



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROSLYNN R. MAUSKOPF
Secretary

August 11, 2021

Honorable Patrick J. Leahy
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Richard C. Shelby
Vice Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Chris Van Hollen
Chairman
Subcommittee on Financial Services
and General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Cindy Hyde-Smith
Ranking Member
Subcommittee on Financial Services
and General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairmen Leahy and Van Hollen, and Senators Shelby and Hyde-Smith

We are writing on behalf of the Judicial Conference of the United States to seek your urgent assistance in light of the decision to exclude all judicial security funding from the recently enacted Emergency Security Supplemental Appropriations Act, 2021 (P.L. 117-31). The House-passed supplemental bill (H.R. 3237), and a Senate version (S. 2311) of the bill, included \$157.5 million for the Judicial Branch's court security program, as well as \$25.0 million for the United States Marshals Service for judicial security. All judicial security funding was excluded from the final bill. This is deeply concerning.

The Judiciary began sounding the alarm about critical security vulnerabilities over a year ago, following the murder of United States District Judge Esther Salas' son and the critical wounding of her husband at their New Jersey home by a disgruntled litigant. Since that time, the Judiciary has continued to experience acts of violence and property damage on and off courthouse premises. The number of security incidents are increasing and the threat environment is worsening. The continued existence of these threats and vulnerabilities poses serious risks not just to specific judges, court personnel, or facilities, but also to the effective administration of justice in this country. We were pleased to see the recent introduction of S. 2340, the "Daniel Aderl Judicial Security and Privacy Act of 2021." This is much needed legislation, and we urge prompt passage. However, we also require funding to properly secure our courthouses, and ensure the safety of judges at home and at work and of the members of the public who use our court facilities, including litigants, attorneys, and jurors.

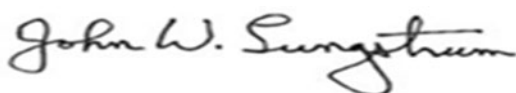
Honorable Patrick J. Leahy
Honorable Richard C. Shelby
Honorable Chris Van Hollen
Honorable Cindy Hyde-Smith
Page 2

To address increasing security risks, the Judiciary submitted its security requirements for inclusion not just in the emergency security supplemental but also in an upcoming infrastructure reconciliation package. A copy of the Judicial Branch's \$1.54 billion infrastructure request, of which \$389.5 million is for judicial and courthouse security, is enclosed again for your reference (security is discussed on p. 2 of enclosure). Although we understand that the infrastructure package, as currently envisioned, will be largely assembled and managed by other committees of the Congress, we believe that your support and advocacy could play an important role in persuading those committees to act on our request. Accordingly, we are hopeful that we can count on that support and advocacy.

In the absence of a successful push for inclusion in the infrastructure package, we fear there will be no other possible avenue for funding these requirements other than the annual appropriations process, which we understand would pose a significant funding challenge to affected subcommittees, particularly the Financial Services and General Government Subcommittees. If it becomes necessary to pursue such an approach, we hope the Appropriations Committees will consider adding the necessary security funds to the fiscal year (FY) 2022 appropriations bills on an emergency basis such that they do not count against any subcommittee's funding allocation. There is recent precedent for such an approach in the context of both pandemic relief funding (e.g., sections 541, 542 and 543 of Division B of the Consolidated Appropriations Act of FY 2021) and investigatory and prosecutorial costs associated with the events of January 6, 2021 (e.g., Title VI of H.R. 4505, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022, as amended by H.Res. 567).

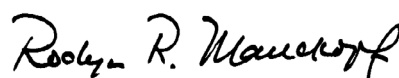
Thank you for your attention to our critical security needs. We look to you to help address those needs and promote our mutual goal of a safe, effective Judiciary. Please do not hesitate to contact us if you have any questions or need additional information.

Sincerely,



John W. Lungstrum
Chair, Committee on the Budget

Sincerely,



Roslynn R. Mauskopf
Secretary

Enclosure

cc: Honorable Jeanne Shaheen
Honorable Jerry Moran
Honorable Christopher S. Murphy
Honorable Shelley Moore Capito



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROSLYNN R. MAUSKOPF
Secretary

July 12, 2021

Honorable Bernie Sanders
Chairman
Committee on the Budget
United States Senate
Washington, DC 20510

Honorable Lindsey Graham
Ranking Member
Committee on the Budget
United States Senate
Washington, DC 20510

Dear Chairman Sanders and Senator Graham:

As negotiations continue between Congress and the White House on legislation to address the Nation's infrastructure needs, we write to inform you of the most crucial infrastructure needs of the Judicial Branch. Our request totals \$1.54 billion and covers direct funding for the Judicial Branch as well as funding for two of our Executive Branch partners, the General Services Administration (GSA) and the Federal Protective Service (FPS), on whom we depend to ensure that sufficient space and security infrastructure is in place for conducting court operations. The Judicial Branch's requirements for Courthouse and Judicial Security Infrastructure, Courthouse Construction Infrastructure, and Cybersecurity and IT Modernization Infrastructure are detailed below, and summarized in Enclosure 1.¹ Funding of the Judicial Branch's most pressing infrastructure needs is essential to the day-to-day operations of the Nation's federal courts.

In the event the budget reconciliation process is utilized to pass an infrastructure bill, we ask that reconciliation instructions for the appropriate authorizing committees be included in the budget resolution to ensure that the Judicial Branch's infrastructure needs

¹This letter provides updated Judiciary infrastructure requirements and supersedes the letters transmitted to Congress on April 12, 2021.

can be addressed. Once reconciliation instructions have been adopted in a budget resolution, we will work with each committee on specific legislative language as appropriate.

Courthouse and Judicial Security Infrastructure (\$389.5 million)

There is an urgent need for immediate Congressional action to address the security of judges and federal courthouses. Over the past year, the federal Judiciary has suffered an increasing number of acts of violence and vandalism on and off courthouse premises. In July 2020, a disgruntled litigant, posing as a delivery courier, went to the New Jersey home of U.S. District Judge Esther Salas and murdered her son and critically wounded her husband. An FPS guard was shot to death in May 2020 outside the federal courthouse in Oakland, California. A court security officer was shot and wounded in September 2020 outside the federal courthouse in Phoenix, Arizona. And more than 50 federal courthouses sustained damage during public disturbances and violent incidents occurring at or near federal courthouses in 2020.

The threat to federal courts is getting worse. According to the U.S. Marshals Service (USMS) the number of threats and inappropriate communications targeting judges and other personnel essential to court proceedings rose from 926 in 2015, to 4,261 in 2020, a 360 percent increase. Our constitutional system depends on judges who can make decisions without fear of reprisal or retribution. This is essential not just for the safety of judges and their families, but also to protect our democracy.

A comprehensive approach is required to effectively address the growing violence and threats facing the Judiciary. This includes both authorizing legislation and increased appropriations for the Judiciary, USMS, and FPS. We ask Congress to provide the needed funding, a substantial portion of which is for the construction or acquisition of security-related infrastructure.

We are seeking \$112.5 million for the Judiciary's Court Security program to harden courthouses to withstand a hostile incursion, and \$10.0 million for a new security vulnerability program to proactively manage security vulnerabilities at the national, circuit, and district level and to address increasing threats against federal judges, their families, and federal court facilities. In addition, we request \$267.0 million as a direct appropriation to FPS to upgrade aging perimeter security cameras at federal courthouses and other court facilities.

H.R. 3237, the “Emergency Security Supplemental to Respond to January 6th Appropriations Act, 2021,” passed the House of Representatives on May 20, 2021, includes the \$112.5 million requested to harden courthouses, \$10.0 million for a security vulnerability program to improve judges’ safety, and \$35.0 million for the Judiciary to reimburse FPS for security camera upgrades (instead of a direct appropriation to FPS). The timing of Senate consideration and action on H.R. 3237 remains uncertain. Accordingly, we request that any infrastructure bill include funding for these critical security infrastructure needs.

Courthouse Construction Infrastructure (\$634.3 million)

We anticipate an infrastructure bill will include funding for GSA’s Federal Buildings Fund to address, to some extent, government-wide new construction needs and the backlog of repairs and alterations projects. We ask that infrastructure funding provided to GSA be sufficient to address the Judiciary’s courthouse construction and Capital Security Program requests totaling \$634.3 million, as outlined below.

The Judicial Conference of the United States has transmitted to Congress a request for three new courthouse projects as reflected on the September 2020 *Federal Judiciary Courthouse Project Priorities (CPP)* plan: (1) San Juan, Puerto Rico; (2) Hartford, Connecticut; and (3) Chattanooga, Tennessee. The San Juan, Puerto Rico project is deemed a judicial space emergency by the Judicial Conference and designated our top space priority due to the significant seismic deficiencies in the courthouse complex in addition to pre-existing building, space, and security deficiencies. The Judiciary requests \$262.2 million for GSA for the Puerto Rico courthouse project.

The Judiciary also requests \$294.1 million to provide the remaining funding needed for new courthouse projects in Hartford, Connecticut, and Chattanooga, Tennessee (partial funding was provided in the Consolidated Appropriations Act of 2021). This funding will ensure these two projects proceed in an efficient and expeditious manner. The *CPP* also identifies outyear courthouse construction priorities in Bowling Green, Kentucky; Anchorage, Alaska; Greensboro/Winston Salem, North Carolina; McAllen Texas; and Norfolk, Virginia. Enclosure 2 provides a copy of the *CPP* for your review.

The Judicial Branch also seeks \$78.0 million for GSA’s Capital Security Program (CSP), which is a component of GSA’s Repairs and Alterations program. The CSP exists to address security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of constructing a new courthouse. Substantial improvements include the construction of sally ports (secured vehicle parking at

courthouses used by the U.S. Marshals Service for prisoner transport) or the addition of elevators to improve circulation patterns for the public, judges, and prisoners. These improvements can be achieved with relatively modest alterations at lower cost and on a quicker timetable than new construction. This program has not received a congressional appropriation since FY 2018, resulting in a significant backlog of approved projects. At a time when threats against judges are increasing and violent incidents on and off federal courthouse premises have become more common, the basic security improvements made possible by the CSP are more important now than ever. We request additional funding for GSA totaling \$78.0 million for CSP projects in Augusta, Georgia (\$18.7 million); Fort Wayne, Indiana (\$17.2 million); Burlington, Vermont (\$21.7 million); and Hattiesburg, Mississippi (\$20.4 million).

The Judiciary supports additional funding for GSA's Basic and Major Repairs and Alterations (R&A) program, a component piece of the Federal Buildings Fund, to ensure safe, secure, and functional space for judges and Judiciary employees. Every year, the Judiciary pays over \$1 billion in rent to GSA, a significant portion of which is intended to cover the costs of maintaining and upgrading existing facilities. Because of funding constraints, GSA has received just over half (\$6.4 billion) of the \$12.1 billion it has requested for its R&A program since FY 2011. This has led to deteriorating building systems, broken elevators, and significant mold and water intrusion problems in numerous courthouses across the country. Accordingly, we ask that Congress consider funding for GSA's Basic and Major R&A program in an infrastructure bill so GSA can begin to address the backlog of needed repairs to courthouses and court facilities.

Cybersecurity and IT Modernization Infrastructure (\$515.0 million)

The combination of sharp increases in the number of cyberattacks on Judiciary IT systems, aging legacy applications critical to court operations, and funding shortfalls has created IT vulnerabilities that require an infusion of resources to address. Without additional resources, these IT vulnerabilities will impact our ability to provide core IT services and cyber protections for the courts, or to undertake much needed modernization projects. The constraints of the annual appropriations process simply do not allow for investments of the magnitude needed for a comprehensive retooling of our IT systems, applications, and accompanying infrastructure. Accordingly, we look to the Congress to provide \$515.0 million in urgently needed one-time IT funding in the infrastructure bill for the priorities described below.

Of the total amount requested, \$149.0 million is for cybersecurity improvements to respond to increasing threats and attacks against Judiciary IT systems. A recent IT security assessment conducted by the Department of Homeland Security's Cybersecurity

and Infrastructure Security Agency, highlighted several serious Judiciary cybersecurity vulnerabilities that, collectively, pose significant threats to the security and integrity of Judiciary IT systems. The requested funding would be used to expand the Judiciary's IT Security Operations Center to improve our ability to monitor, prevent, investigate, and respond to cyber threats; expand and upgrade multi-factor authentication and identity confirmation technology to ensure only credentialed users are accessing Judiciary IT systems; strengthen "end point" security to ensure devices accessing Judiciary networks are authorized to do so; and implement a development, security, and operations approach, known as DevSecOps, for software development to integrate IT security at every phase of software development, testing, and implementation.

We request \$212.0 million for a range of IT initiatives related to application modernization, which provides essential infrastructure for key Judiciary programs, and for network management modernization and data security modernization.² The Judiciary's largest application modernization project underway is the Probation and Pretrial Services Case Tracking System (PACTS) 360 project that will replace the aging and failing case management system used by probation and pretrial services officers to supervise defendants awaiting trial and offenders released from prison. Other application modernization projects include updating the Jury Management System federal courts use to select, manage, and track the service of the hundreds of thousands of citizens serving on grand and petit juries, and a new eVoucher system used by federal courts to enter, validate, and process payments for 14,000 private "panel" attorneys appointed by federal courts across the country to provide defendants in criminal cases constitutionally guaranteed legal representation. Funding is also requested for network modernization activities, such as an enterprise architecture initiative to establish formal technical standards and governing principles to ensure IT assets and business processes are aligned with core Judiciary missions. Data security modernization efforts include upgrading electronic data warehousing capabilities and implementing cloud-based backup technologies to safeguard Judiciary data.

Finally, \$154.0 million would be used to relocate one of the Judiciary's data centers to another location. This is particularly urgent due to a contract expiration with no option for renewal. As a result, the Judiciary must remove its entire server and infrastructure environment from the current data center no later than July 2024. This is a huge undertaking. The Judiciary must proceed rapidly over the next three years to ensure mission critical IT systems for courts and federal defender offices nationwide continue

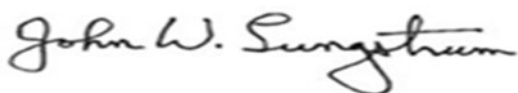
² The Judiciary may have further IT infrastructure requirements related to the modernization of the Judiciary's case management/electronic case files system if user fees generated from accessing court documents through the Public Access to Court Electronic Records (PACER) system are insufficient to cover modernization costs.

uninterrupted during the transition. In parallel to the data center relocation, the Judiciary will also begin implementing its cloud strategy and will start migrating to commercial cloud services as a preferred solution to minimize the Judiciary's reliance in the future upon physical data centers. Cloud computing technology is proven to be more secure, cost effective, and reliable from a business continuity perspective.

Closing

Thank you for consideration of the Judicial Branch's \$1.54 billion infrastructure request to fund the needs of the Judiciary and our executive branch partners (GSA and FPS). We hope that this letter sufficiently conveys to Congress the urgency needed to address our most crucial infrastructure needs for courthouse security, courthouse construction, and information technology. Please do not hesitate to contact me or the Administrative Office's Financial Liaison and Analysis Staff on 202-502-2130 if you have any questions or need additional information.

Sincerely,



John W. Lungstrum
Chair, Committee on the Budget

Sincerely,



Roslynn R. Maukopf
Secretary

Enclosures

cc: Honorable Richard J. Durbin
Honorable Charles E. Grassley
Honorable Sheldon Whitehouse
Honorable John Kennedy
Honorable Thomas R. Carper
Honorable Shelley Moore Capito
Honorable Benjamin L. Cardin
Honorable Kevin Cramer
Honorable Gary Peters
Honorable Rob Portman
Honorable Patrick J. Leahy
Honorable Richard C. Shelby
Honorable Chris Van Hollen
Honorable Cindy Hyde-Smith
Honorable Shalanda Young

Judicial Branch's Infrastructure Request Summary
(\$ in millions)

| Branch | Agency/Program | Purpose | Cost | Description |
|--|---|--------------------------------------|------------------|---|
| Judicial Branch | Court Security | Courthouse Hardening | \$112.5 | Harden courthouses to withstand hostile incursion. |
| Judicial Branch | Court Security | Security Vulnerability Program | \$10.0 | To proactively manage security vulnerabilities and address increasing threats against federal judges, their families, and federal court facilities. |
| Executive Branch | Dept. of Homeland Security - Federal Protective Service | Exterior Perimeter Security Cameras | \$267.0 | To provide a direct appropriation to FPS to replace aging exterior security cameras at courthouses and court facilities. |
| Judicial/Courthouse Security Infrastructure, Subtotal | | | \$389.5 | |
| Executive Branch | General Services Administration – Federal Buildings Fund | New Courthouse Construction | \$556.3 | To fund new courthouse projects in San Juan, PR; Hartford, CT; and Chattanooga, TN. |
| Executive Branch | General Services Administration – Federal Buildings Fund | Judiciary Capital Security Program | \$78.0 | To fund Capital Security Program projects at courthouses in Augusta, GA; Fort Wayne, IN; Burlington, VT; and Hattiesburg, MS. |
| Courthouse Construction Infrastructure, Subtotal | | | \$634.3 | |
| Judicial Branch | Salaries and Expenses (\$136M); Defender Services (\$13M) | Cybersecurity | \$149.0 | For cybersecurity improvements to respond to increasing threats and attacks against Judiciary IT systems. |
| Judicial Branch | Salaries and Expenses (\$199M); Defender Services (\$13M) | IT Modernization | \$212.0 | To modernize core Judiciary business applications. |
| Judicial Branch | Salaries and Expenses (\$152M); Defender Services (\$2M) | Data Center Move and Cloud Computing | \$154.0 | For Judiciary data center relocation and migration to commercial cloud IT services. |
| Cybersecurity/IT Modernization Infrastructure, Subtotal | | | \$515.0 | |
| Judicial Branch's Infrastructure Request, Total | | | \$1,538.8 | |

**FEDERAL JUDICIARY COURTHOUSE PROJECT PRIORITIES (CPP) FOR FISCAL YEAR 2022
AS APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES
SEPTEMBER 2020**

The *Federal Judiciary Courthouse Project Priorities (CPP)* is the judiciary’s list of courthouse construction funding priorities as approved by the Judicial Conference of the United States (Judicial Conference). The *CPP* was developed using the results of the Asset Management Planning (AMP) process. Approved by the Judicial Conference in 2008, AMP is a comprehensive facility planning tool designed to identify the judiciary’s most urgent space needs, address cost-containment concerns, and incorporate applicable industry best practices.

Under the AMP process, each courthouse nationwide is assessed to determine current and future needs, identify preliminary housing solutions as needed, and calculate the relative urgency of need compared to other courts nationwide. Factors considered include building condition, building functionality, security, compliance with space standards, courtroom and chambers needs, and caseload and personnel growth. From this assessment, an Urgency Evaluation (UE) Results List that ranks space urgency by court location on a “worst first” basis is developed. Each location’s UE rating is updated annually until a project is placed on Part I of the *CPP*, at which time its rating is “frozen” for purposes of planning certainty.

The *CPP* is divided into two parts. Part I, provided below, consists of the judiciary’s courthouse construction funding priorities and space emergencies for FY 2022. In addition, in September 2020, the Judicial Conference declared a judicial space emergency for the Nazario U.S. Courthouse and Degetau Federal Building Hato Rey, Puerto Rico, due to unique circumstances that have arisen as a result of GSA’s planned seismic retrofit of the Degetau Federal Building and the significant detrimental impact it would have on district court components currently housed in the Degetau Federal Building. All projects on Part I have a completed GSA Phase II feasibility study or equivalent to establish cost estimates and housing solutions needed to address local court housing needs.

| Judicial Space Emergency | | | | | | | | | | |
|---------------------------------|----------|---------------------|-------------------------|------------------------------|-------------------|--------------|---|------------------|-----------------------------|--|
| | | | | FUNDING SUMMARY (\$M) | | | | | | |
| District | City | Project Description | FY 2022 Funding Request | | Previously Funded | | Est.Total (Site/Design, Construction) | Site Acquired | Status (as of 1/2021) | |
| | | | Site/Design | Construction | Site/Design | Construction | | | | |
| District of Puerto Rico | San Juan | Courthouse Annex | 22.476 | 239.696 | 0.000 | 0.000 | 262.172 | Yes | GSA Feas. Study - Completed | |

NOTES:
 - Cost estimate based on 2021 GSA phasing study. GSA will submit a separate future year funding request in order to complete their full Master Plan for the Hato Rey Judicial Complex
 - Site for Courthouse Annex federally owned

| Part I: Fiscal Year (FY) 2022 Courthouse Construction Funding Priorities | | | | | | | | | | |
|---|-------------------------------|-------------|---------------------|------------------------------|--------------|-------------------|--------------|---|------------------|-------------------------------|
| | | | | FUNDING SUMMARY (\$M) | | | | | | |
| Priority | District | City | Project Description | FY 2022 Funding Request | | Previously Funded | | Est.Total (Site/Design, Construction) | Site Acquired | Status (as of 1/2021) |
| | | | | Site/Design | Construction | Site/Design | Construction | | | |
| 1 | District of Connecticut | Hartford | New Courthouse | 0.000 | 199.470 | 58.636 | 76.864 | 334.970 | No | Ph II Feas. Study – Completed |
| 2 | Eastern District of Tennessee | Chattanooga | New Courthouse | 0.000 | 94.611 | 32.000 | 62.500 | 189.111 | No | Ph II Feas. Study In-Progress |
| | | | TOTAL: | 0.000 | 294.081 | 90.636 | 139.364 | 524.081 | | |

NOTES:
 - Project description and funding summary for Chattanooga based on GSA Ph I feasibility study; CPP will be updated with revised cost estimate when Ph II study is completed
 - All projects have been assessed using the AMP process; judiciary policies pertaining to courtroom sharing and the exclusion of projected judgeships have been applied to all projects

Part II of the *CPP* identifies outyear courthouse construction priorities. All locations have been assessed under the AMP process and prioritized based on the project location's UE rating. As projects in Part I are funded and constructed, projects in Part II may potentially move to Part I. A project location must have a completed Phase II feasibility study before moving to Part I. In selecting which projects should begin a Phase II study, the Judicial Conference will rely heavily on a location's UE rating. Where multiple locations have similar scores, additional factors may be considered, including prisoner production figures during a given period of time, previous funding, and whether the current facility is owned by GSA. When a Phase II feasibility study has been completed, that project will be elevated to Part I and placed behind any other locations already on Part I the next time the *CPP* is updated. Until a location is moved to Part I, its UE rating will be refreshed each year to capture changes in courtroom needs, chambers needs, and caseload growth, and as a result, its place in the prioritization of Part II projects may change.

| Part II: CPP Outyear Courthouse Construction Priorities (Based on 2020 Urgency Evaluation Rating) | | | | |
|--|----------------|----------------|---------------|--|
| District | City | 2020 UE Rating | Site Acquired | Status (of 1/2021) |
| Western District of Kentucky | Bowling Green | 67.316 | No | Ph II GSA Feasibility Study – In-Progress |
| District of Alaska | Anchorage | 47.534 | No | Ph I GSA Feasibility Study - Completed |
| Middle District of North Carolina | Greensboro/W-S | 39.900 | No | Ph I GSA Feasibility Study - Completed |
| Southern District of Texas | McAllen | 38.993 | No | Ph I GSA Feasibility Study - Completed |
| Eastern District of Virginia | Norfolk | 31.827 | Yes | GSA Feasibility Study - Completed in 2010; needs refresh |
| NOTES: | | | | |
| - Policies pertaining to judiciary courtroom sharing and the exclusion of projected judgeships have been applied to the planning and programming of all projects | | | | |
| - All projects have been assessed under the AMP process | | | | |