

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

***Court Security***

**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

<b>Fiscal Year 2023 Enacted Appropriation (Excluding Supplemental Appropriation)</b>	<b>\$750,163,000</b>
<b>Fiscal Year 2024 Appropriation Request</b>	<b>\$783,465,000</b>
<b>Requested Increase from Fiscal Year 2023 Enacted Appropriation (Excluding Supplemental Appropriation)</b>	<b>\$33,302,000</b>

**APPROPRIATION LANGUAGE**

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

**COURT SECURITY**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court or Administrative Office of the United States Courts operations, building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), [~~\$750,163,000~~]~~\$783,465,000~~, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided*, That funds made available under this heading may be used for managing a Judiciary-wide program to facilitate security and emergency management services among the Judiciary, United States Marshals Service, Federal Protective Service, General Services Administration, other Federal agencies, state and local governments and the public; and[, notwithstanding sections 331, 566(e)(1), and 566(i) of title 28, United States Code, for identifying and pursuing the voluntary redaction and reduction of personally identifiable information on the internet of judges and other familial relatives who live at the judge's domicile] *for purposes authorized by the Daniel Aderl Judicial Security and Privacy Act of 2022 (Public Law 117-263, Division C, Title LIX, subtitle D) and 28 U.S.C. § 604(a)(24).*

(P.L.117-328 - Financial Services and General Government Appropriations Act, 2023)

**SUMMARY OF REQUEST  
COURT SECURITY  
FISCAL YEAR 2024  
(Dollar amounts in thousands)**

**Fiscal Year 2024 Resource Requirements:**

<u>Page</u>		<u>FTE</u>	<u>Amount</u>
	<b>FY 2023 Total Available Resources (Annual Appropriation, Supplemental Funds, Prior Year Funds)<sup>1</sup></b>	<b>96</b>	<b>\$897,235</b>
	Less supplemental funds for courthouse hardening carried forward into FY 2024 and FY 2025. . . . .	-	(75,000)
	<b>Total FY 2023 Obligations</b>	<b>96</b>	<b>\$822,235</b>
	Less encumbered carryforward from FY 2022 into FY 2023. . . . .	-	(15,049)
	Less unencumbered carryforward and recoveries from prior years into FY 2023. . . . .	-	(19,523)
	Less FY 2023 obligations associated with courthouse hardening supplemental funds. . . . .	-	(37,500)
	<b>Fiscal Year 2023 Enacted Annual Appropriation . . . . .</b>	<b>96</b>	<b>\$750,163</b>
	<b><u>A. Adjustments to Base to Maintain Current Services:</u></b>		
	1. Pay and benefits adjustments		
7.15	a. Proposed January 2024 pay adjustment (5.2% for nine months) . . . . .	-	738
7.15	b. Annualization of January 2023 pay adjustment (4.6% for three months) . . . . .	-	215
7.15	c. Promotions and within-grade increases. . . . .	-	147
7.15	d. Health benefits increases . . . . .	-	44
7.16	e. FICA adjustment . . . . .	-	39
7.16	f. One more compensable day. . . . .	-	2,055
7.16	2. Annualization of court security officer (CSO) positions (109 CSOs). . . . .	-	5,284
7.16	3. Annualization of USMS positions . . . . .	8	2,680
7.16	4. FY 2024 CSO contract and wage rate adjustments (3.0%) . . . . .	-	5,348
7.17	5. Inflationary increases in charges for contracts, services, supplies, and equipment. . . . .	-	261
7.17	6. Changes in Federal Protective Service security charges		
	a. Increase in basic security charges . . . . .	-	900
	b. Increase in building-specific security charges . . . . .	-	2,348
7.18	7. Adjustments to base requirements for security systems and equipment . . . . .	-	(1,848)
7.19	8. Increase in appropriations needed to fund current services . . . . .	-	4,523
	<b>Subtotal, Adjustments to Base to Maintain Current Services . . . . .</b>	<b>8</b>	<b>22,734</b>
	<b>Total Current Services Appropriation Required . . . . .</b>	<b>104</b>	<b>772,897</b>

<sup>1</sup> Congress provided \$112.5 million in supplemental no-year funding for courthouse hardening in the FY 2023 Continuing Resolution. The \$112.5 million will be obligated over 3 years.

<u>Page</u>	<u>B. Program Increases</u>	<u>FTEs</u>	<u>Amount</u>
7.21	9. Services to support the removal of judges' PII from the internet . . . . .	-	1,500
7.21	10. Emergency management equipment sustainment. . . . .	-	1,000
7.21	11. Emergency management reimbursable positions. . . . .	-	1,000
7.21	12. USMS staffing positions for Judicial Facility Security Program . . . . .	5	1,691
7.22	13. Screening equipment replacement and disposal . . . . .	-	5,000
7.22	14. CSO staffing for <i>McGirt</i> requirements (6 CSOs) . . . . .	-	377
	<b>Subtotal, Program Increases. . . . .</b>	<b>5</b>	<b>10,568</b>
	<b>Total Fiscal Year 2024 Appropriation Required . . . . .</b>	<b>109</b>	<b>783,465</b>
	<b>Total Appropriation Increase, Fiscal Year 2023 to Fiscal Year 2024 . . . . .</b>	<b>13</b>	<b>33,302</b>
	<b><u>Financing the Fiscal Year 2024 Request:</u></b>		
	<b>Total Appropriation Required. . . . .</b>	<b>109</b>	<b>783,465</b>
7.22	15. Anticipated unencumbered carryforward from FY 2023 and prior years into FY 2024 . . . . .	-	15,000
7.22	16. Anticipated continuing obligation of FY 2023 courthouse hardening supplemental funds . . . . .	-	37,500
	<b>Estimated Obligations, Fiscal Year 2024 . . . . .</b>	<b>109</b>	<b>835,965</b>

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

Activity	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request
<b>Total Obligations</b>	<b>705,704</b>	<b>822,235</b>	<b>835,965</b>
Unobligated Balance, Start of Year:			
Judiciary Information Technology Fund	(101)	-	-
Court Security (annual funding)	(34,860)	(34,572)	(15,000)
Emergency Supplemental (no-year) <sup>1</sup>	-	(112,500)	(75,000)
Deposits and Other Adjustments:			
Judiciary Information Technology Fund	(85)	-	-
PY Recoveries	(571)	-	-
Transfers to Court Security (no-year)	(15,000)	(15,000)	(15,000)
Unobligated Balance, End of Year:			
Judiciary Information Technology Fund	-	-	-
Court Security (expiring annual)	15,141	-	-
Emergency Supplemental (no-year) <sup>1</sup>	0	75,000	37,500
Court Security (no-year)	34,572	15,000	15,000
<b>Appropriation</b>	<b>704,800</b>	<b>750,163</b>	<b>783,465</b>

<sup>1</sup> Congress provided \$112.5 million in supplemental no-year funding for courthouse hardening in the FY 2023 Continuing Resolution. The \$112.5 million will be obligated over 3 years.

Obligations by Budget Object Class (\$000)

Description	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request
11.1 Full-Time Permanent	9,048	12,085	15,987
11.5 Other Personnel Compensation	351	-	-
12.1 Civilian Personnel benefits	3,540	3,420	4,801
21.0 Travel and Transportation of Persons	519	1,817	1,872
22.0 Transportation of Things	23	55	57
23.1 Rental Payments to GSA	6,811	9,427	9,710
23.2 Rental Payments to Other	3	-	-
23.3 Communications, Utilities, and Miscellaneous Charges	1,368	1,398	1,441
25.1 Advisory and Assistance Services	1,384	6,610	8,662
25.2 Other Services from Non-Federal Sources	16,468	32,933	30,699
25.3 Other Goods and Services from Federal Sources	88,898	93,402	94,682
25.4 Operation and Maintenance of Facilities	456,646	493,692	506,965
25.4 Operation and Maintenance of Equipment	32,851	31,473	34,338
26.0 Supplies and materials	1,089	468	482
31.0 Equipment	30,100	33,027	30,787
32.0 Land and Structures	56,418	102,376	95,431
42.0 Insurance Claims and Indemnities	-	52	54
<b>Direct Obligations</b>	<b>705,518</b>	<b>822,235</b>	<b>835,965</b>
Other Obligations (JITF)	186	-	-
<b>Grand Total Obligations</b>	<b>705,704</b>	<b>822,235</b>	<b>835,965</b>

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

	<b>FY 2022 Actual</b>	<b>FY 2023 Assumed</b>	<b>FY 2024 Request</b>
Direct Obligations	<b>705,518</b>	<b>822,235</b>	<b>835,965</b>
Obligated balance, start of year	243,162	279,157	375,000
Adjustments for prior year activity	(6,361)	-	-
Obligated balance, end of year	(279,157)	(375,000)	(438,576)
<b>Total Outlays</b>	<b>663,162</b>	<b>726,392</b>	<b>772,390</b>
Less Offsets	(2,403)	(2,427)	(2,451)
<b>Net Outlays</b>	<b>660,760</b>	<b>723,966</b>	<b>769,939</b>

**Personnel Summary**

	<b>FY 2022 Actual</b>	<b>FY 2023 Assumed</b>	<b>FY 2024 Request</b>
Total compensable workyears (FTE):			
United States Marshals Service	72	96	109
<b>Total, Court Security</b>	<b>72</b>	<b>96</b>	<b>109</b>

## **GENERAL STATEMENT AND INFORMATION**

The Court Security appropriation funds the necessary expenses, not otherwise provided for, incident to the provision of protective guard services, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing federal court operations. This includes building access control, inspection of mail and packages, directed security patrols, perimeter security, other similar activities as authorized by 28 U.S.C. § 604(a)(22), and managing a judiciary-wide program to facilitate security and emergency management services among the judiciary, United States Marshals Service, Federal Protective Service, General Services Administration, other federal agencies, state and local governments and the public.

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

The fiscal year (FY) 2024 Court Security appropriation request of \$783,465,000 will provide an appropriate level of security at existing court facilities and provide security coverage at new and renovated facilities. It will also allow the judiciary to sustain and make progress on several existing major strategic security initiatives, each of which is in a different stage of development, including equipment modernization and cyclical replacement for physical access control systems (PAC), video management systems (VMS), and other equipment; additional Vulnerability Management Program (VMP) requirements; additional USMS staffing requirements; additional Administrative Office of the US Courts (AO) staffing and emergency management requirements; and additional court security officer (CSO) requirements.

## **SECURING THE COURTS**

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

## **UNITED STATES MARSHALS SERVICE PROTECTION**

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

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

The goals of the JFSP are ensuring:

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

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

## **FEDERAL PROTECTIVE SERVICE SECURITY**

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

### ***Perimeter Security Pilot Program***

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

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

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

Each year since the pilot began, the judiciary's annual appropriations bills have authorized the pilot project to continue. The judiciary's FY 2024 appropriation request includes language to continue the pilot (see *General Provisions*, page 12.1). The judiciary will continue to explore additional sites and evaluate the cost-effectiveness of expanding the pilot to more locations.

### **FY 2023 APPROPRIATIONS**

The judiciary built the FY 2024 discretionary budget request for Court Security on the enacted FY 2023 appropriation, which is \$750,163,000 (excluding \$112.5 million in supplemental no-year funding for courthouse hardening that was provided under FY 2023 Continuing Resolution legislation, P.L. 117-180). For bill language, the judiciary used the relevant language from P.L. 117-328, the Financial Services and General Government appropriations bill, 2023, with requested changes to that language for FY 2024 to reflect enactment of the Daniel Aderl Judicial Security and Privacy Act in the 117<sup>th</sup> Congress.

## SIGNIFICANT ISSUES FOR FY 2024

### *Courthouse Hardening*

In response to the civil unrest during the summer of 2020 and the January 6, 2021, attack on the U.S. Capitol, the judiciary sought from Congress supplemental appropriations to fund enhanced security measures to protect judges and the judicial process, including funding to harden court facilities against individuals and groups attempting to breach court facilities and disrupt the judicial process. Congress provided \$15 million in the FY 2022 Court Security appropriation and \$112.5 million in supplemental no-year funding in the initial FY 2023 Continuing Resolution (P.L. 117-180). In recognition of the \$112.5 million in supplemental funding for courthouse hardening provided, \$15 million was removed from the Court Security base in the final enacted FY 2023 appropriations bill.

The judiciary is working with the USMS, FPS, and GSA to analyze the security measures needed to harden each courthouse. Depending on the configuration of an individual courthouse, the following building features are initial measures to stop individuals and groups from breaching court facilities and disrupting the judicial process:

- Windows – replace with (or add, as appropriate) break-resistant glass or glass coverings for pedestrian accessible windows (windows that can be accessed without ladders or climbing).
- Exterior doors – harden exterior doors with break-resistant glass or glass film, roll down gates, and other capabilities, as needed.
- Automatic exterior door locks – install automatic door locks that can be engaged by the security officers at their guard stations and from the control room.
- Fencing – install anti-scalable fencing, where needed, to protect the perimeter of the facility.

These measures are a first step toward hardening facilities and can be implemented relatively quickly when compared with more significant measures to redesign and renovate entrances, perimeter spaces, and interior public spaces, which will take more funding and longer to complete. While every effort will be made to harden as many facilities as possible with available resources, priority will be based on the following factors:

- The amount of judicial activity in the courthouse, as determined by the number of judges resident in the building and the caseload of the district/circuit,

- Information regarding incidents which have damaged courthouses during recent periods of civil unrest and proximity of the courthouse to locations that are the site of protests, including incidents of violent civil unrest or violent response to peaceful protest,
- Information from federal law enforcement agencies that the courthouses are in communities or locations where civil unrest has been or could be directed against federal courthouses,
- The design and construction of the facility and the extent to which hardening is already incorporated into the facility as part of its construction, and
- The ability to make cost-effective improvements to harden the facility perimeter, including barriers to these efforts such as the historic fabric of the facility and historic preservation requirements.

The initial facilities that will be hardened include both primary courthouses and multi-tenant federal facilities, as well as single buildings and multi-facility campus locations.

AO staff estimate that the cost to harden facilities will range from approximately \$300,000 to \$3 million per facility, depending on the courthouse size and design. AO staff, working with GSA, FPS and USMS, obligated the initial \$15 million in FY 2022 to begin 11 hardening courthouse projects.<sup>1</sup> The AO is moving forward aggressively to assess additional courthouses to obligate the \$112.5 million over the next three fiscal years. This amount is expected to support implementing countermeasures at approximately 100-150 additional courthouse facilities. Additional funding may be needed in future fiscal years to harden more judiciary facilities.

### ***Vulnerability Management Program***

As a result of the July 2020 fatal attack at a New Jersey federal judge’s home and increasing threats against federal judges, the judiciary and the USMS reviewed existing vulnerabilities impacting judges’ security and identified the need to reduce judges’ online footprints and the ready availability of judges’ personally identifiable information (PII). In FY 2022, the judiciary received approval from the Appropriations Committees to reprogram \$7.9 million from Court Security prior-year unobligated balances to implement a Vulnerability Management Program to address these risks. In addition, the FY 2022 appropriation included language authorizing the use of court security funds for identifying, redacting and reducing PII on the internet of judges and relatives who live at the judge’s

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<sup>1</sup> The 11 hardening courthouse projects include 8 fully funded, 2 design only and 1 study. The design projects will need future construction funding, and the study will require future design and construction funds.

domicile. The appropriation language did not convey permanent statutory authority for this activity, but on December 23, 2022, the President signed the Daniel Aderl Judicial Security and Privacy Act of 2022 (P.L. 117-263), which provides the judiciary with permanent PII removal authority.

The Vulnerability Management Program serves as a resource to judges on ways to enhance their personal security and the security of court personnel and facilities. The program is intended to create (1) situational awareness across security specialties, (2) active and coordinated preventative measures, (3) consistent information sharing, and (4) advanced analytic capabilities. When fully implemented, the program will include the following activities:

- Redacting eligible PII from government databases, data aggregators, and the internet;
- Educating judges and other judiciary personnel on the need to minimize online information about themselves and their family members;
- Training and national standards for appointed emergency management coordinators and others tasked with emergency management and related duties within local courts and circuits; and
- Hiring additional AO staff located within the circuits they serve to be responsible for facilitating security services among the judiciary, the USMS, the Federal Protective Services, the General Services Administration, and other appropriate federal and local law enforcement agencies.

The full-year costs in FY 2023 to implement the Vulnerability Management Program are \$10.5 million for 19 positions and 33 contractors. The FY 2024 budget request includes an additional \$1.5 million for additional software licenses to support PII redaction and removal. Refer to page 7.21 for more details.

### ***Security Systems (Physical Access Control Systems (PACS), Video Management Systems (VMS), and Screening Systems)***

PACS, VMS, and screening systems are three critical components of the court security program. Each are described more fully below.

#### ***PACS***

PACS are designed to ensure that unauthorized and potentially dangerous people do not gain entry to court facilities, and only judges, authorized federal employees, and contractors can access secure interior court space. Access is managed with cards, issued to

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

The judiciary gradually increased PACS funding by approximately \$5 million each year in order to reach \$42 million in annual funding in FY 2022, after which funds were then adjusted annually for inflation. This funding level funds PACS upgrades and begins to refresh PACS on a 10-year cycle starting in FY 2024. Future budget requests will continue to be revised for inflation, as well as necessary changes in technology, equipment, networking protocols, etc.

### *VMS*

VMS are the camera systems that allow the USMS to monitor doors, hallways, courtrooms, and other court space. With a VMS system failure, the USMS control room operators lose viewing capability of all closed-circuit television (CCTV) coverage within a facility, crippling the USMS's capability to visually assess potential threats. The loss of camera views and control capability makes a facility particularly vulnerable. Similar to the PACS issue, most existing VMS have exceeded their useful life expectancies, are at risk of failure, and are no longer supported by the manufacturers. Further, most judiciary VMS are analog systems, and these systems need to be upgraded to digital internet protocol (IP) based systems. Using the PACS funding strategy as a model, the judiciary seeks a multi-year funding approach with VMS.

For FY 2020, the Court Security account included \$6.3 million to begin replacing VMS head-end units (the head-end units are known as video matrix switchers). In FY 2021, the USMS expanded the program to replace the entire VMS unit (including cameras, cabling, and control room components) rather than replacing only the head-end unit, as it was more cost effective to replace all components at the same time. The judiciary included \$10.0 million and \$15.3 million for VMS replacement in its requests for FY 2021 and FY 2022, respectively. The FY 2023 Court Security appropriation includes an additional \$10.5 million for a total of \$25.8 million in annual funding for FY 2023. The judiciary requests \$26.3 million for FY 2024. The judiciary will be able to replace all VMS over a 10-year period and cyclically replace them going forward at this funding level.

### *Joint PACS/VMS Projects*

PACS and VMS share the same enterprise network infrastructure, and the USMS estimates that there is cost avoidance associated with installing VMS concurrently with new PACS. The USMS awarded 20 joint PACS/VMS projects in FY 2020 and FY 2021 and an additional 28 joint PACS/VMS in FY 2022. The USMS is evaluating these projects to determine the potential cost avoidance by doing the PACS and VMS replacements as a single project as opposed to separate projects.

### *Screening Systems*

Screening systems include walk through metal detectors (WTMD) and X-ray machines for screening packages. The USMS employs over 1,800 X-ray machines and WTMDs throughout the country. Half of the screening technology in place at federal courthouses is composed of legacy systems that do not provide an acceptable level of protection to the threat of illegal passage of explosives, prohibitive weapons, contraband, etc. The USMS is recommending that all legacy screening equipment be replaced to meet mission demands and to sustain performance in support of the protection of the judiciary. The FY 2023 Court Security appropriation includes \$4.7 million for the upgrade, operations and maintenance of WTMDs and X-ray systems. The FY 2024 request seeks an additional \$5 million for the screening program to provide a level of funding that will allow the replacement of outdated screening equipment over the next three years and provide for the cyclical replacement of all equipment every seven years.

### Court Security Program Summary

	FY 2023 Assumed			FY 2024 Request		
	\$000	CSO Positions	FTE	\$000	CSO Positions	FTE
Court Security Officers	493,692	4,740.5		506,965	4,746.5	
Federal Protective Service Charges	87,252			90,500		
Systems and Equipment <sup>1</sup>	184,873			173,020		
Program Administration	56,418		96	65,480		109
<b>Total Direct Obligations</b>	<b>822,235</b>			<b>835,965</b>		
<i>Prior Year Carryforward</i>						
Systems and Equipment Slippage (Encumbered)	(15,014)			-		
Program Administration Slippage (Encumbered)	(35)			-		
Systems and Equipment Savings (Unencumbered)	(19,523)			(15,000)		
<i>Supplemental</i>						
Obligations Associated with Courthouse Hardening Supplemental Funds <sup>1</sup>	(37,500)			(37,500)		
<b>Discretionary Appropriation</b>	<b>750,163</b>			<b>783,465</b>		

<sup>1</sup> Congress provided \$112.5 million in supplemental no-year funding for courthouse hardening in the FY 2023 Continuing Resolution. The \$112.5 million will be obligated over 3 years.

## JUSTIFICATION OF CHANGES

The judiciary requests \$783,465,000 for Court Security in FY 2024, a 4.4 percent increase over the FY 2023 enacted annual appropriation of \$750,163,000 (excluding emergency supplemental funds). The FY 2024 request reflects the necessary adjustments to base to maintain current services, as well as several program increases related to the CSO program, security systems and equipment needs, additional USMS staffing requirements, and additional AO staffing and program requirements. The majority of the funding in this request is transferred to the USMS, which is responsible for administering the Judicial Facility Security Program (JFSP).

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

### A. ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

#### 1. Pay and benefits adjustments

##### a. Proposed January 2024 pay adjustment

**Requested Increase: \$738,000**

Based on guidance from the Office of Management and Budget, the judiciary is assuming federal pay rates will increase by 5.2 percent in January 2024. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2024, from January 2024 to September 2024.

(If the pay adjustment included in the President's FY 2024 budget request is different than 5.2 percent, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

##### b. Annualization of January 2023 pay adjustment

**Requested Increase: \$215,000**

The requested increase provides for the annualized costs of a 2023 pay adjustment for Employment Cost Index (ECI) and locality pay. As a result of an ECI and locality adjustment, federal pay rates increased by an average of 4.6 percent, effective as of January 2023. The requested increase provides for the cost of three months (from October 2023 to December 2023) of the 2023 pay increase in FY 2024.

##### c. Promotions and within-grade increases

**Requested Increase: \$147,000**

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

##### d. Health Benefits increases

**Requested Increase: \$44,000**

Based on information from the Office of Personnel Management, agency health benefit premium contributions are

projected to increase by an average of 6.6 percent both in January 2023 and January 2024. The requested increase annualizes the 2023 premium increase and includes a nine-month provision for the increase anticipated for FY 2024.

**e. FICA adjustment**

**Requested Increase: \$39,000**

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2023. The salary cap for OASDI increased from \$147,000 to \$160,200 in January 2023. The requested amount is needed to pay the agency’s contribution in FY 2024.

**f. One more compensable day**

**Requested Increase: \$2,055,000**

There is one more compensable day in FY 2024 than in FY 2023. The requested increase adjusts for personnel compensation and benefits associated with one more compensable day.

**2. Annualization of CSO positions**

**Requested Increase: \$5,284,000**

In FY 2023, funding was provided to support 7 new CSO positions needed to staff new courthouse construction projects, 16 new CSO positions for *McGirt*-related requirements, and 86

new CSO positions for the continued implementation of the CSO staffing standards. This request includes the increase required to fund the full-year cost of these 109 CSO positions in FY 2024.

**3. Annualization of USMS positions**

**Requested Increase: \$2,680,000**

**FTE: 8**

In FY 2023, funding was provided for 4 new USMS positions to support the equipment modernization and cyclical replacement strategy and 12 new positions for the Judicial Facility Security Program (JFSP). This request includes the increase required to fund the full-year cost of these positions in FY 2024.

**4. FY 2024 CSO contract and wage rate adjustments**

**Requested Increase: \$5,348,000**

A total of \$5.4 million is requested for anticipated increases in the hourly rates and overtime pay for CSO contract services in FY 2024. The request is an average increase of 3.0 percent on a national basis over FY 2023 projected levels.

The minimum hourly wage rates paid by the vendors who are retained by the USMS to provide CSO services are determined by the Department of Labor and vary around the country based on an annual assessment of the prevailing wage rates paid for occupations like the CSO category of service in a specific locality. CSO wages are also adjusted through collective

bargaining agreements negotiated between CSO contractors and unions. In accordance with the McNamara-O’Hara Service Contract Act, the contract CSOs must be paid the hourly rates determined by the Department of Labor unless a collective bargaining agreement is in place.

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

**Requested Increase: \$261,000**

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary increases of 2.4 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment (excluding the CSO contracts).

**6. Changes in Federal Protective Service security charges**

**Requested Increase: \$3,248,000**

The FY 2024 security cost estimate of \$90.5 million for FPS security services consists of basic security (\$28.4 million) and building-specific security costs (\$62.1 million). This cost represents an increase of \$3.2 million from the FY 2023 estimate of \$87.3 million. Additional information regarding the changes in FPS security charges is summarized below:

**a. Increase in basic security charges: \$900,000**

The FY 2024 request for basic security charges is \$28.4 million, which is \$0.9 million above the FY 2023 estimated level.

**b. Increase in building-specific security charges: \$2,348,000**

The total FY 2024 request for building-specific security charges is \$62.1 million, which is \$2.3 million above the FY 2023 estimated level. The requested increase supports new countermeasure projects.

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

Building-specific expenses include:

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

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

**7. Adjustments to base requirements for security systems and equipment**

**Requested Decrease: (\$1,848,000)**

	(\$000)
<b>FY 2023 Available Funding</b>	<b>\$169,859</b>
<b>Adjustments to base - net decreases</b>	<b>(1,848)</b>
<b>FY 2024 Current Services</b>	<b>\$168,011</b>

The requested amount reflects a net decrease of \$1.8 million for the security systems and equipment program. Table 7.1 on page 7.20 and the following justification of changes provide further information regarding the judiciary's security systems and equipment funding requirements.

**Increased Funding for Security Systems and Equipment**

- *Physical Access Control Systems (PACS)/Video Management Systems (VMS)*

Requested Increase: \$1,801,000

PACS are designed to ensure that unauthorized and potentially dangerous people do not gain entry to court facilities, and only judges, authorized federal employees, and contractors can access secure interior court space. Access is managed with cards, issued to authorized persons, that are read by automated card readers at exterior and/or interior doors, and for judges at secure elevators.

VMS are the camera systems that allow the USMS to monitor doors, hallways, courtrooms, and other court space.

The increases of \$1,285,000 for PACS and \$516,000 for VMS are due primarily to inflationary cost adjustments.

- *Other Additional and Replacement Equipment*

Requested Increase: \$626,000

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

- *Nationwide Maintenance Contract for Existing Security Systems and Equipment*

Requested Increase: \$521,000

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

**Decreased Funding for Security Systems and Equipment**

- *Security infrastructure for new courthouse construction projects*

Requested Net Decrease: (\$4,750,000)

In FY 2023, \$4.8 million is included for security systems requirements for new courthouse construction projects, and the decrease is associated with non-recurring those security requirements in FY 2024.

- *Miscellaneous Systems and Equipment*

Requested Decrease: (\$46,000)

A net decrease of \$46,000 is requested for various miscellaneous systems and equipment requirements in FY 2024. This includes increases of \$301,000 for perimeter security improvements; \$207,000 for GSA installation and maintenance; \$140,000 for cyclical replacement of x-ray screening equipment and walk-thru metal detectors; \$131,000 for the nationwide vehicle barrier maintenance contract; and \$26,000 for equipment for probation, pretrial services, and defender services. The request also includes a decrease of \$752,000 for CSO radios, accessories, repairs and over-the-air re-key; and a decrease of \$99,000 for systems and equipment for the Thurgood Marshall Federal Judiciary Building.

**8. Increase in appropriations need to fund current services**

**Requested Increase: \$4,523,000**

In FY 2023, \$19.5 million in balances from FY 2022 and prior years is available to finance FY 2023 requirements. In FY 2024, the judiciary expects \$15 million in non-appropriated funds to be available, a decrease of \$4.5 million from FY 2023. Because the judiciary anticipates having \$4.5 million less in carryforward funding available in FY 2024, it requests \$4.5 million more in appropriated funding to maintain current services.

**Table 7.1**  
**Court Security Appropriation**  
**Security Systems & Equipment Funding Summary**

Category	FY 2022 Financial Plan	FY 2023 Assumed <sup>1</sup>	FY 2024 Adjustments to Base	FY 2024 Program Increases / Decreases	FY 2024 Request <sup>1</sup>	Change FY 2023 to FY 2024
	\$000	\$000	\$000	\$000	\$000	\$000
<b>Courthouse Hardening - Infrastructure Improvements<sup>2</sup></b>	15,000	37,500	-	-	37,500	-
PACS	42,000	42,840	1,285	-	44,125	1,285
VMS	15,298	25,800	516	-	26,316	516
Other Additional and Replacement Equipment (Excludes VMS)	11,698	12,235	626	-	12,861	626
Nationwide Maintenance Contract for Existing Security Systems and Equipment	16,868	17,340	521	-	17,861	521
New Courthouse Construction Projects	2,050	4,750	(4,750)	-	-	(4,750)
Miscellaneous Systems and Equipment						
<i>Perimeter Security Improvements</i>	9,841	10,038	301	-	10,339	301
<i>GSA Installation/Alterations</i>	6,745	6,880	207	-	7,087	207
<i>Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors</i>	4,580	4,672	140	5,000	9,812	5,140
<i>Nationwide Vehicle Barrier Maintenance Contract</i>	2,528	4,379	131	-	4,510	131
<i>Equipment for Probation, Pretrial Services, and Defender Services</i>	892	910	26	-	936	26
<i>CSO Radios, Accessories, Repairs and Over-the-Air-Re-key</i>	2,207	2,416	(752)	9	1,673	(743)
<i>TMFJB</i>	99	99	(99)	-	-	(99)
<b>Total Miscellaneous Systems and Equipment</b>	26,892	29,394	(46)	5,009	34,357	4,963
<b>Total Security Systems and Equipment</b>	129,806	169,859	(1,848)	5,009	173,020	3,161

<sup>1</sup> Excludes encumbered carryforward

<sup>2</sup> Congress provided \$112.5 million in supplemental no-year funding for courthouse hardening in the FY 2023 Continuing Resolution. The \$112.5 million will be obligated over 3 years.

## **B. PROGRAM INCREASES**

### **9. Services to support the removal of judges' PII from the internet**

**Requested Increase: \$1.5 million**

For FY 2024, the judiciary requests an additional \$1.5 million for the Vulnerability Management Program for additional software licenses, automated tools, and support for identifying, redacting, and reducing PII for judges and eligible family members. Refer to pages 7.10-7.11 for more details.

### **10. Emergency management equipment sustainment**

**Requested Increase: \$1.0 million**

For FY 2024, the judiciary requests \$1.0 million to fund the recurring operations, maintenance, and life-cycle replacement costs for emergency management (EM) equipment to sustain satellite communications equipment in remote districts for continuity of operations. Remote districts in Guam, the Northern Mariana Islands, Hawaii, Alaska, Puerto Rico, and the U.S. Virgin Islands require satellite communications equipment and hybrid generators (solar/gas) for emergency communications.

### **11. Emergency management reimbursable positions**

**Requested Increase: \$1.0 million**

For FY 2024, the judiciary requests \$1.0 million for 4 new emergency management reimbursable positions (4 reimbursable FTE) to the Court Security appropriation. These positions will provide subject-matter expertise in EM for preparedness, response, recovery, and mitigation; programmatic policy; education; and training for the AO and the judiciary. These positions will implement AO EM programs directly and provide guidance, templates, and tools to assist judiciary court units and federal defenders with consistent program implementation per judiciary guidance. Additionally, EM staff will coordinate with other government agency safety staff to ensure judiciary-specific EM programs and plans are developed and executed using an integrated interagency approach to ensure continuity of judiciary operations, which are reliant upon external agency support.

### **12. USMS staffing positions for Judicial Facility Security Program**

**Requested Increase: \$1,691,000**

**FTE: 5**

For FY 2024, the judiciary requests \$1.7 million for 9 additional USMS positions (5 FTE) and 2 contractors. With this request, the total number of judiciary-funded positions at the USMS will be 113. The additional staff would allow the USMS to restructure the Judicial Facility Security Program (JFSP) based on a recent workload analysis. The request consists of 7 positions (3.5 FTE) for operational and administrative support to district judicial security inspectors, 2

positions (1.5 FTE) for ensuring contract compliance, and 2 contractors for CSO and systems support.

### **13. Screening equipment replacement and disposal**

**Requested Increase: \$5,000,000**

Screening systems at federal courthouses include X-ray machines and walk-through metal detectors, and half of the screening systems in place do not provide an acceptable level of protection. The FY 2024 request includes \$5.0 million for the continued implementation of a multi-year equipment modernization and cyclical replacement strategy for screening systems. Refer to page 7.13 for more details.

### **14. CSO staffing for *McGirt* requirements (6 CSOs)**

**Requested Increase: \$377,000**

In FY 2024, the judiciary requests an increase of \$377,000 for 6 CSO positions related to increased requirements as a result of the Supreme Court’s decision in *McGirt v. Oklahoma*.

In July 2020, the *McGirt decision* resulted in a shift in jurisdiction from state court to federal and tribal courts for the prosecution of criminal offenses involving the Creek Nation, primarily in eastern Oklahoma. Now that the Oklahoma Court of Criminal Appeals has extended *McGirt* to apply to land granted to Oklahoma’s four other “Civilized Tribes,” much of Oklahoma is “Indian country” for purposes of federal criminal jurisdiction.

## **C. FINANCING THE FY 2024 REQUEST**

### **15. Anticipated carryforward balances from FY 2023 and prior years into FY 2024**

**Estimated Funds Available: \$15,000,000**

The judiciary projects \$15.0 million will be available through anticipated savings and prior-year recoveries to carry forward from FY 2023 into FY 2024 to offset partially the FY 2024 appropriation request for the Court Security program. The judiciary will advise the appropriations subcommittee staffs of changes to this estimate.

### **16. Anticipated continuing obligation of FY 2023 courthouse hardening supplemental funds**

**Estimated Funds Available: \$37,500,000**

Congress provided \$112.5 million in supplemental no-year funding for courthouse hardening in the FY 2023 Continuing Resolution legislation (P.L. 117-180). The full \$112.5 million supplemental funding will be obligated over 3 years (\$37.5 million in FY 2023, \$37.5 million in FY 2024, and \$37.5 million in FY 2025). Refer to pages 7.9-7.10 for more details.