

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
Court Security
SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

| | |
|---|----------------------|
| Fiscal Year 2024 Assumed Appropriation | \$766,445,000 |
| Fiscal Year 2025 Appropriation Request | \$805,933,000 |
| Requested Increase from Fiscal Year 2024 Assumed Appropriation | \$39,488,000 |

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), [\$766,445,000]\$805,933,000, 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 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).

(H.R. 4664/S. 2309 - Financial Services and General Government Appropriations Act, 2024, updated to reflect the judiciary's fiscal year 2024 assumed appropriation)

**SUMMARY OF REQUEST
COURT SECURITY
FISCAL YEAR 2025
(Dollar amounts in thousands)**

| <u>Fiscal Year 2025 Resource Requirements:</u> | | <u>FTE</u> | <u>Amount</u> |
|--|---|-------------------|----------------------|
| <u>Page</u> | FY 2024 Total Available Resources (Annual Appropriation, Supplemental Funds, Prior Year Funds)¹ | 104.0 | \$886,186 |
| | Less supplemental funds for courthouse hardening carried forward into FY 2025. | - | (37,500) |
| | Total FY 2024 Obligations | 104.0 | \$848,686 |
| | Less encumbered carryforward from FY 2023 into FY 2024. | - | (13,186) |
| | Less unencumbered carryforward and recoveries from prior years into FY 2024. | - | (15,000) |
| | Less FY 2024 obligations associated with courthouse hardening supplemental funds. | - | (54,055) |
| | Fiscal Year 2024 Assumed Annual Appropriation | 104.0 | \$766,445 |
| <u>A. Adjustments to Base to Maintain Current Services:</u> | | | |
| | 1. Pay and benefits adjustments | | |
| 7.16 | a. Proposed January 2025 pay adjustment (2.0% for nine months) | - | 305 |
| 7.16 | b. Annualization of January 2024 pay adjustment (5.2% for three months) | - | 357 |
| 7.16 | c. Promotions and within-grade increases. | - | 181 |
| 7.16 | d. Health benefits increases | - | 70 |
| 7.17 | e. FICA adjustment | - | 6 |
| 7.17 | 2. Annualization of court security officer (CSO) positions (6 CSOs). | - | 285 |
| 7.17 | 3. FY 2025 CSO contract and wage rate adjustments (3.0%) | - | 14,466 |
| 7.17 | 4. Inflationary increases in charges for contracts, services, supplies, and equipment. | - | 690 |
| 7.17 | 5. Increase in GSA space rental costs. | - | 231 |
| 7.18 | 6. Changes in Federal Protective Service security charges | | |
| | a. Increase in basic security charges | - | 924 |
| | b. Increase in building-specific security charges | - | 1,791 |
| 7.18 | 7. Adjustments to base requirements for security systems and equipment | - | 3,666 |
| | Subtotal, Adjustments to Base to Maintain Current Services | - | 22,972 |
| | Total Current Services Appropriation Required | 104.0 | 789,417 |

¹ 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> |
|-------------|--|--------------|----------------|
| 7.22 | 8. Vulnerability Management Information Service | - | 4,400 |
| 7.22 | 9. Security infrastructure for new courthouses | - | 750 |
| 7.22 | 10. Staffing support for Probation and Pretrial Services Office and Thurgood Marshall Federal Judiciary Building | 1.0 | 192 |
| 7.22 | 11. External cameras for Video Management Systems | - | 3,800 |
| 7.23 | 12. Administrative Office of the U.S. Courts/National Court Security Branch Program staffing and equipment. | 0.5 | 2,326 |
| 7.23 | 13. Court Security Officer hours increase | - | 4,608 |
| 7.23 | 14. Active vehicle barrier support equipment | - | 440 |
| | Subtotal, Program Increases. | 1.5 | 16,516 |
| | Total Fiscal Year 2025 Appropriation Required | 105.5 | 805,933 |
| | Total Appropriation Increase, Fiscal Year 2024 to Fiscal Year 2025 | 1.5 | 39,488 |
| | <u>Financing the Fiscal Year 2025 Request:</u> | | |
| | Total Appropriation Required. | 105.5 | 805,933 |
| 7.24 | 15. Anticipated unencumbered carryforward from FY 2024 and prior years into FY 2025 | - | 15,000 |
| 7.24 | 16. Anticipated continuing obligation of FY 2025 courthouse hardening supplemental funds | - | 37,500 |
| | Estimated Obligations, Fiscal Year 2025 | 105.5 | 858,433 |

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

| Activity | FY 2023 Actual | FY 2024 Assumed | FY 2025 Request |
|---|-------------------|--------------------|--------------------|
| Total Obligations | 776,259 | 848,686 | 858,433 |
| Unobligated Balance, Start of Year: | | | |
| Court Security (no-year funding) | (34,572) | (28,426) | (15,000) |
| Emergency Supplemental (no-year) ¹ | (112,500) | (91,555) | (37,500) |
| PY Recoveries | (864) | 240 | - |
| Transfers to Court Security (no-year) | (15,000) | (15,000) | (15,000) |
| Unobligated Balance, End of Year: | | | |
| Court Security (expiring annual) | 16,860 | - | - |
| Emergency Supplemental (no-year) ¹ | 91,555 | 37,500 | - |
| Court Security (no-year) | 28,426 | 15,000 | 15,000 |
| Appropriation | 750,163 | 766,445 | 805,933 |

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

Obligations by Budget Object Class (\$000)

| Description | FY 2023 Actual | FY 2024 Assumed | FY 2025 Request |
|---|-------------------|--------------------|--------------------|
| 11.1 Full-Time Permanent | 10,059 | 11,600 | 12,235 |
| 11.5 Other Personnel Compensation | 356 | 367 | 367 |
| 12.1 Civilian Personnel benefits | 3,897 | 3,163 | 3,255 |
| 21.0 Travel and Transportation of Persons | 670 | 1,268 | 1,296 |
| 22.0 Transportation of Things | 26 | 56 | 57 |
| 23.1 Rental Payments to GSA | 6,660 | 7,696 | 7,927 |
| 23.2 Rental Payments to Other | 4 | 3 | 3 |
| 23.3 Communications, Utilities, and Miscellaneous Charges | 1,452 | 3,386 | 3,460 |
| 25.1 Advisory and Assistance Services | 599 | 628 | 5,006 |
| 25.2 Other Services from Non-Federal Sources | 17,357 | 15,040 | 14,522 |
| 25.3 Other Goods and Services from Federal Sources | 111,638 | 125,160 | 111,574 |
| 25.4 Operation and Maintenance of Facilities | 492,266 | 506,965 | 526,324 |
| 25.4 Operation and Maintenance of Equipment | 33,993 | 45,106 | 48,543 |
| 26.0 Supplies and materials | 968 | 442 | 452 |
| 31.0 Equipment | 14,816 | 19,660 | 18,983 |
| 32.0 Land and Structures | 81,461 | 108,093 | 104,372 |
| 42.0 Insurance Claims and Indemnities | 38 | 53 | 54 |
| Direct Obligations | 776,259 | 848,686 | 858,433 |

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

| | FY 2023 Actual | FY 2024 Assumed | FY 2025 Request |
|-------------------------------------|---------------------------|----------------------------|----------------------------|
| Direct Obligations | 776,259 | 848,686 | 858,433 |
| Obligated balance, start of year | 279,157 | 344,567 | 452,000 |
| Adjustments for prior year activity | 2,393 | - | - |
| Obligated balance, end of year | (344,567) | (452,000) | (550,000) |
| Total Outlays | 713,242 | 741,253 | 760,433 |
| Less Offsets | (298) | (301) | (304) |
| Net Outlays | 712,945 | 740,952 | 760,129 |

Personnel Summary

| | FY 2023 Actual | FY 2023 Assumed | FY 2025 Request |
|------------------------------------|---------------------------|----------------------------|----------------------------|
| Total compensable workyears (FTE): | | | |
| United States Marshals Service | 72.0 | 104.0 | 105.5 |
| Total, Court Security | 72.0 | 104.0 | 105.5 |

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) 2025 Court Security appropriation request of \$805,933,000 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; 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 funded solely 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 Administrative Office of the U.S. Courts (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. FPS imposes two types of facility-related security charges on government facilities, including those occupied by the judiciary:

- “basic” security charge, to provide FPS with general funding to operate; and

- “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. At the pilot locations, the USMS is responsible for all interior and perimeter security.

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.

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 2025 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 2024 APPROPRIATIONS

In the absence of an enacted appropriation, the judiciary built the FY 2025 discretionary budget request for Court Security on the assumed FY 2024 appropriation of \$766,445,000, which is based on the mid-point between the House and Senate marks. For bill language, the judiciary used the language from H.R. 4664 and S. 2309 - Financial Services and General Government appropriations

bills, 2024, which are identical, as the closest approximation of the eventual enacted FY 2024 appropriations language, updated with the assumed level as described above.

SIGNIFICANT ISSUES FOR FY 2025

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 \$15.0 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), for a total of \$127.5 million for courthouse hardening.

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.

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.

The judiciary's \$112.5 million request for supplemental funding assumed it would cost an average of \$250,000 per facility for 450 primary courthouses. AO staff later revised the per facility hardening estimate to a range of approximately \$300,000 to \$3 million, depending on the courthouse size and design. The \$127.5 million in hardening funding was expected to support implementing countermeasures at approximately 100-150 additional courthouse facilities. AO staff, working with GSA, FPS, and USMS, obligated the initial \$15 million for 11 projects¹ in FY 2022 and \$20.9 million of the supplemental no-year funding in FY 2023 for 37 projects.² The AO is moving forward aggressively to assess additional courthouses to obligate the remaining \$91.6 million in supplemental funding over the next two fiscal years (\$54.1 million for FY 2024 and \$37.5 million for FY 2025). It is anticipated that several projects will begin construction in the second quarter of 2024. Additional funding will be needed in future fiscal years to harden more judiciary facilities.

When court facilities were initially reviewed, it was believed that these hardening measures could be implemented quickly and inexpensively based on judiciary facility assessments and cost estimates. However, the AO has learned that to meet the judiciary's hardening criteria, many of the solutions have proven to be more expensive, difficult to execute, or not achievable in all locations.

¹ The 11 courthouse hardening projects include eight fully funded, two design only, and one study. The design projects will need future construction funding, and the study will require future design and construction funds.

² The 37 courthouse hardening projects include eight fully funded, and 29 design only. The design projects will require future construction funding.

Certain facilities are significantly more challenging to harden than anticipated due to the nature of their design, current security posture, and historic status. In many locations, achieving the level of protection sought by the judiciary will require significant measures such as renovation of courthouse entrances and/or perimeter spaces at significantly higher costs not assumed in the original formulation of the funding request transmitted to Congress. This will impact the number of courthouse facilities that may be hardened within the existing funding.

Vulnerability Management Program (VMP)

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 VMP 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 domicile. Enactment of the Daniel Aderl Judicial Security and Privacy Act of 2022 (P.L. 117-263) in December 2022 provided the judiciary with permanent PII removal authority.

The VMP 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. To support implementation of the Daniel Aderl Act, the judiciary expanded the original scope of the Judicial Disaster and Recovery Tool (JDART)³ services and renamed it the Vulnerability Management Information Services (VMIS) in FY 2023. VMIS is a suite of services that provides staffing and solutions to support the following activities:

- Redacting eligible PII from government databases, data aggregators, and the internet;
- Enrolling judges (and other covered individuals) into the PII reduction and redaction program;
- Tracking the status of any pending requests made by judges for removal of covered information under the Daniel Aderl Act;

³ In FY 2022, JDART, the emergency management tool, was realigned from the Courts' Salaries and Expenses account to the Court Security account. The existing JDART contractual services include the establishment of a secure cloud-based environment to support information management and operations.

- Monitoring web-based activities (e.g., social media, dark web) for mentions of covered information and risks to the judiciary;
- Monitoring, analyzing, and reporting, through improved information sharing with federal and state public safety and security agencies, judiciary risks and vulnerabilities;
- Educating judges and other judiciary personnel on the need to minimize online information about themselves and their family members;
- Training and creating 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, USMS, FPS, General Services Administration, and other appropriate federal and local law enforcement agencies.

The full-year cost in FY 2023 to implement the VMP was \$10.5 million for 19 positions and 33 contractors. The FY 2024 budget request included an additional \$1.5 million for additional software licenses to support PII redaction and removal, and the FY 2025 budget request includes another \$4.4 million for the VMIS. (*Refer to page 7.22 for more details.*)

Security Systems (Physical Access Control Systems (PACS) and Video Management Systems (VMS))

PACS and VMS are critical components of the court security program. Each is 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 to reach \$42 million in annual funding in FY 2022, after which funds were adjusted annually for inflation. This funding level supports 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, and networking protocols.

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 ability 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.

The judiciary started with \$6.3 million in FY 2020 and by FY 2023 the total annual funding was \$25.8 million. This funding level supports VMS upgrades and begins to refresh VMS on a 10-year cycle, starting in FY 2024. Similar to PACS, future budget requests will continue to be revised for inflation, as well as necessary changes in technology, equipment, and networking protocols.

The FY 2025 budget request includes \$3.8 million to add external cameras to VMS projects. Refer to page 7.22 for more details. FPS is responsible for providing security to over 9,000 GSA-controlled The facilities. Part of this protection is the responsibility for maintaining perimeter security cameras. The USMS also maintains VMS within court facilities that include cameras to monitor court space. In facilities that have both FPS perimeter cameras and USMS VMS, the FPS and USMS share video feeds between these systems to ensure that activity is being monitored and to avoid duplication of systems. USMS staff has determined that various federal courthouse facilities lack adequate camera coverage of certain external areas. These include building entrances and areas of approach needed to detect the presence of objects in areas of interest, determine or classify objects (animal, debris, person), and identify objects based on appearance (identify a person). To address this vulnerability, USMS proposes to provide the following external cameras, where needed:

- Point cameras, that monitor individual gates, doors, sally ports, and other means of access to a facility compound and its buildings.
- Field-of-view cameras, to monitor discrete areas such as a street leading up to a facility, the grounds just inside the facility perimeter, and around building entrances.

- Surveillance cameras, which extend the view for security personnel. USMS staff control these cameras, and they must be placed to supplement the fields of view that point cameras provide. These cameras will be placed high enough to encompass areas such as parking lots, fences, and extended walkways, and view approaching routes to a facility.

Providing this funding is not an alternative for FPS seeking the funding needed to replace its perimeter cameras. The USMS would only be able to install external cameras that address certain security risks to the judiciary. These cameras would not replace FPS cameras. This request does not represent a solution to the overall problem associated with FPS' perimeter cameras.

Joint PACS/VMS Projects

The USMS awarded 20 joint PACS/VMS projects in FY 2020 and FY 2021, 28 joint projects in FY 2022, and 34 joint PACS/VMS in FY 2023.

Impact of Not Receiving FY 2024 Increase for Base Adjustments and Program Increases, and the Need for Re-Requesting Any Requirements

The FY 2024 assumed appropriation level includes \$17.0 million in security cuts relative to the judiciary's FY 2024 request, consisting of \$8.3 million in cuts to base for security systems and equipment requirements and the deferral of \$8.7 million in program increases. A large portion of the decrease comes from a \$13.3 million⁴ reduction that will impact the current services for security systems and equipment as well as the implementation of a multi-year modernization of screening systems that is part of the cyclical strategy developed and requested by the USMS. In addition, \$2.0 million of the reduction would impact the equipment and personnel necessary for court units and federal defenders to effectively prepare for, respond to, and recover from emergencies. Lastly, \$1.7 million would come from deferring the addition of seven USMS positions and two contractors, who are necessary to support restructuring the JFSP based on an updated workload analysis. It is important to note that that these funding reductions would come at a time when the Judicial Branch is working to enhance courthouse security in response to growing security threats. These threats require sufficient security equipment and personnel to ensure court proceedings and other judiciary activities may continue in order to provide equal justice under the law.

⁴ The \$13.3 million includes \$8.3 million in security systems and equipment required to maintain current services and \$5.0 million for a program increase for the implementation of a multi-year equipment modernization and cyclical strategy for screening systems.

Court Security Program Summary

| | FY 2024 Assumed | | | FY 2025 Request | | |
|--|-----------------|---------------|-------|-----------------|---------------|-------|
| | \$000 | CSO Positions | FTE | \$000 | CSO Positions | FTE |
| Court Security Officers | 506,965 | 4,746.5 | | 526,324 | 4,746.5 | |
| Federal Protective Service Charges | 90,500 | | | 93,215 | | |
| Systems and Equipment ¹ | 189,399 | | | 170,527 | | |
| Program Administration | 61,822 | | 104.0 | 68,367 | | 105.5 |
| Total Direct Obligations | 848,686 | | | 858,433 | | |
| <i>Prior Year Carryforward</i> | | | | | | |
| Systems and Equipment Slippage (Encumbered) | (13,151) | | | - | | |
| Program Administration Slippage (Encumbered) | (35) | | | - | | |
| Systems and Equipment Savings (Unencumbered) | (15,000) | | | (15,000) | | |
| <i>Supplemental</i> | | | | | | |
| Obligations Associated with Courthouse Hardening Supplemental Funds ¹ | (54,055) | | | (37,500) | | |
| Discretionary Appropriation | 766,445 | | | 805,933 | | |

¹ 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 \$805,933,000 for Court Security in FY 2025, a 5.2 percent increase over the FY 2024 assumed appropriation of \$766,445,000. The FY 2025 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 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 2025 pay adjustment

Requested Increase: \$305,000

Based on guidance from the Office of Management and Budget, the judiciary is assuming federal pay rates will increase by 2.0 percent in January 2025. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2025, from January 2025 to September 2025. (If the pay adjustment included in the President's FY 2025

budget request is different than 2.0 percent, the judiciary will revise this line item in its FY 2025 budget re-estimate.)

b. Annualization of January 2024 pay adjustment

Requested Increase: \$357,000

The requested increase provides for the annualized costs of a 2024 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 5.2 percent, effective as of January 2024. The requested increase provides for the cost of three months (from October 2024 to December 2024) of the 2024 pay increase in FY 2025.

c. Promotions and within-grade increases

Requested Increase: \$181,000

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: \$70,000

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 5.0 percent both in

January 2024 and January 2025. The requested increase annualizes the 2024 premium increase and includes a nine-month provision for the increase anticipated for FY 2025.

e. FICA adjustment

Requested Increase: \$6,000

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 2024. The salary cap for OASDI increased from \$160,200 to \$168,600 in January 2024. The requested amount is needed to pay the agency's contribution in FY 2025.

2. Annualization of CSO positions

Requested Increase: \$285,000

In FY 2024, funding was provided to support 6 new CSO positions for *McGirt*-related requirements. This request includes the increase required to fund the full-year cost of these 6 CSO positions in FY 2025.

3. FY 2025 CSO contract and wage rate adjustments

Requested Increase: \$14,466,000

A total of \$14.5 million is requested for anticipated increases in the hourly rates and overtime pay for CSO contract services in FY 2025. The request is an average increase of 3.0 percent on a national basis over FY 2024 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 Service Contract Labor Standards (41 U.S.C. 6701-6707), the contract CSOs must be paid the hourly rates determined by the Department of Labor unless a collective bargaining agreement is in place.

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

Requested Increase: \$690,000

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary increases of 2.2 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment (excluding the CSO contracts).

5. Increase in GSA space rental costs

Requested Increase: \$231,000

This request represents a 2.0 percent inflationary increase and adjustments in the cost of GSA space rental charges for space for FY 2025.

6. Changes in Federal Protective Service security charges

Requested Increase: \$2,715,000

The FY 2025 security cost estimate of \$93.2 million for FPS security services consists of basic security (\$31.7 million) and building-specific security costs (\$61.5 million). This cost represents an increase of \$2.7 million from the FY 2024 estimate of \$90.5 million. Additional information regarding the changes in FPS security charges is summarized below:

a. Increase in basic security charges: \$924,000

The FY 2025 request for basic security charges is \$31.7 million, which is \$0.9 million above the FY 2024 estimated level.

b. Increase in building-specific security charges: \$1,791,000

The total FY 2025 request for building-specific security charges is \$61.5 million, which is \$1.8 million above the FY 2024 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 Increase: \$3,666,000

| | (\$000) |
|---|------------------|
| FY 2024 Assumed | \$176,248 |
| Adjustments to base - net increase | 3,666 |
| FY 2024 Current Services | \$179,914 |

The requested amount reflects a net increase of \$3.7 million for the security systems and equipment program. Table 7.1 on page 7.21 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: \$2,113,000

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 \$1,324,000 for PACS and \$789,000 for VMS are due primarily to inflationary cost adjustments.

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

Requested Increase: \$536,000

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.

- *Other Additional and Replacement Equipment*

Requested Increase: \$356,000

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.

- *Miscellaneous Systems and Equipment*

Requested Increase: \$661,000

An increase of \$661,000 is requested for various systems and equipment requirements in FY 2025. This includes increases of \$210,000 for GSA installation and maintenance; \$160,000 for perimeter security

improvements; \$120,000 for the nationwide vehicle barrier maintenance contract; \$109,000 for cyclical replacement of x-ray screening equipment and walk-thru metal detectors; \$50,000 for CSO radios, accessories, repairs, and over-the-

air re-key; and \$12,000 for equipment for probation and pretrial services offices and federal public defender organizations.

Table 7.1
Court Security Appropriations
Security Systems & Equipment Funding Summary

| Category | FY 2023 Financial Plan | FY 2024 Assumed | FY 2025 Adjustments to Base | FY 2025 Current Services | FY 2025 Program Increases / Decreases | FY 2025 Request ¹ | Change FY 2024 to FY 2025 |
|--|---------------------------|--------------------|-----------------------------------|--------------------------------|--|---------------------------------|---------------------------------|
| | \$000 | \$000 | \$000 | \$000 | \$000 | \$000 | \$000 |
| Courthouse Hardening - Infrastructure Improvements² | 37,500 | 54,055 | - | 54,055 | - | 37,500 | (16,555) |
| PACS | 42,840 | 44,125 | 1,324 | 45,449 | - | 45,449 | 1,324 |
| VMS (with Exterior Cameras) | 25,800 | 26,316 | 789 | 27,105 | 3,800 | 30,905 | 4,589 |
| Nationwide Maintenance Contract for Existing Security Systems and Equipment | 17,340 | 17,861 | 536 | 18,397 | - | 18,397 | 536 |
| Other Additional and Replacement Equipment (Excludes VMS) | 12,235 | 11,861 | 356 | 12,217 | - | 12,217 | 356 |
| TMFJB | 99 | - | - | - | 1,900 | 1,900 | 1,900 |
| New Courthouse Construction Projects | 4,750 | - | - | - | 750 | 750 | 750 |
| Active Vehicle Barrier (AVB) Support Equipment | - | - | - | - | 440 | 440 | 440 |
| Miscellaneous Systems and Equipment | | | | | | | |
| <i>GSA Installation/Alterations</i> | 6,880 | 7,000 | 210 | 7,210 | - | 7,210 | 210 |
| <i>Perimeter Security Improvements</i> | 10,038 | 5,339 | 160 | 5,499 | - | 5,499 | 160 |
| <i>Cyclical Replacement of X-Ray Screening Equipment and Walk-Thru Metal Detectors</i> | 4,672 | 3,618 | 109 | 3,727 | - | 3,727 | 109 |
| <i>Nationwide Vehicle Barrier Maintenance Contract</i> | 4,379 | 4,000 | 120 | 4,120 | - | 4,120 | 120 |
| <i>CSO Radios, Accessories, Repairs and Over-the-Air-Re-key</i> | 2,416 | 1,673 | 50 | 1,723 | 278 | 2,001 | 328 |
| <i>Equipment for Probation, Pretrial Services, and Defender Services</i> | 910 | 400 | 12 | 412 | - | 412 | 12 |
| Total Miscellaneous Systems and Equipment | 29,295 | 22,030 | 661 | 22,691 | 278 | 22,969 | 939 |
| Total Security Systems and Equipment | 169,859 | 176,248 | 3,666 | 179,914 | 7,168 | 170,527 | (5,721) |

¹ Excludes encumbered carryforward

² 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

8. Vulnerability Management Information Service (VMIS)

Requested Increase: \$4,400,000

For FY 2025, the judiciary requests \$4.4 million for the Vulnerability Management Information Service (VMIS), which supports the implementation of the Daniel Anderl Judicial Security and Privacy Act (Daniel Anderl Act). VMIS is a suite of services that includes PII redactions and other necessary capabilities (i.e., DeleteMe licensing, internet and dark web search and monitoring services, privacy services, etc.) to assist judges in mitigating vulnerabilities in their online profile. The request will support an increase in contracted labor to support requests for removal from open-source sites and annual cost escalation on contracts.

9. Security infrastructure for new courthouses

Requested Increase: \$750,000

For FY 2025, the judiciary requests \$0.8 million for screening equipment for five new courthouse construction projects, estimated at \$150,000 per location. Based on current schedules for FY 2025, the systems and equipment funds will be used for courthouse construction projects at Toledo, OH (Repair and Alterations - R&A); Charlotte, NC (R&A); Savannah, GA (R&A); Huntsville, AL; and Ft. Lauderdale, FL.

10. USMS Staffing support for Probation and Pretrial Services Offices and Thurgood Marshall Federal Judiciary Building

Requested Increase: \$192,000

FTE: 1

For FY 2025, the judiciary requests \$0.2 million (six months funding) for two additional USMS positions. One position (0.5 FTE) will support facility screening services for the Probation and Pretrial Services Offices (PPSO), and one position (0.5 FTE) will support systems countermeasures for the Thurgood Marshall Federal Judiciary Building. The two additional USMS positions are required to advise and consult with AO and PPSO staff on screening and facility perimeter security, including conducting initial and continual follow-up on-site inspections to determine the security systems needed and the condition of existing systems at PPSO facilities.

11. External cameras for Video Management Systems

Requested Increase: \$3,800,000

For FY 2025, the judiciary requests \$3.8 million to increase the funding of Video Management Systems (VMS) to add external cameras to projects where there is an identified vulnerability. USMS has provided a list of 110 locations that have analog VMS systems and are in line to be replaced with digital systems and that could benefit from some additional external cameras. The estimated cost of adding external cameras to these systems is \$11.4 million, which will be phased in over three years. After three years, maintenance and cyclical

replacement costs will be included in future budget requests. Refer to pages 7.13-7.14 for more details.

**12. Administrative Office of the U.S. Courts
(AOUSC)/National Court Security Branch (NCSB)
Program Staffing and Equipment**

Requested Increase: \$2,326,000 0.5 FTE

Currently, security for the Administrative Office and National Court Security Branch is managed by a single Deputy U.S. Marshal, responsible for maintaining the defensive posture for judicial security of two highly visible facilities within the city limits of Washington, DC: the AOUSC and Court of Federal Claims (COFC). Assigning all of the security requirement and contract management to a single position results in increased risk for the continuity of security execution.

For FY 2025, the judiciary requests \$2.3 million to fund one additional USMS position (0.5 FTE) for \$0.1 million and \$2.2 million for equipment requirements to oversee and manage security services for the AOUSC/NCSB. The new position will be assigned to the Thurgood Marshall Federal Judiciary Building (TMFJB) to provide onsite supervision of the security officers and ensure a rapid response to any security needs, which may arise in the facility. This new position will be dedicated to ensuring the complex security needs and large court security officer (CSO) workforce at the TMFJB and COFC is properly managed and overseen.

13. Court Security Officer hours increase

Requested Increase: \$4,608,000

Currently, the CSO program is funded at 1,889 annual work hours per CSO position. However, 1,992 hours per CSO position is required by the CSO staffing standards implemented in FY 2015. According to the USMS, funding shortfalls result in posts, which were determined as vital to the security of the courthouse in the CSO Staffing Standards, being left unstaffed.

For FY 2025, the judiciary requests \$4.6 million to fund an additional 16.5 hours per CSO position, for a multi-year phased approach to a full year 1,992 hours per CSO position as required by the CSO staffing standards.

14. Active vehicle barrier (AVB) support equipment

Requested Increase: \$440,000

For FY 2025, the judiciary requests \$0.4 million to fund two mobile barriers and two portable guard booths for \$110,000 each.

The USMS has an inventory of five mobile barriers for nationwide deployment. The USMS inventory for mobile vehicle barriers is stored on the U.S. eastern seaboard. As part of an improved deployment plan for temporary security, two new mobile barriers would be purchased and stored in the western United States for rapid deployment. The purchase of two new barriers is an initial request, as the USMS plans on requesting funding for additional AVB purchase in future years

for an inventory build-up so each judicial circuit will have its own AVB supply.

In addition, portable guard booths are key to an effective security system. Being able to move a security booth to any location at any time, quickly and easily, is a tactical advantage at judicial facilities for and during special events.

FINANCING THE FY 2025 REQUEST

15. Anticipated carryforward balances from FY 2024 and prior years into FY 2025

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 2024 into FY 2025 to offset partially the FY 2025 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 three years – FYs 2023 - 2025. Refer to pages 7.9-7.11 for more details.