

**STATEMENT OF
STACIA HYLTON, FEDERAL DETENTION TRUSTEE,
DEPARTMENT OF JUSTICE
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE
AND RELATED AGENCIES**

March 27, 2007

Mr. Chairman and Members of the Subcommittee:

Good afternoon and thank you for the opportunity to testify on behalf of the President's Fiscal Year (FY) 2008 Budget request for the Office of the Federal Detention Trustee (OFDT), Department of Justice, totaling \$1,294,226,000 (\$1,262,391,000 for detention services and \$31,835,000 for JPATS Transportation).

The Department's focus on securing our borders, waging the war on drugs, reducing violence and gangs in our neighborhoods, and protecting our children from sexual predators are all important initiatives and all have a direct impact on the increased need for detention and prison space at the state and federal level. Your continued support is much appreciated since, as we all know, the ultimate success of new law enforcement strategies depends upon the ability of each agency to bring to bear the appropriate resources at each stage of a case -- arrest, detention, transport, judicial process, and incarceration. Increasing the resources of one facet without considering the requirements of other facets will ultimately impede our efforts to accomplish the stated goal.

OFDT's mandate is the oversight of detention management and the improvement and coordination of detention activities for the Department of Justice (DOJ) and the Department of Homeland Security (DHS). In addition, Congress, in 2005, directed OFDT to assume the responsibility of managing the Justice Prisoner and Alien Transportation System (JPATS) to ensure equality among agencies while allowing unimpeded prisoner transportation operations.

We have made great strides over the past 20 months; however, the increasing detainee population demands diligence in the daily management of detention resources. Below I will discuss some of the challenges we face in the detention community, some of our successes, and the FY 2008 budget request.

The Federal Government relies on various methods to house detainees at the most efficient cost, in terms of both operational effectiveness as well as monetary resources, to the government: (1) federal detention facilities, where the government pays for construction and operation of the facility; (2) Intergovernmental Agreements (IGA) with State and local jurisdictions for prison/jail bed space, where a daily rate is paid; (3) private jail facilities where a daily rate is paid; and, 4) Cooperative Agreement Program (CAP), where capital

investment funding is provided to State and local governments for detention space in exchange for guaranteed bed space where a daily rate was paid.

Of the approximate 56,000 detainees held daily in FY 2006, 65% were housed in state and local facilities, 20% in BOP facilities, and 15% in private detention facilities. There are 11 BOP federal detention centers and nine private detention facilities. In the past, the Department has relied solely on Federal facilities and IGAs to meet the needs of the detention population. Now, State and local governments are also experiencing higher volumes of detainees due to increased law enforcement initiatives, a trend which requires them to use the beds in their own jails. As a result, the Department must increasingly look to private contractors.

I believe that the best value for the government, nationwide, is to balance the use of federal, local, and private detention bedspace. IGAs have been and continue to be a good approach to housing federal detainees due to the overall size of the detainee population located throughout the U.S. and its territories, the variance in bed space requirements from district to district and importantly, the need to locate detention beds as close to federal court cities as possible. OFDT will continue to work cooperatively with state and local governments and the private sector to establish and maintain capacity for those in federal custody in cost-effective, safe, secure, and humane facilities.

CAP has been, in the past, a principal tool used by the federal government to secure guaranteed, long-term detention bed space in close proximity to court cities; however, in recent years, CAP funding has been lost to other competing priorities and very seldom makes it into the Commerce, Justice, and Science Budget. Identifying CAP funds through the Commerce, Justice, Science appropriation could help alleviate both federal and local detention issues. For instance, counties could use, once again, CAP funding to make capital improvements for increased space and increased security of local jails in exchange for guaranteeing a specified number of detention beds for federal prisoners. OFDT is looking to revive the program, believing it to be a cost effective approach to guaranteeing bed space in districts where detention space is a significant challenge in the present environment.

JPATS is responsible for moving federal prisoners and detainees, including sentenced and pretrial detainees and deportable aliens, whether in the custody of the United States Marshals Service, Bureau of Prisons, or Immigration Customs Enforcement. OFDT's long term goal of increasing the efficiency of JPATS includes several primary projects for equitable distribution of costs and faster prisoner movement with available resources.

Another key OFDT strategy is expanding eGovernment initiatives to address the state of technology within the detention community, where the situation is often that of multiple agencies with disparate and incompatible legacy IT systems and capabilities. Many of the data processes are either manual or within a local IT environment which does not result easily in efficient electronic information sharing. Developing a strategy that aligns the operational needs of the detention community with emerging eGovernment technologies and integrating an IT Infrastructure that takes advantage of new commercial-off-the-shelf solutions while leveraging current IT assets, will assist in streamlining detention operations

and reducing costs. To accomplish these goals, OFDT is developing a comprehensive IT environment that addresses the business requirements of detention operations, establishes the foundation for future technology requirements, and integrates enterprise solutions with existing legacy systems.

Fiscal Year 2006 Accomplishments

To ensure that the detention community's ability to provide effective and humane detention keeps pace with aggressive law enforcement initiatives, OFDT works with the detention community to identify and implement efficiencies and strategies to mitigate the ever increasing population growth. OFDT also seeks to realize efficiencies without hampering operations and strives for savings which can be reinvested in infrastructure improvements, providing cost containment over the long term.

Over the past 20 months, OFDT's approach has been to aggressively mitigate the growth in population by improvements to infrastructure that reduced the time in detention from 186 days to 140. Any savings (or cost avoidance) is reinvested in infrastructure improvements, including additional transportation support. Several initiatives, with the major focus on the post sentencing process, were undertaken. Two key projects were 1) automating paperwork required to designate and transfer inmates from detention to incarceration and 2) adding regional in-transit housing hubs.

The interagency automation system, eDesignate, was developed to allow the Courts, USMS, and BOP to electronically transmit and exchange documents for the post-sentencing process. Operationally, the system accelerates the movement of prisoners from detention to BOP facilities thereby reducing the number of days in detention and the corresponding pressure on appropriated resources. e-Designate also assists agency personnel in the administratively taxing designation process. The system is in place in 50 districts and will be fully deployed to all districts by the end of fiscal year 2007.

The addition of two regional in-transit housing hubs as transfer centers for JPATS, at strategically located sites, immediately decreased the time in transportation by 4 days. Four additional hub sites will come on line over the next 18 to 20 months. Up until 2006, only one transfer center (OKC) existed and it was often at capacity, leading to backups in the entire system. This initiative also will reduce some capacity issues and detention costs by allowing sentenced prisoners to be staged in facilities outside court cities, where per diem rates are generally lower. In FY 2005 and 2006 and continuing into 2007, OFDT funded special airlift missions to relieve congestion at JPATS pressure points. Through these supplementary airlifts, prisoners were transported to BOP designated correctional facilities more expeditiously, resulting in a noticeable reduction in post-sentencing detention time.

As a result of several proactive initiatives, taken by OFDT, U.S. Attorneys, and other detention agencies¹ -- such as fast-tracking prosecution of selected offenses, reducing the

¹ Many of the initiatives focused on Southwest border districts where there was tremendous growth in the detainee population over the past decade. For example: sentenced prisoners along the Southwest Border with short-term sentences (less than 180 days), historically served those sentences in detention facilities. OFDT, in

number of defendants ordered detained, and expediting the designation and transfer of sentenced prisoners to BOP facilities -- the detention rate decreased from approximately 85 percent of persons arrested during FY 2004 to 82 percent during FY 2005-2006; and the length of time defendants are detained pending adjudication and subsequent transfer decreased from 159 days during 2004 to 145 days during FY 2005-2006.

In 2006, OFDT launched DSNetwork, a multifaceted, full-service internet site, which supports the procurement of private detention services and state and local intergovernmental agreements, shows the results of Quality Assurance Reviews, and offers customized search capabilities. The goal is to significantly improve the interaction between government agencies and service providers and to reduce lengthy and cumbersome workloads required for locating, procuring, and monitoring detention services. Among the services already in place are Electronic Intergovernmental Agreements (eIGA) and the Facility Review Management Systems (FRMS). eIGA provides a core-rate baseline for negotiations, automates current forms, and tracks the IGA life cycle, from application to implementation. FRMS facilitates Quality Assurance Reviews for contract and high volume IGA facilities, which provide a system of objective checks and balances while ensuring the government receives the services for which it paid. The comprehensive Quality Assurance Review Program includes assessment, follow-up, and training to ensure safe, secure, and humane confinement, as well as address Congress' concern for public safety as it relates to violent prisoners (e.g., *Interstate Transportation of Dangerous Criminals Act, also known as Jenna's Act*).

Reducing time in detention has had a significant impact on detention resources by allowing the system to take in more detainees, freeing up much needed bed space in court cities, and easing the pressure on detention funding. As the examples above indicate, OFDT and our detention community partners have worked hard for cross-government solutions. While we still have a growing detainee population, over the past 20 months we have developed strategies and implemented efficiencies so that we no longer have costs rising as rapidly as they have in the past. From FY 2000 to FY 2007, the USMS detention population increased at an average of 8.5 percent, annually. As a result of these and other initiatives, OFDT currently projects that FY 2008 detention will increase at the rate of 2.1 percent above the FY 2007 level. We have made significant progress in advancing detention infrastructure; nonetheless, vigilance in the management of this complex program is still required.

Fiscal Year 2008 Budget Request

For FY 2008, the President's Budget requests \$1,294,226,000 (\$1,262,391,000 for detention services and \$31,835,000 for JPATS Transportation). A total of 21 positions are funded. This request represents an increase of \$68,410,000 over the FY 2007 Joint Resolution Enacted level. The request includes \$5,185,000 for adjustments-to-base, \$2,475,000 for a technical adjustment, and \$3,000,000 reduction for program offsets. In

conjunction with BOP and USMS, established procedures for identifying those prisoners and expediting their transfer to the BOP.

addition, language is included allowing up to \$5 million to be made available for the Cooperative Agreement Program (CAP).

The Average Daily Population (ADP) projected for detention for FY 2008 is 63,145 and is predicated on an estimated 193,088 arrests. This projection assumes that 82 percent of those arrested will be detained for more than 4 days and that the average length of detention will be 137 days.

The FY 2008 budget request is based upon estimates that are formulated in the prior year to the budget being requested. The estimates are re-calculated throughout the year to ensure that the Office of Detention Trustee has the most accurate projections based upon the latest law enforcement data.

Detention Services -- Of the \$1,262,391,000 requested for detention services, included are costs totaling \$1,148,899,000 associated with detention and care of prisoners. Program costs for health care and medical guards are \$80,102,000 and \$15,850,000, respectively. Also included in the total cost for this program activity is \$14,114,000 for intra-district transportation and \$3,426,000 for other associated costs.

JPATS Transportation -- \$31,835,000 is requested for JPATS prisoner transportation (\$28,225,000 for air transportation and \$3,610,000 for transportation support). Transportation resources include transportation by air for long distance movements and resources for districts supporting the JPATS airlift.

Adjustments-to-Base

The base adjustment reflects an increase for medical services and other specific commodities. Costs for detention-related services have increased proportionately to the increase in the Average Daily Population and as a result of increases in relevant price indices. Accordingly, anticipated costs for health care services reflect the growth in the detention population and the Centers for Medicare and Medicaid Services estimate of increases in Medicare/Medicaid service rates.

The resources that Congress provides to OFDT and to other detention agencies are critical to our success. All of us in the detention community are grateful to the Chairman and to members of the Subcommittee for your support and leadership.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions.

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STACIA HYLTON, FEDERAL DETENTION TRUSTEE,
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March 12, 2008

Chairman Mollohan, Ranking Member Frelinghuysen, and Members of the Subcommittee:

Good afternoon and thank you for the opportunity to testify on behalf of the President's Fiscal Year (FY) 2009 Budget request for the Office of the Federal Detention Trustee (OFDT), Department of Justice, totaling nearly \$1.3 billion, a majority of which is for detention services and close to \$33 million is for the Justice Prisoner and Alien Transportation System (JPATS).

Securing our Nation's borders, continuing the war on drugs, reducing violence and gangs in our neighborhoods, and protecting our children from sexual predators are all important initiatives that have a direct impact on the increased need for detention and prison space at the state and federal level. Your continued support is appreciated. The ultimate success of new law enforcement strategies depends upon the ability of each agency to bring to bear the appropriate resources at each stage of a case – investigation, arrest, judicial process, detention, transportation, and incarceration. Increasing the resources of one facet without considering the requirements of others can impede efforts to accomplish stated goals.

In 2005, Congress directed the OFDT to assume the responsibility of managing the (JPATS) to ensure equality among agencies while allowing unimpeded prisoner transportation operations. In December 2007, Congress approved OFDT's proposed organization incorporating this directive. In general, the new organization structure, which includes the position of Assistant Trustee for Transportation, provides better alignment to support increased emphasis on strategic planning, outcome measurement, improved projection methodologies, and strengthened financial management.

I would like to discuss some of the challenges we face in the detention community, along with some of our successes, and the FY 2009 budget request. To begin, I am pleased to report that our current projections for the remainder of FY 2008 are right in-line with the appropriated funds received. We have worked diligently on improving detention program effectiveness and on our forecasting population model in order to ensure this account is in alignment. However, this account can be very volatile due to a number of variables,

including, but not limited to rising costs for detention beds in mission critical locations and aggressive law enforcement initiatives implemented outside the budget cycle.

Over the past three years, OFDT has launched numerous successful cost avoidance initiatives that have allowed us to manage the account more effectively by reducing time in detention. These initiatives, which have been taken into account in OFDT's budget request, enabled OFDT to continue to meet the increase of new arrests while better containing the funding requirements for the population. I emphasize that we have already accounted for the efficiencies that we anticipate will be realized in the detention account. We also have adjusted the population projections to incorporate these efficiencies and established aggressive performance measures to ensure they stay on track to keep costs down.

The FY 2009 budget request is based upon the trends in growth experienced over the last several years, and OFDT should be able to mitigate the normal variables always experienced in detention. OFDT does not anticipate any unobligated balances from FY 2008 that can be carried over into FY 2009. Therefore, our concern is with law enforcement and immigration initiatives that occur outside of the budget process and cause significant detention population increases.

The Federal Government relies on various methods to house detainees. Detention bed space for federal detainees is acquired "as effectively and efficiently as possible" through: (1) federal detention facilities where the government pays for construction and subsequent operation of the facility through BOP; (2) Intergovernmental Agreements (IGAs) with State and local jurisdictions who have excess prison/jail bed capacity and receive a daily rate for the use of a bed; (3) private jail facilities where a daily rate is paid per bed; and, (4) the Cooperative Agreement Program (CAP), where capital investment funding is provided to State and local governments for guaranteed bed space in exchange for a daily rate.

I believe that the best value for the Government, nationwide, is to balance the use of federal, local, and private detention bed space. IGAs have been and continue to be a good approach to housing federal detainees due to the variance in bed space requirements from district-to-district. More importantly, the IGAs assist OFDT in locating detention beds close to federal court cities which provide efficiencies for the United States Marshals Service (USMS) who carry out the daily operational mission of detention. Of the 56,290 total average daily population in FY 2007, 65% were housed in state and local facilities, 21% in BOP facilities, and 13% in private detention facilities.

As those statistics indicate, state and local government facilities are incredibly important to us. Available capacity in these facilities over the past few years has been declining due to competing priorities in the local government budgets, thereby reducing jail expansions in some locations. We are currently focusing our efforts to strategically work with local governments in an effort to establish and maintain cost-effective, safe, secure, and humane facilities for those in federal custody. OFDT is taking a number of steps by leveraging technology, streamlining work and driving economies of scale through effective capacity planning. These are further explained in our budget request.

A key strategy for OFDT in stabilizing this account has been to take every opportunity to mitigate the growth in the detainee population through improvements to infrastructure that reduce the time in detention. Toward that goal, we have increasingly established cross government solutions, mostly through technology, to streamline the workload across participating agencies. For example, our first of a number of projects undertaken to reduce time in detention was eDesignate, now implemented in all judicial district and territories. Reducing time in detention has had a significant impact on detention resources by allowing the system to take in more detainees, freeing up much needed bed space in court cities, and easing the pressure on detention funding. Time in detention peaked at 186 days and is projected to fall to 118 days in FY 2009, at which time the total cost avoided is projected to reach nearly \$35 million.

DSNetwork, a multifaceted, full-service internet site for detention services, is another key initiative. The network permits authorized detention stakeholders to access information regarding procurement, availability of bed space for federal use, and detention facility data. Detention services include the Electronic Intergovernmental Agreement (eIGA), the Facility Review Management System (FRMS), the Multi-year Acquisition Plan (MAP) and the Detention Services Schedule (DSS) as part of OFDT's Quality Assurance Program (QAP). FRMS is a web-based application that standardizes, records, and reports the results of Quality Assurance Reviews (QARs) performed at private contract and high-volume IGA facilities. FRMS has been used successfully in numerous QARs and will provide the basis for data and trend analysis. MAP, a web-based system available for detention agency long-range planning, reached full implementation in FY 2008. DSS, which will focus on detention bed space and services, is still under development.

We are also aggressively seeking improvements to the transportation infrastructure that will reduce "choke points" in the system. In 2006, OFDT developed a concept of increasing available in-transit housing through Regional Transfer Centers (RTC) and Ground Transfer Centers (GTCs). After the success of our pilot project with the Grady County jail as an overflow facility for the Federal Transfer Center (FTC) in Oklahoma City, OFDT determined that additional RTCs and GTCs strategically located nationwide would further reduce the dependence on the Federal Transfer Center (FTC) in Oklahoma. Additional RTCs and GTCs will provide better scheduling capabilities, better utilization of transportation modes, and further reduce time in detention.

Following the model of Grady County, OFDT facilitated an agreement with a San Bernardino, California facility, which also provides for ground transportation between the airlift and facility, and transportation to other close proximity BOP facilities. Most recently we activated the Robert Deyton facility outside Atlanta, Georgia. OFDT's strategy is to increase the number of RTCs and analyze other heavy detention population areas. The goal is to have a total of 2,000 relatively low-cost transfer center beds available by the end of FY 2008.

DOJ has increasingly turned to the private sector to provide bed space in those areas where bed space is unavailable in federal, state, or local facilities. To provide for future detention needs, as well as to provide housing to support the expansion of RTCs/GTCs, two

new facilities will be constructed and are scheduled to be on-line in FY 2009. The Nevada Detention Center will provide approximately 1,000 beds to support the court city of Las Vegas, Immigration and Customs Enforcement, and JPATS. The new Laredo, Texas, Detention Center will provide approximately 1,500 beds to support the court city of Laredo and, once operational, will provide beds for a GTC, a staging area for in-state designations, and for "short-term" sentenced prisoners.

Each of these locations has not only addressed in-transit beds, but is determined to be strategically located to serve locations that were experiencing difficulties with detention and prison beds, so that federal and local governments have the ability to capitalize on economies of scale, by working closely together.

An important facet of the conditions of confinement is ensuring appropriate medical care for detainees at or near detention facilities. Rising medical costs puts an even greater burden on the detention community's already significant challenge to provide a uniform approach at the best value to the Government, while minimizing the cumbersome process for field operations. To the extent possible, the USMS leveraged a re-pricing strategy to address such costs. OFDT enhanced this approach by awarding a national managed-care medical contract to provide a uniform, systematic approach that reduces staff work hours and tracks medical savings nationwide.

Seeking to lessen the requirements for detainee bed space, where possible, OFDT continues to enhance the Federal Judiciary's program of alternatives to pretrial detention; such as: electronic monitoring, halfway house placement, and drug testing and treatment. Historical data indicates that the federal detention account would have incurred costs of over \$28 million had the defendants been detained in secure facilities rather than utilizing an alternative to detention.

Concurrent with the desire to create efficiencies within detention is the need to ensure that facilities utilized by the Federal Government provide for the safe and secure confinement of detainees. This is especially challenging considering the large number of state, local and private facilities in use. OFDT developed the QAP, which includes QARs and the FRMS, to ensure that facilities providing detention bed space to the Federal Government meet a minimum confinement standard. This program has been developed to span across various detention agencies and is tied to performance-based contracts, validating that expenditures are in line with the services required by the contract.

While we have been successful in improving the detention infrastructure and stabilizing the detention account, diligence in the daily management of detention and transportation resources is still required. Through these and other initiatives discussed, we are constantly strengthening infrastructure and creating a more effective environment for the detention communities. When we can strategically plan for the full impact of law enforcement initiatives, we will see a reduction in the volatility we have seen previously in this account over the years. In closing, we are grateful for the spirit of cooperation from the leadership of the United States Marshals Service and the Federal Bureau of Prisons.

Fiscal Year 2009 Budget Request

For FY 2009, the President's Budget requests \$1.3 billion (\$1.26 billion for detention services and \$33 million for JPATS transportation). A total of 24 positions are requested to be funded. This request represents an increase of \$69 million over the FY 2008 appropriation. The requested increase includes: approximately \$86 million for adjustments-to-base, \$38 million for program increases and \$54 million in program offsets.

The Average Daily Population (ADP) projected for detention for FY 2009 is 60,821 based on estimated bookings. OFDT projected for a sizeable increase in general immigration activities in FY 2009. The Congress recently ordered the immediate expansion of DHS' *Operation Streamline*, which has the potential to significantly impact detention requirements. OFDT does not have sufficient information to determine the actual impact of this initiative, additional growth resulting from the expansion of this program is not included in the projected ADP.

The resources that Congress provides to OFDT and to other detention agencies are critical to our success. All of us in the detention community are grateful to the Chairman and to members of the Subcommittee for your support and leadership.

Mr. Chairman, this concludes my remarks. I would be pleased to answer any questions.

QUESTIONS FOR THE RECORD - Chairman Alan B. Mollohan
Office of the Federal Detention Trustee (OFDT)

Please provide the number of on-board FTEs for September 2005, September 2006, and March 2007 by each program in your agency.

The OFDT has only one program activity for 2005-2007. In September 2005, the OFDT had 17 on-board FTE, in September 2006, 20 FTE, and in March 2007, 21 FTE.

Please provide the number of on-board FTEs for September 2005, September 2006, and March 2007 by each agency location (including international offices).

OFDT has only one location: Arlington, VA. In September 2005, the OFDT had 17 on-board FTE, in September 2006, 20 FTE, and in March 2007, 21 FTE.

Please provide the number of contract employees for September 2005, September 2006, and March 2007 by each program in your agency.

The OFDT has only one program activity for 2005-2007. In September 2005, the OFDT had 5 contract employees, in September 2006, 31, and in March 2007, 31. In addition, our office has several contracts that have multiple contractors providing subject matter expertise for limited periods of time for short-term projects. Because the lists of these experts are greater than the number we would use for any project, the projects are short-term, and the contractors may or may not be used on any project, we did not include them in our contractor count.

Please provide the number of contract employees for September 2005, September 2006, and March 2007 by each agency location (including international offices).

OFDT has only one location: Arlington, VA. In September 2005, the OFDT had 5 contract employees, in September 2006, 31, and in March 2007, 31. In addition, our office has several contracts that have multiple contractors providing subject matter expertise for limited periods of time for short-term projects. Because the lists of these experts are greater than the number we would use for any project, the projects are short-term, and the contractors may or may not be used on any project, we did not include them in our contractor count.

Please provide the name and grade level for each Presidential Appointment with Senate confirmation (PAS), non-career Senior Executive Service (SES), schedule C and schedule A appointee in your agency in fiscal years 2005, 2006 and projected for 2007.

The OFDT has no PAS, non-career SES, or schedule C or A appointees.

Please provide the number of detailees assigned to your agency, whether the detail is reimbursable or not, and the entity from which they came for fiscal years 2005, 2006, and projected for 2007.

The OFDT has not had any detailees during the period 2005-2007.

Please provide the number of employees on detail to another entity and the name of the entity to which they are assigned for fiscal years 2005, 2006 and projected for fiscal year 2007.

The OFDT has one employee on detail as of March 2007. The employee is detailed to the Department's Justice Management Division personnel office. OFDT did not have any detailees prior to 2007.

Please provide a list of any procurements made for the service of a media consultant in fiscal years 2005, 2006 and 2007.

The OFDT has never procured the services of a media consultant.

QUESTIONS SUBMITTED BY CHAIRMAN MOLLOHAN
Office of the Federal Detention Trustee
March 12, 2008

General

QUESTION: You testified that your FY 08 projections are in line with your appropriated levels, meaning that you have sufficient funding in FY 08 to accommodate your population. However, the FY 09 request includes a \$60 million base program adjustment that is described as necessary to make up for FY 08 cuts. Why do you need a program adjustment to make up for FY 08 if your FY 08 projections are in line with your appropriation?

ANSWER: The Office of the Federal Detention Trustee's budget requirement for any given fiscal year is always based on the most current information available regarding the detainee population at the time. OFDT's anticipated needs are then technically presented in the budget. Thus, when the FY 2009 budget was originally formulated, the base for the presentation was the FY 2008 President's Budget and the anticipated need was \$1.3 billion. Before the FY 2009 budget request was submitted to the Hill, the FY 2008 Consolidated Appropriations Act was passed and OFDT's enacted level was \$60 million lower than the President's FY 2008 Budget request, the net effect of which was to reduce OFDT'S FY 2009 total requirements. Since the requirement remained at \$1.3 million, the \$60 million was merely an adjustment to maintain the formulated level of need for FY 2009.

Population Projections

QUESTION: Please provide OFDT's projected and actual average daily populations for each of the last 5 fiscal years.

ANSWER: Projecting the average daily population (ADP) for the detention account is a challenging exercise due to the complexity and dynamic nature of the many variables that are involved in calculating the projections. For example, prior to formulating a budget for a given fiscal year, detention projections are calculated using reliable trend analyses comprised of several leading indicators such as: types of bookings; time in detention; law enforcement and attorney staffing levels; and other criteria which are factored into the projection with a significant degree of accuracy. However, there are a number of other influences such as special law enforcement and prosecutorial initiatives which are frequently established outside of the budget process (and usually after the budget year decisions have been made) that have substantial influence on detention needs. For this reason, population projections are in a fairly constant state of flux and require periodic adjustments based upon these variables. The following chart depicts the ADP projections from FY 2004 through FY 2009:

ADP Projections						
Fiscal Year	President's Budget	November Recalculation	February Recalculation	May Recalculation	July Recalculation	Actual
2004	* 45,010	48,499	49,598	49,698	49,855	49,712
2005	* 50,001	46,310	55,115	54,312	53,801	54,121
2006	60,558	58,362	57,745	56,972	56,610	56,413
2007	62,920	61,816	57,352	56,673	56,615	56,290
2008	63,145	59,001	56,821			** 56,821
2009	60,821					** 60,651

* ADP as presented in the budget was reduced to correlate to resources: the account experienced significant shortfalls in FY 2004 and 2005.

** Current Estimate

It is important to note that the budgets for FY 2006 and 2007 were formulated prior to OFDT designing and implementing a number of cost avoidance projects that ultimately reduced the ADP by reducing time in detention. The FY 2008 and 2009 budgets (which were developed in FY 2006 and 2007) are the first formulations to factor in the efficiencies that were achieved as a result of these measures.

QUESTION: The OFDT FY 09 enhancement request is part of a larger Department-wide southwest border initiative. What kind of coordination took place across the Department to create this multi-component border initiative and ensure that the different pieces fit together into a coherent whole?

ANSWER: The Department of Justice (DOJ) worked closely with the Office of Management and Budget during the fall of 2007 to ensure that a comprehensive budget request was included as part of the President's FY 2009 budget request to Congress. The OFDT has been providing regular programmatic and statistical updates to the Justice Management Division to ensure that senior departmental leaders are kept abreast of how Southwest Border initiatives impact the OFDT. At the local level, the funding will be used to accommodate an anticipated increase in the number of detainees placed in non-federal facilities along the Southwest Border. These resources will be utilized to fund the costs associated with providing housing, care and transportation of detainees.

Recognizing that the Department of Homeland Security's secure Border initiatives have a direct and significant impact on DOJ components, the FY 2009 request includes \$100 million for the Southwest Border including new resources for: the United States Marshals Service (USMS); Executive Office for U.S. Attorneys; Bureau of Alcohol, Tobacco, Firearms and Explosives; Criminal Division; Executive Office of Immigration Review; Drug Enforcement Administration; and Organized Crime Drug Enforcement Task Force.

QUESTION: What is the level of coordination between OFDT and DHS when estimating the impact of DHS enforcement activity? What is the mechanism by which this coordination takes place?

ANSWER: The OFDT and the U.S. Customs and Border Patrol (CBP) have facilitated multiple discussions on how to effectively and efficiently detain and transport illegal immigrants apprehended along the Southwest Border. For example, during initial operations in the Tucson and Yuma sector of the Border, the CBP estimated that 25-30 arrests per day (in each city); however, 35-40 arrests were made. Shortly thereafter, CBP announced that they would like to increase their arrests to 100 detainees per day in Tucson alone. After further discussion and negotiations with the CBP, it was agreed that there was inadequate space to detain this magnitude of illegal immigrants. The CBP agreed upon the apprehensions of 40 illegal immigrants in the Yuma sector and 60 within the Tucson sector. Through these types of negotiations and mutual consideration, the OFDT has been able to handle this increase in population with existing resources. .

Detention Capacity Planning

QUESTION: How do federal, state/local, and private facilities rank in terms of average jail day costs?

ANSWER: The Federal Bureau of Prisons (BOP) operates all Federal facilities that house Federal detainees. BOP estimates an average daily cost of \$72.44 per inmate. OFDT anticipates that by FY 2009, private facilities will cost an average of \$93.06 a day versus an average of \$68.35 for state and local facilities. In a straight cost analysis comparison, it would appear that private facilities are generally the most expensive detention facilities for the USMS to use. However, this type of comparison does not represent a true picture upon which to measure costs since private facilities are routinely acquired in locations where federal, state and local facilities are generally unavailable; therefore, competitive options for detention are extremely limited or do not exist at all. Additionally, these locations tend to be in high real estate areas that have significant cost impact such as: New York, Arizona, Nevada, and San Diego. This being the case, the OFDT seeks to capitalize on and achieve economies of scale, whenever and wherever possible, to mitigate the costs associated with detention bed space.

QUESTION: Would OFDT like to see a long term shift in the split of detainees between federal facilities, state/local facilities and private facilities? What kind of constraints might prevent you from making any such long term shift?

ANSWER: As conveyed in the Trustee's written and oral statement, OFDT believes that the best value for the Federal Government would be the balanced use of federal, local, and private detention bed space. OFDT does not determine the type of facility for any specific site by preference. The OFDT determines the best location by evaluating program requirements and then determining the best value to the Government. Section 119 provides OFDT the freedom to acquire bed space at the best economical value to the Government.

QUESTION: Does OFDT believe the revitalization of the CAP program will make a substantial impact in the availability of state and local detention space? If so, can you quantify that impact?

ANSWER: The revitalized Cooperative Agreement Program (CAP) provides resources to select state and local governments to renovate, construct, and equip detention facilities in return for guaranteed bed space for a fixed period of time for federal detainees in or near federal court cities. This program is important because it gives OFDT another asset to negotiate for bed space and guarantees beds in difficult situations, which can occur even with the smallest amount of beds. Though the impact on quantity will be negligible, nevertheless, the possibility of acquiring bed space where none is currently available (and/or alternative facilities are located a great distance away from the courts) could make a significant difference for USMS operations.

QUESTION: Will all agreements under the revitalized CAP now include a fixed per diem rate, with standardized increases over the life of the agreement?

ANSWER: OFDT's goal for CAP policies is to best leverage CAP agreements for a long-term, fixed per diem rate which allows for per diem rate increases within a fixed acceptable margin of growth, mirroring the length of the agreement. We are looking to control cost increases in comparison to the past when the number of beds were guaranteed, but the per diem rate was not; the local government holding the CAP agreement was allowed to request per diem increases in the same manner as other state and local governments holding IGAs (standard agreements). However, CAP agreements cannot be standardized; negotiations are individualized and some negotiations may not be as successful as others, depending on the severity of the bed situation.

QUESTION: How much funding within the FY 09 request will be used for the revitalized CAP program? How much additional detention space will that provide?

ANSWER: Currently, OFDT's appropriation language provides up to \$5 million of the appropriation for the CAP program. Although numerous applications have been submitted, specific sites have not yet been selected. Presently, OFDT has identified 10 to 15 court cities that have either the most critical shortage of bed space, an expiring CAP, or a new requirement with no viable alternative. In addition, OFDT is targeting 700 beds and anticipates that there will be a minimum of 60 percent -- or 420 beds -- available after negotiations have concluded.

Detention Confinement Standards

QUESTION: Why is OFDT projecting a decrease in the number of facilities compliant with minimum confinement standards between 2007 and 2009?

ANSWER: We did not anticipate being able to achieve 100 percent compliance in FY 07 since the Quality Assurance Review (QAR) Program is still a relatively new initiative and some initial crossover from year to year is to be expected. It is often difficult to identify clear-cut goals at the outset of a newly-created program. However, as the program becomes more established over time, one has a better opportunity to assess current targets (as a result of more available and reliable data) and to ascertain reasonable adjustments

with which to measure its success. We do not envision attaining 100% compliance at this early stage of the program. Nevertheless, as data becomes more available and dependable, we will raise the bar in establishing achievable targets with specific, measurable outcomes.

QUESTION: Looking at data from prior years and OFDT's projections for 2008 and 2009, it appears that private facilities are more likely to be in compliance with the minimum confinement standards? Does OFDT believe this is the case, and, if so, why?

ANSWER: Private facilities are more likely to be in compliance with the minimum confinement standards because they are contractually bound to meet the minimum standards or face financial penalty. Private contractor performance evaluation and compensation is based upon each facility's ability to demonstrate alignment with the standards.

QUESTION: Does OFDT inspect every facility that houses federal detainees, or only those that house some minimum number of detainees? If the latter is true, how does OFDT verify the quality of facilities where only a small number of detainees are housed?

ANSWER: OFDT has developed a comprehensive QAR Program that ensures all facilities are reviewed and/or inspected. OFDT conducts QARs annually at: private facilities; high volume IGA facilities (average daily population of 500 plus); any facility that has had a significant incident; and, special requests by detention agencies. All other facilities have an annual inspection conducted by USMS field representatives. OFDT has developed an automated Facility Review Management System (FRMS) which captures 560 checklist data elements for each facility reviewed. These data elements reflect specific points of compliance required to meet the Federal Performance-Based Detention Standards. As this data continues to be gathered, FRMS will generate the data necessary to not only document improvements in the quality of confinement but will enable in-depth analysis of potential problem areas. With such information garnered from each inspection (regardless of the number of detainees housed at the facility), reviewers will be able to thwart the growth of negative trends by expanding specific areas of review. The consistent gathering of data and analysis gives us the tools necessary to ensure that our detainees' confinement is not only safe, secure and humane, but that the quality of such interim care is on a continuous path of improvement.

QUESTION: What steps are taken when deficiencies are noted? Has OFDT ever stopped placing detainees in a particular facility because of repeat violations of the confinement standards?

ANSWER: When a facility review notes deficiencies, the facility is required to submit a corrective action plan addressing these deficiencies to OFDT. However, when a review identifies an area "at risk," an immediate corrective action must be in place before the review team leaves the facility the day it is identified. Follow-up reviews are conducted at facilities that had key standards identified as "at risk" and/or "deficient." The USMS districts directly monitor all at risk or deficient areas to ensure corrective actions remain in place and that the facility is operating in a safe, humane and secure manner. To date, facilities have been very cooperative in taking the corrective actions necessary to remove

an "at risk" rating. As a result, OFDT has not had to remove or stop placement of detainees at any particular facility.

Alternatives to Detention

QUESTION: On average, how do the per day costs of housing a prisoner through traditional secure detention compare with the per day costs of utilizing a detention alternative?

ANSWER: The cost of detention alternatives is substantially less, on average, than secure detention. During FY 2007, the Federal Judiciary expended approximately \$2.4 million of OFDT funds to supervise 3,226 criminal defendants for a total of 564,545 days. The average cost per day for detention alternatives for these 3,226 defendants was \$4.25, as compared to \$69.30 for secure detention (including detention-related services). (The Administrative Office of the United States Courts estimates that the cost per day for pretrial supervision for FY 2007 was approximately \$5.65).

QUESTION: How many detainees are currently in various alternatives to detention?

ANSWER: In FY 2007, there were 6,979 defendants released pending adjudication with release conditions that included only substance abuse testing; 9,994 were for substance abuse testing and treatment; and, 5,520 for home confinement with or without electronic monitoring.

QUESTION: Does OFDT expect to increase the use of alternatives to detention in FY 09, and, if not, why?

ANSWER: In 2008, the OFDT, in cooperation with the Judiciary, initiated a study of policies and practices relating to pretrial release and detention with the specific objective of identifying classes of criminal defendants who are currently detained but who might otherwise be good candidates for the alternatives to detention program. It is the expectation of the OFDT and the Judiciary that the results of this study could be used by the Judiciary to fashion guidance for Federal judges and Magistrate judges on the increasing use of detention alternatives. If this new guidance is promulgated by the Judiciary, additional funding may be warranted. The Trustee speaks regularly with the Administrative Office of the United States Courts and members of the Judiciary and participates on panels, along with employees from various Pretrial Services offices and Magistrate Judges, to continue to enhance this program.

As way of background, prior to the establishment of the OFDT, the USMS provided the Judiciary with \$1 million annually to support the alternatives to detention program. With the establishment of OFDT, the Detention Trustee initially increased funding to the Judiciary to \$2 million. Following the proven success of the program and the good working relationship between OFDT and the Judiciary, funding was increased in 2006 to \$4 million. OFDT will continue to make up to \$4 million available annually to the Judiciary to support the alternatives to detention program. During 2006 and 2007, the Judiciary was not able to obligate all of the available money. It is OFDT's expectation that the Administrative Office of the United States Courts will work closely with the district courts to take full advantage of the available funding.

Justice Prisoner and Alien Transportation System

QUESTION: What specific plans does OFDT have in place to increase the efficiency of JPATS operations in FY 09? What impact will these efficiencies have on total cost per prisoner?

ANSWER: The OFDT, in cooperation with JPATS, the United States Marshals Service, other government agencies, and private entities, has established Regional Transfer Centers (RTCs) to facilitate the movement of sentenced prisoners to designated correctional institutions. Establishing such hubs expands the transit infrastructure. They will improve the transportation system, reduce in-transit time, and expand ground transportation capabilities. These hubs increase Federal Transfer Center (FTC) capabilities by strategically placing additional housing close to airlift sites. They also reduce detention costs with the advent of the eDesignate system, the Federal Courts, USMS, and BOP are all able to process designations and initiate faster movement of prisoners to their commitment locations. Movement requests, both ground and air, will be put into eDesignate, which will allow agencies to see immediately where problems may exist and allow for quick resolution.

QUESTION: OFDT is projecting that the average age of the JPATS fleet will be 24 years in FY 09. When does OFDT anticipate having to replace these aging aircraft? When you do so, will the JPATS revolving fund sufficiently cover any increased leasing costs?

ANSWER: JPATS currently owns four aircraft. Although the average age of JPATS aircraft will be 24 years in FY09, it is necessary to look at the ages of the individual aircraft to get a better picture. The chart below depicts the aircraft age as of FY08 and in FY09. It should be noted that the Beech 99 Aircraft (tail number N80275) is the oldest aircraft in the JPATS fleet at 39 years of age in FY09. This represents a significant age differential to the remainder of the fleet and skews the average age. Removing the Beech 99 from the average leaves an average age of 18 for JPATS-owned aircraft in FY09.

Owned Aircraft	Year	FY09 Age
Hawker N2032	1990	19
Hawker N2033	1987	22
Beech 99 N80275	1970	39
Saab 2000 N92225	1996	13
Average Age Owned		23.25

JPATS currently has no plans to replace the Beech 99 aircraft. It is well suited to the current environment and there are no adequate replacements on the market. In this particular case, the chronological age of the aircraft is not relative to structural integrity. The Beech 99 has extremely low accumulated flight hours and flight cycles; approximately one third of the typical hours and cycles of a Beech 99 in commercial service. The same is true for the SAAB 2000 and the Hawkers.

Furthermore, the soon-to-be awarded Long Term Lease (LTL) will provide a fleet of transport category aircraft with an anticipated average age of 15.5. This would give JPATS an average fleet age, owned and leased aircraft, of approximately 19.5 years in FY09.

When JPATS determines that it is necessary to upgrade or increase our fleet, there are two alternatives. The first alternative is to purchase aircraft from JPATS' Capital Program with no impact to lease costs or customer rates; this alternative is currently only viable for smaller aircraft. The second alternative is to lease replacement aircraft. For lease aircraft there are two primary considerations: age and practical availability in the industry. Aircraft availability for aircraft manufactured after 1995 drops sharply and the expense is considerably greater. Lease costs would be dependent on the prevalent market rates and funding would be dependent on customer need and flight hour projections.

**QUESTIONS FOR THE RECORD
FROM THE
DEA – BOP/USMS/OFDH HOUSE HEARING
MARCH 12, 2008**

REPRESENTATIVE HAROLD ROGERS

QUESTION (BOP): The Bureau of Prisons has expressed concerns about the rapidly increasing prison population and the resultant over-crowding of facilities which house inmates. The inmate population has increased by 700 percent over the past 25 years, to nearly 201,000 inmates currently, which is 37% above system-wide rated capacity. In addition, BOP has indicated that inmate population is expected to grow by an additional 25,000 inmates in the next 4 years. These population projections coincide with a recent rise in violent criminal activity at Big Sandy Prison in Inez, Kentucky. I have received reports of excessively high levels of overcrowding (with 4-5 inmates occasionally sharing 1-2 person cells), numerous incidences of moderate to severe assaults involving officers and inmates, and narcotics trafficking. The following statistics on violent incidents were reported to me by USP Big Sandy employees:

- 2004: 123 investigations, 42 assaults (15 with weapons), 3 attempted murders, 1 narcotics bust
- 2005: 409 investigations, 151 assaults (58 with weapons), 2 attempted murders, 21 narcotics busts
- 2006: 773 investigations, 259 assaults (140 with weapons), 4 attempted murders and 2 murders, 13 narcotics busts

These statistics indicate substantial increases in violent incidents at USP Big Sandy.

- **Given the safety concerns for both inmates and correctional officers at Big Sandy, what are BOP's plans to decrease existing over-capacity concerns at their facilities? What are BOP's plans to maintain or decrease crowding at their facilities in future years?**

ANSWER: The BOP continues to recognize the need to mitigate the effects of prison overcrowding at BOP's most critical security levels and when appropriate add new capacity through limited new construction, contract confinement and facility expansion.

- **In order to keep pace with the projected prison population growth, how many new prisons are needed in the next ten years?**

ANSWER: Currently, as identified in the FY 2009 President's Budget, four medium security prison construction projects are fully funded.. The Budget also identifies nine partially funded construction projects.

- **What steps are being taken specifically at USP Big Sandy to quell violence and alleviate the pressure on staff that has coincided with increasingly high levels of overcrowding? What is the role of the U.S. Office of the Federal Detention Trustee in situations such as these?**

ANSWER: Several initiatives have been undertaken at USP Big Sandy with regards to inmate violence and staff safety.

USP Big Sandy is currently in the process of increasing their correctional services staff. The institution executive staff recently conducted training with staff regarding areas where incidents are more likely to occur (i.e. food service, segregation and recreation). This has led to a greater staff awareness of the potential for violent inmate behavior.

The institution has adopted and is currently using a more restrictive inmate movement schedule. This new schedule is designed to provide a more controlled environment for the inmates. The institution's Special Investigative Agent's office has also developed several proactive procedures to identify potential threats to staff safety and allow for preventative measures to be put in place.

The OFDT does not have a role in this type of situation. They are responsible for utilization of detention beds for U.S. Marshal Service prisoners, not sentenced inmates.

QUESTION (BOP): The President's Budget includes a mere \$95 million in BOP's building and facilities account, an indication that projects already in planning or under construction are subject to delays.

- **During his testimony, Director Lappin indicated that contemporary prison design affords greater efficiency in staffing because it allows staff to oversee more inmates. He acknowledged that future construction and increasing beds will be important for managing the growing prison population. What process is BOP utilizing to prioritize construction projects, given the deep B&F cuts proposed in the President's Budget? Does co-location and citing prisons in close proximity assist in controlling costs?**

ANSWER: The process BOP utilizes to prioritize construction project is based on population projections by security level. The BOP maintains a long range plan for development of future institutions in priority order. On a quarterly basis or more frequently, the Capacity Planning Committee (Agency Executives) meets to review, discuss and prioritize requests for additional capacity (expansions of existing facilities or construction of new institutions). The Committee utilizes information from a variety of sources to determine the location and security level of future institutions, conversions or modifications.

The BOP believes that co-location and siting prisons in close proximity assist in controlling overall costs. The BOP attempts to co-locate new prison projects where there is sufficient land space and community infrastructure to support more than one facility. This method has proven

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 **ORIGINAL**

**COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS FOR 2009**

Wednesday, March 12, 2008

DRUG ENFORCEMENT ADMINISTRATION

**BUREAU OF PRISONS; U.S. MARSHALS SERVICE; OFFICE OF THE
FEDERAL DETENTION TRUSTEE**

Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



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5 Wednesday, March 12, 2008

6 DRUG ENFORCEMENT ADMINISTRATION

7 BUREAU OF PRISONS; U.S. MARSHALS SERVICE; OFFICE OF THE

8 FEDERAL DETENTION TRUSTEE

4686 | are out there on the line, you know, putting themselves on
4687 | the line for us. They do a great job and we appreciate it.
4688 | And we look forward to working with you to try to meet your
4689 | real needs.

4690 | Mr. CLARK. I really appreciate it.

4691 | Mr. CLARK. Thank you both.

4692 | Mr. MOLLOHAN. Thank you.

4693 | And next we will hear from our final witness of the day,
4694 | Stacia Hylton, Federal Detention Trustee.

4695 | Ms. Hylton, we are very pleased to have you here today.
4696 | We thank you for your time. We appreciate your patience with
4697 | us. And we look forward to your testimony.

4698 | The Office of Federal Detention Trustee and the Marshal
4699 | Service are largely in the same boat with respect to surging
4700 | workload in Southwest border districts. We understand that
4701 | enhanced immigration enforcement has put an enormous strain
4702 | on your resources and challenge you to think creatively about
4703 | how you manage a constantly increasing detainee population.

4704 | We are interested to hear your thoughts about this
4705 | problem and discuss how your proposed budget increases will
4706 | help you address it. We also hope to spend time talking
4707 | about the state of detention housing and transportation
4708 | services generally. Your written statement will be made a
4709 | part of the record. I invite you to summarize that in your
4710 | oral presentation, initial presentation. But before that I

4711 | would like to call on Ranking Member Mr. Frelinghuysen for
4712 | his comments.

4713 | Mr. FRELINGHUYSEN. Welcome. Thank you for being here
4714 | and thanks for your patience.

4715 | Thank you, Mr. Chairman.

4716 | Mr. MOLLOHAN. Thank you, Mr. Frelinghuysen. Ms.
4717 | Hylton.

4718 | Ms. HYLTON. Good afternoon, Chairman and Congressman
4719 | Frelinghuysen. Thank you very much. It is a pleasure to
4720 | appear before you to discuss our President's 2009 budget
4721 | request. Your continued support in this account is
4722 | appreciated.

4723 | In addressing the budget, I would like to discuss some
4724 | of the challenges we face in the detention community, along
4725 | with our successes. To begin with, I am pleased to report
4726 | that our current projections for the remainder of 2008 are
4727 | right in line with the appropriated funds we received.

4728 | We have worked diligently on improving the effectiveness
4729 | of Detention Program and our forecasting model in order to
4730 | assure this account is in alignment with appropriated funds

4731 | As you recall, unfunded requirements can produce a
4732 | notable shortfall as we have seen in 2004 and 2005. However,
4733 | over the past three years OFTT has launched numerous
4734 | successful cost avoidance initiatives that have allowed us to
4735 | manage the account more effectively by reducing the time in

4736 | detention.

4737 | These initiatives enabled OFTT to continue to meet the
4738 | increase of new arrest while better containing the funding
4739 | requirements for the existing population. As a result, OFTT
4740 | was able to return significant unobligated balances to
4741 | Congress in the last budget cycle. I would emphasize,
4742 | however, that we have incorporated these cost savings
4743 | initiatives into our 2008 and 2009 budget request by
4744 | adjusting the population projection to account for these
4745 | efficiencies.

4746 | At the same time, we have developed aggressive
4747 | performance measures to ensure they stay on track to keep
4748 | cost contained. Therefore, our goal of bringing the account
4749 | into better alignment with appropriate funds is reflected in
4750 | the current status of 2008 budget demonstrating the success
4751 | of these efforts.

4752 | The 2009 budget request is based upon the trends
4753 | experienced over the last several years coupled with
4754 | considerable increase in immigration activities. However, as
4755 | OFTT does not anticipate any unobligated balances carried
4756 | over from 2008 to 2009 to mitigate the unknowns. Our current
4757 | concern is law enforcement and immigration initiatives that
4758 | may occur outside the Department's budget process, which
4759 | would cause significant detention population increases.

4760 | The 2009 request which totals \$1.3 billion represents an

4761 | increase of \$69 above the 2008 appropriation. This request
4762 | will require diligence in managing the time in detention. We
4763 | must ensure that sentence designated prisoners can move
4764 | swiftly into BOP beds. We anticipate that there is little or
4765 | no room for outside initiatives of which we were unaware of
4766 | during the development of this budget, nor the inability to
4767 | move sentenced prisoners into federal prison beds.

4768 | Resources are only a part of the challenge for the
4769 | detention community. Capacity planning for adequate
4770 | detention and prison beds are critical. In meeting the
4771 | federal detention space requirements, I believe that the best
4772 | value for the government nationwide remains the balanced use
4773 | of federal, local, and private detention bed space.

4774 | Interagency agreements, otherwise known as IGAs have
4775 | been and continue to be a good approach for housing USMS
4776 | federal detainees due to the need to locate those detention
4777 | beds within federal court cities. In an effort to continue
4778 | building the relationships with local governments, we rolled
4779 | out EIGA in 2008. This initiative fully automated the
4780 | paperwork for IGAs reducing numerous hours of processing for
4781 | both State and federal government and the workers that are
4782 | responsible for this cumbersome process. It has been a great
4783 | success and we are very proud of it.

4784 | In our constant drive to improve detention, we are
4785 | taking a number of steps to insure efficient capacity

4786 | planning by leveraging technology, streamlining processes and
4787 | driving economies of scales across government. We have
4788 | outlined a number of these in our 2009 budget request. I
4789 | would like to highlight a major initiative for 2009 that we
4790 | have in our budget. It is imperative to containing our cost.
4791 | If you recall e-Designate which automated the post sentencing
4792 | prisoner paperwork has been fully implemented. We now turn
4793 | our attention to seeking the improvements in the
4794 | transportation infrastructure that will reduce the choke
4795 | points in the system.

4796 | We will accomplish this by implementing our concept of
4797 | regional and ground transfer centers which will be
4798 | strategically located nationwide. Utilizing ground and air
4799 | movements more effectively by region will have a significant
4800 | impact on the efficiencies of scheduling and capacity
4801 | capabilities.

4802 | Each location is identified to provide the best location
4803 | for the transportation system, but to also address critical
4804 | bed space shortages in certain judicial districts. While we
4805 | have realized in detention and stabilize the account,
4806 | diligence and daily management of detention and
4807 | transportation resources remains imperative. We are
4808 | constantly strengthening the infrastructure and creating a
4809 | more effective environment for the detention community.

4810 | With approximately 190,000 new arrests annually an

4811 | effective infrastructure and management is critical to
4812 | ensuring costs are contained within appropriated levels. What
4813 | still remains to be addressed is the full impact of law
4814 | enforcement initiatives throughout the system. Within the
4815 | budget process in order to reduce the volatility we have seen
4816 | in the account over the years. We are grateful for the
4817 | spirit of cooperation from the leadership of the United
4818 | States Marshal Service and the Federal Bureau of Prisons.

4819 | In closing, we appreciate the resources that Congress
4820 | provides to OFTT, your support and your leadership.

4821 | Mr. Chairman, this concludes my remarks and I am pleased
4822 | to answer any question that you may have.

4823 | [The information follows:]

4824 | *****INSERT*****

4825 Mr. MOLLOHAN. Your fiscal year 2009 request totals \$1.3
4826 billion including \$38 million to address the increased number
4827 of detainees generated the DHS enforcement efforts. You have
4828 based your budget largely on a projection of the average
4829 daily detainee population, which you estimate to be 60,821
4830 average daily detainees in 2009.

4831 How did you calculate your average daily population
4832 projections?

4833 Ms. HYLTON. Our average daily population projections
4834 incorporate time in detention and new arrests coming in. Time
4835 in detention, of course, is generated by the offense similar
4836 to how BOP forecast their population. And so, you know,
4837 where drugs themselves will create a longer time in detention
4838 because of the complexity of the case.

4839 Immigration initiatives and offenses sometimes will be
4840 quicker through the system. So it is a balance of that time
4841 in detention incorporating those offenses that we have see in
4842 the trend.

4843 Mr. MOLLOHAN. I am looking at a chart that has your
4844 actuals up until 2008. But it doesn't have what you have
4845 projected for those years. How accurate have those
4846 projections proved to be?

4847 Ms. HYLTON. Well, you know, we are very pleased on the
4848 projections.

4849 Mr. MOLLOHAN. Okay.

4850 Ms. HYLTON. We have put a lot of work into these. And
4851 we of course as we talked a little bit about last year, you
4852 know, are faced with the fact of the unknown coming towards
4853 us.

4854 Mr. MOLLOHAN. No, no. I know. But how accurate have
4855 they proven to be in the past, your projections?

4856 Ms. HYLTON. I am pleased to say this year we are right
4857 on the mark. That, I think that one--

4858 Mr. MOLLOHAN. This year being?

4859 Ms. HYLTON. 2008.

4860 Mr. MOLLOHAN. 2008.

4861 Ms. HYLTON. And for 2009.

4862 Mr. MOLLOHAN. Well what about 2007? Or do you know?

4863 You may not know.

4864 Ms. HYLTON. On the population forecasting?

4865 Mr. MOLLOHAN. On your average daily population
4866 forecasting.

4867 Ms. HYLTON. I feel that 2007 is--

4868 Mr. MOLLOHAN. I think that would be hard to do.

4869 Ms. HYLTON. To project out?

4870 Mr. MOLLOHAN. Accurately.

4871 Ms. HYLTON. It is a challenge, but one that we try to
4872 get right.

4873 Mr. MOLLOHAN. I am just trying to get how--

4874 Ms. HYLTON. Yeah. I guess what I want to say is that I

4875 | feel we have come further in the process. There is always
4876 | the unknown risks. And that is why knowing what we know. I
4877 | think the one thing we have accomplished in the forecasting
4878 | model is the fact that we actually have blended instead of
4879 | just trend analysis what we see coming is staffing on board
4880 | levels for law enforcement, prosecutors. That is something
4881 | that we have blended into this process now.

4882 | Mr. MOLLOHAN. So you think that is going to improve
4883 | your projections even more?

4884 | Ms. HYLTON. Oh, absolutely. I feel we have already
4885 | seen that improvement. You know I am so very pleased with
4886 | what we are seeing in 2008.

4887 | The third factor that we have moved in that never
4888 | existed before is the fact that once we take one of these
4889 | major initiatives that you hear me so often talk about. We
4890 | then project out the savings of time in detention, because it
4891 | is that time in detention that drives this account. I mean
4892 | five days in, 60,000 people, \$20 million you know that
4893 | delays.

4894 | And so it is all about time for us. And so we are
4895 | pleased that we actually by putting these performance
4896 | measures in place, take those time frames and blend that into
4897 | our forecasting. Those three factors of trends, staffing on
4898 | board, and we what we put in as far as performance measures
4899 | for--

4900 Mr. MOLLOHAN. And those external factors you mentioned
4901 in your testimony.

4902 Ms. HYLTON. Those are our greatest risks.

4903 Mr. MOLLOHAN. And one of them is this Operation
4904 Streamline which I was asking some of our other witnesses
4905 about. Are projections associated with that activity
4906 incorporated in your calculations?

4907 Ms. HYLTON. No, sir. What is incorporating our
4908 calculations--

4909 Mr. MOLLOHAN. Could that drastically impact your cost?

4910 Ms. HYLTON. It could.

4911 Mr. MOLLOHAN. What other external factors might there
4912 be that were not taken into consideration?

4913 Ms. HYLTON. The two things that could greatly impact
4914 2009, I was waiting for your question of 2009 being
4915 sufficient.

4916 Mr. MOLLOHAN. Well--

4917 Ms. HYLTON. But the--

4918 Mr. MOLLOHAN. I just want this little question in
4919 between that.

4920 Ms. HYLTON. Yeah, sure. The fact is, is that those
4921 immigration initiatives we have allowed a 12 percent growth
4922 in 2009 for immigration based on the 2008 actuals. And we
4923 feel that is sizeable. We feel that, that is in line to what
4924 has been in place. It is line to what we see as far what--

4925 Mr. MOLLOHAN. So how does all that impact your 2009
4926 request? Why is your 2009 request--

4927 Ms. HYLTON. Our 2009 request is a 12 percent growth. If
4928 anything was to occur outside that it would not be
4929 incorporated in our 2009 request. And Operation Streamline
4930 it is unclear to us and what that definition of what could be
4931 driven--

4932 Mr. MOLLOHAN. But you know it is going to generate
4933 activity.

4934 Ms. HYLTON. It is going to generate activity.

4935 Mr. MOLLOHAN. And it is not included in your
4936 calculation.

4937 Ms. HYLTON. What we are seeing today as Operation
4938 Streamline has been incorporated in subsidies our 2009 can
4939 handle that. Anything additional to how it exist today--

4940 Mr. MOLLOHAN. You will be looking at a supplemental or
4941 an amended budget request?

4942 Ms. HYLTON. Yes.

4943 Mr. MOLLOHAN. 2009, if I am reading this correctly,
4944 have projected and then budgeted. Projections says \$60,821
4945 and budgeted is \$59,222. I mean it is not a big difference
4946 but why do you budget on a lower number than is projected? Or
4947 am I right? Do you budget on a lower number than is
4948 projected?

4949 Ms. HYLTON. As you go we take into that consideration

4950 | some of the efficiencies we feel like we can build and again
4951 | a little bit last year, I don't want to be repetitive, but
4952 | recalculate that projection--

4953 | Mr. MOLLOHAN. Well you can be repetitive because
4954 | repetition is a really good way to learn things.

4955 | Ms. HYLTON. We recalculate this account quarterly and
4956 | in fact, you know, just ran our numbers in preparation for
4957 | today, because of the, you know, to make sure that, that
4958 | forecast is on track.

4959 | Mr. MOLLOHAN. I get the bottom line. So are you
4960 | comfortable with this request based upon those projections?

4961 | Ms. HYLTON. I am.

4962 | Mr. MOLLOHAN. And you are asking less than you actually
4963 | project?

4964 | Ms. HYLTON. I am based on two factors. Would you allow
4965 | me that to--

4966 | Mr. MOLLOHAN. Please. No. No. Absolutely.

4967 | Ms. HYLTON. There are two risks associated with the
4968 | 2009 request that you have in front of you. And I would
4969 | request from, as strongly as I could, the support to that BOP
4970 | supplemental, which I am so pleased to see it moving through
4971 | the process.

4972 | Without that, this account is at great risk. We have to
4973 | have adequate prison beds to get into. As I explained, you
4974 | can see how on a dime \$20 million, five days.

4975 Mr. MOLLOHAN. Do you know where that BOP request came
4976 from? Do you know where they are getting that money?

4977 Ms. HYLTON. I can't speak to that. I don't.

4978 Mr. MOLLOHAN. I was just wondering if you had a comment
4979 on where it came from.

4980 Ms. HYLTON. I am sorry, I don't.

4981 Mr. MOLLOHAN. Okay.

4982 Ms. HYLTON. I was pleased to hear it today. You know
4983 it was one of those things we have been following and I know
4984 that it just recently came through.

4985 Mr. MOLLOHAN. Okay.

4986 Ms. HYLTON. But, you know, BOP and the adequate bed
4987 space, them being able to secure their prison is accurate are
4988 so important to our ability to move fast. It is all about
4989 moving fast in detention. The faster we can move, the faster
4990 we can get them in, the more we contain those costs. And so
4991 that is critical to us. And so your support there is greatly
4992 appreciated.

4993 If that does not occur that does pose a challenge for
4994 this account. In essence, the other risk is the fact that as
4995 we have recently heard in the last couple of months and see
4996 Congressman Culberson is not here, but he has, you know, put
4997 forth numbers in Operation Streamline.

4998 Again, the Department, I can't say it enough as I have
4999 tried to lay out over the last several months. The

5000 Department has addressed significantly immigration. You know
5001 they have prosecuted, they are moving at a strong pace. It
5002 grows every year. And when we built that into our account,
5003 but if were to grow the numbers that had been discussed over
5004 the last 30 or 60 days, we would be back, you know, in heavy
5005 discussions with your staff about the difficulties it could
5006 pose.

5007 So those are the two risks for 2009. So I am pleased to
5008 say that even up until the projection last night that we see
5009 ourselves closer to that budgeted request. And again as you
5010 go through the process, you know, when we start the budget
5011 request there is a 4.6 variance on projections. As we get to
5012 this point we are down 2.1 percent variance. So we are so
5013 much closer to accurately projected. I don't know if that
5014 helps to see that, but that is why we run that number right
5015 before we come.

5016 Mr. MOLLOHAN. I mean you sound convincing.

5017 Ms. HYLTON. And so you know, I feel--

5018 [Laughter.]

5019 Ms. HYLTON. We did this last year.

5020 Mr. MOLLOHAN. Huh?

5021 Ms. HYLTON. We did this last year. I really do I feel
5022 that it is an appropriate request.

5023 Mr. MOLLOHAN. Yeah.

5024 Ms. HYLTON. I do point out those risks. I mean they

5025 | are throughout my oral and written testimony and they are
5026 | very, very real.

5027 | Mr. MOLLOHAN. Thank you. Mr. Frelinghuysen.

5028 | Mr. FRELINGHUYSEN. What sort of variance on projections
5029 | are you talking about here? Are we talking about population
5030 | or are we talking about budget?

5031 | Ms. HYLTON. I am talking about population. I am
5032 | talking that as we get closer that forecast on population the
5033 | error factor is 2.1, on either side, you know, as we get this
5034 | close to, because we get more recent numbers. We are able to
5035 | use all the way up until the end of February in 2008 to
5036 | project out. When we start the budget process, we are using
5037 | half of 2007. So we have real numbers because in detention
5038 | it is all about what we are seeing today.

5039 | Mr. FRELINGHUYSEN. Well I think you are doing a pretty
5040 | good job on it, although I have to say that I it is a little
5041 | difficult to figure out exactly what your true funding needs
5042 | are. You know, you have in your, and I quote from the later
5043 | part of your statement. "When we can strategically plan for
5044 | the full impact of law enforcement initiative we will see a
5045 | reduction in the volatility we have seen previously in the
5046 | account over the years."

5047 | What does that mean exactly?

5048 | Ms. HYLTON. Well I appreciate the opportunity to
5049 | clarify that for you.

5050 Mr. FRELINGHUYSEN. Because I think you will get more
5051 volatility because I assume when you go to OMB you come in
5052 with one number and then the back and forth here.

5053 Ms. HYLTON. As you go through the budget process new
5054 initiatives are developed all the time. I mean DHS may very
5055 well develop an initiative tomorrow and decide that, that is
5056 what they want to roll forward to. That would be information
5057 unknown to us.

5058 And so the point is, is that in a budget process the
5059 more we can strategically plan throughout from the start of
5060 the initiative to the end, the full front of law enforcement,
5061 prosecution and the back end of what we call the process
5062 which is the Marshal Service, Detention, and prison beds. The
5063 more comprehensively we can do that, the more we reduce the
5064 volatility of anyone having to come forward, you know, in
5065 supplementals and everything else.

5066 So I think that as a government as we--

5067 Mr. FRELINGHUYSEN. So when you appeared before OMB what
5068 did you put before them?

5069 Ms. HYLTON. What we put for OMB is what we knew of what
5070 we were seeing at that point. And at that point that--I am
5071 focused on immigration because that right now is the risk
5072 factor. So we have projected based on what the Department's
5073 objectives were in prosecuting immigration. And we allowed
5074 sizeable growth in there; a 12 percent growth.

5075 | And because we have seen immigration incrementally over
5076 | the years. So we have, you know, it is a nine percent
5077 | growth, it is a ten percent growth, it is an 11 percent
5078 | growth, it is a 12 percent growth.

5079 | And so I feel that when we appeared before OMB and as we
5080 | appear today, we are in line with that.

5081 | Mr. FRELINGHUYSEN. All right. Tell us a little more
5082 | about these IGAs. I mean I am looking over your testimony,
5083 | the more damn acronyms than Carter has pills.

5084 | [Laughter.]

5085 | Mr. FRELINGHUYSEN. And Carter doesn't have pills
5086 | anymore. But intergovernmental agreements tell me a little
5087 | bit about this. I think most of us have some, you know,
5088 | knowledge of that because you look for any space where you
5089 | can shoe horn somebody in.

5090 | Ms. HYLTON. That is correct.

5091 | Mr. FRELINGHUYSEN. And then there are other issues in
5092 | terms of, you know, the proper reimbursement level.

5093 | Ms. HYLTON. You know we enjoy our--

5094 | Mr. FRELINGHUYSEN. And how many do you have? I assume
5095 | you have what 100s, 1,000s or how many?

5096 | Ms. HYLTON. We do have 1,900 which at any given time,
5097 | 1,200 are utilized. They, you know, they go up and down
5098 | based on the need and the availability within the State and
5099 | local government.

5100 IGA, to go back to your original--

5101 Mr. FRELINGHUYSEN. And were it not for those IGAs which

5102 have been going on for what, 30, 40 years or?

5103 Ms. HYLTON. That is correct.

5104 Mr. FRELINGHUYSEN. Yeah.

5105 Ms. HYLTON. That is correct.

5106 Mr. FRELINGHUYSEN. You would be up the creek.

5107 Ms. HYLTON. We would be because in all honestly where

5108 it is advantageous to use private industry in locations where

5109 we can capitalize on economies of scales, places where we

5110 have 4,000 prisoners. It wouldn't be advantageous to use to

5111 have to outsource and look for 30 beds.

5112 Mr. FRELINGHUYSEN. Uh huh.

5113 Ms. HYLTON. And so that is where our State and local

5114 relationships are so critical. Sixty-five percent of our

5115 population are in those IGAs. And IGAs are intergovernmental

5116 agreements--

5117 Mr. FRELINGHUYSEN. Yes.

5118 Mr. HYLTON. --that we enter into and sign with the

5119 counties and city governments. And it is actually can be a

5120 win/win across the board for all of us. I mean it does

5121 support our county and local governments by partnering. And

5122 that is being able to provide and pay for that daily rate.

5123 And so, you know, we couldn't speak enough about the

5124 positive impact that has on this account. And so, you know,

5125 | we were very pleased. I guess one of the reasons we note the
5126 | EIGA is that we really felt that county governments and city
5127 | governments have been so appreciative to that initiative
5128 | because it automated the entire process.

5129 | Those IGAs are worse than any tax documents that anyone
5130 | would have to fill out. They are very intricate and
5131 | complicated. And by automating that it has reduced a lot of
5132 | hours.

5133 | Mr. FRELINGHUYSEN. We compliment you on what you call
5134 | e-Designate and DIAZ Network.

5135 | Ms. HYLTON. Thank you.

5136 | Mr. FRELINGHUYSEN. But there are some jurisdictions who
5137 | when they take a look at these intergovernmental agreements
5138 | understandably feel that there are a lot of other associated
5139 | cost that sort of go into looking after these populations. I
5140 | know that your people do those calculations. I assume there
5141 | is some uniformity.

5142 | Ms. HYLTON. There is. And of course those costs are
5143 | taken into account. The county is able to represent the cost
5144 | of operating that facility and that is what becomes the basis
5145 | for the negotiations.

5146 | And so, you know, we look to pay our freight for those
5147 | beds. And we negotiate with the counties an acceptable rate.

5148 | Mr. FRELINGHUYSEN. Yeah. Well I know in my neck of the
5149 | woods there has been some, you have done your homework. So I

5150 am not even sure I want to have it appear on the record, but
5151 we are communicating trying to get some clarification on some
5152 issues.

5153 But thank you for what you are--

5154 Ms. HYLTON. I think the IGA will also help with that.
5155 It allows the counties to better reflect their operating cost
5156 and that is what we want to accomplish. The--

5157 Mr. FRELINGHUYSEN. Well I know that is the goal.

5158 Ms. HYLTON. Yeah.

5159 Mr. FRELINGHUYSEN. But--

5160 Ms. HYLTON. And so we look forward--

5161 Mr. FRELINGHUYSEN. You look to the local law
5162 enforcement to do, you know, a fairly across the board--

5163 Ms. HYLTON. We do.

5164 Mr. FRELINGHUYSEN. --evaluation of what the real costs
5165 are.

5166 Ms. HYLTON. And as in States such as New Jersey where
5167 the States and county governments are feeling the pressure
5168 and can't expand. I mean this is something that is real for
5169 us. Our focus out in 2008 and 2009 on county government is
5170 how best we can support and keep that infrastructure at the
5171 county level, because we know we couldn't survive without it.

5172 And so we look at trying to embrace and work with the
5173 counties to help them stay whole, but they are within their
5174 own competing priorities of education, growth, highways, you

5175 know. And so those expansion of jail beds become difficult
5176 and there is more of a push to get into those beds. And so
5177 it does impact us.

5178 Mr. FRELINGHUYSEN. Okay. Thank you, Mr. Chairman.
5179 Thank you.

5180 Mr. MOLLOHAN. Thank you, Mr. Frelinghuysen. Mr.
5181 Frelinghuysen, looking around this room, you and I are
5182 probably the only ones here who even know there such of
5183 things as Carter liver pills.

5184 They don't even--they never heard of them.

5185 Ms. HYLTON. Who is Carter?

5186 Mr. MOLLOHAN. Who is Carter? What are liver pills?

5187 Ms. HYLTON. I am just kidding.

5188 Mr. MOLLOHAN. Okay. I am confused. I think I heard
5189 you say that you are fine for 2008?

5190 Ms. HYLTON. Yes, sir.

5191 Mr. MOLLOHAN. What is this \$60 million base program
5192 cost adjustment in your summary of requirements?

5193 Ms. HYLTON. May I--

5194 Mr. MOLLOHAN. Oh, please. If that doesn't suggest that
5195 you needed this adjustment?

5196 Ms. HYLTON. Mr. Chairman, rather than answer that
5197 inaccurately, would that be something I could get back to you
5198 on?

5199 Mr. MOLLOHAN. Certainly.

5200 Ms. HYLTON. Yeah. When we get into adjustments to
5201 base--

5202 Mr. MOLLOHAN. Okay.

5203 Ms. HYLTON. --and the base costs.

5204 Mr. MOLLOHAN. All right.

5205 Ms. HYLTON. If that wouldn't be inconvenient, I would
5206 prefer to answer that.

5207 Mr. MOLLOHAN. Sure.

5208 Ms. HYLTON. Thank you.

5209 Mr. MOLLOHAN. And how did you arrive at the \$54 million
5210 efficiency reduction for fiscal year 2009? And what is an
5211 efficiency reduction? What is it? How do you get to it?
5212 How do you compute it?

5213 Ms. HYLTON. The efficiency reduction and as you see and
5214 one reason I highlighted those regional transfer centers and
5215 the ground transfer centers is I spoke a little bit earlier
5216 about how we have tried a way to reduce the time in
5217 detention. And how many days we can reasonable achieve in
5218 that budget year.

5219 So our goal with transportation is to of course reduce
5220 time detention between four and five days. And so when you
5221 see an efficiency tag like that, we are trying to drive to
5222 that efficiency and our goal is through that, what I believe,
5223 will be accomplished through that regional transfer and
5224 ground transfer center.

5225 Mr. MOLLOHAN. That is very commendable, but it would
5226 have to be tied to something, you know, you have to work hard
5227 at it. Hope is not enough.

5228 Ms. HYLTON. Is true.

5229 Mr. MOLLOHAN. I have heard.

5230 Ms. HYLTON. I will be the first to say that would be a
5231 challenge. That will be a challenge for us. I will tell
5232 you--

5233 Mr. MOLLOHAN. This is an estimate that you don't have a
5234 lot of confidence in.

5235 Ms. HYLTON. It is an estimate that I will frankly say
5236 is contingent upon adequate prison beds and no radical shifts
5237 in what we have projected in immigration or law enforcement
5238 initiatives at all that are outside this budget cycle.

5239 I truly believe today versus even four weeks ago that if
5240 the prison beds move forward to the supplemental and if the
5241 immigration stays with this growth, that, that \$54 million
5242 can be achieved.

5243 Mr. MOLLOHAN. How?

5244 Ms. HYLTON. Because I believe I can reduce the time in
5245 detention by another four or five days. We have to have beds
5246 to get into.

5247 Mr. MOLLOHAN. Because you can push them into other
5248 beds?

5249 Ms. HYLTON. Yes, sir.

5250 | Mr. MOLLOHAN. Okay. But that is based on a lot of
5251 | contingencies.

5252 | Ms. HYLTON. Everything is.

5253 | Mr. MOLLOHAN. I mean it sounds like quite a wag, is
5254 | what is sounds like.

5255 | Seriously, and the fact that you are requesting
5256 | simultaneously with this efficiency reduction, a \$60 million
5257 | get well adjustment to make up for costs in the 2008 budget,
5258 | you know, makes it very problematic, I think, and something I
5259 | am not sure you can depend on and I am not sure it is
5260 | something we should rely on in our considerations of your
5261 | budget request.

5262 | Ms. HYLTON. It is difficult when we get to the
5263 | adjustments to base issues in this account, because just as
5264 | everything has rising costs associated with our daily living,
5265 | so does it as you see in prisons and detention. And those
5266 | inflationary costs can raise a potential problem in this
5267 | account. Because we face, you know, our current services and
5268 | carrying that into--

5269 | Mr. MOLLOHAN. You are not suggesting the \$60 million
5270 | get well is unintended inflationary costs?

5271 | Ms. HYLTON. No, I am not.

5272 | Mr. MOLLOHAN. Mr. Frelinghuysen?

5273 | Thank you very much for your good work and if anybody
5274 | can achieve those efficiency cost reductions, we know you

5275 | can. So we will look forward to working with you as we mark
5276 | up our budget.

5277 | Thank you very much for your good--

5278 | Ms. HYLTON. I appreciate both of your time and staying
5279 | here today for me.

5280 | Mr. MOLLOHAN. Well let me finish complementing you and
5281 | then you can do that. And I was just going to say thank you
5282 | for all your hard work and we appreciate it and we look
5283 | forward to working with you as we mark up this bill.

5284 | Ms. HYLTON. Okay. Thank you, sir, very much.

5285 | Mr. MOLLOHAN. Thank you, Ms. Hylton.

5286 | [Whereupon, at 5:00 p.m., the Subcommittee was
5287 | adjourned.]