

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Court Security

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2021 Enacted Appropriation	\$664,011,000
Fiscal Year 2022 Appropriation Request	\$682,140,000
Requested Increase from Fiscal Year 2021 Enacted Appropriation	\$18,129,000

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

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

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), [~~\$664,011,000~~]*\$682,140,000*, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

(P.L. 116-260 - Financial Services and General Government Appropriations Act, 2021)

**SUMMARY OF REQUEST
COURT SECURITY
FISCAL YEAR 2022
(Dollar amounts in thousands)**

Fiscal Year 2022 Resource Requirements:

<u>Page</u>		<u>FTE</u>	<u>Amount</u>
	Fiscal Year 2021 Total Obligations	77	\$690,163
	Less encumbered carryforward from FY 2020 into FY 2021.....	-	(16,096)
	Less utilization of Judiciary Information Technology Fund (JITF).....	-	(56)
	Less unencumbered carryforward and recoveries from prior years into FY 2021.....	-	(10,000)
	Fiscal Year 2021 Enacted Appropriation	77	\$664,011
	<u>A. Adjustments to Base:</u>		
	1. Pay and benefits adjustments		
7.16	a. Proposed January 2022 pay adjustment (1.0%).....	-	53
7.16	b. Annualization of assumed January 2021 pay adjustment (1.0% for three months).....	-	73
7.16	c. Promotions and within-grade increases.....	-	91
7.17	d. Health Benefits increases.....	-	17
7.17	e. FICA adjustment.....	-	8
7.17	f. FERS adjustment.....	-	93
7.17	2. Annualization of court security officer (CSO) positions (31).....	-	1,171
7.17	3. Annualization of USMS positions.....	2	300
7.17	4. FY 2022 CSO contract and wage rate adjustments (2.6%).....	-	11,953
7.18	5. Inflationary increases in charges for contracts, services, supplies, and equipment.....	-	26
7.18	6. Inflationary increase in GSA space rental costs (4.0%).....	-	288
7.18	7. Changes in Federal Protective Service security charges		
	a. Decrease in basic security charges.....	-	(5,311)
	b. Increase in building-specific security charges.....	-	843
7.19	8. Adjustments to base requirements for security systems and equipment.....	-	1,422
7.22	9. Funding adjustment due to an increase in non-appropriated sources of funds.....	-	(5,000)
	Subtotal, Adjustments to Base to Maintain Current Services	2	6,027
	Total Current Services Appropriation Required	79	670,038

<u>Page</u>	<u>B. Program Increases / Decreases</u>	<u>FTEs</u>	<u>Amount</u>
7.24	10. Physical access control systems replacement strategy	-	4,977
7.24	11. New courthouse construction projects		
	a. Security infrastructure for new courthouse construction projects.	-	(750)
	b. CSOs for new courthouse construction projects (8 CSOs)	-	528
7.24	12. Equipment modernization and cyclical replacement strategy		
	a. Video management systems.	-	5,200
	b. Staffing positions at USMS	2	598
7.25	13. Phased Implementation (5th Year) of CSO staffing standards (20.5 CSOs)	-	1,265
7.25	14. Staffing positions at USMS	3	284
	Subtotal, Program Increases.	5	12,102
	Total Fiscal Year 2022 Appropriation Required	84	682,140
	Total Appropriation Increase, Fiscal Year 2021 to Fiscal Year 2022	7	18,129
	<u>Financing the Fiscal Year 2022 Request:</u>		
		<u>FTEs</u>	<u>Amount</u>
	Total Appropriation Required.	84	682,140
7.26	Anticipated unencumbered carryforward from FY 2021 and prior years into FY 2022	-	15,000
	Estimated Obligations, Fiscal Year 2022	84	697,140

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

Activity	FY 2020 Actual	FY 2021 Assumed	FY 2022 Request
Total Obligations	631,872	690,163	697,140
Unobligated Balance, Start of Year: Judiciary Information Technology Fund	(30)	(56)	-
Deposits and Other Adjustments: Judiciary Information Technology Fund	30	-	-
Unobligated Balance, End of Year: Judiciary Information Technology Fund	56	-	-
Direct Obligations	631,928	690,107	697,140
Unobligated Balance, End of Year	20,396	-	-
Less No-Year Obligations	(13,159)	(26,096)	(15,000)
Appropriation Total	639,165	664,011	682,140

Obligations by Budget Object Class (\$000)

Description	FY 2020 Actual	FY 2021 Assumed	FY 2022 Request
11.1 Full-Time Permanent	7,352	9,301	10,325
11.5 Other Personnel Compensation	270	-	-
12.1 Civilian Personnel benefits	2,720	2,831	3,287
21.0 Travel and Transportation of Persons	975	626	626
22.0 Transportation of Things	43	47	47
23.1 Rental Payments to GSA	6,464	7,249	7,537
23.2 Rental Payments to Other	3	-	-
23.3 Communications Utilities, and Miscellaneous Charges	1,687	1,892	1,892
25.1 Advisory and Assistance Services	27	-	-
25.2 Other Services from Non-Federal Sources	3,969	4,955	3,000
25.3 Other Goods and Services from Federal Sources	92,472	86,450	82,028
25.4 Operation and Maintenance of Facilities	426,702	451,900	466,785
25.4 Operation and Maintenance of Equipment	21,161	29,463	25,587
26.0 Supplies and materials	2,942	401	441
31.0 Equipment	16,593	24,198	24,417
32.0 Land and Structures	48,513	70,748	71,168
42.0 Insurance Claims and Indemnities	35	46	-
Direct Obligations	631,928	690,107	697,140
Other Obligations (JITF)	(56)	56	-
Grand Total Obligations	631,872	690,163	697,140

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

	FY 2020 Actual	FY 2021 Assumed	FY 2022 Request
Direct Obligations	631,928	690,107	697,140
Obligated balance, start of year	202,082	263,189	306,327
Adjustments for prior year activity	(9,734)	-	-
Obligated balance, end of year	(263,189)	(306,327)	(345,109)
Total Outlays	561,087	646,969	658,358
Less Offsets	(484)	(489)	(494)
Net Outlays	560,603	646,480	657,864

Personnel Summary

	FY 2020 Actual	FY 2021 Assumed	FY 2022 Request
Total compensable workyears (FTE):			
United States Marshals Service	62	77	84
Total, Court Security	62	77	84

GENERAL STATEMENT AND INFORMATION

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

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

The fiscal year (FY) 2022 Court Security appropriation request of \$682,140,000 will provide an appropriate level of security at existing court facilities and provide security coverage at new and renovated facilities. It will also allow the judiciary to sustain and make progress on several existing major strategic security initiatives, each of which is in a different stage of development, including: improved physical access control systems (PACS) at courthouses nationwide; security infrastructure and additional court security officers (CSOs) for new courthouses; phased, multi-year implementation of an equipment modernization and cyclical replacement strategy for video management systems (VMS) and staffing; and the phased implementation of the revised CSO staffing standards.

SECURING THE COURTS

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

Due to the recent fatal attack at the home of a federal judge in New Jersey and increasing threats against federal judges, the judiciary has asked Congress to enact a package of safety measures that would improve security at judges' homes and at federal courthouses.

These safety measures seek additional funding for the USMS and FPS – separate from the Court Security appropriation. For additional information on this issue, refer to the Need to Increase Security for Federal Judges on pages 7.10 - 7.12.

UNITED STATES MARSHALS SERVICE PROTECTION

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

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

The goals of the JFSP are ensuring:

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

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

FEDERAL PROTECTIVE SERVICE SECURITY

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

Beginning in FY 2020, FPS implemented a new cost model across the entire Federal Government for assessing basic and building-specific security charges. The new cost model eliminates the \$0.78 per square foot charge for basic security. Instead, FPS uses a risk-based structure for assessing basic security charges. As detailed later in this chapter, as a result of the multi-year implementation of the new risk-based charge for basic security, there is a \$5.3 million base decrease in FY 2022 to reflect lower judiciary security costs.

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

Perimeter Security Pilot Program

The judiciary’s FY 2008 appropriations bill authorized the USMS to establish a perimeter security pilot program to consolidate the responsibility for perimeter security guarding and security systems and equipment under the district U.S. Marshal, who is supported by the judiciary-funded and USMS-administered JFSP. The pilot was implemented at seven courthouses in FY 2009. An eighth courthouse was added in FY 2015.

The pilot was designed to address several issues, including the bifurcated systems of two security providers - the FPS and the USMS - providing physical security at many federal courthouses, problems with FPS security equipment not functioning for extended time periods, and a lack of national standards for determining how many FPS guards are needed to provide adequate security at federal facilities, including courthouses. At the pilot locations, the USMS is responsible for all interior and perimeter security.

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

Each year since the pilot began, the judiciary's annual appropriations bills have authorized the pilot project to continue. The judiciary's FY 2022 appropriation request includes language to continue the pilot (see *General Provisions*, page 12.1). The judiciary will continue to explore additional sites and evaluate the cost-effectiveness of expanding the pilot to more locations.

FY 2021 APPROPRIATIONS

The judiciary built the fiscal year (FY) 2022 discretionary budget request for Court Security on the FY 2021 enacted appropriation, which is \$664,011,000. The FY 2021 enacted appropriation, combined with \$10,000,000 in unobligated carryforward from FY 2020 and prior years, fully funds all FY 2021 requirements. For bill language, the judiciary used the language from P.L. 116-260, Financial Services and General Government Appropriations Act, 2021.

SIGNIFICANT ISSUES FOR FY 2022

COVID-19 Impact

The COVID-19 pandemic has had a significant impact on security operations. Due to COVID-19 related court closures and service reductions, CSO work hours were reduced at many court locations. However, with the contract authority enacted through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the USMS used available funding to continue making payments to CSO vendors. These payments ensured that the vendors maintained CSOs in a ready state to return to work when needed. The

CARES Act section 3610¹ and OMB guidance memo M-20-22² allow the USMS to make payments/reimbursements to CSO vendors to pay CSOs for hours that they could not work as a result of COVID-19 related closures and service reductions. The USMS obligated \$16.2 million for CARES Act-related payments in FY 2020, and \$16.2 million has been authorized for payment to CSO vendors.

Violence Against the Judiciary at Work and at Home

Increase In Threats Against Federal Courthouses

In 2020, there were several significant violent incidents and one fatal attack at federal courthouses. On May 29, 2020, a gunman attacked the Ronald V. Dellums Federal Building and Courthouse in Oakland, California, and killed Federal Protective Service (FPS) Officer David Underwood in a drive-by shooting. Over the summer, court facilities were the focal points of protest and civil unrest, some of which led to intense confrontations between police, protesters, and counter-protesters. On September 15, 2020, at the Sandra Day O'Connor Federal Courthouse in Phoenix, Arizona, an assailant shot a CSO outside the courthouse.

The Need to Increase Security for Federal Judges

In addition to violent incidents, including a fatal attack, at federal courthouses, threats against judges have increased by 380 percent since FY 2015. On July 29, 2020, there was a fatal attack at the home of Judge Esther Salas. A gunman posing as a delivery courier rang the doorbell and fatally shot her 20-year-old son, who opened the door, and seriously wounded her husband. This follows the murder of four federal judges since 1979: District Judge John Wood (1979), District Judge Richard Daronco (1988), Circuit Judge

¹ SEC. 3610. FEDERAL CONTRACTOR AUTHORITY. Notwithstanding any other provision of law, and subject to the availability of appropriations, funds made available to an agency by this Act or any other Act may be used by such agency to modify the terms and conditions of a contract, or other agreement, without consideration, to reimburse at the minimum applicable contract billing rates not to exceed an average of 40 hours per week any paid leave, including sick leave, a contractor provides to keep its employees or subcontractors in a ready state, including to protect the life and safety of Government and contractor personnel, but in no event beyond September 30, 2020. Such authority shall apply only to a contractor whose employees or subcontractors cannot perform work on a site that has been approved by the Federal Government, including a federally-owned or leased facility or site, due to facility closures or other restrictions, and who cannot telework because their job duties cannot be performed remotely during the public health emergency declared on January 31, 2020 for COVID-19: Provided, That the maximum reimbursement authorized by this section shall be reduced by the amount of credit a contractor is allowed pursuant to division G of Public Law 116- 127 and any applicable credits a contractor is allowed under this Act. (<https://www.congress.gov/116/plaws/publ136/PLAW-116publ136.pdf>)

² Use any "funds made available to the agency" by Congress to reimburse contractors for workers' lost time from March 27 to September 30, if the contractor provides leave to its employees or subcontractors "to maintain a ready state, including to protect the life and safety of Government and contractor personnel," which would include, but not be limited to, the circumstances addressed in M-20-18 (<https://www.whitehouse.gov/wp-content/uploads/2020/04/M-20-22.pdf>)

Robert Vance (1989), and District Judge John Roll (2011). In addition, District Judge Joan Lefkow found her mother and husband murdered in their Chicago home in 2005.

As threats against federal judges continue to increase, the judiciary has asked Congress to enact a package of safety measures that would improve security at judges' homes and at federal courthouses. Letters were sent September 4, 2020, and November 18, 2020, by Judge David W. McKeague, chair of the Judicial Conference Committee on Judicial Security, and James C. Duff, then secretary of the Judicial Conference, outlining these requests for the House and Senate Appropriations Committees, who were asked to fund the following four security enhancements:

- A one-time appropriation of \$7.2 million for the USMS to install modern home intrusion security systems in judges' homes, and \$2 million annually to keep the systems current. The existing government-funded alarm systems are outdated and lack any video capabilities to identify who is on a judge's property.
- Increased appropriations of \$250 million for the USMS to hire 1,000 additional Deputy U.S. Marshals in accordance with the USMS's District Staffing Model.
- A one-time direct appropriation to FPS of \$267 million to replace and upgrade exterior perimeter security cameras at 650 U.S. courthouses and federal buildings that house judicial activities.
- An annual appropriation to the USMS of \$10.1 million to fund 28 federal employee staff to expand the USMS Open Source Intelligence (OSINT) Unit. This additional funding and staff would allow the USMS to monitor potential and actual threats to federal judges on the internet.

In addition, on September 4, 2020, Judge McKeague and Director Duff sent letters to the House and Senate Judiciary Committees, who were asked to approve new authorizing legislation that would (1) better prevent the unauthorized release of judges' personally identifiable information (PII), particularly on the internet, including restrictions on posting or sharing judges' personal information by private or public entities, and (2) give federal judges permanent authority to redact personally identifiable information from financial disclosure reports.

On September 24, 2020, S. 4711, the "Daniel A. Hand Judicial Security and Privacy Act of 2020" was introduced in the Senate. Companion legislation (H.R. 8591) was introduced in the House of Representatives on October 13, 2020. The legislation would establish guidelines for federal agencies, state and local governments, and commercial data collectors to create safeguards to protect the PII of active, senior, recalled, and retired federal judges by:

- Prohibiting federal government agencies from publicly posting judges' PII and allowing judges to request the removal of PII within 72 hours if it is already posted.
- Restricting commercial data collectors from selling, trading, licensing, purchasing, or providing judges' PII or the PII of their immediate family members.
- Creating a private right of action and injunctive relief as remedies for noncompliance.
- Authorizing a federal grant program for state and local governments to help cover costs to prevent the release of judges' PII from any agency that operates a database or registry that contains this information.

On December 16, 2020, S. 4711 was brought to the Senate floor under a unanimous consent request. A senator objected to the unanimous consent request, saying he favored a broader security bill that also includes protections for Members of Congress. The bill's sponsors were not willing to accept that amendment and the bill was unable to proceed in the Senate. H.R. 8591 did not receive a floor vote in the House of Representatives. AO staff will continue working with the Judiciary Committees to have a judicial security bill introduced and enacted in the 117th Congress.

Physical Access Control Systems (PACS) and Video Management Systems (VMS)

PACS and VMS are two critical components of the court security program. PACS are designed to ensure that unauthorized and potentially dangerous people do not gain entry to court facilities, and only judges, authorized federal employees, and contractors can access secure interior court space. Access is managed with cards issued to authorized persons that are read by automated card readers at exterior and/or interior doors, and for judges at secure elevators. VMS are the camera systems that allow the USMS to monitor doors, hallways, courtrooms, and other court space. With a VMS system failure, the USMS control room operators lose viewing capability of all closed-circuit television (CCTV) coverage within a facility, crippling the USMS's capability to visually assess potential threats. The loss of camera views and control capability makes a facility particularly vulnerable.

PACS

Many of the current PACS are fragile and failing, or in danger of failing, due to aging equipment and outdated software no longer supported by the vendor. The judiciary worked with the USMS to develop a risk-based strategy that focuses resources on the highest priority PACS requirements, addressing facilities with the greatest need in a timeframe that avoids system failures. The risk-based approach attempts to contain costs by focusing on equipment replacements at court facilities with the highest risk for a PACS failure. In addition, the strategy also incorporates a refreshment cycle for PACS to ensure the program is sustainable in the future. The

ongoing funding strategy increases PACS funding by approximately \$5 million each year, ultimately reaching \$42 million in annual funding in FY 2022. The FY 2022 request represents the last year that the judiciary will seek a \$5.0 million increase. This approach should be sufficient to fund PACS upgrades and begin to refresh PACS on a 10-year cycle starting in FY 2024. The judiciary should have enough resources to upgrade PACS in all 500 facilities by FY 2030. Future budget requests may be revised for inflation as well as changes in technology, equipment, networking protocols, etc.

VMS

Similar to the PACS issue, most existing VMS have exceeded their useful life expectancies, are at risk of failure, and are no longer supported by the manufacturers. Further, most judiciary VMS are analog systems, and these systems need to be upgraded to digital IP (internet protocol) based systems. Using the PACS funding strategy as a model, the judiciary seeks to replicate the multi-year funding approach with VMS. For FY 2020, the Court Security account included \$6.3 million to begin replacing VMS head-end units (the head-end units are known as video matrix switchers). In FY 2021, the USMS expanded the program to replace the entire VMS unit (including cameras, cabling, and control room components) rather than replacing only the head-end unit, as it was more cost effective to replace all components at the same time. The FY 2021 funding level includes \$10.0 million for VMS replacement, and for FY 2022, the judiciary requests an increase of \$5.2 million (for a total of \$15.3 million with inflation). The judiciary plans to gradually increase funding for the program with the overall goal of replacing all 451 VMS.

Joint PACS/VMS Projects

PACS and VMS share the same enterprise network infrastructure, and the USMS estimates that there could be cost avoidance to install VMS concurrently with new PACS. More information should be available about potential cost avoidance after several projects involving simultaneous VMS and PACS installation are completed.

New Courthouse Infrastructure Costs

In FY 2016, Congress provided \$948 million to the General Services Administration (GSA) for the construction of courthouses on the judiciary's Courthouse Project Priorities (CPP) plan. That funding supports the construction of eight courthouses and provides partial funding for a ninth project. In addition, \$53 million was appropriated for new construction and acquisition of facilities that are joint U.S. courthouses and federal buildings. (Joint courthouses/federal building projects are prioritized by GSA and do not appear on the judiciary's CPP.) In FY 2018, Congress provided \$437 million to fully fund the ninth FY 2016 courthouse project and to construct

two additional courthouses. Funding for the construction of courthouses is appropriated directly to GSA. However, the judiciary is responsible for funding items that will take the courthouses from shell condition to finished and usable spaces, including furniture, technology, and security.

Security related costs for new courthouses depend on when occupancy will occur. Based on current schedules, systems and equipment requirements for new courthouses in FY 2022 are expected to be \$0.8 million below the FY 2021 level and funds will be used for the courthouse project in Huntsville, Alabama. In addition, the FY 2022 budget request includes \$0.5 million for eight additional CSO positions needed to staff the new Harrisburg, Pennsylvania; Des Moines, Iowa; and Toledo, Ohio courthouses. Refer to page 7.24 for more details.

Court Security Program Summary

	FY 2021 Assumed			FY 2022 Request		
	\$000	CSO Positions	FTE	\$000	CSO Positions	FTE
Court Security Officers	451,900	4,545		466,785	4,574	
Federal Protective Service Charges	84,297			79,829		
Systems and Equipment	117,425			114,187		
Program Administration	36,485		77	36,339		84
JITF	56			-		
Total Obligations	690,163			697,140		
JITF	(56)			-		
Direct Obligations	690,107			697,140		
<i>Prior Year Carryforward</i>						
Systems and Equipment Slippage (Encumbered)	(14,141)			-		
Program Administration Slippage (Encumbered)	(1,955)			-		
Systems and Equipment Savings (Unencumbered)	(10,000)			(15,000)		
Available Appropriation	664,011			682,140		

JUSTIFICATION OF CHANGES

The judiciary requests \$682.1 million for Court Security in FY 2022, a 2.7 percent increase over the FY 2021 enacted appropriation of \$664.0 million. This FY 2022 request reflects the necessary adjustments to base to maintain current services. The request also includes program increases for the continued implementation of the physical access control systems (PACS) replacement strategy; security infrastructure and additional court security officers (CSOs) for new courthouses; the phased implementation of an equipment modernization and cyclical replacement strategy for video management systems (VMS) and staffing; the fifth year of the phased implementation of the revised CSO staffing standards; and additional USMS staff. The majority of the funding in this request is transferred to the USMS, which is responsible for administering the Judicial Facility Security Program (JFSP).

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

A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

1. Pay and benefits adjustments

a. Proposed January 2022 pay adjustment

Requested Increase: \$53,000

The judiciary is assuming federal pay rates will increase by 1.0 percent in January 2022. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2022, from January 2022 to September 2022. (If the pay adjustment included in the President's FY 2022 budget request is different than 1.0 percent, the judiciary will revise this line item in its FY 2022 budget re-estimate.)

b. Annualization of January 2021 pay adjustment

Requested Increase: \$73,000

The requested increase provides for the annualized costs of 2021 pay adjustment associated with the Employment Cost Index (ECI). Based on the FY 2021 enacted appropriation, federal pay rates increase by 1.0 percent, effective as of January 2021. The requested increase provides for the cost of three months (from October 2021 to December 2021) of the assumed 2021 pay increase in FY 2022.

c. Promotions and within-grade increases

Requested Increase: \$91,000

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

d. Health Benefits increases

Requested Increase: \$17,000

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.0 percent both in January 2021 and January 2022. The requested increase annualizes the 2021 premium increase and includes a nine-month provision for an estimated 3.0 percent increase anticipated for FY 2022.

e. FICA adjustment

Requested Increase: \$8,000

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2021. The salary cap for OASDI increased from \$137,700 to \$142,800 in January 2021. The requested amount is needed to pay the agency contribution in FY 2022.

f. FERS adjustment

Requested Increase: \$93,000

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employees Retirement System (FERS) plans for FY 2022. For most employees, the agency contribution rate will increase from 17.3 percent to 18.4

percent. Any FERS increase is in accordance with revised estimates of the cost of providing benefits by the Board of Actuaries of the Civil Service Retirement and Disability System.

2. Annualization of CSO positions

Requested Increase: \$1,171,000

In FY 2021, funding was provided to support 31 new CSO positions needed to staff new courthouse construction projects. This request includes the increase required to fund the full-year cost of these 31 CSO positions in FY 2022.

3. Annualization of USMS positions

Requested Increase: \$300,000

FTE: 2

In FY 2021, funding was provided to support four new positions at the USMS to support the equipment modernization and cyclical replacement strategy. This request includes the increase required to fund the full-year cost of these positions in FY 2022.

4. FY 2022 CSO contract and wage rate adjustments

Requested Increase: \$11,953,000

A total of \$12.0 million is requested for anticipated increases in the hourly rates and overtime pay for CSO contract services in FY 2022. The request is an average increase of 2.6 percent on a national basis over FY 2021 projected levels.

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

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

Requested Increase: \$26,000

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

6. Inflationary increase in GSA space rental costs

Requested Increase: \$288,000

This request represents a 4.0 percent inflationary increase, estimated by GSA, in the cost of GSA space rental charges to be used by CSOs and judiciary-funded USMS personnel for FY 2022.

7. Changes in Federal Protective Service security charges

Requested Decrease: (\$4,468,000)

In FY 2022, FPS continues implementing the new cost model for assessing basic and building-specific security charges (refer to page 7.8).

The FY 2022 security cost estimate of \$79.8 million for FPS security services consists of basic security (\$24.4 million) and building-specific security costs (\$55.4 million). This cost represents a net decrease of \$4.5 million from the FY 2021 estimate of \$84.3 million. Additional information regarding the changes in FPS security charges is summarized below:

a. Decrease in basic security charges: (\$5,311,000)

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

The FY 2022 request for basic security charges is \$24.4 million, which is \$5.3 million below the FY 2021 estimated level.

b. Increase in building-specific security charges: \$843,000

In FY 2020, the new cost model eliminated the 8 percent oversight charge for building-specific security that FPS collects on contracted guard services and contracts to procure and install security technical countermeasures and will no longer amortize the costs for new technical countermeasure projects. The total FY 2022 request for building-specific security charges is \$55.4 million, which is \$0.8 million above the FY 2021 estimated level. The requested increase supports new countermeasure projects.

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

Building-specific expenses include:

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

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

8. Adjustments to base requirements for security systems and equipment

Requested Increase: \$1,422,000

	(\$000)
FY 2021 Available Funding	\$103,284
Adjustments to base - net increases	1,422
FY 2022 Current Services	\$104,706

The requested amount reflects a net increase of \$1.4 million for the security systems and equipment program. Table 7.1 on page 7.23 and the following justification of increases provide further information regarding the judiciary's security systems and equipment funding requirements.

Increased Funding for Security Systems and Equipment

- **Nationwide Vehicle Barrier Maintenance Contract**

Requested Increase: \$758,000

The vehicle barrier maintenance contract provides a nationwide preventative maintenance and repair program for vehicle barriers installed by the USMS. The contract requirements include 24/7 technical support, training, emergency response capability, preventive maintenance, and repairs. The maintenance contract increases the reliability of vehicle barriers and reduces the frequency of breakdowns. The increase for the Nationwide Vehicle Barrier Maintenance Contract is primarily due to the projected costs for the repairs of vehicle barriers and the deployment of additional mobile barriers for FY 2022.

- **Other Additional and Replacement Equipment**

Requested Increase: \$524,000

This program provides for general enhancements or upgrades to closed-circuit television (CCTV) surveillance systems, alarm systems, and command and control centers in newly occupied space in existing court facilities and replaces outdated equipment in currently occupied space. The increase is primarily due to inflationary cost adjustments.

- **Perimeter Security Improvements**

Requested Increase: \$287,000

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

- **GSA Installation/Alterations**

Requested Increase: \$196,000

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

- Video Management Systems

Requested Increase: \$98,000

Video Management Systems (VMS) are the camera systems in court space that allow the USMS to monitor doors, hallways, courtrooms, and other court space. The increase is primarily due to inflationary cost adjustments.

- Nationwide Maintenance Contract for Existing Security Systems and Equipment

Requested Increase: \$35,000

The national contract for security systems installation provides for the maintenance of the inventory of security systems located in all facilities nationwide, such as the repair of CCTV systems, access control systems, alarm systems, and other command and control center components. The contract also provides for off-site monitoring of alarms for buildings without a 24-hour CSO presence and for repairs and preventive maintenance for the nationwide inventory of x-ray machines. The increase is due to inflationary cost adjustments.

- Equipment for Probation, Pretrial Services and Federal Public Defender Services Offices

Requested Increase: \$26,000

Typically, offices located in facilities where screening for weapons is not conducted at the entrance receive an access

control system that consists of an electric door strike and a door release mechanism. Offices also receive bullet-resistant material and duress alarms at the public counters. Each probation, pretrial services, and federal public defender office receives a duress alarm button in areas where clients are interviewed – usually an office desk. Under certain circumstances, intruder detection alarms and a CCTV camera and monitor are added.

Per the U.S. Courts Design Guide, offices that are located in facilities where weapons screening is conducted at the entrance are entitled to the same security devices as noted above with one exception – the window at the public counter is constructed of break-resistant material, instead of bullet-resistant material. This initiative provides either new equipment or upgrades to existing systems for probation, pretrial services, and federal defender offices. The increase is primarily due to inflationary cost adjustments.

- Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors

Requested Increase: \$19,000

The cyclical replacement program ensures that walk-through metal detector and x-ray screening systems are replaced when they become technologically obsolete or when maintenance costs exceed a pre-determined threshold. The increase is primarily due to inflationary cost adjustments.

Decreased Funding for Security Systems and Equipment

- **CSO Radios, Accessories, Repairs and Over-the-Air Re-key**

Requested Decrease: (\$521,000)

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

over-the-air re-key. The decrease for CSO Radios, Accessories, Repairs and Over-the-Air-Re-Key is primarily due to the projected decreases in replacement and maintenance costs for CSO radios and courthouse repeaters.

9. Funding Adjustments due to an increase in non-appropriated sources of funds

Requested Decrease: (\$5,000,000)

In FY 2021, \$10 million in balances from FY 2020 and prior years will be available to finance FY 2021 requirements. In FY 2022, the judiciary expects \$15 million in non-appropriated funds to be available, an increase of \$5 million from FY 2021. Because the judiciary anticipates having \$5 million more in carryforward funding available in FY 2022, it requests \$5 million less in funding to maintain current services.

Table 7.1
Court Security Appropriation
Security Systems & Equipment Funding Summary
Fiscal Years 2021 and 2022

Category	FY 2021 Assumed	FY 2022 Adjustments to Base	FY 2022 Program Increases / Decreases	FY 2022 Request ¹	Change FY 2021 to FY 2022
	\$000	\$000	\$000	\$000	\$000
VMS	10,000	98	5,200	15,298	5,298
PACS	37,023	-	4,977	42,000	4,977
New Courthouse Construction Projects	2,800	-	(750)	2,050	(750)
Nationwide Vehicle Barrier Maintenance Contract	1,770	758	-	2,528	758
Other Additional and Replacement Equipment (Excludes VMS)	11,174	524	-	11,698	524
Perimeter Security Improvements	9,554	287	-	9,841	287
GSA Installation/Alterations	6,549	196	-	6,745	196
Nationwide Maintenance Contract for Existing Security Systems and Equipment	16,833	35	-	16,868	35
Equipment for Probation, Pretrial Services, and Defender Services	866	26	-	892	26
Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors	4,561	19	-	4,580	19
CSO Radios, Accessories, Repairs and Over-the-Air-Re-key	2,154	(521)	54	1,687	(467)
Total Security Systems and Equipment	103,284	1,422	9,481	114,187	10,903

¹ Excludes encumbered carryforward

PROGRAM INCREASES / DECREASES

10. Physical access control systems replacement strategy

Requested Increase: \$4,977,000

The judiciary requests an additional \$5.0 million to continue the implementation of the PACS replacement strategy, for a total of \$42.0 million in PACS funding for FY 2022. The PACS replacement strategy increases funding requirements by \$5 million each year from FY 2019 through FY 2022. For additional information on the need for PACS replacement, refer to pages 7.12 – 7.13.

11. New courthouse construction projects

Requested Net Decrease: (\$222,000)

For the new construction projects funded by Congress in FY 2016 and FY 2018, the judiciary requests a net decrease of \$0.2 million below the FY 2021 level. For additional information on new courthouse construction projects, refer to pages 7.13 - 7.14.

a. Security infrastructure for new courthouse construction projects

Requested Decrease: (\$750,000)

In FY 2021, \$2.8 million is included for security systems requirements for new courthouse construction projects, and \$2.0 million is required for the courthouse project in

Huntsville, Alabama in FY 2022. Thus, a decrease of \$0.8 million is associated with non-recurring security requirements in FY 2022.

b. CSOs for new courthouse construction projects (8 CSOs)

Requested Increase: \$528,000

In addition to the systems and equipment requirements, funding is needed for CSOs in these new facilities projected to open in FY 2022 and early FY 2023. The FY 2022 budget request includes \$0.5 million for eight new CSO positions to staff the new courthouses in Harrisburg, Pennsylvania; Des Moines, Iowa; and Toledo, Ohio. The USMS will also transfer CSO positions from any related facilities in which the judiciary has vacated its space, but new positions are necessary when the size of a court facility increases.

12. Equipment modernization and cyclical replacement strategy

Requested Increase: \$5,798,000

The FY 2022 request includes \$5.8 million towards the phased implementation of an equipment modernization and cyclical replacement strategy for video management systems (VMS) and staffing. For additional information on the need for VMS replacement, refer to page 7.13.

a. Video Management Systems

Requested Increase: \$5,200,000

For FY 2022, the judiciary requests an additional \$5.2 million for VMS. With the \$10.0 million in base funding available in FY 2021, there will be a total of \$15.3 million with inflation for VMS in FY 2022.

b. USMS Staffing Positions for VMS

Requested Increase: \$598,000 FTE: 2

The judiciary requests \$0.6 million for four new positions (2 FTE) at the USMS to support the equipment modernization and cyclical replacement strategy.

13. Phased implementation (5th Year) of the CSO staffing standards (20.5 CSOs)

Requested Increase: \$1,265,000

When the revised CSO staffing standards were implemented in FY 2015, the USMS recommended that an additional 346 CSO positions would be necessary to fully staff to the new standards, which include a crucial exterior/forward watch position at the courthouse perimeter. In FY 2020, the USMS conducted a security assessment and identified Hato Rey, Puerto Rico, as needing the creation of a “special needs post.” The post requires an additional 2.5 CSO positions. Per the CSO Staffing Standard, facilities can receive additional positions when supported by an assessment. Hato Rey was identified as

requiring special needs because of the large number of criminal proceedings, large number of visitors, and lack of separate circulation routes. With the addition of these 2.5 positions, the staffing standard now calls for a total of 348.5 new positions.

The judiciary requests an additional 20.5 CSO positions in FY 2022 to continue the implementation at an estimated cost of \$1.3 million, of which \$1.1 million is for the CSO positions and \$0.2 million is primarily for one-time charges for program administration-related costs for hiring the CSOs.

With this request, the phased implementation of the new CSO staffing standards will be 75 percent complete.

	Incremental Number of CSOs Requested	Cumulative Number of CSOs Requested	Total Number of CSOs Required Per Staffing Standards	Percent Complete
FY 2016	69	69	346	20%
FY 2017	69	138	346	40%
FY 2018	0	138	346	40%
FY 2019	35	173	346	50%
FY 2020 Financial Plan	69	242	346	70%
FY 2021 Assumed Obligations	0	242	346	70%
FY 2022 Request	20.5	262.5	348.5	75%

14. Additional USMS positions

Requested Increase: \$284,000 FTE: 3

The judiciary request \$0.3 million for five additional USMS positions bringing the total number of judiciary-funded positions at the USMS to 88. This request consists of \$0.3

million for three positions (2 FTE) in the CSO Applications and Qualifications branch, which would allow the USMS to better identify and mitigate security risks, conduct more robust compliance reviews, and increase the efficiency of the CSO onboarding process.

In addition, the request includes two positions (1 FTE) for the CSO radio communications program. The FY 2020 financial plan included two contractors to support the CSO radio communications program for \$0.3 million. However, due to the sensitive nature of the work, the USMS determined that these positions need to be filled with permanent employees rather than contractors. The additional staff are needed to meet industry standards for maintaining CSO radios and equipment (e.g. repeaters, antennas, base stations, routers, power supplies, etc.). Without the additional staff, USMS will be unable to replace radios and antennas on a cyclical basis and rather only on an as-needed basis. Though the USMS authorized staffing level will increase by two positions, no additional funding is required.

FINANCING THE FY 2022 REQUEST

ANTICIPATED CARRYFORWARD BALANCES FROM FY 2021 AND PRIOR YEARS INTO FY 2022

Estimated Funds Available: \$15,000,000

The judiciary projects \$15.0 million will be available through anticipated savings and prior-year recoveries to carry forward from FY 2021 into FY 2022 to offset partially the FY 2022 appropriation request for the Court Security program. The judiciary will advise the appropriations subcommittee staffs of changes to this estimate.