

**STATEMENT OF
HONORABLE AMY J. ST. EVE
CIRCUIT JUDGE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
CHAIR
COMMITTEE ON THE BUDGET
ON BEHALF OF
THE JUDICIAL CONFERENCE OF THE UNITED STATES**



**BEFORE THE COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, ARTIFICIAL
INTELLIGENCE AND THE INTERNET
UNITED STATES HOUSE OF REPRESENTATIVES**

“FISCAL ACCOUNTABILITY AND OVERSIGHT OF THE FEDERAL COURTS”

June 24, 2025

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INTRODUCTION

Chairman Issa, Ranking Member Johnson, 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 since 2018 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 evaluate and act on that request.

The Judiciary is constantly reexamining its programs, priorities, and staffing and financial resources to ensure fiscal accountability for the American taxpayers and the effective and efficient administration of justice for all those who will interact in some way with the federal court system. 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 FY 2026 discretionary appropriations request before briefly updating the Subcommittee on the status of our long-standing cost containment efforts. Judge Michael Scudder, the chair of the Judicial Conference Committee on Information Technology (IT), will also address the Judiciary's IT modernization and cybersecurity needs.

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. Supreme Court, the U.S. Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, the Administrative Office of the U.S. Courts, the Federal Judicial Center, and the U.S. Sentencing Commission. 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 to ensure that those resources are in place.

FISCAL YEAR 2025 FUNDING OUTCOMES

Three 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 the House Appropriations Committee’s FY 2025 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, and the branch as a whole is funded nearly \$400 million below its estimated requirements level.

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 2025 (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. This requires us both to forego the 238 new federal defender organization positions we requested consistent with projected caseload and to leave unfilled virtually all *existing* positions that become vacant over the course of the fiscal year due to normal attrition. We will also have to suspend payments to private sector attorneys appointed to provide representation for indigent defendants (“panel attorneys”) for almost three months, beginning in early July 2025, several weeks earlier than our previous estimate. 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 Congress. 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 funds to either Court Security Officers (CSOs), the contract guards who deter and respond to security incidents at federal court facilities, or 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. 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 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 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 Congress had proceeded with a fully conferenced annual appropriations bill as intended.

It is important to ensure that the consequences of the full year CR are well understood because they relate directly to the FY 2026 request that is now before the Congress. 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. Unless these underfunded requirements can be addressed with supplemental appropriations, which represent a more expedient and timely solution, then we hope Congress will find the necessary resources as part of the FY 2026 appropriations process to ensure that these concerning shortfalls are remediated.

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 courts 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 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 Congress should be aware that revisions to our request may be necessary as we get additional data over time.

Cybersecurity and IT Modernization

Pursuant to discussions with the Committees on Appropriations, in 2022 the Judiciary developed a multi-year plan to address some critical and longstanding issues in its IT capabilities. 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.

Judge Scudder discusses our major IT initiatives in his testimony. I emphasize that our ability to continue momentum on cybersecurity and modernization is 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 Congress 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.

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; GSA rent; 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 as discussed in Judge Scudder's testimony; and paying almost \$1.2 billion in annual rent and related space 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.¹ 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 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.

¹ Standard pay and benefit adjustments include: the annualization of the 2.0 percent federal employee pay adjustment that went into effect in January 2025; funds for promotions and within-grade increases provided for in Judiciary salary plans; increases to the employer contribution to federal health benefit premiums; and increases to the employer contribution to the Old Age, Survivors, and Disability Insurance portion of Federal Insurance Contributions Act taxes.

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. For example, the request includes \$4 million for human resources initiatives, including the modernization of our recruitment and applicant tracking systems; improvements to the timeliness and efficiency of the processing of personnel actions and benefits changes; upgrades to critical personnel security programs and systems; and more data-driven strategic analysis of our workforce needs going forward. On the financial management front, the request includes \$12 million associated with the Judiciary Data Integrity, Reporting, and Controls (JDIRC) initiative. JDIRC seeks to modernize the branch's financial reporting model and systems. Through enhanced financial management training; improved logging and tracking of audit documentation, findings, and status of corrective actions; and the upgrade or replacement of critical financial applications, the Judiciary can maintain progress toward its goal of producing fully auditable, consolidated financial statements aligned with all federal accounting standards and principles.

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 nearly three 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 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 and critical wounding of her husband. 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 Congress, 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.

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. Every committee of the Judicial Conference that oversees activities funded by our discretionary appropriations is expected to regularly review those activities for cost containment purposes and to discuss its ideas, needs, and concerns with my committee on a formal basis biannually and informally as often as is useful or necessary. As such, the cost containment mindset has become thoroughly ingrained into the Judiciary's governance practices.

Since the inception of the branch's cost containment program, we have achieved some substantial cost savings or cost avoidances. These were 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. For example, the Judiciary pursued an aggressive space reduction program that set a goal of removing 870,000 square feet from our annual rent bill by the end of FY 2018. This was to be achieved by releasing space, reconfiguring space for more efficient utilization, and leveraging opportunities for technology to replace requirements that, in the past, would be met through space acquisition (e.g., transitioning to electronic storage of old files, reducing the need for physical file rooms). Our space reduction efforts were so successful that we exceeded our goal by 30 percent, removing a total of 1.2 million square feet from our rent bill for an annual rent avoidance of approximately \$36 million. We are proud of this and other successes while continuing to pursue new opportunities wherever possible.

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 the space reduction program in 2018 and continues today in order to ensure that the reduction program’s 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.

In addition, the Judiciary has begun a formal assessment of the potential to leverage the rapid proliferation of artificial intelligence (AI) tools to improve productivity in court operations, create more efficient ways to engage with the public, and/or support judicial decision making. I sit on the Judiciary’s recently established AI Task Force, which will serve a central coordinating role within the branch on AI issues and seek to balance appropriately the Judiciary’s ongoing pursuit of cutting-edge technologies to improve operations and create efficiencies with the need to address the very real risks that AI poses to privacy, security, and operational integrity. As with the branch’s consideration of expanded FSAs, I cannot speak yet to the findings or conclusions of the AI Task Force and whether or how the Judiciary may choose to permit the use of AI technology going forward. As the Task Force continues its work,

however, we will keep Congress informed of our efforts and decisions.

Cost containment activities remain a critical part of our overall budget culture. I hope that we will continue to have the support of the Congress 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 Issa, Ranking Member Johnson, 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 be informative for you. 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.