

**STATEMENT OF
HONORABLE AMY J. ST. EVE, CHAIR
COMMITTEE ON THE BUDGET OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
BEFORE THE
SUBCOMMITTEE ON FINANCIAL SERVICES AND GENERAL GOVERNMENT
COMMITTEE ON APPROPRIATIONS
UNITED STATES HOUSE OF REPRESENTATIVES**

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INTRODUCTION

Chairman Joyce, Ranking Member Hoyer, and members of the Subcommittee, my name is Amy St. Eve, and I am pleased to appear before you to present and explain the fiscal year (FY) 2026 budget request of the federal Judiciary. I have been a federal judge for almost 23 years, first as a district court judge in the Northern District of Illinois and now as a circuit judge for the United States Court of Appeals for the Seventh Circuit, which is based in Chicago. I have also worked as a practicing attorney both for the federal government and in the private sector. Most important for our purposes today, I am the chair of the Judicial Conference Committee on the Budget, which is charged with formulating the Conference's budget request and ensuring that Congress has the information needed to effectively evaluate and act on that request.

This is my second appearance before the Subcommittee since I assumed the chairmanship of the Budget Committee in October 2021, and I look forward to sharing with you important details about the Judiciary's current funding posture, several critical crosscutting budget issues, and the specifics of our recently submitted FY 2026 discretionary appropriations request before briefly updating the Subcommittee on the status of our long-standing cost containment efforts. My remarks are meant to complement those of Judge Robert Conrad, Jr., the Director of the Administrative Office of the United States Courts (AO) and Secretary of the Judicial Conference, who will address several significant Judicial Conference priorities as well as the budget request of the AO itself.

Please note that my remarks are focused on the portions of the Judiciary's budget that are within the jurisdiction of the Conference's Budget Committee. That includes the bankruptcy, district, and appellate courts around the country; our nationwide probation and pretrial services offices; court-appointed counsel for all federal defendants who are financially unable to obtain adequate representation; the costs of providing necessary and appropriate security to Judiciary personnel and facilities; and statutory payments to federal grand and petit jurors. Conversely, it excludes the budgets of the U.S. Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, the Federal Judicial Center, and the U.S. Sentencing Commission. Those organizations are responsible for their own budget requests, but I have brought on their behalf additional statements outlining their particular needs and priorities, which I would like to offer for the record. My remarks also exclude the U.S. Supreme Court, which works directly with the Subcommittee to submit and justify its own budget request. To the extent that any members of the Subcommittee have questions or concerns about any budget request beyond my own committee's jurisdiction, I will be happy to connect you with the right people to address those questions.

ROLE OF THE JUDICIARY

An effective and efficient Judiciary is foundational to the system of government envisioned by our founders and codified in both the Constitution and a vast and complex body of law that has developed over the course of hundreds of years. An objective, impartial means of interpreting and applying the law to resolve disputes and protect fundamental rights serves the interests of both the state and its people, and its importance cannot be overstated.

Our branch is reactive by design. Other than the Supreme Court, the Judiciary has no control over its own caseload. Instead, we must adjudicate every case that is filed, ensure representation for every eligible defendant, supervise every defendant or offender who is in the community while awaiting trial or completing a part of his sentence, pay every juror who serves, and protect every courthouse where members of the judicial family and the public gather to do the business of the people. To be truly responsive to the needs of Americans – your constituents – we must have the resources required to meet these demands.

That does not mean that the Judiciary should be immune from the imperative to closely examine and contain its costs wherever possible. To the contrary, such efforts are well established within the branch and are discussed in detail later in this testimony. But those steps must always be carefully assessed and implemented to ensure that they do not harm the ability of the Judiciary to carry out its constitutional and statutory responsibilities, both nationally and in each of our 12 regional circuits and 94 judicial districts. Adequate and consistent funding is absolutely critical to the conduct of those responsibilities, and we are reliant on the Congress, generally, and this Subcommittee, specifically, to ensure that those resources are in place.

FISCAL YEAR 2025 FUNDING OUTCOMES

Two months ago, Congress enacted a full year continuing resolution (CR) to fund the Judiciary – and the rest of the federal government – for the remainder of FY 2025. Although we requested a number of funding anomalies as part of the development of the CR, none were included in the final enacted bill. As a result, that bill had the unfortunate effect of erasing nearly \$200 million of proposed increases that this Subcommittee's own FY 2025 Financial Services and General Government (FSGG) bill would have provided to accounts across the Judiciary. Instead, every component of the branch was held to its FY 2024 enacted funding level, regardless of changing workload levels and other programmatic requirements, and for most of our accounts, this is the *second straight year* of such a hard freeze. That means that more than half of the branch's accounts are operating now in FY 2025 on funding levels that have not been adjusted since FY 2023.

The effect of the full year CR is compounded by the fact that some critical categories of expenses have continued to rise even as available resources are held flat. Inflation in certain sectors of the economy continues to be a factor, and Congress allowed a two percent federal employee pay adjustment to take effect in January (on top of the requirement to annualize the more than five percent pay adjustment from FY 2024) without providing the necessary resources to fund those increases. This means that we are struggling just to sustain what staffing and capabilities we already have and that new investments needed to address critical emerging requirements are even more unattainable.

Our federal defender program is a prime example of the challenges posed by the full year CR. At a time when our staffing formulas indicate that the defender program is understaffed relative to its workload, we will instead be required to maintain a hiring freeze across all federal defender organizations until at least October 1, 2025. We will also have to suspend payments to private sector attorneys appointed to provide representation for indigent defendants (“panel attorneys”) for more than two months, beginning on or around July 23, 2025. Those payments are meant to compensate attorneys and related service providers for constitutionally-required legal work that has already been performed, but the payments will not be made because we simply cannot afford to make them. These disruptions in panel attorney payments negatively affect our panel attorneys, potentially reducing their willingness to accept future appointments and jeopardizing the ability to provide necessary and timely representation. They also burden the funding demands on this Subcommittee. Any unfunded panel attorney obligations automatically roll over to the next fiscal year, adding an immediate \$185 million to our FY 2026 request.

The court security program is similarly challenged by the constraints of the full year CR. This is one of the Judiciary’s accounts that is now operating at a hard freeze level for the second year in a row despite a dynamic and very active threat environment that is driving workload for the program. We were already forced to reprioritize our security spending in FY 2024, deferring significant amounts of critically needed new security systems and equipment spending in order to avoid a reduction in either Court Security Officer (CSO) staffing or the funds dedicated to our threat management activities, such as those instituted when a disgruntled litigant found the home of U.S. District Judge Esther Salas in 2020 and murdered her son and critically wounded her husband. Now, further cuts in court security will be necessary, particularly among the aging and outdated systems and equipment that control access to restricted space, enable video monitoring of activities around a courthouse, or screen people and items being brought into a court facility. The specifics of the current threat environment are discussed in more detail in Judge Conrad’s testimony, but at a time when dozens of individuals have been criminally charged in connection with threats against judges and the U.S. Marshals Service (USMS) is taking extraordinary security measures to ensure judges’ safety, these reductions in security capabilities are extremely worrying.

Our main Salaries and Expenses (S&E) account that funds most court operations is in a slightly better posture for FY 2025, thanks in large part to the availability of fee collections and prior year unobligated fee balances that can help to mitigate the impact of flat funding and allow us to still make some planned and critically needed investments pursuant to our cybersecurity and information technology (IT) modernization strategy. At the same time, those additional resources are not sufficient to ensure that we can cover all necessary and appropriate expenses for the year, and there will be impacts. Allotments going to courts around the country for their basic salary and operating expenses have been cut below the FY 2024 level on a national basis and are, in total, nearly 11 percent below requirements for the year. Because of these cuts, we estimate that nearly 40 percent of clerks of court offices and probation and pretrial services offices will be unable to support their on-board staffing, which is already more than 1,000 full-time equivalents (FTE) below national on-board staffing levels from five years ago.

Although courts will make every effort to ensure that critical judicial business and case work continues without interruption, staffing constraints will require some offices to take steps such as reducing hours for public counters where your constituents seek information and assistance or redirecting remaining staff to courtroom tasks at the expense of the timely

processing of restitution payments for crime victims. In our probation and pretrial services offices, staffing constraints require the prioritization of limited resources to those offenders at highest risk of violating the terms of their release, potentially leaving low- or mid-risk offenders without the supervision and services they need to ensure successful reintegration into their communities. Sadly, we have documented instances in years past where chronic understaffing and the associated unsustainable per-officer caseloads contributed to incidents of serious recidivism, including crimes of violence resulting in one or more deaths. As always, we work extremely hard to avoid these outcomes, but protecting the safety of our officers, the individuals under their supervision and their communities at large has been, and will remain, a very resource-intensive mission.

Shortages in non-salary funding also could result in the deferral of infrastructure investments needed to support regular judicial operations and reduce the risk of technological failures and associated downtime. Despite the herculean efforts of court staff, such shortages can and will affect the progress of cases in many scenarios. For example, if the technology for the presentation of information in a courtroom fails and cannot be repaired timely because the manufacturers no longer make the parts for out-of-date equipment (a not unheard of occurrence for our courts), judges would have no choice but to rearrange and reschedule proceedings slated for the affected courtroom, possibly delaying those proceedings until an alternative location becomes available. The risk of such occurrences will only increase if the Judiciary does not receive some significant budgetary relief in FY 2026.

Finally, as one last illustration of the inefficiency inherent in full year CRs, our Fees of Jurors account was actually *overfunded* in FY 2025 relative to estimated requirements, receiving more than twice as much as needed for the amount of projected grand and petit juror activity for the year. The blunt instrument of a CR without anomalies does not account for situations like this one, where normal year-to-year fluctuations in requirements result in a decreased appropriations request, and so more than \$26 million of excess funds will be held in the Fees of Jurors account for application in a future fiscal year. Those are funds that should have been reallocated to other more critical needs and would have been so reallocated if the Subcommittee had been able to proceed with a fully conferenced annual appropriations bill as intended.

We understand that many of the dynamics resulting in a full year CR were not of the Subcommittee's making, but it is important nonetheless to ensure that the consequences of that CR are well understood because they relate directly to the FY 2026 request that is now before you. The Judiciary's request may seem large when considered in isolation or in comparison to some of the substantial reductions that will be proposed elsewhere in the government, but these resources are needed to rebuild, restore, and reinvigorate critical functions of the courts and federal defender organizations that were not sufficiently funded in either FY 2024 or FY 2025.

SIGNIFICANT ISSUES FOR FISCAL YEAR 2026

Before turning to the specifics of the Judiciary's FY 2026 budget request, I would like first to address some significant cross-cutting issues that affect our operations and needs across multiple categories of activity and provide necessary context for our priorities and requirements.

Changing Law Enforcement Priorities

Substantial portions of the branch's budget request are driven by the law enforcement priorities and activities of our Executive Branch partners, particularly those at the Department of Justice (DOJ) and the Department of Homeland Security. The number and types of case filings, defendants, and representations brought before the court are key to determining the workload levels of individual court units and federal defender organizations, which, in turn, determine the resource levels needed to adequately address that workload.

Often when there is a leadership transition in the Executive Branch, new law enforcement priorities follow, and the current Attorney General has issued a number of policy memos since taking office indicating what those new priorities will be for this administration. Prosecutors have been told to always charge the most serious provable offense, with a focus on categories of crime relating to immigration, gangs/cartels, and fentanyl, among others. The moratorium on the federal death penalty has also been lifted, and we expect both new death penalty charges (pursuant to the "most serious provable offense" directive) and a possible revision of prior decisions not to seek the death penalty as DOJ undertakes a review of all such decisions dating back to January 2021.

Each of these policies could generate substantial new workload and caseload for the courts and federal defender organizations. In fact, there is anecdotal evidence of this increased workload already, but it is not yet accounted for in our budget request. This is because the official statistics that drive our workload formulas for budgeting purposes lag a year behind the fiscal year for which the budget is being formulated. For example, the staffing formulas for the district, bankruptcy and appellate courts, as well as the probation and pretrial services offices, use projected caseload and workload through June 30, 2025, for the purposes of calculating FY 2026 budget requirements. Similarly, the federal defender staffing formulas calculate FY 2026 staffing needs using a three-year average of actual caseload from statistical years 2023 and 2024 and projected caseload for 2025.

By not projecting caseload and workload too far into the future for budgeting purposes, the branch has helped to keep its requests more closely tied to actual data and avoid instances in which the wider margin of error associated with more distant estimates results in large fluctuations in requested resources. However, it does mean that our request is vulnerable to substantial changes in workload and caseload inputs in the more near-term future, and the Subcommittee should be aware that revisions to our request may be necessary as we get additional data over time.

Cybersecurity and IT Modernization

During my first appearance before the Subcommittee, I discussed in detail a recently developed multi-year plan to address some critical and longstanding issues in the Judiciary's IT capabilities. These issues are complicated and multifaceted, but they boil down to the fact that continuous technical innovation and years of underinvestment have left our major systems and applications dangerously vulnerable. Many of them are no longer up to date with modern development standards or security protocols, leaving them expensive to operate, difficult to maintain, and at regular risk of either operational failure or compromising security breaches.

These challenges are certainly not unique to the Judiciary, and we have invested significant time and effort in coordination and collaboration with other government partners in order to better understand our shared vulnerabilities and challenges and ensure the most efficient response. But what is unique to the Judiciary is the value and importance of the information on our networks and in our systems, as well as the operational impact of any disruption to those networks and systems. By virtue of the work we do, the Judiciary houses very sensitive data, including classified information, personally identifiable information (PII), sealed documents (including indictments, arrest warrants, and cooperator information), evidence with proprietary economic value, and draft opinions and orders, among others. If this information were inappropriately accessed, distributed, or modified, or if the branch's ability to use its systems for the necessary conduct of day-to-day judicial activities were compromised, there could be immediate and significant effects on national security, the economy, community safety, and even confidence in the integrity and strength of the courts and the government as a whole.

We are offering a classified briefing for full Committee and Subcommittee leadership next week where we can provide more details about specific incidents that have occurred and their implications, but the key takeaway for the members of the Subcommittee is that these vulnerabilities exist and they cost money to redress and prevent. In FY 2022, we began requesting funds pursuant to the multi-year cybersecurity and IT modernization plan in order to implement some of the highest priority upgrades and improvements needed to respond to those vulnerabilities. That multi-year plan, covering FY 2022 through FY 2027, totaled \$470 million when it was last updated. Of that amount, \$391 million, or 83 percent, has been funded to date. That includes \$97 million of FY 2025 funding that we prioritized within the court S&E and Defender Services accounts despite receiving only flat funding for the year. Accommodating those extra cybersecurity and IT modernization dollars required us to make steeper cuts in other areas of court and defender operations, which was not an easy decision but is indicative of the level of seriousness with which we approach these concerns.

Another \$74 million of multi-year plan funding is included in our FY 2026 S&E and Defender Services requests, which will allow us to continue making progress towards our goals and objectives. This is an upward adjustment of \$30 million from the estimated FY 2026 requirements in the last version of the multi-year plan submitted to Congress in July 2024. Since that time, we have refreshed the outyear requirements, acknowledging that substantial time has passed since initial estimates were calculated, and there have been necessary adjustments in project scope, changes in inflation rates, and generally rising costs in technology development, acquisition, and implementation. A refreshed version of the multi-year plan showing these adjusted FY 2026 requirements and remaining requirements for FY 2027 will be provided to the Subcommittee shortly so that the plan itself remains consistent with our budget justification.

Completion of the activities in the multi-year plan will not solve all of the Judiciary's IT challenges or obviate the need for further investments in the future, but it will represent a significant accomplishment that has brought meaningful improvement to our capabilities and protections. With the funding provided so far, we have already achieved substantial successes, including the full implementation of multifactor authentication ("two step verification" when logging into an account or system) at every Judiciary desktop; the completion of the first of four phases of a project to move the Judiciary to a new identity credentials program that will reduce reliance on outdated password-oriented paradigms; the continued deployment of enhanced network monitoring and activity logging tools, as well as stronger firewalls, on Judiciary systems

and devices; and the modernization of our financial management system to a more functional and secure software solution, an effort that will reach substantial completion in July of this year.

These successes are wholly reliant on the Judiciary's receipt of sufficient and consistent funding to continue planning and executing these high priority initiatives with the necessary certainty that we will be able to sustain them in subsequent years. As important as these activities are, we cannot continue absorbing the associated costs without doing unacceptable harm to other critical areas of judicial operations. For this reason, we are hopeful that the Subcommittee will be able to provide the requisite increases for both the S&E account and the Defender Services account in FY 2026 without the need for offsetting cuts in other areas of our budget.

FISCAL YEAR 2026 DISCRETIONARY APPROPRIATIONS REQUEST

The Judiciary's FY 2026 request totals \$9.4 billion in discretionary appropriations. In addition to our discretionary funding, the Judiciary also requests a total of \$872 million in mandatory funds for judges' salaries and retirement funds. My remarks today, however, will focus on the discretionary portion of the request that is most relevant to the Subcommittee.

Traditionally, the Judiciary has submitted its budget request to Congress the first week of February and then updated it in the spring as needed to reflect the enactment of current year appropriations and any changes in estimates of our fee revenue or carryforward balances. However, because of the significantly higher degree of uncertainty surrounding FY 2025 funding, we decided to delay our FY 2026 budget submission in order to account for actual enacted funding outcomes rather than relying solely on assumptions, which were very difficult to determine and seemed likely to prove substantially inaccurate. We also hoped that such a delay would allow time for the Office of Management and Budget (OMB) to issue updated government-wide economic guidance (federal employee pay adjustments, inflation factors for space rental, commodities and services, etc.) so that we could incorporate these new data points into our request.

Although these changes meant that the Subcommittee received our request later than it normally would, ultimately, we believe the delay was a useful one. Had we submitted any earlier, the numbers in front of you would not accurately reflect the funding position of the branch and would require *substantial* revision later in the process when the time for such adjustments would be running short. We appreciate the patience of the Subcommittee and are grateful to be able to submit a better product that more closely reflects our needs and requirements.

Government-Wide Assumptions

The Judiciary's annual budget requests are always formulated to be consistent with certain government-wide funding assumptions as articulated by Executive Branch partners. These include estimates from OMB regarding inflation factors for goods, services, and rental of space; estimates from the Office of Personnel Management on employer health benefit contributions; and estimates from the Social Security Administration on employee contributions to Federal Insurance Contribution Act taxes. We also use OMB policy guidance on proposals for federal employee pay rate changes.

Our FY 2026 request incorporates the latest guidance on these government-wide factors, though we note that the inflation-related factors, in particular, are extremely dynamic, which

could have a significant impact on costs to the Judiciary and other government organizations. Given that the new administration has not yet communicated to us a pay assumption for 2026, we assumed no federal pay adjustment for calendar year 2026, although we did include the necessary annualization of the approved 2.0 percent average pay adjustment for calendar year 2025.

These adjustments may seem like technicalities, and they are certainly less compelling to talk about than significant new programmatic initiatives, but they are real costs that we have no choice but to cover, regardless of what level of appropriations we receive. We have very few flexibilities in our budget to absorb unbudgeted costs beyond reductions in staffing, which can have a significant negative impact on the Judiciary's ability to effectively fulfill its mission, and so we urge the Subcommittee to give due consideration to these technical adjustments when allocating its funding for the fiscal year.

Salaries and Expenses

The Judiciary's single largest appropriation is the courts' S&E account, which represents nearly 70 percent of the branch's entire budget and funds our appellate, district, and bankruptcy courts, as well as our probation and pretrial services offices and bankruptcy administrator offices, and our IT and cybersecurity initiatives.

It is difficult to convey the full scope of critical activities funded through this account because it is both so large and so broad, and at times its size has perhaps led to the mistaken belief that cuts can be taken here without substantial consequence because it remains a large account even after significant reductions. But each one of our S&E dollars has a very specific and important use, including paying the salaries and benefits of more than 20,000 employees in judges' chambers, clerks of court offices, and probation and pretrial services offices; providing court-ordered services, such as drug testing or substance abuse treatment, to individuals under the supervision of a federal probation or pretrial services officer; supporting a national IT program to develop, operate, and maintain the systems and applications necessary for court operations and administration; and paying more than \$1 billion of annual rent and related expenses for over 700 court facilities across the country. Our request is carefully constructed to ensure that we have just the resources needed in order to accomplish these purposes effectively and efficiently.

The FY 2026 request for the S&E account totals \$6.9 billion, a 5.7 percent increase above the FY 2025 level. Over \$294 million of that increase—85 percent of the total increase being sought—is needed just to maintain current service levels, with the remainder dedicated to critical program increases associated with new workload, infrastructure priorities, and improved administrative and managerial controls.

With respect to staffing, the request includes increases of nearly \$116 million across a range of different needs. This includes \$72 million for standard adjustments in the pay and benefits of existing magistrate and claims judges, judicial chambers staff, and employees of the clerks of court offices and probation and pretrial services offices. An additional \$27 million will provide for the new chambers staff needed to accompany expected increases in the average number of filled active Article III judgeships, senior Article III judgeships, and filled bankruptcy judgeships, as well as accommodate the establishment of one new magistrate judgeship with associated staff. Finally, \$17 million will allow for the hiring of new staff in clerks of court and

probation and pretrial services offices in accordance with current projected changes in workload and caseload, especially anticipated significant increases in criminal filings, criminal defendants, bankruptcy filings, and pretrial case activations.

In the area of space and facilities, the request includes \$47 million for standard adjustments in rental and related services. More than a third of that increase is just for the cost of rental inflation and cyclical maintenance and repairs, as well as the incorporation of a new courthouse delivered by the General Services Administration (GSA) in FY 2025 in Greenville, Mississippi, and the expected delivery in FY 2026 of the renovated Tomochichi Courthouse in Savannah, Georgia, following substantial modernization efforts and the remediation of a partial floor collapse in that building. The remainder of the increase is for necessary tenant improvement projects, especially for the construction of new courtrooms and chambers as needed to accommodate the increasing number of filled judgeships as described above. Beyond these adjustments for facilities current services, the Judiciary is also requesting a new investment of \$10 million in our “No Net New” program. Discussed further in the Cost Containment section below, “No Net New” is an initiative intended to help the Judiciary use its space more efficiently, allowing us to acquire new or modify existing space as needed for operational purposes without requiring a net increase in the total square footage rented. Through this program, a relatively small upfront investment in one-time reconfiguration and modification costs can help us to avoid a much more substantial and ongoing increase in our rent bill.

For IT services and support, the request includes an increase of \$45 million for recurring operations and maintenance costs, rising contract costs, implementation support, and other adjustments to maintain current services in our national IT program, which supports not only our data network and communications infrastructure but also a host of critical operational and administrative systems such as the probation case management system, our jury management system, the system that is used to pay court-appointed counsel for indigent defendants, and our financial management systems. The request also includes \$21 million of IT-related program increases, the most significant of which is for the continued integration of our systems and applications into a commercial cloud environment (as opposed to an on-site, Judiciary-owned cloud) that is expected to take advantage of the most modern available technology, simplify the implementation of security measures, provide improved disaster recovery and continuity of operations, and support an increasingly mobile workforce.

Finally, the request includes \$16 million for new investments in important controls, tools, and processes that will further improve the Judiciary’s administration of its full range of resources—human, financial, and operational. Being good and effective stewards of our resources is a fundamental value of the branch, and that requires the appropriate identification and mitigation of risks, the implementation of controls to ensure the integrity of funds and data, and the strategic management of personnel to ensure the continued availability of the highest priority skills and expertise. We have proposed a collection of management investments that will improve our capabilities in each of these areas and, in turn, improve the efficiency of operations.

Defender Services

The right of a criminal defendant to effective counsel regardless of the defendant’s economic status is guaranteed under the United States Constitution, the Criminal Justice Act, and other statutes. Fewer than 10 percent of federal defendants have the financial means to afford an attorney, and so the Judiciary’s Defender Services program provides representation in the

overwhelming majority of cases. In doing so, we not only protect that constitutional and statutory right for the accused, but we also improve the overall operation of the federal court system, which benefits greatly from defendants having knowledgeable and experienced counsel that understand the complexity of the federal justice system and how to advocate for their clients' interests in productive and effective ways.

The Defender Services appropriation request for FY 2026 totals \$1.8 billion, a 22 percent increase above the FY 2025 level. While that is a much more significant increase than this program has historically requested or required, I emphasize that *well over half* of the requested increase, or \$185 million, is needed just to fix the FY 2025 panel attorney shortfall and two month suspension of payments caused by the recently enacted full year CR discussed in detail above. The Judiciary has no control over that cost, which is generated by the appointment of counsel pursuant to the Constitution and must be paid in accordance with the Criminal Justice Act. Another \$73 million of the request is for standard annual adjustments, including the required costs of annualizing the 2025 federal employee pay adjustment, GSA rental inflation, and replacing with appropriated funds one-time unobligated balances that were used to support base operations in FY 2025 but will not be available again in FY 2026.

Another significant component of the FY 2026 Defender Services request ties directly to expected changes in the program's workload and caseload. Projections for representations and panel attorney activity estimate that we need an additional \$12 million for increased panel attorney workload above the FY 2025 projected payment level and \$32 million for increased staffing in the federal defender organizations (FDOs). These requests would allow the program to pay all projected panel attorney requirements without another anticipated payment deferral into FY 2027 and to hire FDO staff up to 98 percent of the level calculated by the current FDO staffing formulas.

In the best case scenario, by the time FY 2026 appropriations are enacted, the FDOs will have been operating under a hiring freeze for 18 of the last 24 months (the first six months of FY 2024 and the entirety of FY 2025). It is not sustainable to continue suppressing hiring of defender staff below the levels needed to address incoming caseload. When FDOs cannot take their expected share of cases, those representations are then redirected to the panel, where *the cost is incurred anyway* because the representation must be provided by one means or the other.

The final significant requested increase for this program is \$6 million for a collection of cybersecurity and IT-related needs, including \$2 million for items tied specifically to the Judiciary's multi-year cybersecurity and IT modernization plan. These proposed investments are based on continuing assessments of the legal and administrative IT needs of our FDOs. Recent events have underscored that out-of-date and under-resourced IT networks and applications within the defender community are every bit as vulnerable as the courts' own IT infrastructure, and a compromise of the defender systems would be equally detrimental. The improvements and upgrades enabled by these requested funds are urgently needed, and they cannot be delayed without a substantial increase in the risks to our overall IT readiness posture.

Court Security

Judicial security is a shared responsibility of the Judiciary, USMS, GSA, and the Federal Protective Service (FPS), with each organization providing specific services and expertise as needed to protect the safety of judges, judicial staff, court facilities, and all those who find

themselves in a court facility for any purpose, either as a litigant, a juror, an attorney or perhaps just a member of the public at large. Within this security network, the Judiciary is responsible for funding the contract CSOs that provide frontline security at federal courthouses; the procurement, installation, and maintenance of security systems and equipment for those facilities, including duress alarms, access controls, video monitoring, and screening x-ray machines and magnetometers; the fees paid to FPS for general and building-specific security measures; and the vulnerability and emergency management functions performed by the Judiciary itself.

As has been noted previously, the threat environment facing judges and the Judiciary as a whole right now is particularly dynamic and worrisome. Threats against individuals and facilities – discussed more fully in Judge Conrad’s testimony – complicate our ability to accomplish our mission as intended, and the branch must be appropriately resourced to anticipate and address those threats, as well as other risks to the safety and security of all those who participate in the judicial process.

The Court Security appropriation request for FY 2026 totals \$892 million, a 19 percent increase above FY 2025. As with the Defender Services program, the unusually large increase requested for this account reflects not just the funds needed to address expected requirements in FY 2026 but also funding to mitigate substantial shortfalls in the Court Security budget resulting from the hard freeze in FY 2025 (and, in the case of this account, in FY 2024 as well). The increase above FY 2025 consists of \$30 million in adjustments to base to maintain current services, including the substantial wage rate adjustment that CSOs are due under the contracts negotiated for them by the USMS, and \$112 million in program increases for new or expanded security activities. These program changes primarily fall in four major focus areas.

First and most substantially, the FY 2026 request includes a total of \$91 million in increases for critical systems and equipment needs. About \$13 million of that total is for new systems and equipment requirements that were requested in prior fiscal years but not provided for within the hard freeze appropriations enacted for those years. This includes emergency management equipment, vehicle barriers and mobile guard booths, radios, screening equipment, and the full complement of security tools needed for five new courthouse construction projects that are (or will be soon) ready for occupancy. These requirements remain valid, and so the Judiciary is re-requesting these increases for FY 2026.

The remaining \$78 million of equipment increases are to replace reductions in systems and equipment base programs that had to be taken in FY 2024 and FY 2025 in order to address the appropriations hard freeze in those years without necessitating reductions in critical CSO staffing. These cuts, which affect programs like the Video Management Systems that enable visual monitoring of all areas of a courthouse and the Physical Access Control Systems that restrict access to non-public areas like judges’ chambers, were deemed a necessary (though regrettable) emergency step, but these reduced funding levels are not sustainable in the long term. Without funds to backfill the shortfalls in these program areas, we will see more and more instances of equipment failure, maintenance or replacement delays, and/or growing technological obsolescence of the Judiciary’s security equipment holdings.

The second area of focus in this request is the Judiciary’s Vulnerability Management Program (VMP), which was created in FY 2022 in response to the murder of Judge Salas’s son. The VMP serves as a resource to judges on ways to enhance their own personal security and that

of their court facilities; helps to coordinate security resources, activities and information sharing at the local level; and supports a variety of emergency management functions. Most significantly, the VMP is responsible for the implementation of the Daniel Anderl Judicial Security and Privacy Act, named in honor of Judge Salas's son, which helps judges and qualifying family members to reduce their online footprints and the ready availability of their PII on the internet. In its full scope, this program will provide vulnerability management services for approximately 2,350 current judges, 300 retired judges, 6,000 qualifying family members, and more than 700 Judiciary facilities. An increase of \$4 million is requested for this program to account for cost escalation among the tools, licenses, and contracts used for PII monitoring, reporting, reduction and redaction in accordance with the Anderl Act and the current threat environment.

The third focus area for proposed increases is related to the courthouse hardening program. This program was conceived in the aftermath of numerous incidents that demonstrated the vulnerability of courthouses and other federal buildings to groups seeking to breach a facility to disrupt the work of the government. To address this risk, the Judiciary is pursuing the implementation of small, targeted infrastructure fixes, such as break-resistant glass, magnetic door locks, and temporary fencing, that can help to better protect courthouse entrances, lobbies, and accessible portions of a building's exterior. These fixes are being prioritized for facilities that have high levels of judicial activity, have previous experience with incidents of unrest, are the subject of law enforcement threat intelligence, and/or are located in areas that are common sites of large group activity. Additionally, we are considering a courthouse's existing design features and the feasibility of making cost effective, fast improvements. The branch previously received \$128 million, mostly via supplemental appropriation in FY 2023, to carry out the hardening program, but at this time we estimate that those resources will be exhausted before all necessary hardening improvements can be implemented. As a result, our FY 2026 request includes \$7 million in new courthouse hardening funds to sustain progress in this program as we continue to work our way through the list of highest priority facilities.

The final area of focus for Court Security increases is the CSO program itself. CSOs are allocated to the circuits and districts according to a comprehensive staffing standard developed by the USMS in conjunction with the Judiciary. A recent analysis of certain circuits and districts revealed locations where courts are not aligned with the standard, with the resulting risk of understaffing for these positions that provide such critical security support to their respective facilities. To address these instances of misalignment, the FY 2026 request includes \$2 million to add a targeted number of CSO positions to those circuits and districts that have been identified as short on CSOs relative to the number dictated by the approved staffing standard.

Fees of Jurors and Commissioners

The Fees of Jurors and Commissioners account funds statutory fees and allowances for federal jurors and for land commissioners, who are appointed by a court to determine fair compensation in federal eminent domain cases. The fair and adequate compensation of federal jurors is one of the Judiciary's highest priorities, reflecting the importance of the constitutional role filled by those fellow citizens who provide the voice of the people in the courtroom. Serving on either a grand or petit jury can be time consuming and logistically challenging, requiring prospective jurors to juggle work, school, or personal obligations that may be interfered with by jury duty. Providing some compensation to those jurors for their time and efforts is both fair and

appropriate.

Our FY 2026 Fees of Jurors request is only \$19.1 million, a 67 percent decrease below the FY 2025 full year CR level. This massive decrease is not a result of substantially lower expected jury activity but is instead an artifact of the overfunding of this account by nearly \$30 million in FY 2025 as discussed above. In fact, total juror-related spending is expected to decrease by only 6 percent in FY 2026 relative to FY 2025, but the accumulation of tens of millions of dollars in excess balances in this account in FY 2025 will allow for the financing of a substantial portion of FY 2026 juror spending with these existing resources. This allows the Subcommittee, in turn, to significantly reduce the appropriated amount for this account, which is useful for the purposes of keeping total FY 2026 requirements down. However, a similarly substantial increase in appropriations for FY 2027 will likely be required to replace those balances once they are exhausted, unless expected juror activity takes a significant and unexpected downward turn.

OTHER BUDGETARY RESOURCES

A critical part of our annual appropriations request is the use and application of other budgetary resources made available by Congress through other legislation. Like many other federal entities, Congress has given the Judiciary authority to collect, retain, and use certain funding outside of the annual appropriations process. The main sources of these other budgetary resources are (1) court fees, primarily filing fees paid by litigants in civil and bankruptcy cases, and user fees paid largely by major financial institutions and data brokers to view and extract court electronic records from our online system; and (2) unobligated balances from prior year appropriations for which we have been given the specific authority to retain and use over multiple fiscal years.

These resources are hugely beneficial both to the Judiciary and to the Subcommittee. Having some funding that is continuously available without the uncertainty of congressional action on our annual requests allows us to better plan and execute complex multi-year initiatives, particularly major IT development and implementation projects that can span several fiscal years from start to end. The more certainty we have over project budgets, the more we can take advantage of beneficial pricing, economies of scale, or the efficient sequencing of development steps to ultimately save on a project's total cost or accomplish the same work in a shorter timeframe. In addition, these non-appropriated funds directly defray our requirements for additional appropriated dollars each year. Any dollar's worth of necessary activity that can be funded with fees or balances is a dollar that the Subcommittee does not have to accommodate within its limited allocation, allowing you to free up scarce resources for other priorities.

We take seriously our obligation to use these other budgetary resources in a transparent and effective manner. For that reason, we account for them in detail in our annual budget request, showing our expected collections by source and any proposed spending by activity, with accompanying narrative justification. The amounts vary from year to year, but in FY 2026 we expect to collect and spend more than \$322 million in various fees and use more than \$388 million in unobligated balances, primarily in the main court S&E account. Without our fee collections and carryover balances, the Judiciary would need to seek an equivalent amount of annual appropriations in order to support the core judicial activities that the Judiciary currently finances through these other available resources.

COST CONTAINMENT

As alluded to earlier, the Judiciary takes very seriously its commitment to the responsible stewardship of its funds. We have had a formal and active cost containment program in place for more than twenty years, and my committee has an entire subcommittee dedicated to finding and promoting opportunities to achieve efficiencies, adopt new and innovative business practices, and reduce or limit costs wherever possible.

This cost containment mindset has become thoroughly ingrained into the Judiciary's governance practices, and we are proud of our successes. They are the result of considered, informed analysis, and they were managed carefully to ensure that the effectiveness and quality of Judiciary operations was not sacrificed in the pursuit of cost savings.

Currently, we have a number of cost containment initiatives in various stages of implementation. Some have been recently completed, such as the imposition of a new nationwide cap for chambers spending on legal research resources. Law books are a very specialized market and, as such, they are quite expensive to acquire. Our new spending cap went into effect late last year and will encourage judges to share these expensive research materials or pursue less costly electronic resources rather than traditional print volumes. With thousands of judge positions and chambers all over the country, even a marginal reduction in legal research expenses can compound into meaningful savings, and we intend to carefully monitor the effect of this cap now that it has been implemented in order to gauge its efficacy.

Other cost containment measures remain in the implementation phase after having begun in prior years. For example, our "No Net New" space policy remains in effect and prohibits circuits from acquiring new space without a corresponding decrease elsewhere in their portfolio. This policy was initiated at the conclusion of a very successful space reduction program through which we removed more than 1.2 million square feet from our space footprint. Now, the "No Net New" limitations ensure that those gains are not erased by subsequent expansions. We work with courts around the country to monitor their compliance with the policy and to help them execute projects needed to reconfigure or reduce space as necessary to offset any increases. For example, by converting a probation office to a "hoteling" approach, where employees share common workstations when they are not in the field, a required increase in probation officer staffing can be accommodated without having to increase the physical size of the office space. We expect to continue receiving proposals and approving "No Net New" projects in FY 2026 with an eye toward those projects that reduce a significant amount of space, result in a substantial savings in rent, provide a reasonable return on investment, improve security and operations of the court, and increase space utilization and efficiency.

Finally, we remain interested in new and innovative cost containment approaches that can be implemented in the future. At any given time, we have a number of such initiatives under consideration. One promising area that is currently being studied is the use of alternative organizational models to deliver the same services. For example, courts can enter into flexible sharing arrangements (FSAs), whereby multiple court units share physical resources (supplies, equipment, etc.), personnel, or administrative and operational services between and across court unit, district, or even circuit boundaries. For example, my court, the Seventh Circuit Court of Appeals, shares human resources support with the district court in the Northern District of Illinois, leveraging a common resource across court unit lines, and we are currently exploring ways that we might share some IT capabilities as well. On a broader level, the Judiciary is

evaluating policy changes, incentives, data gathering, and other means of support that could help other courts considering the adoption or further expansion of FSAs to overcome any obstacles, real or perceived, that could be an impediment to FSA usage. I cannot speak to the outcome of those evaluations yet, but I can promise you that we are giving this initiative vigorous attention and will pursue it if we determine that it can help to reduce or avoid costs while also maintaining or improving the delivery of services.

As always, we will continue to keep the Subcommittee apprised of our cost containment activities, as they remain a critical part of our overall budget culture. I hope that we will continue to have the support of the Subcommittee as we pursue these efforts, as we have often found that savings opportunities require a marginal upfront financial investment in order to realize more substantial long-term efficiencies.

CONCLUSION

Chairman Joyce, Ranking Member Hoyer, and members of the Subcommittee, thank you for the opportunity to testify today. I hope that my testimony and our subsequent question and answer session will inform your consideration of our budget request and assist you as the Subcommittee undertakes the difficult task of determining FY 2026 funding levels for each of the organizations and accounts under your jurisdiction. I understand that the FY 2026 budget we have put forward is a large one that requires serious investment. That is because such an investment is necessary to carry out our constitutional and statutory missions, and to support the fair, efficient, and secure administration of justice in this country.

Thank you for your continued support of the federal Judiciary. I would be pleased to answer any questions the Subcommittee may have.