

**U.S. Department of Justice
 FY 2024 Performance Budget
 Congressional Submission
 Federal Prison System
 Buildings and Facilities
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I. Overview for the Bureau of Prisons, Buildings and Facilities (B&F) Appropriation

1. Introduction and Background

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

The BOP is a critical part of the Federal criminal justice system. Arresting authorities, prosecutors, judges, and community members rely on the BOP to ensure the over 158,000 inmates in custody are accounted for at all times, are treated humanely and with dignity, and are returned to their communities with the training and skills they need to be productive law-abiding citizens. The BOP must carry out these duties while ensuring that staff are working in a safe environment and have the tools, training, and support they need on a daily basis.

BOP requests a total of \$179,762,000, with 66 positions and 66 FTE for the Buildings and Facilities (B&F) appropriation. This budget request will provide for the most critical and priority modernization and repair (M&R) needs. In addition, this request includes a rescission totaling \$953,884,000 in unobligated B&F balances.

2. Challenges

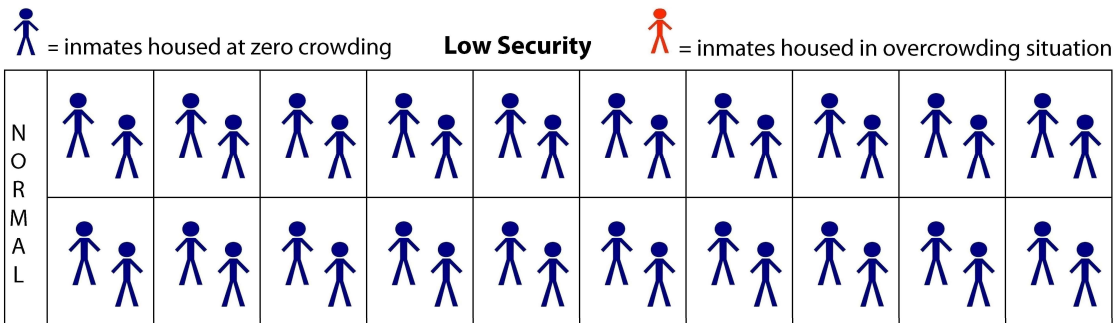
During the first five decades of the BOP's existence, the number and type of inmates BOP housed remained consistent. Beginning in the 1980s, however, Federal law enforcement efforts and new legislation dramatically altered sentencing in the Federal criminal justice system, bringing about a significant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

As of February 16, 2023, there were 158,118 individuals serving time in Federal prisons. BOP facilities and systems/equipment (water, sewer, electrical, and heating/air conditioning), many of which are aged and undersized, continue to be over utilized, which causes extensive wear and tear as well as premature deterioration. In addition, by nature of the environment, the systems are subjected to frequent abuse, which further shortens the life of the systems/equipment. This extra strain and misuse contribute to the

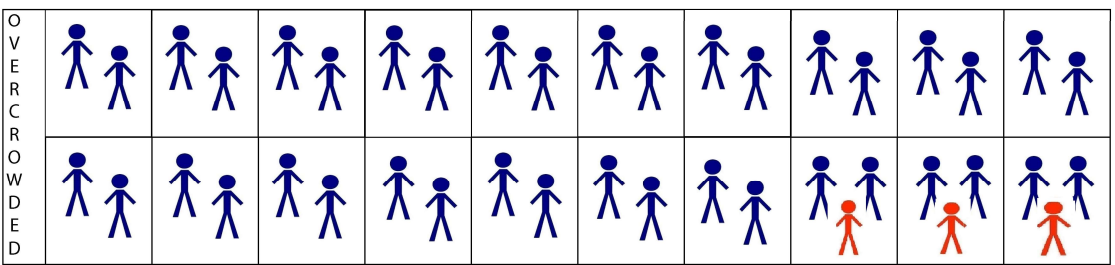
critical need for M&R funds. The BOP faces challenges in managing the existing Federal inmate population and providing for inmates' care and safety in crowded conditions at higher security levels, as well as the safety of BOP staff and surrounding communities. The BOP strives to accommodate the inmate population using State and local contract beds, facility expansion, and acquisition of existing structures, as funding permits.

Rated capacity is the baseline used to calculate prison crowding, and assists in managing the BOP's inmate population to distribute the population throughout the system efficiently and equitably. The calculation for determining rated capacity involves stratified double bunking across all security levels and includes the following formulas: minimum and low security institutions at 100 percent double bunking; medium security institutions at 50 percent double bunking and; high security institutions at 25 percent double bunking. The BOP is currently transitioning its crowding metrics from rated capacity to physical capacity, in order to reflect a more accurate verification of institution bedspace and make informed decisions regarding population management.


The following charts show representations of inmate cells at normal rated capacity versus current crowding conditions at low, medium and high security levels. Medium security crowding can be attributed to the transition of BOP inmates from private to federally owned detention facilities through the implementation of Executive Order 14006, as well as COVID protocols shifting low security populations to medium security facilities. There is currently no overcrowding at minimum security facilities; they are under capacity by 44%.




zero crowding
example at a **low** security prison
Rated Capacity: 2 inmates per cell, 20 cells, 100% double bunked.

























7% crowding as of February 16, 2023
(43 inmates and 40 beds rated capacity)
21% of inmates are triple bunked























 = inmates housed at zero crowding

Medium Security


 = inmates housed in overcrowding situation

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											
											

35% crowding as February 16, 2023
(41 inmates and 30 beds rated capacity)
93% of inmates are double bunked
7% of inmates are triple bunked























 = inmates housed at zero crowding

High Security

 = inmates housed in overcrowding situation

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											
											

25% crowding as of February 16, 2023
(31 inmates and 25 beds rated capacity)
71% of inmates are double bunked

In FY 2019, the BOP inmate population declined. This is due to the enactment of the First Step Act in 2018. Further, in FY 2020, additional decreases in the BOP inmate population occurred due to the COVID-19 pandemic and its related policies. The BOP currently projects the inmate population to increase in FY 2023 and FY 2024 from FY 2022 levels; however, the BOP is continuing FSA implementation, including increased incentives that could reduce crowding and inmate populations.

In 2021 the BOP transferred over 41,000 inmates into home confinement; between 2020 and 2022, almost 54,000 inmates were transferred to home confinement. The Budget assumes that the number of inmates transferred to home confinement in FY 2023 and FY 2024 will continue to increase. In addition, the BOP has automated the calculation of earned time credits for inmates that participate in FSA activities, which can be used towards early release, and will continue to review cases of inmates that are requesting compassionate release. The increased use of these reform tools could reduce population estimates and result in projected savings for the BOP. This is not accounted for in current projections.

The 2024 Budget also includes funding to increase hiring and retention incentives for correctional officers, thereby reducing current inmate to correctional officer ratios and ensuring safe institution conditions for both inmates and staff.

The following chart illustrates the actual and projected inmate population:

Projected Population, Capacity, and Crowding

	2019 (Actual)	2020 (Actual)	2021 (Actual)	2022 (Actual)	2023 (Estimate)	2024 (Estimate)
BOP Facilities						
Starting Capacity	135,175	134,133	134,404	134,735	135,926	135,926
Additional Approved/Planned	-1,042	271	331	1,191	0	0
Subtotal Capacity	134,133	134,404	134,735	135,926	135,926	135,926
Pop. Projection	149,701	126,744	131,647	143,122	148,206	149,441
Percent Overcrowded	12%	-6%	-2%	5%	9%	10%
Contract	27,513	28,818	24,179	15,968	15,202	15,328
Percent Contract	15.5%	18.5%	15.5%	10.0%	9.3%	9.3%
Total Federal Prison Population	177,214	155,562	155,826	159,090	163,408	164,769

*FY2023 and 2024 estimated population projections are exclusive of BOP's continued FSA implementation efforts

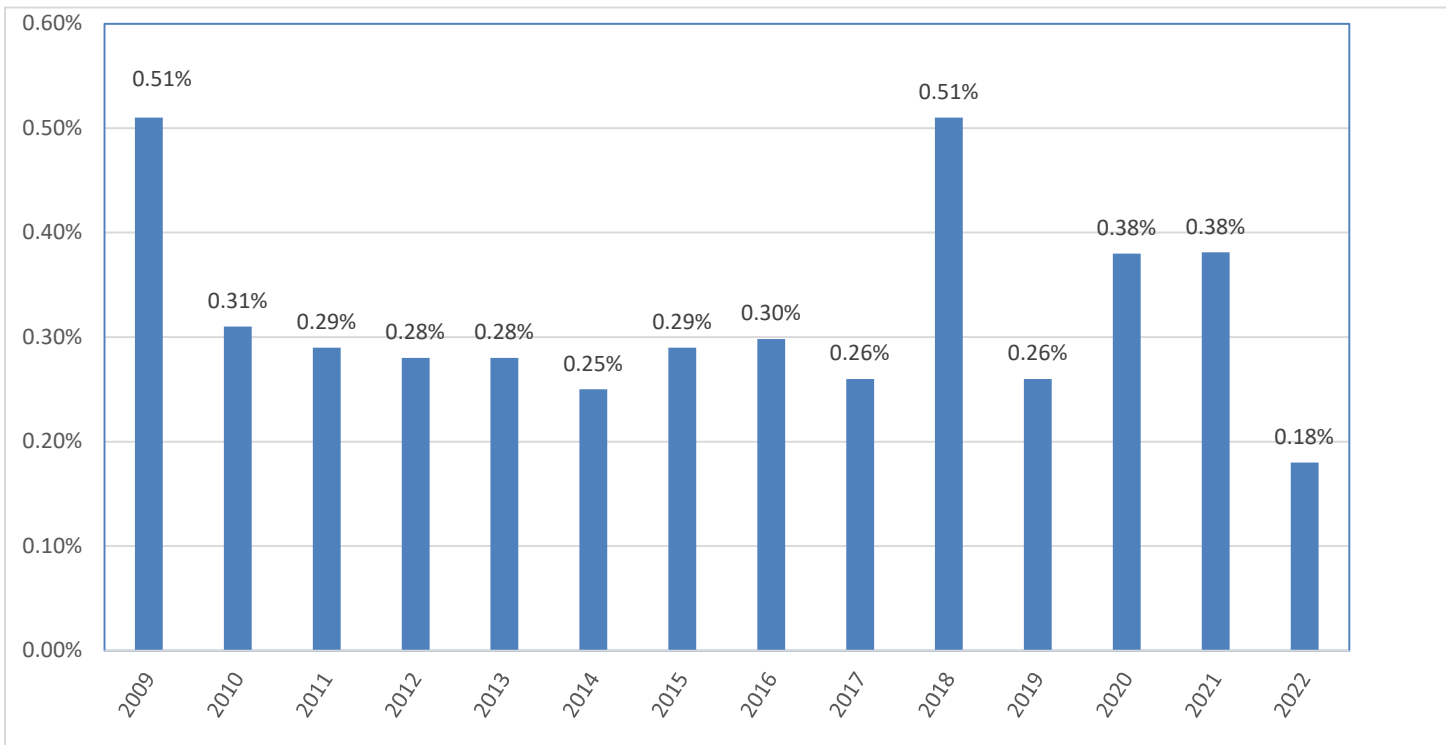
The B&F appropriation is comprised of two decision units: 1) the New Construction decision unit includes funding to expand existing facilities and acquire or construct new prison facilities; and 2) the M&R decision unit includes funding to maintain existing facilities in an adequate State of repair to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

continue prison operations. M&R projects costing \$10,000 or less are included in the S&E budget, and projects in excess of \$10,000 are normally included in the B&F budget.

The purpose of the M&R program is to provide the necessary resources to undertake essential rehabilitation, modernization and renovation of buildings, other structures, and associated systems. This program provides the necessary modifications to meet legal requirements and accommodate correctional programs. Further, the M&R base program is also responsible for repair or replacement of utilities systems and other critical infrastructure and repair projects at existing institutions in order to keep all systems and structures in an adequate State of repair. The proper maintenance, modernization, and repair of BOP institutions is important to ensure the long-term use of these facilities. Failure to maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required repairs. Most importantly, failure to maintain structures can cause direct and indirect security problems.

The BOP continues to allocate M&R funds primarily for emergency, life safety, and some of the highest priority major projects, annually. The BOP tries to follow the Federal Facilities Council (FFC) Standing Committee on Operations and Maintenance Report Number 131 for maintaining existing prisons. The FFC recommends the BOP funds facilities maintenance programs at a minimum of 2 to 4 percent of their replacement value. Over the years, the BOP has received the following amounts as it relates to the replacement value:

**FFC Recommendation
2 to 4 percent**



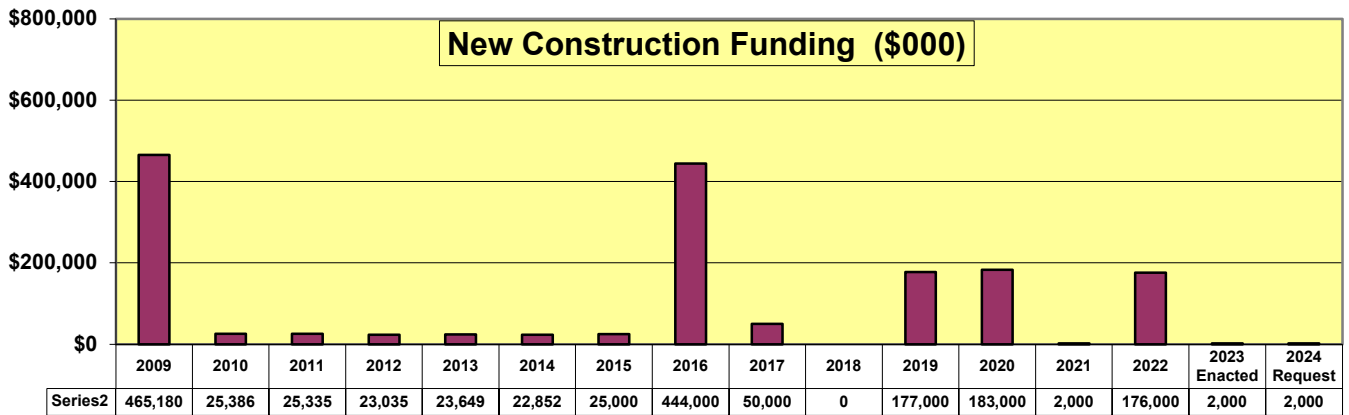
3. Full Program Costs

FY 2024 Budget Request by Decision Unit

New Construction Funds: \$2,000,000

For FY 2024, there is no request for a program increase for the New Construction decision unit. New Construction base resources fund land payments of the Federal Transfer Center in Oklahoma City and salaries and administrative costs of staff necessary to carry out the program objective. They also fund environmental requirements and geo-technical exploration, construction of inmate work program areas, expansion and conversion projects, i.e. additional special housing unit space, and any unforeseen preliminary project costs issues, which may arise and are not included in the individual project cost estimate. Further, when BOP has not identified a specific location, new construction base funds for site investigations are required for a project.

The following chart shows the history of New Construction funding levels from FY 2009 to the FY 2024 anticipated:



Note: The BOP absorbed prior rescissions against new construction project funds of \$45 million in FY 2012, \$64.7 million in FY 2013, and \$3.4 million in FY 2017. Amounts shown include funding for B&F positions, as well as construction projects.

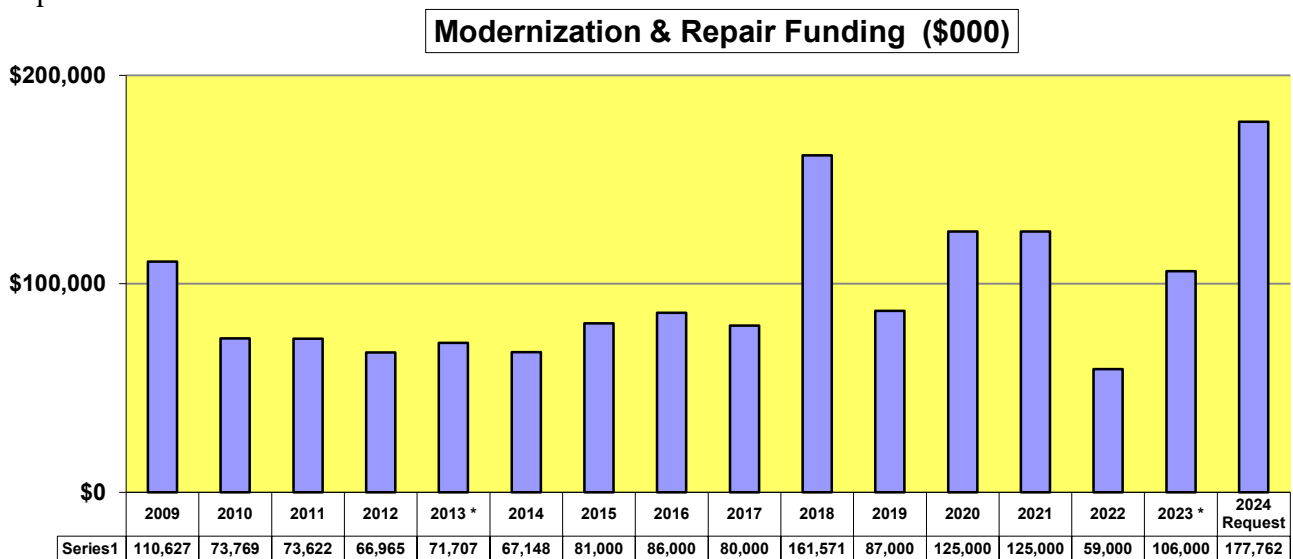
Modernization and Repair: \$177,762,000

Funding for the M&R Program addresses critical repair and security projects in order to safely maintain Federal prisons and efficiently manage public resources. For FY 2024, the BOP requests a total of \$177.8 million in M&R base funding. As noted earlier, the FFC recommends that an M&R funding level be 2 to 4 percent of the replacement value of existing facilities. This recommendation would equate to approximately \$760 million at 2 percent and up to \$1.5 billion at 4 percent. The BOP’s highest priority projects involve infrastructure, Land Mobile Radio systems, energy savings, and security and life safety needs to include fire alarm repair/replacement; water system renovation; roof repairs; fence repairs; generator/Switchgear/electrical repairs; and elevator and chiller repairs. Priorities are constantly changing as emergencies arise and equipment and/or systems fail.

M&R is an important component of institution security, as deteriorated facilities add to increased risk of escape, inability to lock down cells, and potential violence due to frustration over inadequate living conditions, such as leaking and collapsing roofs. Further, as the condition of these facilities worsen, it can result in off-line housing units, which reduces bed space and increases system-wide crowding, and in critical cases facilities may be closed for life and safety reasons.

In addition, M&R base funds reduce further deterioration of prison buildings, infrastructure, and physical plants, and minimize repair costs in order to use the public’s investment of \$38 billion in replacement costs in a practical and efficient way. Delays in completing these repairs have increased the number and cost of unfunded projects as well as contributed to additional deterioration of BOP’s aging and failing infrastructure. Every year a project is not completed, the amount required for that project increases due to inflation and further deterioration. Inflation varies from State to State and from year to year. On average, for every year funding of a project is delayed, previous cost increases were averaging at a rate of 5 percent. However, most recent costs have escalated to over 8 percent. Even a modest rate of inflation can seriously erode purchasing power over time. For example, at an inflation rate of 5 percent, \$957,212 is needed in five years to match the purchasing power of \$750,000 today. At the end of 20 years, \$1,989,973 will be needed to construct that same \$750,000 project.

The following chart shows the history of M&R funding levels and requests from FY 2009 to the FY 2024 Request:



* This amount includes \$10 million in Supplemental Appropriation for Hurricane Sandy Relief (FY 2013), for repairs at prisons affected by the storm. In FY 2018, \$34 million in Hurricane Supplemental funds were provided for repairs at prisons affected by Hurricanes Harvey, Irma and Maria. In FY 2019, \$28 million in Hurricane Supplemental funds were provided for repairs related to Hurricanes Florence and Michael and Typhoon Yutu (funds not reflected in above graph). In FY 2023, \$182 million in Emergency Funding was provided to fund M&R projects (funds not reflected in the above graph).

3. Performance Challenges

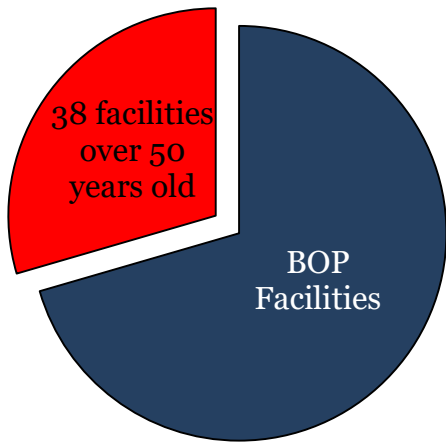
The biggest challenge the BOP faces is managing and providing for the care of the Federal inmate population while maintaining the appropriately safe and secure prisons required to ensure the safety of inmates, BOP staff, and surrounding communities. The BOP is most concerned with reducing crowding in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

Prison facilities are subjected to much heavier than normal use since they are continuously used 24 hours a day, 365 days a year, in crowded conditions. As a result, the rate of deterioration tends to be higher than other Federal facilities, putting an additional strain on BOP's M&R resources. The BOP seeks to address this challenge by reprioritizing projects on a regular basis to ensure that the most critical needs are met, but is often unable to address lower priority projects due to funding constraints. The picture on this page represents one of the priority projects on the M&R backlogged list. The outside wall of A-Cellhouse at USP Leavenworth, KS is in great need of repair. The wall is so deteriorated it appears to be crumbling. Securing sufficient M&R resources to fund repair projects, such as the one pictured, is critical to the security and safe operations of BOP prisons.

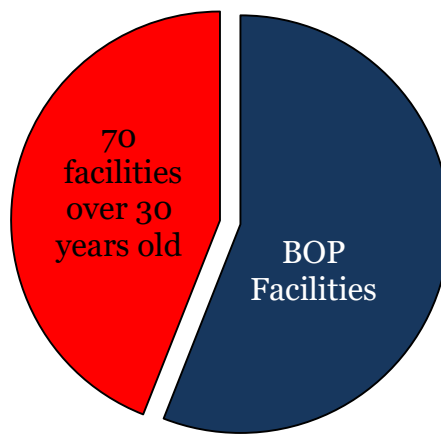
The BOP request for M&R base funding would provide for the essential rehabilitation, modernization and renovation of buildings, and associated systems. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required repairs. Most importantly, failure to maintain structures can cause direct and indirect security problems, such as escapes, inability to lock down cells, and violence due to frustration over inadequate living conditions such as leaking and collapsing roofs. Failure to maintain the BOP's structures and utility systems inhibits BOP's ability to maintain safe and humane institutions.

About 31 percent of the BOP's 122 institutions are over 50 years old, and 57 percent are over 30 years old. The older an institution becomes, the greater the need for repairs/replacements of systems. Some of the type of repairs that these older facilities could require include infrastructure systems pertaining to water, sewer, electrical, HVAC, fire alarms, fences, roofs, etc. These older facilities present higher needs for repairs and renovations than newer facilities and consume a large proportion of the BOP's M&R resources. The BOP prioritizes its major M&R projects (typically those costing about \$300,000 or more) so that the most critical are funded first in order to maintain safe and secure facilities. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair.





31% are over 50 years old



57% are over 30 years old

III: Appropriations Language and Analysis of Appropriations Language

Appropriations Language

The FY 2024 Budget Request includes proposed changes in the appropriations language listed and explained below. New Language compared to the FY 2023 Enacted proposed for FY 2024 is italicized and underlined. The FY 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, [~~\$108,000,000~~]*\$179,762,000*, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

[For an additional amount for “Buildings and Facilities”, \$182,000,000, to remain available until expended.]

Analysis of Appropriations Language

No substantive changes.

IV. Program Activity Justification

A. New Construction

New Construction	Direct Pos.	Estimate FTE	Amount (\$000)
2022 Enacted	17	7	176,000
2023 Enacted	17	17	2,000
Adjustments to Base and Technical Adj.	0	0	0
2024 Current Services	17	17	2,000
2024 Request	17	17	2,000
2024 Rescission of New Construction Balances	0	0	-934,884
Total Change 2023-2024	0	0	-932,884

No Information Technology for this program.

1. Program Description

New Construction

The BOP request includes a total of \$2,000,000 for the New Construction base program to support salaries and administrative costs of staff necessary to carry out the New Construction program objective.

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

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

The BOP regularly reviews capacity requirements, considers the current and projected inmate population levels, current law enforcement initiatives, geographic origin of the confined population, and the age and condition of existing facilities. The BOP strives to manage the existing large population and resulting crowding, at higher security levels, to ensure that Federal inmates continue to serve their sentences in a safe and humane environment. The BOP continues to explore opportunities for increasing capacity through the activation of current facilities, expansion of existing facilities, acquisition and conversion of military and other properties to prison use, and the ongoing design and construction of new prisons, consistent with capacity planning and available funding.

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

and support areas, such as food service and utilities, are at capacity, institutional expansion may be cost prohibitive and other alternatives are considered.

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

- (1) Actual Costs May Vary from Initial Estimates - The cost estimates appearing on the Status of Construction exhibit are preliminary and are updated periodically based on the following factors: when full construction funds are anticipated to become available, geographic location, historical and projected cost escalation, and allowances for uncertainty as to actual sites to be developed. Although cost escalation has been lower in previous years, preliminary cost estimates historically increase (approximately five percent or more) each year until full funding is provided for projects and construction contracts can be awarded. However, most recent costs have escalated to over 8 percent.
- (2) Changes from the FY 2023 Congressional Budget - The FY 2024 Congressional Budget proposes a total cancellation of \$934.9 million in unobligated new construction balances. The cancellation will come from the USP Letcher County, KY project (\$504 million); and the FCI Leavenworth, KS project (\$430.9 million).

2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: New Construction											
RESOURCES (\$ in thousands)		Target		Actual		Target		Changes		Requested (Total)	
		FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 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
		59	235,000	45	235,000	66	290,000	0	-110,238	66	179,762
TYPE	PERFORMANCE	FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 Request	
Program Activity	New Construction	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		17	176,000	7	176,000	17	2,000	0	0	17	2,000
Performance Measure:	Number of Environmental Impact Studies/Environmental Assessments completed	0		0		0		0		0	
Performance Measure:	Number of major construction awards	0		0		1		-1		0	
Performance Measure:	System-wide crowding level	6%		5%		9%		1%		10%	
Performance Measure/Outcome:	Number of facilities completed	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. For new construction projects, a Notice to Proceed (NTP) is issued by the contracting officer, shortly after award of a design-build contract. The NTP authorizes the contractor to begin work under the contract, initially the start of design. Mission critical facilities are all existing BOP institutions.

Data Collection and Storage: Data are gathered from several computer systems. Each project is assigned a specific project code. Each obligation and expenditure is entered into the Unified Financial Management System (UFMS). Awards of design-build contracts for new construction projects are maintained and monitored through the BOP's fund control system and DOJ's UFMS. Inmate data are collected on the BOP on-line system (SENTRY). The BOP also utilizes a population forecast model to plan for future expansion 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 UFMS. Each month, UFMS obligations are reconciled with the BOP's fund control register by project, and forwarded to the Central Office Finance Branch, Business Office, to ensure accuracy and compliance. The contracting officer issues the NTP, shortly after award of a design-build contract. The award of a contract is based on completing the procurement of the contract and receipt of the necessary environmental or political requirements or clearances. Subject matter experts review and analyze population and capacity levels daily, both overall and by security level. BOP institutions print a SENTRY report, which provides the count of inmates within every institution cell house. The report further subdivides the cell houses into counting groups, based on the layout of the institution. Using this report, institution staff conduct an official inmate count five times per day to confirm the inmate count within SENTRY. The BOP Capacity Planning Committee (CPC), comprised of top BOP officials, meets quarterly to review, verify, and update population projections and capacity needs for the BOP. Offender data are collected regularly from the Administrative Office of the U.S. Courts by the BOP Office of Research and Evaluation in order to project population trends. The CPC reconciles bed space needs and crowding trends to ensure that all available prison space is fully utilized, within Federal prisons.

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. FY2023 and 2024 estimated population projections are exclusive of BOP's continued FSA implementation efforts

PERFORMANCE MEASURE TABLE											
Decision Unit: New Construction											
Performance Measures		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022		FY 2023	FY 2024
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Number of Environmental Impact Studies/Environmental Assessments completed.	0	0	0	0	0	0	0	0	0	0
Performance Measure	Number of major construction awards	0	0	0	0	0	0	0	0	1	0
Performance Measure	System-wide Crowding in Federal Prisons	16%	13%	13%	12%	-6%	-2%	6%	5%	9%	10%
Performance Measure	Number of facilities completed	0	0	0	0	0	0	0	0	0	0

[N/A= Data Unavailable]

New Construction

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

In FY 2021, the BOP completed one Environmental Assessment (EA)/Environmental Impact Statement (EIS). For FY 2022 through 2024, the BOP anticipates completing zero EA/EIS. An EA is a concise public document that provides sufficient analysis for determining if a Federal action has the potential to cause significant environmental effects. If the agency determines, based on the EA, that the action will not have significant environmental impacts, the agency will issue a Finding of No Significant Impact (FONSI). If the EA determines that the environmental impacts of a proposed Federal action will be significant, an EIS is prepared.

The BOP had no major construction awards in FY 2021 and FY 2022.

In FY 2021 and FY 2022, no facilities were completed. For FY 2023 through FY 2024, there are no facility projects anticipated for completion.

The population projections are based on data and information from a variety of sources including the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, other DOJ components, and the BOP's own information system (SENTRY). Additional capacity projections rely on future enactment of funding for contract beds, acquisitions, new construction, and activations. In FY 2022, the actual system-wide crowding was 5 percent.

The inmate population has been on a decline, in recent years, due to the First Step Act (implemented in December 2018) and most recently, as a result of the COVID-19 pandemic. These factors have made a large impact on system-wide crowding, however, at the end of FY 2022 the population increased over the previous year, and is projected to increase for FY 2023 and FY 2024. BOP's system-wide inmate crowding are currently estimated at 9 percent for FY 2023, and 10 percent for FY 2024; however, the BOP is continuing FSA implementation, including increased incentives that could reduce crowding and inmate populations.

b. Strategies to Accomplish Outcomes

The BOP strives to acquire needed capacity through a multi-pronged approach of contracts, with State and local governments, expansions of existing facilities, and construction and acquisition of new prisons, as funding permits. A total of 13,285 inmates (8.4 percent) were housed in contract confinement (including Residential Reentry Centers, home confinement, and jails/short-term detention) as of February 16, 2023.

B. Modernization and Repair

Modernization and Repair	Direct Pos.	Estimate FTE	Amount (\$000)
2022 Enacted	42	38	59,000
2023 Enacted	49	49	288,000
Adjustments to Base and Technical Adj.	0	0	-110,238
2024 Current Services	49	49	177,762
2024 Request	49	49	177,762
2024 Rescission of Modernization and Repair Balances	0	0	-19,000
Total Change 2023-2024	0	0	-\$129,238

No Information Technology for this program.

1. Program Description

Modernization and Repair

For FY 2024, the BOP requests a total of \$177,762,000 for the Modernization and Repair (M&R) program. This program is intended to provide the base resources to undertake rehabilitation, modernization, and renovation of buildings, other structures, and associated systems. It is also intended to make necessary modifications to meet legal requirements and accommodate correctional programs; repair or replace utilities systems; and complete other infrastructure and repair projects at existing institutions in order to keep all systems and structures in a good state of repair. Failure to adequately maintain structures and utility systems erodes capital investment and multiplies the costs in future years for accomplishing the required maintenance and repair. Most important, failure to maintain structures can cause direct and/or indirect security problems.

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

Almost one-third of the BOP's 122 institutions are over 50 years old, and 57 percent are over 30 years old. Further, most have not undergone major renovations from the time they were constructed, or acquired and converted to prison use, by the BOP. Each facility has numerous buildings on the compound, including inmate living quarters, many of which require extensive work to maintain an adequate state of repair to assure that they meet established standards. Prison facilities have much heavier than normal use due to continuous use 24 hours a day, 365 days a year, in crowded conditions. Inmate overutilization of prison facilities' systems leads to 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. Currently, the BOP has 918 ongoing major and minor M&R projects at various stages of completion. Individual project costs range from \$10,000 to about \$13 million.

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

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

2. Performance and Resources Tables

PERFORMANCE AND RESOURCES TABLE											
Decision Unit: Modernization and Repair											
RESOURCES (\$ in thousands)		Target		Actual		Target		Changes		Requested (Total)	
		FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 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
		59	235,000	45	235,000	66	290,000	0	-110,238	66	179,762
TYPE	PERFORMANCE	FY 2022		FY 2022		FY 2023		Current Services Adjustments and FY 2024 Program Changes		FY 2024 Request	
Program Activity	Modernization and Repair of Existing Facilities	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
		42	59,000	38	59,000	49	288,000	0	-110,238	49	177,762
Performance Measure:	Total projects completed and closed	300		213		320		15		320	
Performance Measure:	Total projects active at year end	890		912		850		375		1,225	
Performance Measure:	Number of facilities over 30 years old	62		70		70		3		73	
Performance Measure:	Number of facilities over 50 years old	36		38		38		2		40	
Performance Measure/Outcome:	Dollar value of fines for violations	0		0		0		0		0	

PERFORMANCE MEASURE TABLE											
Decision Unit: Modernization and Repair											
Performance Measures		FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022		FY 2023	FY 2024
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	M&R projects: Completed/Active	553/566	503/492	393/723	434/725	414/716	504/734	300/890	213/912	320/850	320/1,225
Performance Measure	Number of facilities over 30 years old	53	53	55	55	61	62	62	70	70	73
Performance Measure	Number of facilities over 50 years old	36	36	36	36	36	36	36	38	38	40

Modernization and Repair of Existing Facilities

3. Performance, Resources, and Strategies

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the outcome measure for this decision unit includes: Dollar value of fines for violations. The BOP funds M&R projects within its available resource level. In FY 2021, the BOP completed and closed 504 M&R projects, leaving 734 active at year end, and for FY 2022, the BOP completed 213 M&R projects, leaving 912 active at year end. For FY 2023, the BOP anticipates completing 320 M&R projects, leaving 850 active at year end. For FY 2024, the BOP anticipates completing 320 M&R projects, leaving 1,225 active at year end. Institutions perform detailed annual inspections of all areas of their physical plants and provide a list of projects to their regional office for all items which are in need of remedial action. These items subsequently are placed on a priority list for funding.

b. Strategies to Accomplish Outcomes

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

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

Using a replacement value method of funding, instead of the previous line item method, allows the BOP to plan projects well in advance, and preliminary/preparation work can be performed prior to the scheduled start of the projects. Previously, preliminary work could not always be performed since this required considerable expense, and there was no assurance projects would be funded. In addition, staff and jobs are scheduled to meet the unique requirements of each institution and project (i.e. shifting inmates between housing units at a given institution). The level of planning provided by this funding method would enable management to obligate funds and start projects on schedule, which was not previously the case. Under the prior method, projects were funded up-front as line items and staff and funding were dedicated to specific individual projects, which could not be started until preliminary/preparation work was completed. The FY 2024 request for M&R resources would fund the program at 0.47% of BOP institutions' replacement value.

VI. Program Offsets by Item

Item Name: Rescission of Unobligated Buildings and Facilities (B&F) Balances

Budget Decision Unit: New Construction and Modernization and Repair

Organizational Program: New Construction and Modernization and Repair

Program Reduction:	<u>Pos.</u>	<u>Agt./Atty.</u>	<u>FTE</u>	Dollars <u>(\$000)</u>
	0	0	0	-\$953,884

Description of Item

The budget proposes to rescind a total of \$953,884,000 in unobligated B&F balances. This is a three part rescission of funds, as \$504 million will be from the Letcher County, KY construction project balances; \$430.9 million will be from the Leavenworth, KS construction project balances; and \$19 million will be from the Taft Correctional Institution (CI), CA facility repair costs.

Justification

The budget proposes a rescission totaling \$504 million from the New Construction decision unit for the Letcher County construction project and \$430.9 million from the Leavenworth construction project. These projects were initially designed to reduce overcrowding by adding bed space, but over the past few years, the inmate population has decreased system-wide. Finally, a rescission of \$19 million is requested for the Taft CI repairs project from the M&R decision unit. In 2019, BOP hired an outside contractor to conduct an in-depth facility assessment report for Taft CI. This assessment was initiated in response to significant and unsafe ongoing structural damage to some of the buildings caused by major ground settlement. The assessment included a structural evaluation and a review of all systems, including security, utilities, site infrastructure, accessibility, and mechanical, plumbing, and electrical systems. The assessment identified two major issues resulting in the structural damage: ongoing subgrade soil settlement and major deficiencies in all buildings as a result of seismic activity. The assessment concluded that the majority of the buildings, to include inmate housing units, program areas, staff offices and security areas, were unsafe to occupy, which led to shutdown of the facility with staff and inmates being removed. In FY 2020, the BOP was provided \$27 million for repairs at the Taft CI, through language in the Explanatory Statement accompanying the FY 2020 appropriation that directed the BOP to prioritize repairs that protect life and safety and to prioritize facilities assessed as having deficiencies of a geological and seismic nature. The BOP utilized approximately \$8 million in funds towards pre-design and award of design work, however the BOP estimates that repairs at the Taft CI will cost upwards of \$400 million. The Taft population has already been absorbed by nearby facilities with minimal disruption.

Impact on Performance

Rather than investing in new construction, or in repairs for a facility with extensive repair needs, the BOP plans to leverage existing capacity within the BOP's facilities.

Rescission of B&F Unobligated Funds

Base Funding

FY 2022 Enacted			FY 2023 Enacted			FY 2024 Current Services		
Pos	FTE	\$(000)	Pos	FTE	\$(000)	Pos	FTE	\$(000)
0	0	\$953,884	0	0	\$953,884	0	0	\$953,884

Non-Personnel Offset Cost Summary

Non-Personnel Item	Unit	Quantity	FY 2024 Request (\$000)	FY 2025 Net Annualization (change from 2024) (\$000)	FY 2026 Net Annualization (change from 2025) (\$000)
Project Costs	1	1	-\$953,884	\$0	\$0
Total Non-Personnel	1	1	-\$953,884	\$0	\$0

Total Request for this Item

	Pos	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2025 Net Annualization (change from 2024) (\$000)	FY 2026 Net Annualization (change from 2025) (\$000)
Current Services	0	0	\$0	-\$953,884	-\$953,884	\$0	\$0
Offset	0	0	\$0	-\$953,884	-\$953,884	\$0	\$0
Grand Total	0	0	\$0	-\$953,884	-\$953,884	\$0	\$0