE/ STRATEGIC OBJECTIVE	Performance	FY 2011		FY 2011		FY 2012		Current Services Adjustments and FY 2013 Program Changes		FY 2013 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		141	73,622	141	73,622	141	66,965	0	6,831	141	73,796
Workload Measure	2. Total projects completed and closed	275		435		300		60		360	
Workload Measure	3. Total projects active at year end	643		615		665		65		730	
Performance Measure	4. Number of facilities over 30 years old	50		50		51		0		51	
	5. Number of facilities over 50 years old	33		33		33		1		34	
	6. Long range master plan for facilities over 50 years old in development	0		0		0		0		0	
	7. Long range master plan for facilities over 50 years old – total completed	25		25		25		0		25	
OUTCOME	8. Court ordered remedial projects	0		0		0		0		0	
	9. Dollar value of fines for violations	0		0		0		0		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. Medium security facilities: strengthened perimeters, mostly cell-type housing, work and treatment programs and a lower inmate-to-staff ratio than low security facilities. High security facilities: also known as U.S. Penitentiaries, highly secure perimeters, multiple and single cell housing, lowest inmate-to-staff ratio, close control of inmate movement. The three-year time limit policy for 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 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 FMIS by the specific project code. Modernization and Repair (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 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 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 past in the M&R program 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 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011		FY 2012	FY 2013
		Actual	Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
<b>Workload Measure</b>	M&R projects: Completed/Active	474/770	461/781	423/592	435/603	438/612	412/618	441/586	275/643	435/615	300/665	360/730
<b>Performance Measure</b>	Number of facilities over 30 years old	51	52	55	55	55	48	50	50	50	51	51
<b>Performance Measure</b>	Number of facilities over 50 years old	33	35	36	36	34	32	33	33	33	33	34
<b>Performance Measure</b>	Long range master plan for facilities over 50 years in development	1	1	0	0	0	0	0	0	0	0	0
<b>Performance Measure</b>	Long range master plan for facilities over 50 years - total completed	20	24	25	25	25	25	25	25	25	25	25

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

The Modernization and Repair (M&R) decision unit contributes directly to the Department's Strategic Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent administration of Justice at the Federal, State, Local, Tribal, and International Levels. Within this Goal, the decision unit's resources specifically address the Department's Strategic Objectives 3.3: Provide for the safe, secure, humane, and cost effective confinement of detainees awaiting trial and/or sentencing, and those in the custody of the Federal Prison System.

### **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 2011, BOP completed and closed 435 M&R projects, leaving 615 active at year end. For FY 2012, BOP anticipates completing and closing 300 M&R projects, leaving 665 active at year end. For FY 2013, BOP anticipates completing 360 M&R projects, leaving 730 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, and they are placed on a priority list for funding.

The BOP projects that there will continue to be no court ordered remedial projects or dollar value of fines for violations for FY 2011 through FY 2013. The BOP follows a plan to assure that existing facilities meet established standards.

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

The M&R program has demonstrated substantial improvements through the implementation of the Long Range Planning method with its associated facility surveys and the project time limit policy.



## VI. Program Offsets by Item

**Item Name:** **Rescission of Prior Years' Unobligated New Construction Balances**

Budget Decision Unit(s): New Construction

Strategic Goal(s) and Objective(s): 3.3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels

Organizational Program: New Construction

Component Ranking of Item: 1 of 1

Program Offset: Positions 0 Agt/Atty 0 FTE 0 Dollars \$75,000,000

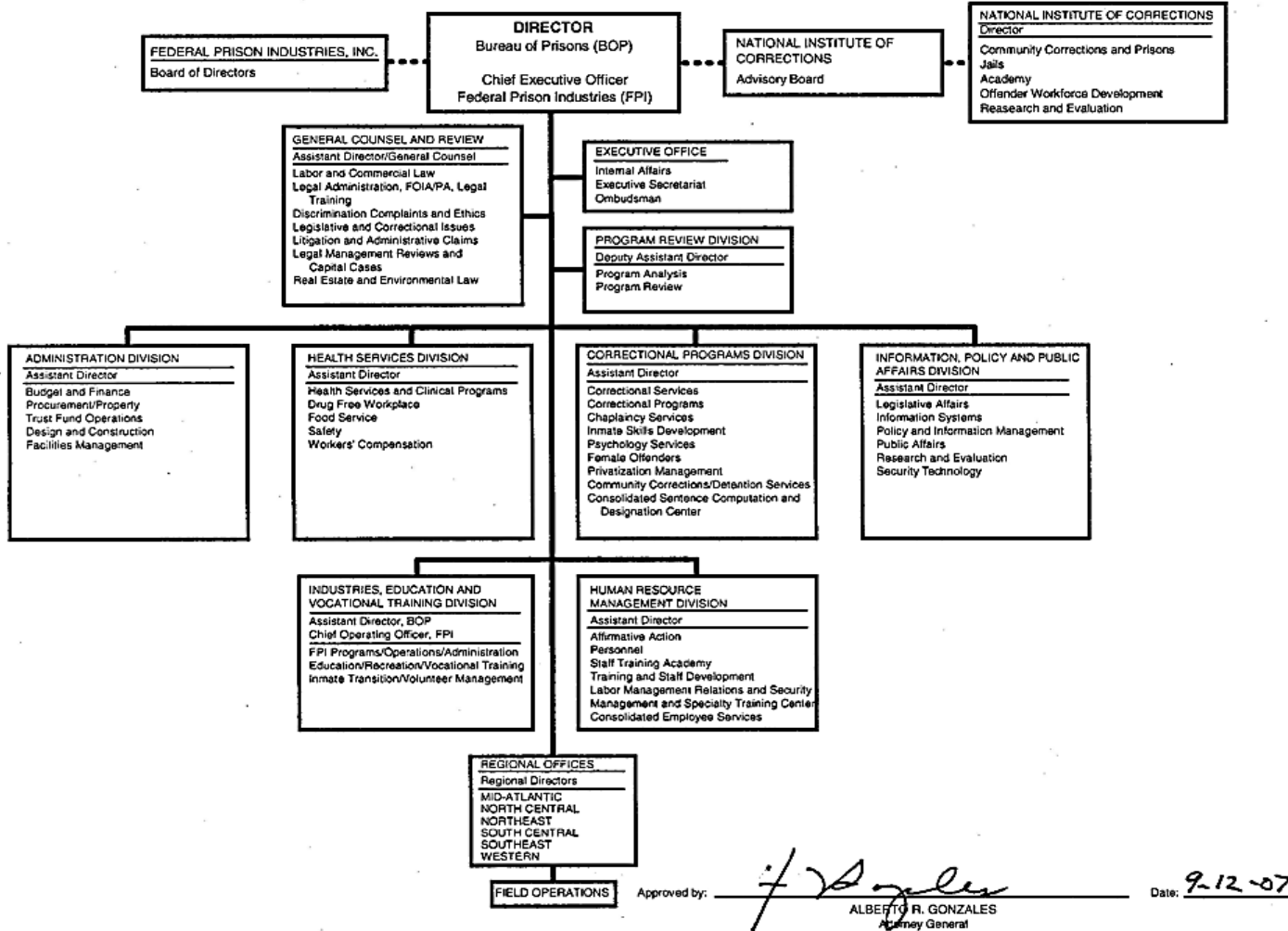
### Description of Item

The FY 2013 budget proposes to rescind \$75 million in prior years' new construction unobligated balances. This proposal rescinds \$64.7 million in balances intended for the "Acquire Existing Institution for Higher Security FCI" project and reduces the balances of four partially funded projects shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in funding available for each remaining project to support long-range capacity planning.

### Program Reductions

<b>Project Name</b>	<b>Rescission of Project Funds</b> Dollars (\$000)	<b>Project Balance</b> Dollars (\$000)
Acquire Existing Institution for Higher Security FCI (1,290 beds)	(\$64,724)	\$0
FCI Midwestern/Leavenworth, KS with Camp (1,408 beds)	(5,476)	500
USP Letcher County, KY with Camp (1,216 beds)	(3,825)	500
USP South Central/Forrest City, AR with Camp (1,216 beds)	(848)	500
Administrative USP El Reno, OK with Camp (1,856 beds)	(127)	444
<b>Total Rescission/Balance Amount</b>	<b>(\$75,000)</b>	<b>\$1,944</b>

**A: Organization Chart**



Approved by: *Alberto R. Gonzales* Date: 9-12-07  
 ALBERTO R. GONZALES  
 Attorney General

Exhibit A - Organization Chart

**B: Summary of Requirements**

**Summary of Requirements**  
 Federal Prison System  
 Buildings and Facilities  
 (Dollars in Thousands)

	FY 2013 Request		
	Perm. Pos.	FTE	Amount
<b>2011 Enacted (without Rescissions, direct only)</b>	<b>281</b>	<b>263</b>	<b>98,957</b>
<b>2012 Enacted (without Rescissions, direct only)</b>	<b>275</b>	<b>256</b>	<b>90,000</b>
2012 Rescissions	<b>0</b>	<b>0</b>	<b>(45,000)</b>
<b>Total 2012 Enacted (with Rescissions)</b>	<b>275</b>	<b>256</b>	<b>45,000</b>
Technical Adjustments	<b>0</b>	<b>0</b>	<b>45,000</b>
Adjustments to Base			
Increases (Direct Only):			
2013 Pay Raise (0.5%)	0	0	30
Changes in Compensable Days	0	0	49
FERS Rate Increase	0	0	5
Health Insurance	0	0	96
Retirement	0	0	52
B&F Program Base Adjustment	0	0	8,957
Subtotal Pay & Benefits	0	0	9,189
Decreases:			
Positions and Workyears Associated with Construction Projects (FCI Mendota -3; FCI Hazelton -3; USP Yazoo City -3; and Secure Female FCI Aliceville -6)	(15)	(15)	0
Subtotal Decreases	(15)	(15)	0
Total Adjustments to Base	(15)	(15)	9,189
<b>2013 Current Services</b>	<b>260</b>	<b>241</b>	<b>99,189</b>
<b>Program Changes</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Program Changes	0	0	0
<b>2013 Total Request</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>
2012 - 2013 Total Change	(15)	(15)	9,189
Rescission of \$75 million in Prior Years' Unobligated Balances (New Construction projects)	<b>0</b>	<b>0</b>	<b>(75,000)</b>
<b>2013 Total Request w/Rescissions</b>	<b>260</b>	<b>241</b>	<b>\$24,189</b>

NOTE: All FTE numbers in this table reflect authorized FTE, which is the total number of FTE available to a component. Because the FY 2013 President's Budget Appendix builds the FTE request using actual FTE rather than authorized, it may not match the FY 2012 FTE enacted and FY 2013 FTE request reflected in this table.

**Summary of Requirements**  
**Federal Prison System**  
**Buildings and Facilities**  
(Dollars in Thousands)

Estimates by budget activity	2011 Appropriation Enacted w/Rescissions			2012 Enacted			2013 Adjustments to Base and Technical Adjustments			2013 Current Services			2013 Increases			2013 Offsets			2013 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount
Buildings and Facilities:																					
New Construction	140	122	25,335	134	115	23,035	(15)	(15)	2,358	119	100	25,393	0	0	0	0	0	0	119	100	25,393
Modernization and Repair	141	141	73,622	141	141	66,965	0	0	6,831	141	141	73,796	0	0	0	0	0	0	141	141	73,796
<b>Total</b>	<b>281</b>	<b>263</b>	<b>\$98,957</b>	<b>275</b>	<b>256</b>	<b>\$90,000</b>	<b>(15)</b>	<b>(15)</b>	<b>\$9,189</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>
Enacted/Proposed Rescissions of Prior Years' Unobligated New Construction Balances						(45,000)												(75,000)			(75,000)
<b>Total w/Rescissions</b>	<b>281</b>	<b>263</b>	<b>\$98,957</b>	<b>275</b>	<b>256</b>	<b>\$45,000</b>	<b>(15)</b>	<b>(15)</b>	<b>\$9,189</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>(\$75,000)</b>	<b>260</b>	<b>241</b>	<b>\$24,189</b>

Note: In addition to the request of \$99.2 million in new resources, the budget proposes a rescission of \$75 million in prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding for each.

**C: Program Increases/Offsets By Decision Unit**

**FY 2013 Program Increases/Offsets By Decision Unit  
Federal Prison System  
Buildings and Facilities  
(Dollars in Thousands)**

Program Increases	Location of Description By Decision Unit	New Construction				Modernization and Repair				Total Increases			
		Pos.	Corr. Off.	FTE	Amount	Pos.	Corr. Off.	FTE	Amount	Pos.	Corr. Off.	FTE	Amount
n/a		0		0	0	0		0	0	0		0	0
<b>Total Program Increases</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>

Program Offsets	Location of Description By Decision Unit	New Construction				Modernization and Repair				Total Offsets			
		Pos.	Corr. Off.	FTE	Amount	Pos.	Corr. Off.	FTE	Amount	Pos.	Corr. Off.	FTE	Amount
Rescission of Prior Years' Unobligated Balances	New Construction	0	0	0	(75,000)	0	0	0	0	0	0	0	(75,000)
<b>Total Offsets</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>(\$75,000)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(\$75,000)</b>

**NOTE:** The proposed rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding for each.

**D: Resources by DOJ Strategic Goal and Strategic Objective**

**Resources by Department of Justice Strategic Goal/Objective  
Buildings and Facilities  
(Dollars in Thousands)**

	2011 Appropriation Enacted		2012 Enacted		2013 Current Services		2013				2013 Request	
	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s	Direct, Reimb. Other FTE	Direct Amount \$000s
<b>Strategic Goal and Strategic Objective</b>												
<b>Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels</b>												
3.3 Buildings and Facilities	263	\$98,957	256	\$90,000	241	\$99,189	0	0	0	0	241	\$99,189
<b>Subtotal, Goal 3</b>	<b>263</b>	<b>98,957</b>	<b>256</b>	<b>90,000</b>	<b>241</b>	<b>99,189</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>241</b>	<b>99,189</b>
Rescissions of Prior Years' Unobligated New Construction Balances	0	0	0	(45,000)	0	0	0	0	0	(75,000)	0	(75,000)
<b>GRAND TOTAL with Rescissions</b>	<b>263</b>	<b>\$98,957</b>	<b>256</b>	<b>\$45,000</b>	<b>241</b>	<b>\$99,189</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>(\$75,000)</b>	<b>241</b>	<b>\$24,189</b>

**NOTE: In addition to the request of \$99.2 million in new resources, the budget proposes a rescission of \$75 million in prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project and reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding for each.**

**E. Justification for Base Adjustments**

**Justification for Base Adjustments  
Federal Prison System  
Buildings and Facilities**

<u>Increases</u>	<u>POS</u>	<u>FTE</u>	<u>Amount (\$000)</u>
<u>2013 Pay Raise.</u> This request provides for a proposed 0.5 percent pay raise to be effective in January of 2013. The increase only includes the general pay raise. The amount requested, \$30,000.00, represents the pay amounts for 3/4 of the fiscal year plus appropriate benefits (\$13,500.00 for pay and \$16,500.00 for benefits.)	0	0	\$30
<u>Changes in Compensable Days.</u> The decreased cost for one compensable day in FY 2013 compared to FY 2012 is calculated by dividing the FY 2012 estimated personnel compensation <u>\$6,043,000</u> and applicable benefits <u>\$6,776,000</u> by 260 compensable days.	0	0	49
<u>Health Insurance.</u> Effective January 2013, this component's contribution to Federal employees' health insurance premiums increased by 9.6 percent. Applied against the 2012 estimate of <u>\$1,000,000</u> the additional amount required is <u>\$96,000</u> .	0	0	96
<u>FERS Regular/Law Enforcement Retirement Contribution.</u> On June 11, 2010, the Board of Actuaries of the Civil Service Retirement System recommended a new set of economic assumptions for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS). In accordance with this change, effective October 1, 2011 (FY 2012), the total Normal Cost of Regular retirement under FERS will increase from the current level of 12.5% of pay to 12.7%. The total FERS contribution for Law Enforcement retirement will increase from 27.0% to 27.6%. This will result in new <b>agency contribution</b> rates of 11.9% for normal costs (up from the current 11.7%) and 26.3% for law enforcement personnel (up from the current 25.7%). The amount requested, <u>\$5,000</u> , represents the funds needed to cover this increase.	0	0	5
<u>Retirement.</u> Agency retirement contributions increase as employees under CSRS retire and are replaced by FERS employees. Based on OPM government-wide estimates, we project that the DOJ workforce will convert from CSRS to FERS at a rate of 1.3 percent per year. The requested increase of <u>\$52,000</u> is necessary to meet our increased retirement obligations as a result of this conversion.	0	0	52
<u>B&amp;F Program Base Adjustment.</u> These funds are required to maintain the B&F base program in FY 2013. This request provides for an adjustment in ongoing expenses which is essential to basic daily prison operations.	<u>0</u>	<u>0</u>	<u>8,957</u>
<b>Total Increase:</b>	<b>0</b>	<b>0</b>	<b>9,189</b>
 <u>Decreases</u>			
<u>Positions and Workyears Associated with Construction Projects.</u> A net non-recurring of 15 positions and 15 FTEs are from New Construction projects, which were previously funded (FCI Mendota - 3; FCI Hazelton -3; USP Yazoo City -3; and Secure Female FCI Aliceville - 6). Positions are non-recurred as projects are completed. However, appropriated funding associated with these projects was non-recurred in prior years.	<u>(15)</u>	<u>(15)</u>	<u>0</u>
<b>Total Decrease:</b>	<b>(15)</b>	<b>(15)</b>	<b>0</b>
<b>Total ATB:</b>	<b>(15)</b>	<b>(15)</b>	<b>\$9,189</b>

**F: Crosswalk of 2011 Availability**

**Crosswalk of 2011 Availability**  
 Federal Prison System  
 Buildings and Facilities  
 (Dollars in Thousands)

Decision Unit	FY 2011 Enacted Without Balance Rescissions*			Balance Rescissions			Supplementals			Reprogrammings / Transfers			Carryover**	Recoveries	2011 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
1. New Construction	140	122	25,335	0	0	0	0	0	0	0	0	0	196,733	0	140	122	222,068
2. Modernization and Repair	141	141	73,622	0	0	0	0	0	0	0	0	0	27,040	0	141	141	100,662
<b>TOTAL</b>	<b>281</b>	<b>263</b>	<b>\$98,957</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$223,773</b>	<b>\$0</b>	<b>281</b>	<b>263</b>	<b>\$322,730</b>

\*The across-the-board reduction of 0.2 percent is included in the enacted amount column.

\*\*Carryover Balances - Funds were carried over from FY 2010 from the Buildings and Facilities account. The Bureau of Prisons brought forward \$223,773,000 from funds provided in prior years for the Buildings and Facilities account.



**G: Crosswalk of 2012 Availability**

**Crosswalk of 2012 Availability**  
 Federal Prison System  
 Buildings and Facilities  
 (Dollars in Thousands)

Decision Unit	FY 2012 Enacted Without Rescissions			Rescissions			Supplementals			Reprogrammings / Transfers			Carryover	Recoveries	2012 Availability		
	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Pos.	FTE	Amount	Amount	Amount	Pos.	FTE	Amount
1. New Construction	134	115	23,035	0	0	(45,000)	0	0	0	0	0	0	175,799	0	134	115	153,834
2. Modernization and Repair	141	141	66,965	0	0	0	0	0	0	0	0	0	21,646	0	141	141	88,611
<b>TOTAL</b>	<b>275</b>	<b>256</b>	<b>\$90,000</b>	<b>0</b>	<b>0</b>	<b>(\$45,000)</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>0</b>	<b>\$0</b>	<b>\$197,445</b>	<b>\$0</b>	<b>275</b>	<b>256</b>	<b>\$242,445</b>

Rescissions - The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) rescinded \$45 million in unobligated balances from the Buildings and Facilities account.

Carryover - Funds were carried over from FY 2011 from the Buildings and Facilities account. The Bureau of Prisons brought forward \$197,445,000 from funds provided in prior years for the Buildings and Facilities account.

**I: Detail of Permanent Positions by Category**

**Detail of Permanent Positions by Category**  
 Federal Prison System  
 Buildings and Facilities

Category	2011 Enacted		2012 enacted		2013 Request					
	Total Authorized	Total Reimbursable	Total Authorized	Total Reimbursable	ATBs	Program Increases	Program Offsets	Total Prog. Changes	Total Authorized	Total Reimbursable
General Administration										
Clerical and Office Services (300-399)	26	0	26	0	(2)	0	0	(2)	24	0
Accounting and Budget (500-599)	14	0	14	0	0	0	0	0	14	0
Engineering and Architecture Grp (800-899)	142	0	138	0	(8)	0	0	(8)	130	0
Business & Industry (1100-1199)	59	0	57	0	(3)		0	(3)	54	0
Ungraded (mechanical and construction)	40	0	40	0	(2)	0	0	(2)	38	0
<b>Total</b>	<b>281</b>	<b>0</b>	<b>275</b>	<b>0</b>	<b>(15)</b>	<b>0</b>	<b>0</b>	<b>(15)</b>	<b>260</b>	<b>0</b>
Headquarters (Washington, D.C.)	53	0	53	0	(5)	0	0	(5)	48	0
U.S. Field	228	0	222	0	(10)	0	0	(10)	212	0
<b>Total</b>	<b>281</b>	<b>0</b>	<b>275</b>	<b>0</b>	<b>(15)</b>	<b>0</b>	<b>0</b>	<b>(15)</b>	<b>260</b>	<b>0</b>

## J: Financial Analysis of Program Changes

### Financial Analysis of Program Changes

Federal Prison System

Buildings and Facilities

(Dollars in Thousands)

Grades:	New Construction (Rescission of Prior Years' Unobligated Balances)		Modernization and Repair		Program Changes	
	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-13	0	0	0	0	0	0
GS-12	0	0	0	0	0	0
GS-11	0	0	0	0	0	0
<b>Total positions &amp; annual amount</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Lapse (-)	0	0	0	0	0	0
<b>Total FTE &amp; personnel compensation</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Personnel benefits		0				0
Travel and transportation of persons		0				0
Transportation of things		0				0
GSA rent		0				0
Communication, rents, and utilities		0				0
Printing		0				0
Other services		(75,000)				(75,000)
Supplies and materials		0				0
Equipment		0				0
<b>Total, 2013 Program Changes Requested</b>	<b>0</b>	<b>(\$75,000)</b>	<b>0</b>	<b>\$0</b>	<b>0</b>	<b>(\$75,000)</b>

The FY 2013 budget proposes a rescission of \$75 million from prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding for each.

## K: Summary of Requirements by Grade

### Summary of Requirements by Grade

Federal Prison System  
Buildings and Facilities

	2011 Enacted with Rescissions		2012 Enacted		2013 Request		Increase/Decrease	
	Pos.	Amount	Pos.	Amount	Pos.	Amount	Pos.	Amount
GS-15, \$123,758 - 155,500	2	303	3	458	3	441	0	(17)
GS-14, \$105,211 - 136,771	17	2,258	17	2,272	15	2,006	(2)	(266)
GS-13, \$89,033 - 115,742	85	8,985	83	8,792	76	8,026	(7)	(766)
GS-12, \$74,872 - 97,333	106	9,099	104	8,958	98	8,541	(6)	(417)
GS-11, \$62,467 - 81,204	56	3,859	53	3,711	53	3,882	0	171
GS-8, 46,745 - 60,765	5	286	5	288	5	271	0	(17)
GS-7, \$42,209 - 54,875	4	195	4	191	4	190	0	(1)
GS-6, \$37,983 - 49,375	5	195	5	196	5	209	0	13
GS-5, \$34,075 - 44,293	1	34	1	34	1	37	0	3
<b>Total, appropriated positions</b>	<b>281</b>	<b>\$25,214</b>	<b>275</b>	<b>\$24,900</b>	<b>260</b>	<b>\$23,603</b>	<b>(15)</b>	<b>(\$1,297)</b>
<b>Average GS Salary</b>		<b>\$89,732</b>		<b>\$90,545</b>		<b>\$90,780</b>		
<b>Average GS Grade</b>		<b>12</b>		<b>12</b>		<b>12</b>		

## L: Summary of Requirements by Object Class

### Summary of Requirements by Object Class

Federal Prison System  
Buildings and Facilities  
(Dollars in Thousands)

Object Classes	2011 Actuals		FY 2012 Estimate		2013 Request		Increase/Decrease	
	FTE	Amount	FTE	Amount	FTE	Amount	FTE	Amount
11.1 Direct FTE & personnel compensation	263	15,426	256	14,080	241	13,805	(15)	(275)
11.3 Other than full-time permanent	0	0	0	0	0	0	0	0
11.5 Total, Other personnel compensation	0	0	0	0	0	0	0	0
<b>Total</b>	<b>263</b>	<b>15,426</b>	<b>256</b>	<b>14,080</b>	<b>241</b>	<b>13,805</b>	<b>(15)</b>	<b>(275)</b>
Other Object Classes:								
12.0 Personnel benefits		5,715		5,092		4,734		(358)
21.0 Travel and transportation of persons		562		563		575		12
22.0 Transportation of things		29		27		27		0
23.2 Rental payments to others		9,000		9,000		9,000		0
23.3 Comm., util., & other misc. charges		571		4,300		1,484		(2,816)
24.0 Printing and reproduction		0		0		0		0
25.2 Other services		62,507		50,042		54,000		3,958
26.0 Supplies and materials		16,957		15,300		16,800		1,500
31.0 Equipment		13,728		8,373		8,500		127
32.0 Land		790		700		850		150
<b>Total obligations</b>		<b>\$125,285</b>		<b>\$107,477</b>		<b>\$109,775</b>		<b>\$2,298</b>
Unobligated balance, start of year		(223,773)		(197,445)		(134,968)		
Unobligated balance, end of year		197,445		179,968		124,382		
Rescissions of prior years' new construction unobligated balances		0		(45,000)		(75,000)		
<b>Total DIRECT requirements with Rescissions</b>		<b>\$98,957</b>		<b>\$45,000</b>		<b>\$24,189</b>		

## **M. Status of Congressionally Requested Studies, Reports, and Evaluations**

### **Federal Prison System**

#### **Status of Congressionally Requested Studies, Reports, and Evaluations**

DOJ Spending Plan - SEC. 538. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act. **The spend plan was submitted to the Committees on Appropriations of the House of Representatives and the Senate on January 10, 2012.**

Federal Prisons Radicalization -The conferees further directs the Department to submit a report to the Committees on Appropriations not later than 120 days after the enactment of this Act on its maintenance of a central registry of acceptable materials and the processes employed to ensure that potentially radicalizing materials are not included. **Target response to committees March 17, 2012.**

Employee Retaliation Recommendations - The conferees expect BOP to certify to the Committees on Appropriations that it has implemented and met the recommendations included in the EEOC's November 2010 Final Program Evaluation Report for the Federal Bureau of Prisons, and submit concurrently a report on its compliance with the recommendations to the Department's OIG for review and comment. **The certification to the Committee will be sent upon completion of EEOC recommendations.**

BOP's Construction Report - The conferees direct BOP to resume providing to the Committees on Appropriations, not later than 30 days after the enactment of this Act, the most recent monthly status of construction report and to notify the Committees on Appropriations of any deviations from the construction and activation schedule identified in that report, including detailed explanations of the causes of delays and actions proposed to address them. Target response to committee December 18, 2011 and monthly thereafter. **The first monthly report was submitted to the Committees on Appropriations of the House of Representatives and the Senate on January 4, 2012.**

Increasing Inmate Work Opportunities - The conferees direct the Department to report to the Committees on Appropriations not later than 120 days after the enactment of this Act on actions taken and planned to increase meaningful work opportunities available to inmates. **Target response to committees March 17, 2012.**

DOJ Unobligated Balances - SEC. 508. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation. **This report is due to the committee**

Vehicle Inventory - SEC. 545. All agencies and departments funded under this Act shall send to the Committees on Appropriations of the House of Representatives and the Senate at the end of the fiscal year a report containing a complete inventory of the total number of vehicles owned, permanently retired, and purchased during fiscal year 2012 as well as the total cost of the vehicle fleet, including maintenance, fuel, storage, purchasing, and leasing. **Target response to committees September 30, 2012.**

**N: Summary of Change**

**FY 2013 Summary of Change  
Federal Prison System  
Buildings and Facilities  
(Dollars in thousands)**

	<b>Pos.</b>	<b>FTE</b>	<b>Amount</b>
<b>2012 Enacted</b>	275	256	90,000
<b>Adjustments to Base:</b>			
<b><u>Increases:</u></b>			
2013 Pay Raise (0.5%)	0	0	30
Change in Compensable Days	0	0	49
Health Insurance Premium	0	0	96
FERS Rate Increase	0	0	5
Retirement	0	0	52
B&F Program Base Adjustment	0	0	8,957
Subtotal, Pay and Benefits	0	0	9,189
<b><u>Decreases:</u></b>			
Positions and Workyears Associated with Construction Projects (FCI Mendota -3; FCI Hazelton - 3; USP Yazoo City -3; and Secure Female FCI Aliceville -6)	(15)	(15)	0
Subtotal, Decreases	(15)	(15)	0
<b>Total, Adjustments to Base</b>	(15)	(15)	9,189
<b>FY 2013 Current Services (New Construction \$25,393 &amp; M&amp;R Base \$73,796)</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>
Program Changes	0	0	0
Total Program Changes	0	0	0
<b>Total FY 2013 Congressional Request</b>	<b>260</b>	<b>241</b>	<b>\$99,189</b>
Rescission of Prior Years' Unobligated Balances (New Construction projects)	0	0	(75,000)
<b>Net FY 2013 Congressional Request with Rescission</b>	<b>260</b>	<b>241</b>	<b>\$24,189</b>

Note: In addition to the request of \$99.2 million in new resources, the budget proposes a rescission of \$75 million in prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in available funding for each.



**O: Status of Construction**

**Federal Prison System  
Status of Construction  
(Dollars in Thousands)**

**(The FY 2013 budget proposes a rescission of \$75 million from prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects, leaving \$500,000 or less in availability funding for each.)**

		Total Funding by Fiscal Year	Total Cost Estimate	Oblig. to Date 12/31/11	Const. Award Date	FY 2013 Congressional Budget Submission	*Activation Funding Date
						Status of Projects	
<b><u>New Facilities (Rated Capacity):</u></b>							
Secure Female FCI with camp, Aliceville, AL (1,792)	2006	\$15,000	\$224,740	\$222,437	7/31/2008	Design-build contract awarded on 7/31/08. Notice to Proceed was issued on 9/08/08. The date of substantial completion has been established as 11/18/11. The Contractor is completing Punch List items. The construction is approximately 99% complete.	2012
	2007	40,000					
	2008	155,000					
	2009	2,340					
	2010	6,000					
	2011	6,400					
		<u>224,740</u>				Construction Completion: By end of January 2012	
Acquire Existing Institution for higher security FCI,	2010	105,000	105,000	276	N/A	Considering potential sites.	Uncertain
	2012	(40,000)					
		65,000					
						The Consolidated and Further Continuing Appropriations Act, 2012 (P.L. 112-55) rescinded \$40 million from this project.	
<b>(FY 2013 Request proposes a rescission to reduce this project by \$64.7 million. Proposed rescission would eliminate the project.)</b>							
USP Yazoo City, MS with Camp (1,216)	2006	3,000	205,750	191,259	9/4/2009	The Finding of No Significant Impact (FONSI) was signed on 8/21/2009. The design-build contract was awarded on 9/4/2009. Proceeding with building, roofing, interior partitions, electrical and mechanical work.	2013
	2007	12,500					
	2008	60,750					
	2009	205,000					
		(26,000)					
	2010	(40,000)					
	2011	(2,500)					
	(5,000)						
	(2,000)						
		<u>205,750</u>				Construction is approximately 69% complete.	
						Construction Completion: January 2013	
FCI Hazelton, WV with Camp (1,280)	2001	5,000	217,455	203,590	9/11/2009	The FONSI was signed May 6, 2008. The design-build contract was awarded on 9/11/2009. Proceeding with interior partitions, electrical and mechanical work. Construction is approximately 77% complete.	2013
		(3,000)					
	2004	3,000					
	2005	(2,500)					
	2008	60,755					
	2009	223,000					
	2010	(3,000)					
		(65,000)					
	2011	(800)					
		<u>217,455</u>				Construction Completion: November 2012	

\*The "Activation Funding Date" reflects the change to "operations" funding from construction expenses. Operational expenses are cumulative and reflect past and future months of ramped up activity (staffing, equipment purchase and install, etc.) until the facility is ready to house inmates.

The status of "Acquired Existing Institution for Higher Security FCI" project is uncertain due to proposed rescission of funds.

**Federal Prison System  
Status of Construction  
(Dollars in Thousands)**

**(The FY 2013 budget proposes a rescission of \$75 million from prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects, leaving \$500,000 or less in availability funding for each.)**

	Total Funding by Fiscal Year	Preliminary Cost Estimate**	Oblig. to Date 12/31/11	Const. Award Date	FY 2013 Congressional Budget Submission	*Activation Funding Date
					Status of Projects	
<b>New Facilities (Rated Capacity):</b>						
***FCI Midwestern/Leavenworth, KS with Camp (1,408)	2001 \$5,431 (3,000) 2004 (1,000) 2009 12,000 2012 (5,000) <u>8,431</u>	\$316,400 ** to 349,700	\$2,455	N/A	The Draft Environmental Impact Statement (DEIS) public hearing was held in Leavenworth on December 14, 2011. The comment period on the DEIS concluded January 3, 2012.  The Consolidated and Further Continuing Appropriations Acts, 2012 (P.L. 112-55) rescinded \$5 million from this project.	2018
	<b>(FY 2013 Request proposes a rescission to reduce this project by \$5.4 million)</b>					
***USP Letcher County, KY with Camp (1,216)	2006 5,000	359,500 ** to 397,300	675	N/A	The Feasibility Study Report findings were presented to the community officials on November 16, 2011.	2018
	<b>(FY 2013 Request proposes a rescission to reduce this project by \$3.8 million)</b>					
***USP South Central/Forrest City, AR with Camp (1,216)	2001 5,000 <u>(3,000)</u> 2,000	319,000 ** to 352,600	652	N/A	Environmental studies are complete.	2018
	<b>(FY 2013 Request proposes a rescission to reduce this project by \$848,000)</b>					
***Administrative USP El Reno (Western),OK with Camp (1,856)	2001 6,000 (3,000) 2004 (1,000) 2005 <u>2,000</u> 4,000	402,300 ** to 444,700	3,429	N/A	Developing environmental services requirements.	2018
	<b>(FY 2013 Request proposes a rescission to reduce this project by \$ 127,000)</b>					
USP Bennettsville, SC with Camp (1,088)	2002 5,000 2004 (2,000) 2005 <u>(2,500)</u> 500	264,900 ** to 292,700	0	N/A	Considering potential sites at or near Bennettsville.	2018
USP North Central /Pekin,IL with Camp (1,216)	2002 5,000 2004 (2,000) 2005 <u>(2,500)</u> 500	366,500 ** to 405,100	22	N/A	Considering potential sites at or near Pekin.	2018
FCI Florida with Camp (1,408)	2002 5,000 (2,500) 2008 <u>(2,000)</u> 500	282,100 ** to 311,700	0	N/A	Considering potential sites.	2018

\* The "Activation Funding Date" reflects the change to "operations" funding from construction expenses. Operational expenses are cumulative and reflect past and future month of ramped up activity (staffing, equipment purchase and install, etc.) until the facility is ready to house inmates.

\*\* Preliminary cost estimates are updated based on the following factors: When full construction funds are anticipated to become available; Geographic location; Historical and projected cost escalation/deflation; and Allowances for uncertainty as to actual sites to be developed.

\*\*\* The status of these projects are uncertain due to proposed rescission of funds.

**P. Waterfall**

**FULLY OR PARTIALLY FUNDED CAPACITY BY FISCAL YEAR**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>TOTAL</u>
<b><u>Facility</u></b>									
Secure Female FCI with camp, Aliceville, AL		1,792							
USP Yazoo City, MS (Minimum & High)			1,216						
FCI Hazelton, WV (Minimum & Medium)			1,280						
FCI Midwestern/Leavenworth, KS (Minimum & Medium) *								1,408	
USP Letcher County, KY (Minimum & High) *								1,216	
USP South Central/Forrest City, AR (Min. & High) *								1,216	
Administrative USP El Reno, OK (Western) (Minimum & High) *								1,856	
USP Bennettsville, SC (Minimum & High)								1,088	
USP North Central/Pekin, IL (Minimum & High)								1,216	
FCI Florida (Minimum & Medium)								1,408	
<b>TOTAL CAPACITY</b>	<u>0</u>	<u>1,792</u>	<u>2,496</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>9,408</u>	<u>13,696</u>

Note: In addition to the request of \$99.2 million in resources, the budget proposes a rescission of \$75 million in prior years' unobligated new construction balances. The rescission eliminates funding of \$64.7 million from the "Acquire Existing Institution for Higher Security FCI" project. Further, the rescission reduces four partially funded projects as shown on the Status of Construction (Exhibit O), leaving \$500,000 or less in availability funding for each. Therefore, the "Acquire Existing Institution for Higher Security FCI" project was removed from this exhibit due to proposed rescission of funds.

\* The status of these projects are uncertain due to proposed rescission of funds.