



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE ROSLYNN R. MAUSKOPF
Secretary

February 23, 2022

Honorable Patrick J. Leahy
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 Richard C. Shelby
Vice Chairman
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 write to request fiscal year (FY) 2022 emergency supplemental appropriations totaling \$515.5 million for the Judicial Branch be included in the next available legislative vehicle to address urgent security needs of the branch, including the security of federal courthouses and the critical need to strengthen our information technology infrastructure in the face of growing cyber-threats. We previously identified these requirements to Congress for inclusion in last year's security supplemental appropriations bill as well as the infrastructure reconciliation bill, but to date these funding needs have not been met. Of the \$515.5 million requested, \$112.5 million is for courthouse security, and \$403.0 million is for cybersecurity and IT modernization initiatives. Each of these is discussed in more detail below. Draft legislative language is included in the enclosure.

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Courthouse Hardening (\$112.5 million)

There is an urgent need for immediate Congressional action to address the security of federal courthouses. 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. A Federal Protective Service guard was shot to death in May 2020 while posted outside the federal courthouse in Oakland, California. A court security officer was shot and wounded in September 2020 while on-duty 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 the number of threats and inappropriate communications targeting judges and other personnel essential to court proceedings rose from 926 in 2015, to 4,511 in 2021, a 387 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, U.S. Marshals Service, and the Federal Protective Service. The “Daniel Anderl Judicial Security and Privacy Act of 2021” (S. 2340/H.R. 4436), named in honor of Judge Salas’s son, has been introduced in both chambers, and we urge prompt passage. This bill will improve the security of judges and their families by limiting the availability of judges’ personally identifiable information on the internet. We also urge Congress to increase funding for the U.S. Marshals Service to hire additional deputy marshals to improve judicial security, as well as for the Federal Protective Service to replace its aging inventory of exterior perimeter security cameras at federal courthouses. The request addressed in this letter, however, is limited to Judiciary funding within the jurisdiction of the Financial Services and General Government subcommittee.

We request \$112.5 million for the Judiciary’s Court Security program to harden courthouses to withstand hostile incursion. This funding was included in H.R. 3237, the “Emergency Security Supplemental to Respond to January 6th Appropriations Act, 2021” as passed in the House of Representatives on May 20, 2021, and was also included in a

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Senate version of the bill (S. 2311) but, unfortunately, was excluded in the final conferenced bill signed into law (P.L. 117-31).

In prioritizing courthouse hardening projects, the Judiciary is focusing on first floor and ground accessible access points, to include entry doors and windows, to identify facilities requiring immediate hardening upgrades to prevent hostile incursion. Examples of hardening upgrades include the installation of unbreakable “riot glass” on ground floor windows, installation of exterior door systems with locks that defeat forced entry, and enhancing entry screening points with emergency locking interior door systems that would isolate the entry point and prevent further intrusion into the facility. We estimate that the requested \$112.5 million will harden 110-135 federal courthouses. The Judicial Conference anticipates making future requests to Congress for additional funds to harden courthouses.

Cybersecurity and IT Modernization Infrastructure (\$403.0 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, many of which will also have substantial benefits for cybersecurity. The constraints of the annual appropriations process 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 Congress to provide \$403.0 million in urgently needed one-time emergency supplemental funding for the IT priorities described below. Of the \$403.0 million requested, \$375.0 million is for courts’ Salaries and Expenses, and \$28.0 million is for Defender Services.

In making this request for emergency supplemental appropriations, we note that Congress has made significant investments in Executive Branch agencies for cybersecurity and IT modernization. For example, the “American Rescue Plan Act of 2021 (ARPA)” (P.L. 117-2) provided \$1.0 billion to the General Services Administration’s (GSA) Technology Modernization Fund (TMF) for Executive Branch agencies to modernize IT systems. ARPA also provided DHS’s Cybersecurity and Infrastructure Security Agency (CISA) with \$650.0 million for cybersecurity risk mitigation. CISA also received \$135.0 million for cybersecurity operations and response in the “Infrastructure Investment and Jobs Act” (P.L. 117-58). This funding is in addition

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to resources these two agencies received through annual appropriations from Congress. Further, if the House-passed “Build Back Better Act” infrastructure reconciliation bill (H.R. 5376) were to become law, GSA’s TMF would receive an *additional* \$250.0 million, and CISA would receive an *additional* \$400.0 million for a range of cybersecurity activities. Again, these amounts are on top of annual appropriations. The Judicial Branch is not an eligible user of the TMF, and the focus of CISA’s efforts remains on Executive Branch agencies and critical private sector infrastructure. As a result, the Judiciary requires a similar funding commitment from Congress to address critical cybersecurity and IT modernization needs within our branch.

Of the total amount requested, \$124.0 million is for cybersecurity improvements to respond to increasing threats and attacks against Judiciary IT systems. A recent IT security assessment conducted by CISA 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 for critically necessary IT infrastructure improvements to better secure Judiciary networks in order to prevent illegal access to key systems, such as the Case Management/Electronic Case Files system, human resources and financial management systems, and email. Cybersecurity initiatives include: expanding the Judiciary’s IT Security Operations Center to improve our ability to monitor, prevent, investigate, and respond to cyber threats; expanding and upgrading multi-factor authentication and identity management technology to ensure only credentialed users are accessing Judiciary IT systems; strengthening “end point” security to ensure devices accessing Judiciary networks are authorized to do so; and implementing 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.

The request includes \$246.0 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. 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 in the community defendants awaiting trial and offenders released from prison. PACTS 360 will improve officer access to case information for supervisees which will enhance both officer safety and public safety. 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

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Finally, \$33.0 million would be used to relocate one of the Judiciary’s two 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 two years to ensure mission critical IT systems for courts and federal defender offices nationwide continue uninterrupted during the transition. Infrastructure areas that are cloud-ready will be moved to the cloud at the same time as the migration to the new data center.

Case Management/Electronic Case Files Modernization

Last year, the Administrative Office of the U.S. Courts entered into an interagency agreement with 18F, a technology consultancy within GSA, to evaluate the state of the Case Management/Electronic Case Files (CM/ECF) system and provide recommendations and a roadmap to modernize the system. We continue to review 18F’s recommendations. As we have previously communicated to Congress, the Judiciary is committed to the modernization of CM/ECF, as well as the Public Access to Court Electronic Records (PACER) system through which members of the public access court documents and records.


Given the critical importance of CM/ECF to the branch’s operations and the vulnerability of the system to cyberattacks, modernizing CM/ECF must be a critical element of the Judiciary’s broader cybersecurity strategy. However, we are still in the process of developing a plan for how to implement and fund that modernization effort, which includes further study of both expected costs and the feasibility of utilizing non-appropriated resources (including existing PACER user fees) to offset those costs. While that plan is not yet ready for congressional consideration, we are working to finalize it as quickly as possible and hope that we can count on your support when the plan is ready.

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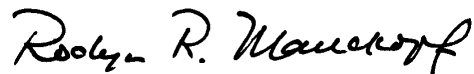
Thank you for consideration of the Judicial Branch's \$515.5 million request to address urgent courthouse security and cybersecurity and IT modernization needs. Please do not hesitate to contact me or the AO's Financial Liaison and Analysis Staff on 202-502-2130 if you have any questions or need additional information.

Sincerely,



Amy J. St. Eve
Chair, Committee on the Budget

Sincerely,



Roslynn R. Mauskopf
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Enclosure



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United States House of Representatives
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Honorable Kay Granger
Ranking Member
Committee on Appropriations
United States House of Representatives
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Honorable Steve Womack
Ranking Member
Subcommittee on Financial Services
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United States House of Representatives
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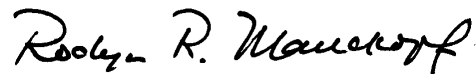
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Sincerely,



Amy J. St. Eve
Chair, Committee on the Budget

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Roslynn R. Mauskopf
Secretary

Enclosure

**JUDICIAL BRANCH
SUPPLEMENTAL APPROPRIATIONS REQUEST
DRAFT BILL LANGUAGE**

**THE JUDICIARY
COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES**

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$375,000,000, to remain available until expended, for cybersecurity and information technology modernization: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEFENDER SERVICES

For an additional amount for “Defender Services”, \$28,000,000, to remain available until expended, for cybersecurity and information technology modernization: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

For an additional amount for “Court Security”, \$112,500,000, to remain available until expended, for security improvements at United States courthouses and federal court facilities: Provided, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.