

**United States Marshals Service
FY 2022 Performance Budget
President's Budget Submission**

Construction Appropriation



May 2021

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I. Overview for USMS Construction Appropriation

A. Introduction

The United States Marshals Service (USMS) requests **\$15,000,000** for the Construction appropriation to plan, construct, renovate, equip, and maintain space controlled, occupied, or utilized by the USMS. The request equals the FY 2021 Enacted funding level.

The Construction appropriation was first enacted in 1999 when Congress recognized the need to establish a separate funding stream to address USMS space needs. The USMS does not own any space; it leases space through the General Services Administration (GSA) in courthouse facilities and Federal buildings nationwide. At these locations, Deputy U.S. Marshals and administrative staff process prisoners for Federal court proceedings, conduct task force operations, and support all agency mission areas.

Budget	Construction	
	Positions	Amount (\$000)
FY 2020 Enacted	0	\$15,000
FY 2021 Enacted	0	\$15,000
FY 2022 Request	0	\$15,000

B. Organizational Background

As America's first Federal law enforcement agency, the USMS is considered the Nation's police force, and is responsible for protecting, defending, and enforcing the American justice system. The USMS protects the judicial process, the cornerstone of American democracy. The USMS uses the influence and reach gained through its accomplished history and broad authority to collaborate with other Federal, State, local, and international law enforcement agencies, as well as with concerned citizens and members of the judiciary, to form a united front against crime.

The USMS strategic plan identifies mission challenges and strategies to mitigate these challenges. This road map guides resource investment, establishes the steps to improve operational performance, and positions the USMS to meet future challenges. Over the past few years, the USMS has successfully executed its broad mission authority even as new mandates and congressional legislation have resulted in dynamic growth across program areas, often without the corresponding support for infrastructure. To successfully implement the strategic plan while continuing to excel in executing the mission, the USMS must have up-to-date infrastructure.

C. USMS Construction Budget

The requested \$15,000,000 provides the necessary resources to allow the USMS to stabilize its construction and facilities asset management plan by supporting critical courthouse renovations, congressionally approved new U.S. Courthouses, the Capital Security Program, and the Maintenance Repair & Improvement Program to construct, renovate, maintain, and repair facilities that require immediate attention.

The USMS occupies space leased from the GSA in over 550 courthouse facilities and Federal buildings across the country, including U.S. territories. The GSA provides the basic requirements to conduct business in a typical office setting – walls, windows, ceilings, floors, and doors – as well as associated infrastructure such as lighting and ventilation. Beyond this basic infrastructure, the USMS has unique requirements that stem from its law enforcement mission. USMS facilities include vehicle sallyports, cellblocks, attorney/prisoner interview rooms, secure corridors, prisoner elevators, holding cells adjacent to courtrooms, and special purpose spaces such as indoor firing ranges, tactical training areas, and training rooms. These USMS-specific requirements are funded, built, and maintained through the Construction appropriation.

The USMS must process, move, and detain prisoners in a secure environment. Renovation and alteration of USMS-controlled space, including installation and replacement of electronic security devices, is required to assure the safety and security of judicial officials, courtroom participants, the public, USMS personnel, and prisoners. USMS Publication 64, *Requirements and Specifications for Special Purpose and Support Space*, defines the specifications for constructing space and properly installing security measures in Federal courthouses. The USMS must ensure that doors leading to prisoner movement areas are properly secured with frame-mounted, motor-operated electromechanical locks, scramble pads, intercoms, duress alarms, door position switches, magnetic catches, and reinforced framing. Publication 64 identifies and provides detailed specifications for hundreds of devices, including plumbing fixtures and air filtration systems, to establish and maintain security standards that effectively prevent prisoner escape, prisoner self-harm, or harm to others.

Common security concerns typically involve a building's traffic circulation system (i.e. corridors, elevators, and stairways), because prisoners must be segregated from the public and members of the judiciary. A modern courthouse may incorporate three separate circulation systems, one each for the public, members of the judiciary, and prisoners. Secure prisoner movement areas include vehicle sallyports to ensure secure entry into the courthouse, prisoner elevators, and holding cells behind the courtrooms. However, many older courthouses do not have separated circulation areas. Combined circulation creates major security risks when USMS personnel bring prisoners into the courthouse through public areas and move them to courtrooms by means of public elevators and public corridors.

D. Sustainability

The USMS Sustainability Report and Implementation Plan will incorporate the requirements set forth in the Presidential Executive Order (EO) 14008, "Tackling the Climate Crisis at Home and

Abroad.” The USMS is participating in the Department of Justice (DOJ) Climate Adaptation Team to focus on climate adaptation planning efforts and enhancing its collective resilience and ability to adapt to a changing climate. In addition, the USMS will continue to evaluate sustainability, energy efficiency, and environmental performance in the execution of its mission.

The USMS strives to reduce energy efficiency, water intensity, and greenhouse gas emissions for direct-leased facilities. The USMS continues to discuss sustainability goals and climate vulnerabilities to enhance awareness; optimize energy and environmental performance; reduce waste; and enhance climate readiness of USMS facilities and climate-ready supply of products and services. The USMS policy directive for the Environmental Management Program will be revised to comply with EO 14008.

E. USMS Construction Programs

The USMS maintains a list of pending courthouse renovation projects that it has identified, reviewed, and prioritized for completion. Furthermore, the USMS is required to maintain, repair, and improve the safety and functionality of facilities supporting the USMS in areas not covered by an occupancy agreement.

In addition to internal projects, the Construction appropriation supports projects designated under two programs conducted by the GSA: the Capital Security Program and New Courthouse Program. The USMS is required to fund these projects on specific timelines outside USMS control; these resource requirements cause adjustments or scheduling delays to other USMS projects.

The four program areas that impact the USMS Construction appropriation and contribute to challenges in funding projects to completion are described below.

Courthouse Renovation Program

The USMS currently has a \$146,000,000 backlog of renovation projects which remediate critical facility and security deficiencies. Newer facilities benefit from modern security features, while older courthouses frequently require significant upgrades to address deficiencies. Maintaining USMS infrastructure is critical to the safety of judicial officials, court participants, the public, and USMS personnel. The USMS is currently reassessing its facilities and planning a risk-based approach to renovation projects that will prioritize the highest impact renovations.

New Courthouse Program

The GSA established its U.S. Courthouse Program in FY 2016, when Congress appropriated funding for the building of multiple new courthouses. Congressional appropriations for the GSA courthouse construction cover only design and construction costs. The USMS must provide additional funding from its Construction appropriation for all above-standard items such as electronic security, equipment, furniture, audio/visual requirements, relocation, and network cabling.

Design and construction of a Federal courthouse can take anywhere from three to five years, so the financial impact of current courthouse projects will continue to affect the USMS construction budget into FY 2022 and beyond. The USMS currently has a \$22,000,000 backlog of non-discretionary New Courthouse projects the USMS is required to fund.

Capital Security Program

In FY 2012, the GSA began the Capital Security Program, which funded \$20,000,000 in security enhancements for Federal courthouses on an annual basis. The Capital Security Program funds the construction of vehicle sallyports, prisoner elevators, holding cells, and maximum-security corridors. However, it does not fund any electronic security devices or equipment required by the USMS. For example, when the GSA adds a prisoner elevator, the USMS must fund the cost of security equipment such as cabling, secure access control, camera coverage, intercoms, and duress alarm. The USMS currently has a \$4,600,000 backlog of non-discretionary Capital Security projects the USMS is required to fund.

When the Capital Security Program began, the USMS was unaware of the financial impact it would have on the Construction appropriation. The GSA's project selection timeline does not provide the USMS information regarding selected locations until the fiscal year has already begun. The USMS Construction appropriation typically has absorbed approximately \$1,000,000 per year to fund Capital Security Program requirements.

Maintenance Improvement and Repair Program

As noted above, the USMS is responsible for safety and functionality of facilities supporting the USMS in areas not covered by an occupancy agreement. The USMS seeks to maximize the utility and prolong the useful life of facility spaces by repairing and improving these facilities as part of a comprehensive approach that includes both unscheduled and cyclical (scheduled) maintenance.

Unscheduled Maintenance Program

Certain unscheduled maintenance requirements are not required to be corrected by the facility landlord. Facility-related equipment and structural system additions or modifications that are unique to the USMS operations are the USMS' responsibility to maintain. When these systems cease to function properly, they must be repaired or replaced in a timely manner. Priority is given to those discrepancies that impact safety and critical operations.

Cyclical Maintenance Program

Cyclical maintenance is necessary to support long-term maintenance needs of USMS facilities, such as carpet replacement, painting, and furniture replacement. The USMS currently pays rent in 554 facilities and occupies 7,500,000 square feet of rentable space. The USMS continues to assess options for a carpet replacement and paint asset management plan. Carpeting collects dirt,

dust and other hazardous contaminants and over time this can cause serious health issues for staff. Loose and torn carpeting can present a significant safety hazard for personnel.

On average, the USMS has funded an average of 13 carpet, paint, and furniture replacement projects each year.

F. Challenges

The USMS continues to analyze cost savings measures for economies of scale; communicate transparently with the Department of Justice, Office of Management and Budget (OMB), and Congress; and pursue resources to provide effective security for the Federal judicial process.

Functional, updated, and well-maintained infrastructure is critical to the core mission of the USMS. The agency must provide security to judges, witnesses, and other participants in Federal proceedings and reduce the potential for harm to the public. Without the proper infrastructure, these missions are difficult to accomplish let alone perform at an optimal level.

G. Typical Project Types

Sallyports

Prisoner transport vehicles access the courthouse through the vehicle sallyport, the first point of entry into the building's secure movement system. Sallyports are used exclusively by the USMS. Publication 64 articulates standards for vehicle sallyport size, based on the types of vehicle (automobiles, vans, buses, minibuses) that meet district office requirements as well as the district's current or anticipated prisoner vehicle fleet. Sallyports that fail to meet the security standards set forth in Publication 64 jeopardize public safety by increasing the risk of escape and present a security threat to both USMS deputies and prisoners.



Pierre, SD: Prisoner unloading outside directly next to public sidewalk and main street. No secure prisoner vehicle sallyport.



El Centro, CA: Prisoner vehicle sallyport doors.

Prisoner Holding

Holding cells in the main detention cellblock secure prisoners in a central location within the USMS space while they await court appearances or interviews with agents and attorneys.

The unsecured furnishings found in older holding cells can easily be fashioned into weapons which could be introduced into the courtroom environment or used to assault USMS personnel or other prisoners. Older lighting fixtures provide a ready source of glass for weapons, or an attachment point for a suicide attempt. Painted furniture and walls offer opportunities to scratch graffiti and messages to other prisoners. Cells constructed in compliance with Publication 64 standards do not have these shortcomings.



Durango, CO: Old detention cell.



Durango, CO: Newly renovated detention cell.



San Diego, CA: New detention cell.

Prisoner Processing

The prisoner processing room is part of the main detention cellblock. Prisoners in restraints are escorted from the vehicle sallyport to this room to be photographed, fingerprinted, and processed before being taken to their cells. The room contains prisoner processing equipment, including a JABS (Joint Automated Booking System) station, and a sink and eyewash device.

Tight spaces, loose equipment, cables, and furniture present a hazard when processing one or more uncooperative prisoners. They can potentially be used as weapons against USMS personnel.



San Diego, CA: Prisoner processing room.



Durango, CO: New prisoner processing room.

Prisoner/Attorney Interview Room

Interview rooms provide a private but secure place for prisoners to meet with their attorneys. Publication 64 specifies that each interview room have two sides, with a counter and security screen between them. Sound-rated slab-to-slab walls, limited egress, and signal lights ensure attorney/client confidentiality and provide for the safety of attorneys and the public.

Interview rooms that are not sight- and sound-isolated from holding cells may allow other prisoners and law enforcement personnel to overhear privileged conversations, and extra measures (such as removing prisoners from a cellblock) must be taken to mitigate this risk. Interview rooms that provide multiple egress points for prisoners present a risk for escape.



Rapid City, SD: Unsafe interview room.



San Diego, CA: Newly renovated interview room (prisoner side).



Washington, DC: Old interview room.



Los Angeles, CA: New interview rooms.

Cyclical Maintenance

The USMS maintenance and repair improvement program provides a safe, healthy, and comfortable work environment for employees. This includes carpet replacement, paint, and furniture for USMS facilities. The USMS is assessing options for a carpet replacement, paint, and furniture asset management plan.



Washington, DC: Old carpet pulling up, trip hazard.



Arlington, VA: New, more durable carpet; squares allow for isolated replacement.

II. Summary of Program Changes

Item Name	Description	Positions	FTE	Amount (\$000)	Page
	No changes proposed for FY 2022.				

III. Appropriations Language and Analysis of Appropriations Language

United States Marshals Service

Construction

For construction in space controlled, occupied, or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000 to remain available until expended.

Analysis of Appropriation Language

Construction: For clarification purposes, the support costs related to the Construction Appropriation shall include contract-related costs that are necessary to efficiently and effectively manage the corresponding workload associated in executing these construction projects.

IV. Program Activity Justification

<i>Construction</i>	Direct Positions	Estimated FTE	Amount (\$000)
2020 Enacted	0	0	\$15,000
2021 Enacted	0	0	\$15,000
Adjustments to Base and Technical Adjustments	0	0	\$0
2022 Current Services	0	0	\$15,000
2022 Program Increases	0	0	\$0
2022 Program Decreases	0	0	\$0
2022 Request	0	0	\$15,000
Total Change 2021-2022	0	0	\$0

1. Program Description

The Construction appropriation allows the USMS to address the increasing renovation project backlog and critical major facility and security deficiencies. The USMS occupies over 550 courthouse facilities across the country and U.S. territories. While newer facilities benefit from modern security features, older courthouses require significant upgrades. Maintaining the USMS infrastructure is critical to the safety of judicial officials, courtroom participants, the public, and USMS personnel.

Construction projects focus on critical needs for courthouse security; space deficiencies; detention safety; rehabilitation of outdated cellblocks; meeting Occupational Safety and Health Administration (OSHA) standards; upgrading the historical buildings, spaces, and obsolete equipment that do not meet current security and safety standards; and supporting Departmental footprint and cost-reduction initiatives. USMS construction projects are currently prioritized into four categories:

- 1) Safety and Security Deficiencies – Addresses safety standards for all spaces within the cellblock including vehicle sallyports, courtroom holding cells, prisoner interview rooms, and secure prisoner corridors. Corrects critical failures to security, and immediate health and/or life safety issues. Examples: detention lock failures, control systems that may result in prisoner escapes; and air filtration defects that increase exposure to contagions such as tuberculosis or Methicillin-Resistant Staphylococcus Aureus (MRSA).
- 2) Court Initiated – Addresses the need for new U.S. Courthouses and holding cells for new courtrooms, upgrades to aging capital security, and renovation of buildings that do not meet current safety and detention standards. These projects are coordinated with the U.S.

Courts to reduce overall project cost while providing the necessary facility and security improvements needed to protect and support the U.S. Courts.

- 3) Support Space Renovations – Covers all non-detention space renovation to include the squad room, galley, conference rooms, vaults, and storage spaces.
- 4) Lifecycle Replacement – Scheduled replacement of overhead garage doors in sallyports; detention doors, locks, and controllers; vault doors and locks; and furniture, paint, and carpeting that are deemed obsolete or have reached the end of their lifecycle due to normal wear and tear.

Project scheduling is based on a variety of considerations: agency need, project knowledge, contract progression, project development, relocation schedule, project staffing, funding availability, damage levels caused by natural disasters, mandates through executive orders, and safety concerns due to high threat trials. The construction project schedule is a dynamic document, frequently adjusting to changes in funding availability and updated risk assessments.

For older buildings that require major renovation, project plans are phased over multiple fiscal years due to the magnitude of areas that need renovation and limited construction funds available. For example, a prisoner elevator may be renovated as a smaller contained project if the USMS lacks funds to renovate the entire cellblock and sallyport.

The phasing of new courthouses starts with conceptual designs, continues through preparation of construction documents and actual construction, and concludes with project completion. Project funding is allocated over multiple years (first year for site survey, second year for design, and third year for construction).

2. Performance and Resource Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Construction											
RESOURCES (\$ in thousands)		Target		Actual		Target		Changes		Requested (Total)	
		FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Total Costs and FTE (Reimbursable: FTE are included, but costs are bracketed and not included in totals)		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		0	\$15,000	0	\$21,329	0	\$15,000	0	\$0	0	\$15,000
TYPE	Performance	FY 2020		FY 2020		FY 2021		Current Services Adjustments and FY 2022 Program Changes		FY 2022 Request	
Program Activity		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		0	\$15,000	0	\$21,329	0	\$15,000	0	\$0	0	\$15,000
Performance Measure: Output	Active High Risk Construction Projects	\$11,213		Complete		Retired		N/A		Retired	
Performance Measure: Output	New Courthouse Construction	\$3,825		\$3,800		\$6,617		\$1,750		\$8,367	

Complete = All active high risk projects funded

N/A = Data unavailable

**Data Definition, Validation, Verification, and Limitations:
Performance Measure – Outputs, Efficiencies, and Outcomes**

1. Active high risk construction projects – Total (\$000) (*Retired*)

- a. Data Definition:** Construction projects that are active but require funding to complete. Only the performance measure total is targeted. The actuals reported by subcategory are a refinement. *All active high-risk projects were funded; therefore this performance measure is no longer applicable.*
- b. Data Validation and Verification:** Data derived from the Construction Project List (CPL). The CPL represents all projects, a portion of which are active high risk. Appropriations are applied to projects based on several criteria, one of which is active projects requiring funding.
- c. Data Limitations:** Total project cost is based on GSA estimates which can fluctuate from design until project completion.

2. New courthouse construction – Total (\$8,367,000)

- a. Data Definition:** New courthouse construction projects coordinated with the Administrative Office of the U.S. Courts (AOUSC).
- b. Data Validation and Verification:** Data derived from the Construction Project List (CPL) and coordinated with AOUSC. The CPL represents all projects, a portion of which are courthouse construction projects.
- c. Data Limitations:** Total project cost is based on GSA estimates which can fluctuate from design until project completion. Project priorities are fluid and can change based on a number of internal factors or our partners – GSA, AOUSC, and FPS.

PERFORMANCE MEASURE TABLE								
Decision Unit: Construction								
Performance Report and Performance Plan Targets		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
		Actual (\$000)	Actual (\$000)	Actual (\$000)	Actual (\$000)	Actual (\$000)	Target (\$000)	Target (\$000)
Performance Measure: Output	Active high risk construction projects	N/A	N/A	\$32,066	Complete	Complete	Retired	Retired
Performance Measure: Output	New courthouse construction	N/A	N/A	N/A	N/A	\$3,800	\$6,617	\$8,367

Complete = All active high-risk projects funded in FY 2018

N/A = Data unavailable

3. Performance, Resources, and Strategies

The USMS maintains the integrity of the Federal judicial system by:

- ensuring that U.S. Courthouses, Federal buildings, and leased facilities occupied by the federal judiciary and the USMS are secure and safe from intrusion by individuals and technological devices designed to disrupt the judicial process;
- guaranteeing that Federal judges, attorneys, defendants, witnesses, jurors, and others can participate in uninterrupted court proceedings;
- ensuring that all maximum-security prisoner space, detained or circulated, is constructed in accordance with security standards to ensure the prevention of prisoner escape, prisoner self-harm, or harm to others;
- assessing inappropriate communications and providing protective details to Federal judges or other members of the judicial system;
- maintaining the custody, protection, and security of prisoners and the safety of material witnesses for appearance in court proceedings; and
- limiting opportunities for criminals to tamper with evidence or use intimidation, extortion, or bribery to corrupt judicial proceedings.

Measure: USMS Construction

FY 2022 New Courthouse Construction Funding Requirements as of April 2021					
District	City	FY 2022 Request	Previously Funded	Estimated Total	Status
PA/M	Harrisburg	\$50,000	\$391,094	\$441,094	Construction
CO/D	Colorado Springs	\$635,000	\$2,000,000	\$2,635,000	Pre-Design
IA/S	Des Moines	\$625,000	\$0	\$625,000	Design
MS/N	Greenville	\$490,000	\$0	\$490,000	Design
OH/N	Toledo	\$627,000	\$0	\$627,000	Design
GA/S	Savannah	\$1,750,000	\$477,638	\$2,778,638	Design
WV/D	Clarksburg	\$1,400,000	\$184,489	\$10,061,489	Design
IL/C	Rock Island	\$690,000	\$2,528,223	\$3,218,223	Pre-Design
UT/D	Saint George	\$2,100,000	\$0	\$3,150,000	Pre-Design
Total		\$8,367,000	\$5,581,444	\$24,026,444	

Strategic Objective: Promote Evidence-Based, Data-Driven Decision-Making

Revising real property space standards. The USMS revised Publication 64, *Requirements and Specifications for Special Purpose and Support Space Manual*, based on development and careful review of USMS space standards. The review identified key areas that required modification, and updated standards that will reduce the agency's footprint. New standards support the agency's national strategy for the efficient use of real property, improve the quality and functionality of federally owned or leased space, reduce agency rent costs, and free up funding for other agency priorities.