

JUDICIARY INFORMATION TECHNOLOGY FUND

GENERAL STATEMENT AND INFORMATION

The Judiciary Information Technology Fund (JITF) was established by Congress in fiscal year (FY) 1990 (28 U.S.C. § 612) to assist the judiciary in implementing its information technology (IT) initiatives. The authority of the JITF was extended indefinitely in the FY 1998 Commerce, Justice, State, Judiciary, and Related Agencies Appropriations Act (P.L. 105-119). The JITF was authorized “without fiscal year limitation” for the procurement of information technology resources. The fund makes it possible to manage the IT program over a multi-year planning cycle, which allows more effective and efficient planning, budgeting, and use of funds for IT activities.

In keeping with the judiciary’s mission and primary business objectives, the IT program must identify, implement, and maintain cost-effective solutions for the judiciary, bar, and the public. All IT expenses for the appellate, district, and bankruptcy courts, and probation and pretrial services offices must be paid from the JITF.

Requirements are financed via the JITF from a variety of sources:

- deposits from the Salaries and Expenses account;
- fee collections from the Electronic Public Access program for IT expenses that improve public access to information only – (see Appendix 2, Electronic Public Access for more information on this program);
- unobligated balances in the fund from prior year financial plan savings (unencumbered);
- proceeds from the sale of excess equipment;
- annual allotments to the courts originally for non-IT purposes that are reprogrammed locally by the courts for IT initiatives in accordance with the judiciary’s budget decentralization program; and
- deposits from other judiciary appropriations that are non-mandatory judiciary users of the fund (such as the Court of Appeals for the Federal Circuit, the Court of International Trade, the U.S. Sentencing Commission, Court Security, the Federal Judicial Center, and the Administrative Office of the U.S. Courts).

The majority of the financing in the JITF originates from deposits from the Salaries and Expenses account. Table 11.1 on the following page displays JITF requirements and funding sources for FY 2018 through the FY 2020 request.

Table 11.1 Judiciary Information Technology Fund Obligations and Financing (\$000)

	FY 2018 Actual	FY 2019 Assumed Obligations	FY 2020 Request
<u>Obligations:</u>			
Salaries & Expenses Requirements (with carryforward)	515,712	583,411	537,486
EPA Program	114,462	138,434	140,960
Administrative Office of the U.S. Courts	2,668	3,760	0
Court of Appeals for the Federal Circuit	444	1,403	370
Court of International Trade	930	979	464
Court Security	136	49	0
Federal Judicial Center	301	431	0
U.S. Sentencing Commission	0	1,669	0
TOTAL JITF	634,653	730,136	679,280
<u>Financing:</u>			
Salaries and Expenses			
Unobligated Balance, Start of Year	80,472	125,859	20,000
New Deposits and Prior Year Recoveries	561,099	477,552	517,486
Unobligated Balance, End of Year	-125,859	-20,000	0
Total Salaries & Expenses	515,712	583,411	537,486
EPA Program			
Unobligated Balance, Start of Year	58,126	71,647	80,913
Estimated Receipts and Prior Year Recoveries	151,841	147,700	147,700
Unobligated Balance, End of Year 1/	-71,647	-80,913	-87,653
Total EPA Program	114,462	138,434	140,960
Administrative Office of the U.S. Courts			
Unobligated Balance, Start of Year	2,664	3,456	0
New Deposits and Prior Year Recoveries	3,460	304	0
Unobligated Balance, End of Year	-3,456	0	0
Total Administrative Office of the U.S. Courts	2,668	3,760	0

	FY 2018 Actual	FY 2019 Assumed Obligations	FY 2020 Request
Court of Appeals for the Federal Circuit			
Unobligated Balance, Start of Year	4,586	5,350	3,947
New Deposits and Prior Year Recoveries	1,142	0	0
Utilization of EPA Receipts	66	0	50
Unobligated Balance, End of Year	-5,350	-3,947	-3,627
Total Court of Appeals for the Federal Circuit	444	1,403	370
Court of International Trade			
Unobligated Balance, Start of Year	1,050	1,379	432
New Deposits and Prior Year Recoveries	1228	0	0
Utilization of EPA Receipts	31	32	32
Unobligated Balance, End of Year	-1,379	-432	0
Total Court of International Trade	930	979	464
Court Security			
Unobligated Balance, Start of Year	185	49	0
New Deposits and Prior Year Recoveries	0	0	0
Unobligated Balance, End of Year	-49	0	0
Total Court Security	136	49	0
Federal Judicial Center			
Unobligated Balance, Start of Year	302	431	0
New Deposits and Prior Year Recoveries	430	0	0
Unobligated Balance, End of Year	-431	0	0
Total Federal Judicial Center	301	431	0
U.S. Sentencing Commission			
Unobligated Balance, Start of Year	1,499	1,669	0
New Deposits and Prior Year Recoveries	170	0	0
Unobligated Balance, End of Year	-1,669	0	0
Total U.S. Sentencing Commission	0	1,669	0
GRAND TOTAL JTF	\$634,653	\$730,136	\$679,280

¹ The FY 2018 Electronic Public Access Unobligated Balance, End of Year do not include \$23.8 million in encumbered carryforward (slippage) into FY 2019.

PROGRAMS FUNDED FROM THE SALARIES AND EXPENSES ACCOUNT

Under the guidance of the Judicial Conference of the United States and according to the strategic directions and objectives contained in the *Long-Range Plan for Information Technology in the Federal Judiciary*, the judiciary continues to implement IT systems to meet the mission of the courts. The judiciary, like the rest of the public sector, depends on technology for communication systems, research, and information management systems to fulfill mission-critical needs.

The judiciary has a successful enterprise-wide IT program upon which judges, court staff, probation/pretrial services officers, and others depend to conduct their mission-critical functions. This program includes a vital communications infrastructure that connects all court units securely and is the lifeline for information transfer, applications that ensure the judiciary manages its resources effectively, and various court support projects and case management systems that provide judges and staff the tools they need to perform their day-to-day work.

Judges and chambers staff rely on computer equipment, software, and complex data communication networks through which they access electronic case management systems, e-mail, legal research databases, and numerous websites and applications. Many courtrooms are equipped with technologies that improve the quality and efficiency of courtroom proceedings through reduced trial time and improved fact-finding. A number of opportunities exist to provide tools to help judges do their work more efficiently in areas ranging from text-search capability across pleadings, opinions, and court records to the more timely receipt of critical information through seamless transmission of data from one court type to another.

The judiciary continues to develop critical improvements to court support systems, including the financial management system, probation case management system, and court case management systems. Staff formerly engaged in routine tasks, such as responding to telephone inquiries for basic information and docketing, are now supporting other vital court functions or absorbing increased workloads.

Cybersecurity

Cybersecurity continues to be one of the judiciary's top administrative priorities. The daily challenge of protecting and defending judiciary assets against cyberattacks is an arduous and continuous endeavor. Fortunately, there have been no known catastrophic security breaches to judiciary systems, as judiciary IT personnel successfully counter a wide range of threats posed by hackers,

computer viruses, and other malicious acts. However, to meet expanding security requirements, significant cybersecurity funding has been necessary, and will continue to be needed in FY 2020 and in future fiscal years. The importance of cybersecurity funding is evident in the number of cyber attacks on the judiciary— more than 50 million from January to September 2018.

The judiciary’s cybersecurity program incorporates multiple layers of security defenses placed throughout its IT networks. The judiciary employs perimeter defenses, such as firewalls (both network and web application), host and network-based intrusion detection and prevention systems, internet proxies for web-based threat protection, and a Judiciary Automated Systems Incident Response Capability (JASIRC), managed at the national level. Security devices are monitored 24 hours a day, seven days a week, with event logs aggregated and reviewed for evidence of malicious activity. The judiciary’s security program distributes a weekly security newsletter throughout the judiciary to promote security best practices, such as awareness of newly available patches and emerging threats. In addition, independent third parties perform periodic vulnerability assessments of judiciary networks and all new public-facing IT assets prior to deployment.

The Judicial Conference requires all judiciary organizations to conduct annual security awareness training and maintain the security health of their local area networks. At the local court level, organizations are provided enterprise licensed security software for endpoint protection, web-based threat protection, and vulnerability scanning. Moreover, court units completed a self-assessment of their IT security. These assessments provide extensive data to allow the judiciary to analyze its IT security posture and make any necessary improvements.

Cybersecurity activities and the employment of security-related assets are integral to the many IT systems, networks, and operations of the judiciary. For FY 2020, the judiciary is requesting \$68.8 million in Salaries and Expenses funding for cybersecurity, which represents a slight decrease of \$1.7 million below the FY 2019 level of \$70.5 million. These cybersecurity costs are separately presented in table 11.2 on page 11.6 to provide a clear view of the judiciary’s financial commitment to cybersecurity (additional cybersecurity funds can be found in the budget accounts for the national courts, Defender Services, and Court Security). Cybersecurity accounts for nearly 13 percent of the total FY 2020 JITF requirements within the Salaries and Expenses account. Cybersecurity resources are interspersed throughout the various IT program components and are a subset of the total requirements included in the program components shown in table 11.3 on page 11.9.

Table 11.2 Salaries and Expenses JITF Cybersecurity Requirements

IT Program Component (\$000)	FY 2019 Planned Cybersecurity Requirements	FY 2020 Requested Cybersecurity Requirements	Increase/(Decrease) From FY 2019
Judicial Statistics & Reporting Systems	645	0	(645)
Administrative & Management Systems	2,645	2,038	(607)
Telecommunications Program	26,486	28,939	2,453
Infrastructure & Collaboration Tools	40,519	36,843	(3,676)
Court Administration & Case Management	180	987	807
TOTAL, S&E JITF Cybersecurity	70,475	68,807	(1,668)

The FY 2020 S&E JITF cybersecurity request includes adjustments as follows:

- \$0.6 million decrease in each of the Judicial Statistics & Reporting Systems component and Administrative & Management Systems component for decreased contractor assistance for cybersecurity management and control. Certain cybersecurity functions will be performed by government employees whose salaries are not funded by these components.
- \$2.5 million increase in the Telecommunications program for increased log management operations at the courts.
- \$3.7 million decrease in the Infrastructure and Collaboration Tools program component which in part includes savings from the conversion of cybersecurity contractor positions to government employee positions which are not funded by this program component.
- \$0.8 million increase in Court Administration and Case Management associated with cyber-related operations and maintenance of the legacy Probation and Pretrial Services Automated Tracking System (PACTS).

Additionally, in FY 2020, the judiciary also plans to use \$13.0 million of Electronic Public Access receipts (compared to \$12.8 million in FY 2019) for cybersecurity activities associated with security assets and operations that protect the Case Management/Electronic Case Files system and Public Access to Court Electronic Records network (resulting in a total FY 2020 court cybersecurity program of approximately \$81.8 million. (This spending is discussed in Appendix 2 – Electronic Public Access)

Electronic Public Access Requirements Shift to Salaries and Expenses

In *National Veterans Legal Services Program et al. v. United States*, the U.S. District Court for the District of Columbia was asked to review the judiciary’s use of Electronic Public Access fees under the E-Government Act of 2002. In a March 2018 decision, the court found that the vast majority of the judiciary’s Electronic Public Access expenditures were appropriate and consistent with the E-Government Act and other statutes. At the same time, the court ruled that the use of Electronic Public Access fees to pay for three ancillary services were impermissible because they lacked a sufficient nexus to public access. The Department of Justice filed an appeal on the judiciary’s behalf, challenging the ruling, and the appeal is pending with the Court of Appeals for the Federal Circuit. To prevent potential future exposure as the appeal moves forward, costs associated with the three areas deemed impermissible by the court’s ruling (courtroom technology – including costs associated with new courthouse construction projects, eJuror, and Violent Crime Control Act Notification) were provisionally shifted from Electronic Public Access receipts to the Salaries and Expenses appropriation in the judiciary’s FY 2019 budget re-estimate and FY 2020 budget request. FY 2020 JITF requirements include approximately \$30 million associated with these formerly Electronic Public Access-funded activities. Consistent with longstanding practice, the judiciary will continue to use Electronic Public Access funds for the Case Management/Electronic Case Files (CM/ECF) system and Electronic Bankruptcy Noticing among other appropriate expenses.

Technology Associated with New Courthouse Construction

The Consolidated Appropriations Act of 2016 provided \$948 million in funding to the General Services Administration (GSA) for the full construction of eight courthouse projects and partial funding for a ninth project. The 2016 legislation also included \$53 million for GSA for new construction and acquisition of federal buildings that jointly house U.S. courthouses and other federal agencies in Greenville, Mississippi, and Rutland, Vermont. Additionally, Congress funded three new courthouse projects (Harrisburg, PA; Huntsville, AL; and Ft. Lauderdale, FL) in FY 2018. Although GSA is paying for the construction of these courthouse projects, the

judiciary is responsible for funding a number of ancillary infrastructure costs, including furniture, moving expenses, security, courtroom technologies or local-area networks and associated communications infrastructure.

The FY 2020 JITF requirements include \$5.9 million for the costs of providing local-area networks, communications infrastructure, and, as noted above, courtroom technology (previously funded by the Electronic Public Access program) to new courthouse projects included in the 2016 legislation. Costs associated with the courthouses funded in FY 2018 are still under development. The total of \$5.9 million in FY 2020 requirements reflects a decrease of \$0.4 million from FY 2019 requirements of \$6.3 million.

Judiciary Information Technology Fund Program Requirements

The FY 2020 request reflects a necessary growth in requirements for the ongoing demands of maintaining complex data communications networks, operating systems, and effective and secure applications. The judiciary has taken an ambitious approach to maintaining and upgrading critical court support systems that provide financial reporting, personnel and payroll management, statistical reporting, and case management; which is evident by this request. Additionally, funding is being requested for program increases for replacement of the judiciary's financial disclosure system and upgrading the payroll projection system. As shown in table 11.3 on page 11.9 funding for the Salaries and Expenses JITF obligations supports seven program components.

Table 11.3 Salaries and Expenses Obligations – Judiciary Information Technology Fund Program Requirements

(\$000)

<u>IT Program Component</u>	FY 2019 Projected Obligations	FY 2018 Slipped Requirements	FY 2019 Base Requirements (Col A - Col B)	Change: FY 2019 Adj. Base Requirements to FY 2020 Current Services Requirements	FY 2020 Program Increases	FY 2020 Total Requirements
Judicial Statistics & Reporting Systems	17,442	1,298	16,144	1,635	0	17,779
Administrative & Management Systems	93,969	25,400	68,569	1,852	4,507	74,928
Telecommunications Program	86,020	7,081	78,939	16,387	-400	94,926
Infrastructure and Collaboration Tools	171,911	34,884	137,027	17,155	0	154,182
Court IT Allotments	106,427	0	106,427	-6,607	0	99,820
Court Administration & Case Management	48,619	12,235	36,384	-1,784	0	34,600
Court Support Reimbursable Program	59,023	0	59,023	2,228	0	61,251
TOTAL, S&E JITF	583,411	80,898	502,513	30,866	4,107	537,486

The following sections present FY 2020 requirements for the JITF and discuss significant non-inflationary increases, and, where applicable, decreases between the FY 2020 requirements and the FY 2019 base requirements.

Judicial Statistical & Reporting Systems

FY 2020 Requirements: \$17,779,000

Adjustments to Base from Fiscal Year 2019: \$1,635,000

This category includes systems to support gathering and reporting statistics in the judiciary; data analysis and management reporting across judiciary-wide data sources; and planning and decision-making with staffing, financial, and workload data.

The increase in this area will support expanding the management and reporting capabilities of the Enterprise Data Warehouse (EDW) and maintaining operations of the probation and pretrial statistical system. The EDW is a repository of data from multiple systems, and it enables efficient and accurate access to data for the timely preparation of standard and exception reporting.

Administrative & Management Systems

FY 2020 Requirements: \$74,929,000

Adjustments to Base from Fiscal Year 2019: \$1,853,000

Program Increase: \$4,507,000

This program includes the judiciary’s financial and personnel management systems, as well as systems to support and manage facilities projects, travel expenses, and judiciary web sites.

The FY 2020 request will fund increased costs associated with maintaining the judiciary’s financial system such as a system upgrade (\$1.5 million) and mobile platform maintenance (\$0.4 million). Also, the request includes a program increase of \$4.5 million to replace the judiciary’s financial disclosure system (\$2.8 million) and upgrade the payroll projection system (\$1.7 million). (For more information on these two program increases, see the Salaries and Expenses chapter, pages 4.46-4.47).

Telecommunications Program

FY 2020 Requirements: \$95,726,000

Adjustments to Base from Fiscal Year 2019: \$16,387,000

Program Decrease: (\$400)

This program involves support for voice and data transmission services and telecommunications. The judiciary’s communications program enables the judiciary to operate communications services for the appellate, district, and bankruptcy courts and for probation and pretrial services offices, as well as to procure communications equipment for new courthouses and for courthouses undergoing major repairs and alteration. A significant portion of these costs are incurred

through the employment of the government-wide Enterprise Infrastructure Solutions contract (EIS).

Included in the \$95.7 million request are increases of \$11.4 million to upgrade and replace components of the data communications infrastructure, strengthen application security, and implement network penetration testing and a centralized log management tool; and \$5.4 million for increased cybersecurity activities to monitor network operations and firewalls. The \$0.4 million decrease is associated with lower requirements in FY 2020 for the courthouse construction projects.

Infrastructure & Collaboration Tools

FY 2020 Requirements: **\$153,383,000**

Adjustments to Base from FY2019: **\$17,156,000**

This category encompasses building and maintaining a robust, reliable and resilient judiciary-wide IT infrastructure. Included are the costs of hardware, software, security associated with the judiciary's full enterprise hosting and cloud computing services, and e-mail and collaboration systems. This budget area also includes the costs of infrastructure for new courthouse construction projects and IT systems support, maintenance, testing, and research.

The increase of \$17.2 million in FY 2020 is associated with funding to expand ongoing IT projects and services (\$5.8 million); continue expanding of hosting services to additional

court units (\$4.3 million); supporting the deployment of the replacement e-mail system (\$3.3 million); further enhancing the judiciary cloud to incorporate commercial clouds (\$2.4 million); and the expansion of an enterprise operations center (\$1.4 million).

Court IT Allotments

FY 2020 Requirements: **\$99,820,000**

Adjustments to Base from FY2019: **(\$6,670,000)**

These allotted funds cover costs paid directly by the courts for operating, maintaining, and replacing computers, printers, local-area-network equipment, and software. Also included in this category are costs for local telecommunications services, equipment, maintenance and courtroom technology.

The decrease is due to a reduction to the request for courtroom technology of \$8.4 million, partially offset by a \$1.7 million increase in court allotments for day-to-day operating expenses.

Court Administration & Case Management

FY 2020 Requirements: **\$34,598,000**

Adjustments to Base from FY2019: **(\$1,786,000)**

This category contains a variety of tools, including the probation and pretrial services case management system (PACTS), tools to access critical case information and law enforcement databases; systems for juror qualification,

management, and payment; tools for jury participants to communicate with the courts; as well as the system that captures requests for payments to private court-appointed counsel and expert service providers.

The net decrease of \$1.8 million results from a decrease of \$13.4 million for the replacement probation and pretrial services case management system for FY 2020. This decrease is partially offset by a net \$11.6 million increase to provide national support for a Bankruptcy Case Accounting System (\$2.2 million); to implement security mitigation requirements, architectural changes, and software modifications for the electronic voucher processing system (\$1.1 million); and to maintain operations for several systems and tools (\$8.3 million).

Regarding PACTS, as explained in the Salaries and Expenses chapter (see pages 4.22-4.23), the judiciary is engaged in a stabilization and replacement process. For the replacement portion of this process, a total of \$24.5 million was included in the judiciary's FY 2017 and FY 2019 budget requests.

Recently, an independent government cost evaluation of the PACTS system was completed, which indicates the PACTS replacement effort is expected to exceed the original estimates. The AO is working to develop a multi-year funding strategy for any increased costs.

Court Support Reimbursable Program

FY 2020 Requirements: \$61,251,000

Adjustments to Base from Fiscal Year 2019: \$2,228,000

This category funds Administrative Office (AO) staff that provide IT development, management, and maintenance services to the courts. These services include IT policy and planning guidance; architecture and infrastructure support; security services; development, testing, and implementation of national IT applications; IT training; and other administrative and IT support services on behalf of the courts.

The FY 2020 budget request for the court support reimbursable program includes \$61.3 million for the salaries, benefits, and related expenses of AO staff that are reimbursed from the Salaries and Expenses account. The \$2.2 million increase in FY 2020 results from reimbursements for increased salary and benefits costs including salary progressions, Employment Cost Index (ECI), locality pay adjustments, and employee benefits changes.

**PROGRAMS FUNDED FROM DEPOSITS FROM
OTHER JUDICIARY ACCOUNTS**

Occasionally, organizations within the judiciary that are not mandatory users of the JITF may deposit funds to assist them in managing their IT efforts. In recent years, the Court of Appeals for the Federal Circuit, the Court of International Trade, the AO, Federal Judicial Center, the U.S. Sentencing Commission, and the Court Security Office have made such deposits.

Court of Appeals for the Federal Circuit (CAFC)

At the beginning of FY 2020, the court estimates that \$3,947,000 of its funds will remain in the JITF. This amount will be supplemented by an additional \$50,000 from FY 2020 Electronic Public Access receipts to total \$3,997,000.

The court anticipates obligating \$370,000 from the JITF in FY 2020. This figure reflects all required cyclical replacements and other automation needs based on the current understanding of financial obligations the Court will incur to maintain the Federal Circuit's connectivity to national judiciary IT programs. Funds will be used to perform the required cyclical replacements of laptops, printers, multifunction units, scanners, tablets, and smart phones. The Court will also procure miscellaneous automation supplies, such as cabling and essential software and cloud services, along with their related maintenance and security. Funds will be used to procure supplemental contractor Subject Matter Experts to assist IT

staff with various IT projects and initiatives such as Office 365, Cloud services, Security and SharePoint.

Court of International Trade (CIT)

At the beginning of FY 2019, \$1,411,000 was available in carry forward balances from the JITF, including \$32,000 from Electronic Public Access receipts. Of this amount, the Court is planning to use \$979,000 during FY 2019 to:

- continue the contract with IT security services to enhance the Court's cybersecurity program;
- upgrade the Court's primary core switch;
- upgrade software maintenance and licensing of existing software applications for major requirements, such as Microsoft and Linux;
- continue to maintain and support video conferencing system, digital recording system, data network and voice connections, Virtual Private Network System (VPN), Voice Over Internet Protocol (VOIP), and Judiciary Data Communications Network (DCN); and
- purchase computer desktop systems, monitors, laptops, tablets, and printers, according to the judiciary's cyclical replacement program.

At the beginning of FY 2020, the Court anticipates that \$432,000 will be available in carry forward balance into the JITF, supplemented by \$32,000 of Electronic Public Access receipts. These funds will be used to continue the Court's IT

initiatives as described above and to support the short term and long-term information technology needs.

Administrative Office of the U.S. Courts (AO)

At the beginning of FY 2019, the AO had \$3,456,000 available in the JITF from deposits that were made in previous fiscal years. In FY 2019, the AO intends to obligate the entire amount to replace AO personal computers, laptops, printers, and related equipment pursuant to an approximate four-year replacement cycle, as well as copiers, video conference equipment, and software as required. The FY 2019 plan does not anticipate any end-of-year balance to be carried forward into FY 2020.

Federal Judicial Center (FJC)

At the beginning of FY 2019, the FJC had \$431,000 available in the JITF from deposits that were made in previous fiscal years. A total of \$431,000 is planned for obligation in FY 2019. These funds will provide for the estimated costs associated with IT infrastructure, contract services to support maintenance of IT systems, and planned life-cycle replacement of various office automation and technology equipment. The FJC does not expect any end-of-year JITF balances to carry over into FY 2020.

U.S. Sentencing Commission

At the beginning of FY 2019, the Sentencing Commission had \$1,669,000 available in the JITF from deposits that were made

in previous fiscal years. A total of \$1,669,000 is planned for obligation in FY 2019. Besides supporting ongoing efforts in cyber security, these funds will aid improvements in automation, including database enhancements and maintenance, data extraction, data warehousing, and electronic records management. The FY 2019 plan does not anticipate any end-of-year balance to be carried forward into FY 2020.

Court Security

At the beginning of FY 2019, \$49,000 was available in the Court Security account for the Facility Access Card (FAC) project. The FAC project is the judiciary's version of Homeland Security Presidential Directive-12 (HSPD-12) which developed standards for a secure and reliable form of identification (also known as "smart cards") for federal government employees and contractors. The implementation of the FAC project was completed in FY 2018 and moved into a sustainment phase in FY 2019. No JITF resources are requested for this or any other Court Security project in FY 2020.