

FISCAL ACCOUNTABILITY AND OVERSIGHT OF THE FEDERAL COURTS

HEARING

BEFORE THE

SUBCOMMITTEE ON COURTS, INTELLECTUAL
PROPERTY, ARTIFICIAL INTELLIGENCE, AND
THE INTERNET

OF THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

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FISCAL ACCOUNTABILITY AND OVERSIGHT OF THE FEDERAL COURTS

Tuesday, June 24, 2025

HOUSE OF REPRESENTATIVES

**SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, AND
ARTIFICIAL INTELLIGENCE, AND THE INTERNET**

COMMITTEE ON THE JUDICIARY
Washington, DC

The Committee met, pursuant to notice, at 10:07 a.m., in Room 2141, Rayburn House Office Building, the Hon. Darrell Issa [Chair of the Subcommittee] presiding.

Members present: Representatives Issa, Massie, Fitzgerald, Cline, Fry, Johnson, Raskin, Lofgren, Neguse, Ross, Swalwell, Jordan, and Kamlager-Dove.

Mr. ISSA. The Subcommittee will come to order. Without objection, the Chair is authorized to declare a recess at any time. Welcome to today's hearing on oversight of the Federal Courts.

I will now recognize for a longer opening statement than I thought.

As we speak now, a Federal judge in Boston has decided that the U.S. Supreme Court staying his nationwide injunction, in fact, doesn't apply because he has issued a second injunction with the same plaintiffs, accomplishing, effectively, the same thing. His earlier order said that these individuals were not to be deported back to South Sudan. They have not been. In fact, under that base order, the Supreme Court has said they could be, and yet, they find themselves halfway in between, when, in fact, the U.S. Supreme Court has acted.

There is no greater definition of an absence of good behavior than, in fact, for a seated Article III judge to defy the strict letter of the Supreme Court, the intent, but, rather, say, "But I can issue a second order."

What I find particularly bad about that is it is not the first time we have seen judges do it. In other areas, we have seen judges circumvent the clear intent of random selection for cases, including patent. We have seen this happen again and again, and we have seen the Supreme Court act, only to find that they must act again.

Today, I call on the U.S. Supreme Court to act within minutes to stay the second order, lest—and by the way, to prohibit—a third, fourth, and fifth order in advance. The Supreme Court cannot be

effective if they have to effectively keep up with the speed of a judge signing things coming off a computer—probably written with ChatGPT. That is where we are today.

My original statement did say that today we are conducting oversight of the Federal Courts, which is a routine part of our jurisdiction, and it is. The Federal Courts are a critical part of the Constitution system, and this Committee, on a bipartisan basis, has promoted the expansion of the court repeatedly under both Republican and Democrat Chairs. We continue to do so.

This Subcommittee regularly attends Judicial Conference meetings and deals directly with the Conference. Additionally, we are given the privilege of access to members of the Supreme Court to both express our opinions and to learn from them.

All of this is as our Founders intended. When we were founded, the Court was not in a separate building across the way, but, in fact, nestled between the House and the Senate in a way in which Members of both bodies, typically, might have lunch with them. It is unfortunate that we have grown so far apart, because, in fact, we serve no purpose except to create laws which must be enforced. The Executive Branch attempts to enforce them, but only the Court can determine the faithful execution by that other branch.

So, as we speak of activist judges, we also speak of the need to expand the court to eliminate a backlog that now exceeds 600 cases on average per judge.

I want to take a moment to thank both our witnesses here today and the dozens of Federal judges who could go off into retirement at full pay, but stay and continue to work in senior status. Those judges have provided us with great service. They not only have stepped aside from their lifetime appointment, so that another can be appointed, helping us deal with a shortage, but they have continued to work. That combination is the only reason that the court has managed to continue to function. It will not function for long with the increased tempo unless we do our job.

So, I call on all my Members today to give real thought to quickly expanding the court, but at the same time, just as today, to continue to do our oversight, to continue to come as close as we can to the Founders' original intent—an intent that nestled the Members of the Supreme Court right next to the House and Senate, in a way in which the communication as to original intent, the communication, as to the Court sought, the communication to what judges that then would ride Circuit would even see—all of that, in fact, is our obligation.

So, I have no doubt that there will be other subjects besides the Rogue Ruling Act, which we have sent to the Senate, today, but it is not the only thing we will discuss. I want every Member of both the Republican and Democratic side to consider this as an important hearing to vet all questions. We, fortunately, have a distinguished panel that should be able to answer most, but not all questions.

In consultation with the Ranking Members of the Full Committee and the Subcommittee, I am using my discretion today to say we will not be swearing in the witnesses, as is the requirement of the Committee, because it is our tradition not to swear in con-

stitutional offices that come before us, unless, in fact, they are witnesses in an otherwise more specific discovery.

With that, it is my honor and privilege to yield to the Ranking Member of the Subcommittee, Mr. Johnson, for his opening statement.

Mr. JOHNSON. Thank you, Mr. Chair.

I'm honored, Judge St. Eve and Judge Scudder, that you were able to travel to D.C. to testify before us today. I'm especially grateful because the Administrative Office of the Courts was already called on by the majority to present themselves for a hearing earlier this year. While it is an honor to have the Administrative Office before us, I wonder at the necessity of having you all here again so soon.

The judges, lawyers, and former judges in this room have a very different perspective on the United States court system than most of our constituents back home. For most Americans, the few times they walk into a courtroom is one of the more anxiety-inducing, stressful times of their lives, and whether that stress is as minor as a traffic ticket, as heart-wrenching as a divorce case, or as potentially life-changing as a harmful product dispute, most of us don't end up in front of a judge unless something has gone wrong.

At least we know we have protection for when we do have to go to court. Americans are guaranteed a speedy trial, a fair trial, and the right to counsel if you cannot afford one. Congress also allocates funds that the judiciary needs to make those constitutional guarantees come true.

Even with those rights protected, when Americans stand in a courtroom on one of the worst days of their lives, some of us find ourselves standing in a building that is falling apart; no attorney available to represent us; and waiting for hours to have our day in court, because of judicial backlogs.

Under the leadership of MAGA Republicans and the Trump Administration, it is harder than ever for the judiciary to serve the American people. Last Congress, we had a deal to allocate the Judicial Conference's request for more judges over a 10-year period, starting with the next unknown President. The Republicans broke their word to ensure that Federal judges would be allocated only if Trump won.

Cyberattacks on sensitive judiciary systems are on the rise, but the Trump Administration is taking apart our cybersecurity infrastructure that keeps us safe.

Even our buildings aren't safe from Donald Trump. Our courthouses are crumbling, but he is ending the leases for courthouses and buildings that are in use for the American people.

One might think that programs are guaranteed under the Constitution would be an exception, but that doesn't appear to be the case, either. When Congress passed the CR in December, the Federal defender services budget was frozen at the level from the year before, leaving the program at a critical shortfall.

The Sixth Amendment guarantees the right to an attorney in criminal proceedings, and under Federal statute, courts are required to appoint counsel from Federal public and community defender organizations or from a panel of private attorneys established by the court.

Without counsel provided by the courts, thousands of Americans accused of Federal crimes would go unrepresented. Without funding, the Federal defenders won't be able to provide counsel. Without the Federal defenders, prosecutions can't go forward under the Constitution. You see, everything breaks down when the Federal defenders are not able to do their jobs, and that is the cliff the judiciary is headed toward without the requisite funding.

Finally, personal attacks on individual judges have driven increasing threats to Federal judges over the past 10 years, and especially the last six months. I refuse to accept the idea that we have become a country where judges, judicial staff, and their families can be threatened, intimidated, or killed just for doing their jobs.

Americans, no matter where we fall politically, no matter who we vote for, deserve to be able to walk into a courtroom and know that the person sitting on the bench will adjudicate the case fairly, with no design toward making one political party or another happy out of fear for their safety.

That starts with funding judicial security. Let's not play around with judges' lives to make a political point. This Committee can be where we divorce Federal funding from the politics of the moment, where we can all agree to fund the judiciary, so that judges can continue deciding cases free from political pressure; where we can say that, no matter what our politics, the third branch is—I'm not going to use the term "co-equal"—I'm going to say it is equally important. The third branch is equally important to the other branches and should not be interfered with.

I look forward to hearing from our witnesses as to what resources they need to continue their work.

I yield back the remainder of my time.

Mr. ISSA. I thank the gentleman.

The Chair of the Full Committee has been called away to a deposition. When he returns, he will, undoubtedly, read his opening statement.

With that, I would like to recognize the Ranking Member of the Full Committee for his opening statement, the gentleman from Maryland.

Mr. RASKIN. Thank you kindly, Chair Issa. I appreciate that. I welcome Judge St. Eve and Judge Scudder.

The hearing is on fiscal responsibility in the courts, which makes matters pretty simple for me. We should make sure we give the Federal Courts all the resources that you need to carry out your constitutional duties without having to fear for the safety of your judges or their families, court personnel and members of the public who are in Federal courthouses.

We should, thus, set a legislative record today about the need for the Judicial Branch. We should not attempt to see if Congress can use our power of the purse to coerce judges into ruling this way or that way on a particular case. That is an attack on judicial independence, the power of the courts to say what the law is, as the Court put it in *Marbury v. Madison* in 1803.

Funding is essential to the independence of the courts. Hamilton began *Federalist 79* by acknowledging this relationship. Quote:

Next to permanency in office, nothing can contribute more to the independence of the judges that a fixed provision for their support.

He said,

In the general course of human nature, a power over a man's subsistence amounts to a power over his will.

Alas, power over the judicial will is exactly what President Trump has sought since he took office. Judges who decide in his favor are "brilliant, faithful judges," and those who decide against him are "communist, radical-Left judges," even if they were appointed by a fellow Republican President.

In March, Trump called for the impeachment of a Federal judge who ruled against his administration on a fundamental constitutional question, a judge who had been nominated to the bench first by President George W. Bush. Quote:

This judge, like many of the crooked judges I am forced to appear before, should be impeached.

Trump posted on social media.

Meanwhile, his allies in Congress have repeatedly fought to change the way that the courts work, just to benefit him personally and his administration, such as when they tried to make all State cases against him and his associates removable to Federal court and to prevent judges from being able to issue injunctions that apply beyond the specific parties to a case.

Last month, this Committee passed a provision stripping the power of judicial contempt in certain cases that would allow Trump to ignore adverse Federal court decisions, even though eight in ten Americans think the President should have to obey the orders of the courts. That is, indeed, the whole premise of judicial review, as articulated in *Marbury v. Madison* in 1803.

The MAGA siege on the Judicial Branch has not just been limited to antijudicial legislation. Every major resource that the courts need to act as an independent branch of government is less achievable because of Trump's program. Trump's ad hominem rhetoric against individual judges has helped fuel an increase in threats to judicial security. His lieutenants at DOGE have sharply limited the buildings available to the judiciary, even as our courthouses are falling apart.

American cybersecurity, including our court IT systems, is weaker under Trump after he neutered the subagency within the Homeland Security Department responsible for keeping us secure from online attack.

The Republican leadership took a bipartisan deal to get the judiciary more Federal judges, and then, twisted it to their own ends. I'm exempting here my friend Mr. Issa from that description. Some of our colleagues have suggested the only way the judiciary will get the funding it needs is if judges change how they rule on decisions important to Trump.

Punchbowl News recently reported about the controversy over threats to judges. When asked about increased funding for judicial security, in light of the skyrocketing threats to Federal judges, my friend Chair Jordan told a reporter, "I don't know that there's going to be a lot of people excited about giving them an increase." Another colleague reportedly suggested the judiciary, quote, "should stop screwing everything up if they want more security funding."

Checks and balances only work under the Constitution when the three branches of our government respect each other's essential independence of action and decision. To withhold the means of guaranteeing the safety of a judge or their family is to compromise that independence. A judge who receives deliveries at her home reminds her that the people threatening her online know where she and her children live may be less able to think clearly and rule objectively on the merits of the case, if they fear that their family is in danger.

That is not an academic point, but an urgently practical one. Threats to Federal judges skyrocketed over the last six months, as President Trump escalated his personal threats in a rhetoric against Federal judges and courts. According to the U.S. Marshals Service, 197 judges were threatened from early March to late May this year, more than double the number of judges that had been threatened in the prior five months.

Judicial security should not be and has never been a partisan issue. When Justice Kavanaugh was targeted in 2022, Chair Jordan rightly said, "We don't want any violence here, but let's not have a double standard." I agree with that. We must oppose all violence and all threats of violence against the Federal judiciary from whatever quarter they arise. We must give Judicial Branch institutions all the security funding they need wholly without regard to which judges are being protected and which cases they may be handling.

Political control over judges is a hallmark of monarchical and authoritarian regimes. Indeed, King George's attacks on judicial independence were part of the bill of particulars set forth in complaint against him by Thomas Jefferson in the Declaration of Independence. Quote:

He has made judges dependent on his will alone for the tenure of their offices and the amount and the payment of their salaries.

Jefferson wrote.

It would be a dangerous breach of our constitutional values to withhold critical security funding for the judiciary in an effort to change the way judges decide their cases. I'm certain we cannot, and we will not do that today.

I look forward to hearing from our witnesses, and I yield back to you, Mr. Chair, the remainder of my time.

Mr. ISSA. I thank the gentleman. Without objection, all other opening statements will be included in the record.

It is now my pleasure to introduce our witnesses.

First, the Hon. Michael Y. Scudder. Judge Scudder serves on the U.S. Court of Appeals for the Seventh Circuit. He received his commission in May 2018. Judge Scudder also serves as the Chair of the Information Technology Committee for the Judicial Conferences of the United States. Prior to joining the Seventh Circuit, he worked in private practice and served in the White House, the Department of Justice, and as an Assistant U.S. Attorney in the Southern District of New York.

Welcome.

Second, we have the Hon. Amy St. Eve. Judge St. Eve serves on the U.S. Court of Appeals also for the Seventh Circuit. She received her commission in May 2018. Judge St. Eve also serves as Chair

of the Budget Committee for the Judicial Conference of the United States. Prior to joining the Seventh Circuit, she served as the District Court Judge in the Northern District of Illinois, in private practice, and as an Assistant U.S. Attorney in the Northern District of Illinois.

I welcome both of our witnesses.

As I said earlier, I will dispense with the swearing in and ask each of you to give us your opening statements.

I will go in the order I like to go. Judge St. Eve, if you would proceed.

STATEMENT OF THE HON. AMY ST. EVE

Judge St. Eve. Thank you. Good morning, Chair Issa, Ranking Member Johnson, Ranking Member Raskin, and the Members of the Subcommittee.

My name is Amy St. Eve, and I am a judge on the Seventh Circuit Court of Appeals in Chicago.

On behalf of the Judicial Conference Committee on the Budget, which I Chair, I am pleased to appear before you to discuss the fiscal posture of the Federal Judiciary and our priorities and needs of our programs and staffing in Fiscal Year 2026. Thank you for the opportunity to do so.

An effective and efficient judiciary is foundational to our system of government. Adequate and consistent funding is absolutely critical to conduct our constitutional and statutory responsibilities, and we are reliant on Congress to help ensure that those resources are in place.

The Branch's Fiscal Year 2026 funding request must be looked at in the context of the recently enacted full-year Continuing Resolution for Fiscal Year 2025. In that CR, every component of the Branch was held to its Fiscal Year 2024 enacted funding level, regardless of changing requirements, and for most of our accounts, this is the second straight year of a freeze.

Among the impacts of the full-year CR are the deferral of dozens of judicial security projects at a time when threats against judges and the judicial process are increasing; the suspension of almost three months of payments to private attorneys who have provided constitutionally required representation to indigent defendants; and the continuation of a hiring freeze in the Federal defender organization, and a year-over-year reduction in the allotments made to courts and probation and pretrial services offices to serve and protect your constituents.

While the judiciary's Fiscal Year 2026 request of \$9.4 billion may seem large, these resources are needed to rebuild critical functions that were not sufficiently funded in either Fiscal Year 2024 or 2025, and to address new and potentially significant workload being generated for the courts by the law enforcement initiatives of the Executive Branch.

Our request includes \$6.9 billion for the courts and probation and pretrial services offices. More than 85 percent of this requested increase in this area reflects just standard adjustments to maintain current services, while the remainder funding is critical for new investments in staffing, space, and IT.

The defenders' services request totals \$1.8 billion. Well over half of the requested increase is needed just to mitigate the effects of the suspension of payments to private attorneys that was necessitated by the Fiscal Year 2025 CR. The remainder will support current service levels and allow a resumption of hiring in the Federal defenders' offices.

We are also requesting almost \$900 million for our court security program to address a complex and evolving threat environment. The request fully funds contractual obligations to our court security officers and helps recapitalize systems and equipment, which budget was slashed due to two straight years of funding freezes in this account. The request also continues the expansion of our vulnerability management program, which implemented the Daniel Anderl Act and was created after the murder of the son of Judge Esther Salas.

Finally, our request includes the \$19 million that we project will be needed to fully fund the juror's requirements for the year.

As we ask Congress to make this substantial investment in the judiciary, I want to assure you that we take very seriously our commitment to fiscal accountability and the responsible stewardship of our funds. My Committee has an entire Subcommittee dedicated to finding opportunities to achieve efficiencies, adapting innovative business practices, and reducing or limiting costs without negatively impacting the quality of judicial services. At any given time, we have numerous cost containment initiatives that are in various stages of implementation, and these are described in more detail in my written statement.

Again, thank you for the opportunity to appear today and for your support of the judiciary. I understand that the Fiscal Year 2026 we have put forward is a large one and that this is a challenging budget environment, but it is necessary to support the fair, efficient, and secure administration of justice in this country.

I would be pleased to answer your questions.

[The prepared statement of Judge St. Eve follows:]

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

Administrative Office of the U.S. Courts, Office of Legislative Affairs
Thurgood Marshall Federal Judiciary Building, Washington, DC 20544
202-502-1700

**STATEMENT OF
HONORABLE AMY J. ST. EVE, CHAIR
COMMITTEE ON THE BUDGET OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
BEFORE THE
SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY, ARTIFICIAL
INTELLIGENCE AND THE INTERNET
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

June 24, 2025

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 conference 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 logically 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.

Mr. ISSA. Thank you. I am pleased I didn't even have to say, "Five minutes." You got it right spot-on.

Judge ST. EVE. I have a whole new appreciation of the red light here.

Mr. ISSA. You know, we could add one to the court, if you would like it.

[Laughter.]

Judge Scudder.

STATEMENT OF THE HON. MICHAEL Y. SCUDDER

Judge SCUDDER. Good morning, Chair Issa, Ranking Member Johnson, the Members of the Subcommittee, and Ranking Member Raskin.

My name is Michael Scudder and I, too, serve on the U.S. Court of Appeals for the Seventh Circuit in Chicago.

I appear before you today on behalf of the Judicial Conference Committee on Information Technology, which I Chair, to discuss cybersecurity threats to the Judicial Branch and our responses and ongoing priorities. Thank you for this opportunity.

Technology touches nearly everything the judiciary does. Case filings arrive electronically. We manage our dockets electronically; draft and issue orders and opinions electronically; communicate with colleagues and staff electronically and depend on a range of systems for our administrative functions, like H.R. and financial management. No doubt, much the same is true here on Capitol Hill and all throughout the Executive Branch and private sector.

Advances in technology have helped us in countless ways and are replete with future promises. We are striving to seize those opportunities by modernizing our systems and evaluating value-added, responsible uses for artificial intelligence, but we all know that technology brings with it risks. It is this point I want to underscore for you.

Cyber risk is very real for the Federal judiciary. Malicious individuals and groups look to exploit vulnerabilities in our environment for their own benefit and to destabilize confidence in our branch. In recent years, we have experienced serious breaches of our case management and electronic case filing system. More recently, we witness a ransomware attack on a Federal public defender's office. These events resulted in the loss of sensitive information and delays in judicial processes.

We have responded by working closely with the Executive Branch, including the FBI, to identify the responsible actors and to better understand their intentions. Our Executive Branch partners, including CISA within DHS and the National Cyber Director, have also helped identify ways in which we can strengthen our cybersecurity posture.

Please know that we are doing everything possible to better secure our systems and the confidential information they contain, including sealed filings on very sensitive criminal, national security, and commercial matters.

We expect the threats will only increase in their persistence and sophistication in the coming years. At regular intervals in recent years—and indeed, just last month—we have offered this, and other Committees classified briefings on these cyber risks and

breaches, and you have our commitment to keeping you informed as we move forward.

The judiciary has responded to the reality of unrelenting cyber risk by making cybersecurity one of our Branch's top priorities. In the wake of our first breaches, our former Director established an IT Security Task Force to make recommendations on short- and long-term objectives. The IT Committee received those recommendations and has been hard at work implementing them, while also putting in place a comprehensive IT modernization and cybersecurity strategy. We are three years into implementing that strategy and are making sound progress—all under the leadership of our Branch's first Chief Information Officer. Our current Director, Judge Robert Conrad, has kept cybersecurity an absolute top and urgent priority for our Branch.

All of this takes up resources, and Congress has been a strong supporter of our IT budgetary needs in recent years. As I thank you for your past support, allow me to ask for it once again. The judiciary's Fiscal Year 2026 funding request includes \$74 million for multiyear plan funding. The funding will allow us to continue making progress toward modernizing the judiciary's IT systems and strengthening our security.

Again, thank you for the opportunity to appear here today, for your understanding and support of our pressing IT and cybersecurity needs, and I welcome your questions.

[The prepared statement of Judge Scudder follows:]

STATEMENT OF

HONORABLE MICHAEL Y. SCUDDER, JR.

CIRCUIT JUDGE
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
CHAIR
COMMITTEE ON INFORMATION TECHNOLOGY
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

Administrative Office of the U.S. Courts, Office of Legislative Affairs
Thurgood Marshall Federal Judiciary Building, Washington, DC 20544
202-502-1700

**STATEMENT OF
HONORABLE MICHAEL Y. SCUDDER JR., CHAIR
COMMITTEE ON INFORMATION TECHNOLOGY OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
BEFORE THE SUBCOMMITTEE ON COURTS, INTELLECTUAL PROPERTY,
ARTIFICIAL INTELLIGENCE, AND THE INTERNET
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

June 24, 2025

INTRODUCTION

Chairman Issa, Ranking Member Johnson, and members of the Subcommittee, my name is Michael Scudder, Jr., and I am pleased to appear before you today as Chair of the Judicial Conference Committee on Information Technology. I look forward to speaking with you about the Judiciary's information technology program. My remarks are meant to complement those of Judge Amy J. St. Eve, Chair of the Judicial Conference Committee on the Budget.

I have served as a judge on the United States Court of Appeals for the Seventh Circuit since 2018. In addition, I have served on the Judiciary's IT Committee since 2019 and as its Chair since 2021. Prior to my judicial service, I served as an attorney in the Executive Branch and in private practice. This is my first appearance before this Subcommittee.

INFORMATION TECHNOLOGY PROGRAM

At the outset, I want to observe that IT is critical to everything the Judiciary does. Cases are filed, docketed, and managed electronically. Judges and staff rely on a wide array of IT applications for nearly every aspect of our operations, whether writing an opinion or entering an order, paying an expense, or communicating with colleagues. Looking back over the last couple of decades as technology has changed and advanced, the Judiciary's funding levels have not kept pace to address needed improvements. So the branch found itself in a position of underinvestment in our IT infrastructure and applications. While we have always been responsible stewards of taxpayer dollars, overarching budgetary challenges to maintain current service levels also have limited our investment in IT development and necessary enhancements to the Judiciary's IT infrastructure. Until recently, this underinvestment left our major systems and applications outdated and vulnerable. Many are not up to date with modern development standards or security protocols. The result is that our systems are expensive to operate, update, or replace; difficult to maintain; and at regular risk of either operational failure or security breaches. At the same time, the Judiciary has faced challenges in hiring and retaining trained IT professionals given potential compensation for employment outside of government.

There are two recent issues which have elevated the judiciary's IT needs to the forefront. First, the Judiciary has had to respond to waves of highly sophisticated and persistent cyber threats. Given the information in the Judiciary's control, we continue to face unrelenting

security threats of extraordinary gravity. We expect the risks and potential damages from these attacks will keep intensifying into the indefinite future. Second, as other institutions of government and the private sector experienced in their own ways, the COVID-19 pandemic stressed many of our systems to near breaking points with unprecedented remote access for the public and litigants to court proceedings and exposed many shortcomings and needs.

The Judiciary is committed to investing in IT to keep our IT environment up to modern and operational security standards and thereby able to confront the constant and increasingly sophisticated cybersecurity threats the branch faces.

CYBERSECURITY RISKS

By virtue of the work it performs, the Judiciary possesses extremely sensitive and non-public data. This includes personally identifiable information, confidential sealed documents (including indictments, arrest and search warrants, and cooperators information), national security information, evidence with proprietary economic value, as well as draft opinions and orders, among others. If sensitive 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 broader federal government.

These observations are not hypothetical. Experience has shown that the Judiciary is a high-value target for malicious actors and cyber criminals seeking to misappropriate confidential information and disrupt the judicial process in the United States. These attacks pose risks to our entire justice system, including civil and criminal court proceedings, law enforcement and national security investigations planned or underway, and trade and commercial secrets for businesses involved in bankruptcy proceedings or patent and trademark litigation.

We work closely with our Executive Branch partners, including the Department of Justice's National Security Division, Federal Bureau of Investigation cybersecurity experts, the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency and the Office of the National Cyber Director, to identify and better understand cyber risks, bolster our cyber defenses, and investigate cyber-attacks that occur on our IT systems. This inter-branch coordination and information and intelligence sharing is critical to addressing comprehensively the cyber challenges facing the federal government as a whole. We are grateful for the outstanding support we have received from the Executive Branch.

To provide some sense of the magnitude of this threat, Judiciary cyber defenses blocked approximately 200 million harmful events from reaching court local area networks in FY 2024. This number was nearly identical to the previous year, although the sophistication of the attacks indicates new approaches are being deployed in attempts to access confidential information and disrupt Judiciary operations. Because of the sensitivity of the information, I am constrained in what I can say in this setting about vulnerabilities and cyber-attacks on the Judicial Branch. With assistance from our Executive Branch partners, we provided a classified briefing for appropriations and authorizing full Committee and Subcommittee leadership in May where we

provided more details about specific incidents that have occurred and their implications. We would be happy to do so again for any member of the Subcommittee.

For the past several years, the Judiciary has been modernizing its cybersecurity operations and strengthening its cybersecurity posture. Many of the projects summarized below will help strengthen the security of the branch's IT systems and applications. We appreciate Congress's understanding and past support of our IT challenges and hope the FY 2026 appropriation will result in ongoing funding for our ongoing initiatives to modernize and better secure our systems.

MAJOR INFORMATION TECHNOLOGY PROJECTS

The Judiciary has several initiatives and programs underway to achieve a secure and modern IT environment. Importantly, for these projects, the Judiciary is committed to a culture of accountability and robust oversight. The branch created a new Chief Information Officer position in 2022 to ensure enterprise oversight and overarching responsibility for all IT projects. Within the CIO's office, project management oversight efforts have dramatically increased with regular internal project reviews and evaluations and reporting regularly to the Judicial Conference IT Committee.

IT Modernization and Cybersecurity Strategy

Cyber breaches we experienced in recent years led to the creation, under the leadership of our former Director, Judge Roslyn Mauskopf, of an IT Security Task Force. The Task Force completed its work in 2023 and produced 25 recommendations, which the IT Committee has been working to address and implement. For its part, the IT Committee developed and produced a comprehensive multi-year (FY 2022 – FY 2027) *IT Modernization and Cybersecurity Strategy (Strategy)* in June 2022. That Strategy continues to guide the IT Committee's work and the Judiciary's current Director, Judge Robert Conrad, has continued to make IT modernization and cybersecurity as a top priority of the branch. All of these efforts have helped unify the branch around a common IT strategy and achieving its objectives with urgency—in cyber relevant time frames as we often put it.

IT Modernization and Cybersecurity Strategy Funding

In FY 2022, we began requesting funds pursuant to this multi-year *Strategy*. The Judiciary's FY 2026 funding request includes \$74 million of multi-year plan funding for the courts' Salaries and Expenses and the Defender Services accounts. This will allow us to continue making progress towards modernizing the Judiciary's IT systems and strengthening IT security.

With the funding provided so far, we have achieved substantial progress, including the full implementation of multifactor authentication ("two step verification" when logging into an account or system) at every Judiciary workstation; 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 and allow better control systems and data access; the continued deployment of enhanced network monitoring and activity logging tools, as well as stronger firewalls and endpoint protection tools, on Judiciary systems, applications, and devices.

As Judge St. Eve emphasizes in her testimony, these successes are dependent on the Judiciary's receipt of funding to continue, complete, and sustain these high priority initiatives. We cannot continue absorbing cybersecurity and modernization costs in a flat budget environment without doing unacceptable harm to other critical areas of judicial operations.

Upgrades to the Judiciary's Financial Management System

We are in the process of completing significant upgrades to the Judiciary Integrated Financial Management System (JIFMS), the Judiciary's official budget, accounting, and procurement system. The upgrade is critical to address technical obsolescence of third-party support tools, and security and performance concerns. Recommendations for improvements to internal controls will be addressed with the upgrade, improving both operational and technical efficiencies while strengthening the Judiciary's cybersecurity posture. The upgrade will facilitate compliance with both regulations regarding inter-governmental funds transfers between federal agencies for goods and services procured, as well as future upgrades that will further improve Judiciary financial management. The JIFMS upgrade is in its final stages of implementation, with the project being on time, within scope, and on budget.

Court Case Management System Modernization

The branch's top IT priority is replacing the Judiciary's case management/electronic case filing (CM/ECF) system and its portal, the Public Access to Court Electronic Records (PACER) system. CM/ECF is the backbone system federal courts depend on for mission critical, day-to-day operations. It is used by electronic filers to submit filings in all cases and proceedings, including criminal, civil, appellate, and bankruptcy matters. And it is used by judges and court staff to conduct many tasks related to case management. PACER is the front-end portal to CM/ECF used by individuals, businesses, federal entities, and others to access public court records.

Based on extensive internal and external analyses, we have concluded that CM/ECF and PACER are outdated, unsustainable due to cyber risks, and require replacement. Intensive efforts to modernize these systems are underway. Our strategy is for new case management and PACER systems to be developed and rolled out on an incremental basis, meaning functionality of a modernized system is implemented in waves versus the past model of implementation only after a system is fully designed, developed, and tested. This "agile" software development and implementation approach is consistent with current industry best practices. At this point in our planning, we hope to incrementally deliver the modernized case management system to pilot courts in the coming fiscal years. At the same time, the judiciary continues to take steps to protect, as best we can, the existing CM/ECF and PACER systems to reduce cyber risk while the new case management system is being developed.

Recent Congresses have considered legislation related to CM/ECF and PACER modernization, including the timing and technical requirements of a modernized system and changes to the structure of PACER user fees. The Judiciary is fully committed to CM/ECF and PACER modernization as well as to continued broad public access to court records. We have no preference for PACER user fees as the funding source for CM/ECF and PACER; however, it is critical that there is an adequate, stable, and predictable funding stream to enable us to modernize and operate the systems on a going forward basis.

We will continue to keep the Subcommittee apprised as to the progress of our CM/ECF and PACER modernization efforts, as well as the impact of any legislation that changes the current PACER fee structure on our ability to finance CM/ECF and PACER activities.

Modernizing the Probation/Pretrial Services Case Management System

The Probation and Pretrial Services Automated Case Tracking System (PACTS) is used by approximately 8,000 probation and pretrial services officers and staff to conduct and manage investigations, risk assessments, and supervision of defendants and individuals on pretrial or post-conviction release. The current system relies on approximately 30 separate IT applications to enable probation and pretrial services offices to perform their official duties. The complexity of integrating so many applications has resulted in recurring outages, slowdowns over many years, and increasing costs to maintain an outdated system architecture. We have taken steps to stabilize the current system while we develop a new one, which we are calling PACTS360. PACTS360 is a cloud-based application that will modernize system architecture, strengthen cybersecurity defenses, and improve system functionality and reliability for probation and pretrial services officers. Based on substantial progress in recent years, we currently expect PACTS360 implementation in all probation/pretrial services offices nationwide to be completed by the end of FY 2027.

Artificial Intelligence

The rapid proliferation of Artificial Intelligence (AI) tools in everyday life has magnified AI's implications for the Judiciary. While AI has the potential to improve productivity in court operations, create more efficient ways to engage with the public, and support judicial decision making, the use of AI also poses privacy, security, and other risks that must be considered. In January 2025, the AO Director established an AI Task Force to serve a central coordinating role within the branch on AI issues. The task force comprises judges and Judiciary personnel to ensure broad representation in considering AI-related issues on Judiciary operations. The goal of the task force is to balance the Judiciary's ongoing pursuit of leveraging cutting-edge technologies to improve operations and create efficiencies, with the need to address very real privacy and security issues presented by AI. It is currently envisioned that this task force will complete its work by December 2026.

CONCLUSION

Chairman Issa, Ranking Member Johnson, and members of the Subcommittee, thank you again for the opportunity to testify today. I would be pleased to answer your questions.

Mr. CLINE. Thank you, Mr. Chair. I thank our witnesses for being here.

Judge St. Eve, the Judiciary is requesting another significant funding increase in Fiscal Year 2026. Can you justify this expansion and why the inflation and flat or declining case load trends?

Judge St. EVE. Yes, certainly. We are requesting \$9.4 billion for 2026 and that increase is driven by multiple factors. For one, our Judicial Security Fund has been frozen since 2023, and we have significant needs in judicial security. Our Judicial Security Fund funds our Court Security Officers who are really the front-line officers that keep the courthouses safe. It funds our vulnerability management program which helps get judges' personally identifying information off the internet. It funds equipment and at the courthouse the magnetometers, the videos, and it also funds the courthouse hardening project that we have been doing around the country. That has been frozen since 2023.

Inflation has certainly impacted on those. In particular, the Judicial Security Fund, we have had to put aside some of the equipment updates in order to pay for the Court Security Officers and the vulnerability management program. We have put a priority on that. Courthouses around the country, some equipment is on a 10-year cycle where it should be replaced, and that equipment is now on an 18-year cycle because we haven't been able to replace it. A chunk of the money will go toward that.

Mr. CLINE. Can you tell me how security funding, both physical and cyber, is audited?

Judge ST. EVE. Yes. We have a rigorous internal audit process at the Administrative Office where there are accounting firms that do cyclical accounting of each of the Districts and Circuits throughout the country. There are also internal audits that are done at the Administrative Office.

Mr. CLINE. I know that appropriations have increased in recent years for new courthouse construction and renovations, even as GAO reports continue to raise concerns about unused space and unclear prioritization metrics. Meanwhile, in my own district, I have heard reports that one Federal courthouse lacked heat during the winter and the process to get that fixed through GSA was long and difficult. I raised concerns about whether basic facility needs are being sidelined while funding goes toward more politically visible construction projects.

Can you explain how the Judicial Conference prioritizes courthouse spending, especially between new construction and urgently needed repairs and what safeguards are in place to ensure that these decisions are based on objective needs rather than politics or aesthetics?

Judge ST. EVE. We have a rigorous process for new construction where we work with GSA and there is a priority list based on a series of factors where we determine which places and which courthouses need new construction. We work with GSA on projects at existing courthouses and that has been a challenge for us. The GSA has lost about 60 percent of its workforce. I can tell you in Chicago all our project managers were laid off, so we don't have any GSA project managers. I have examples from around the country that I could tell you that the layoff of GSA employees has resulted in

us not getting the services that we used to, yet we are still paying the same rent to GSA.

Mr. CLINE. Judge Scudder, Congress has heard concerns about IT and cybersecurity funding being treated as a budgetary black box, essentially hard to audit and often folded into broader security categories.

Can you provide examples of how these funds are being prioritized and transparently reported?

Judge SCUDDER. Thank you for the question. In our budget submission, there are some details on that, and we regularly meet with appropriator staff and Members of the Appropriation Committee. Within the Branch, we are devoting our IT and cyber resources to a series of priorities that are all about modernizing our systems to better enhance our security.

Mr. CLINE. Using AI?

Judge SCUDDER. In part. It is cutting-edge technology. Our Director established a task force recently. The task force is looking hard at AI. AI brings with it enormous promise, as you know. It brings with it certain risks as well. I think the Chief Justice captured that sentiment very well in his 2023 year-end report where he said that any use of AI requires caution and humility. We are looking hard at it.

Mr. CLINE. My time has expired. Thank you, Mr. Chair.

Mr. ISSA. I thank the gentleman. I now recognize the gentleman from Georgia, Mr. Johnson.

Mr. JOHNSON. Thank you. It is notable that our third equally important branch of government, the Judicial Branch, has submitted a budget request totaling \$9.4 billion for Fiscal Year 2026. I will note that this Committee, in its Big Ugly Bill that passed out a couple of months ago allocated \$45 billion for the construction of new detention facility beds in private, for-profit detention facilities under contract to the U.S. Government to detain immigrants, \$45–\$9.7 billion and we would question that very modest request. It is astounding.

Judge St. Eve, as you know, this is not the Appropriations Committee. We on the House Judiciary Committee have no control over funding, but how the Judiciary functions from whether Americans get a speedy trial to whether a judge is afraid for his or her safety is predicated on sufficient resources for the Judicial Branch.

Could you explain for us what having the courts adequately funded means for the constitutional functions of the Judicial Branch and conversely, how frozen funding can snowball into bigger problems for the rule of law?

Judge ST. EVE. Having sufficient funding is essential for us to carry out our constitutional duties. The courts have to be funded for the judges to do their work and carry out their duties. I am going to focus on what you touched on earlier, Ranking Member Johnson, the defender services. They are part of the Judiciary's budget. Under the Sixth Amendment of the Constitution, all defendants charged with a crime are entitled to representation. Over 90 percent of criminal defendants have appointed counsel. It is less than 10 percent of criminal defendants who can pay for their own counsel. Those appointments and lawyers come from the defender

services, as well as from court-appointed attorneys under the Criminal Justice Act, or CJA attorneys.

Because of the CR in 2025, the defender services have been under a hiring freeze for 23 of the last 27 months. They are working at approximately 93 percent of their work measurement formula. The CJA attorneys we are very concerned about because we rely on them for appointment of when the Federal defenders can't cover it for one reason or another. We anticipate that as of now it is July 7th or July 11th. Previously, we thought we would have enough money until July 23rd, but that got moved up. Our fund is going to run out of money to reimburse the CJA-appointed attorneys in just a couple of weeks.

Mr. JOHNSON. This is an imminent threat to the ability for the courts to operate in a constitutional way and I know that this Chief Executive doesn't care about the Constitution.

Let me ask you, Judge Scudder, during Judge St. Eve's testimony before the House Appropriations Subcommittee, she spoke of technology as a cost-saving measure, specifically encouraging more use of electronic research and sharing of library materials and facilitating virtual meetings.

Could you briefly explain to us how investing in functional IT systems will help the Judiciary with its resources in the long term? I apologize for interrupting Judge St. Eve.

Judge SCUDDER. Yes. We invest a lot of resources in IT to help make our work more efficient. Some of what may be embedded in your questions are efficiency upticks that we realize through enhancements in different applications like legal research. In response to Representative Cline's question, this is where AI on the horizon presents efficiency opportunities for our courts.

The broader point that your question gets at is we, just like Congress, just like the Executive Branch, and just like the private sector, we needed to regularly invest in our systems to keep them modernized. When a system becomes outdated or is operating against a very antique infrastructure to it, the catch-up cost is enormous and the cyber risk that is often injected by allowing IT to become outdated creates real risks to us.

We are organized a very sound strategy that we received a lot of input on. Our plan is good. We need the resources, and we need to stay organized and focused within our own Branch in achieving our objectives.

Mr. JOHNSON. Thank you, Judge, and I yield back.

Mr. ISSA. I thank the gentleman. We now recognize the gentlelady from California, Ms. Lofgren.

Ms. LOFGREN. Thank you, Mr. Chair, and thank you both, Judges, and witnesses, it is good to listen to you and we thank you for your service to our country in the Judicial Branch.

I have got to say, I am concerned that we are witnessing what I think is really a dangerous pattern for calling for the impeachment of Federal judges simply because a person doesn't agree with their ruling. These threats of impeachment don't have to do with misconduct. They are just about punishing judges when a member does not agree with the decision.

Judge St. Eve, the last time the Administrative Office testified before this Committee, I raised concerns about the misuse of im-

peachment as a political weapon and having been—I am the only Member of Congress that was involved in all four modern impeachments. First, as a staffer during the Nixon impeachment and as a Member later. I am well aware that impeachment is a very serious process. It must be exercised with the most complete seriousness. It is really a constitutional failsafe meant to address serious misconduct, not to remove judges for doing their jobs under Article 3. There was a reason why the Founders gave lifetime tenure to judges, so that they would be free to follow the facts and follow the law without fear of intimidation and the threat of unwarranted impeachment really does undercut what our Founders had in mind in a carefully crafted checks and balance system.

I am just wondering and either one of you can answer if you know, since the last testimony before this Committee, the number of Articles of Impeachment against Federal judges has risen to seven against six Federal judges. To your knowledge, has the Judicial Conference referred to any of these judges to the House for impeachment?

Judge ST. EVE. To my knowledge, no. That is outside of the scope of the budget what I was prepared to testify to today, but I know that we do strongly disagree with calls for impeachment based solely on a judge's ruling and would repeat the words of Chief Justice Roberts from his year-end report that the normal Appellate review process exists for that purpose.

Ms. LOFGREN. This is correct. I have been on this Committee my entire tenure in Congress and we have had judges impeached for misconduct. As a matter of fact, I was one of the impeachment managers for one of the misconduct cases. The Judicial Conference never referred to this number of judges in a six-month period. I can say that for a fact since I have been on the Committee.

It seems to me that even without a conviction, being impeached can do damage to a judge's career, even the threat of impeachment can do damage. I know that you are worried about and rightly so, physical safety, but the extreme rhetoric about judges that sometimes accompanies these impeachment threats, I think heightens the danger that judges are in. We have seen judges attacked both at the State and Federal levels and it is important that we understand that Chief Justice Roberts, who was exactly right, impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal Appellate process exists for that purpose, and I add that both of you would agree with that?

Judge SCUDDER. Yes, definitely.

Ms. LOFGREN. Let me just close with this. I think there is an irony here that the Committee is holding a hearing focused on fiscal responsibility and supporting the functioning of our courts, while some of the Members of this body are actively attacking judges with baseless impeachment threats. I don't think you can claim to support the Judiciary while undermining its independence. This isn't about constitutional accountability. It is about political intimidation and that political intimidation could unhinge members of the public also bleed into actual physical violence. It is important that we step back from this Legislative misconduct and I do thank the witnesses once again for their service. I yield back.

Mr. ISSA. I thank the gentlelady. The Chair might note that this Committee has not taken up any, I repeat any Articles of Impeachment on behalf of any of those proponents of the judges. Speaking only from this Chair for myself, we are currently under no such consideration for any of those that are pending.

With that, we recognize the gentlelady from North Carolina for her questioning.

Ms. ROSS. Thank you, Mr. Chair and the Ranking Member Johnson for organizing this extremely important hearing. I represent the Eastern District of North Carolina, probably one of the fastest-growing districts. We have not gotten a new judge or a new courthouse in a really long time and things are pretty dire there.

I also want to thank our witnesses for their testimony today and especially for your service during this trying time. You have to hear cases, but you are also managing the third bridge of government, and we really appreciate that service.

Recent events have shown that while we should be improving and investing in judicial security, this Congress is entertaining cuts to budgets because judges are issuing decisions that President Trump or some of my colleagues on this Committee disagree with. Physical threats are not the only danger judges have to do their ability to do their job. The Judiciary is increasingly subject to cyber threats and attacks, as Judge Scudder noted in his opening remarks. I have been working on this issue, Colonial Pipeline affected my district, and I have been working on it in the energy sector.

Judge Scudder, you Chair the Judicial Conference Committee on Information Technology and we know that cyberattacks on the Judiciary are increasing in both frequency and sophistication. What can you tell us about the cyber security threat to the Judiciary in this setting? You laid a few things out, but what are you doing to shore up? How does that compare to other industries? Are you working with NIST? Let us know what you are doing.

Judge SCUDDER. Yes, thank you very much for your question. You are absolutely correct, and as I tried to underscore, the cyber risk that the Judiciary faces is very real. It is persistent. It is sophisticated. It is hard to stay ahead of.

One thing we do know is that we are in a shared company. It is a whole government issue. It is a whole of society issue. It is present in the private sector as well.

When we first experienced very serious and sophisticated breaches, it served as a real call to action for our Branch to get very organized around cyber risk and then strategically to target it. The way that we are doing that is by investing, with your support here in Congress, in securing particular systems that are vulnerable, as well as modernizing more broadly applications that we depend on, and then focusing like a hawk on what is happening daily within our systems and responding to it in real time.

I would be remiss also to not recognize the partnership that we have formed with the Executive Branch. This is where cyber risk, information, and intelligence becomes very important to us. We receive that through the intelligence community, through the FBI, and the National Cyber Director's Office in the White House—who

has been a tremendous supporter. We have a lot to do and it is hard work and we are at it.

Ms. ROSS. Right, what more can Congress do to support your efforts?

Judge SCUDDER. The fact that you are recognizing it publicly like you are, is very important and then through the budgetary process to support us. Let me also invite to hold us accountable to what we are representing we are going to get done, along what time lines, and to get this done for everyone that litigates in our courts and to get it done through the Judiciary and the American public more broadly.

Ms. ROSS. Then, the Arizona Public Defender Office situation had to do with ransomware.

Judge SCUDDER. Correct.

Ms. ROSS. Could you tell us if you have a policy on ransomware? I know that is something that has been very difficult for us to establish in the private sector, but could you tell us how you handle ransomware?

Judge SCUDDER. Yes, we view ransomware as a form of cyberattack, which it is. I don't know of any formal policy, but I am confident in telling you that we do not pay ransoms and have no interest in paying ransoms or associating with criminal cyber groups like that. We will descend every possible resource including partnering with the Executive Branch to try to mitigate the effects of a ransomware attack. We have done that here. The losses that you are referring to that the Federal Defenders Office experienced are very, very real and very, very troubling and it circles back, recognizing where that hit, it hit in a Federal Defenders Office. As Mr. Johnson was noting, these are folks that are shouldering a very, very weighty responsibility under the Sixth Amendment to represent indigent defendants. It is all interconnected. It is all very real, and it is all very serious.

Ms. ROSS. Thank you very much. I yield back.

Mr. ISSA. I thank the gentlelady, and I would join with the gentlelady in denouncing anyone, particularly Members of House or Senate, from using such language as may bring any greater danger to those who serve in the Federal Judiciary. With that, it is my privilege to recognize the gentleman from Wisconsin for his five minutes.

Mr. FITZGERALD. Thank you, Chair. Thank you both for being here today.

Judge St. Eve, there have been some discussions over the years on judicial conduct and disability reforms and including most recently about the case of Judge Pauline Newman which we spoke in the Judiciary Committee about a couple weeks ago. Judge Newman's case has now kind of dragging on for now two years and it is now pending appeal before the Court of Appeals for D.C. Circuit.

Do you have any idea what the total cost was to the Federal Circuit or the Administrative Office of the Court on this investigation and the proceeds in and around Judge Newman?

Judge ST. EVE. The Federal Circuit has independent budget authority, and it is not under the Judicial Conference budget oversight. This is pending litigation that has been going on and I ethically can't comment on pending litigation.

I can tell you from my own experience, I have been involved in several judicial conduct inquiries in the Seventh Circuit that this is typically paid for out-of-court allotments. The ones that I have been involved with, the judges, the three-judge panel have been involved and usually we have one staff person helping. It is just part of our regular business, and it comes out of that.

I know that the statute provides that the Director can ask the Administrative Office to pay certain expenses or approve that for witnesses who might be testifying. Also, the statute provides that if the judge ultimately prevails and the judicial misconduct inquiry is dismissed, that this judge can ask for reimbursement for expenses. That is provided for in the statute.

Mr. FITZGERALD. That is part of the frustration is whenever you see kind of a sum sufficient amount that is not necessarily coming out of a specific category in the budget, that it just seems to be open ended which fuels the idea that these cases go on and on and on. I don't know that is specifically the case because we don't have enough information really to make that judgment, but it is something I think that we are watching closely and we are concerned about.

While the Sixth Amendment affords the right to a public trial for criminal proceedings and the First Amendment has been interpreted to mean the same for civil proceedings, records of the proceedings are not public or free. Federal Court documents are available at a price through an online system known as PACER. I am sure you are familiar with it, obviously. However, critics of PACER argue that even the minuscule fees can pose an access to justice issue that is out there.

Judge Scudder, you mentioned in your testimony that the current court case management system is outdated or is unsustainable. Can you comment a little bit more on that? Then what could we do to try and modernize this whole process?

Judge SCUDDER. Yes, thank you for the question. We as a Branch definitely share your commitment to access to justice issues. Judicial policy reflects that. You are right to recognize that our case management electronic case filing system, PACER, is the vehicle through which you access that as you noted, is vulnerable to cyber risk. We welcome your support for our ongoing efforts to modernize that application and to better secure it, and I am happy to tell you and the Committee that we are seriously about that and intensely about it to try to drive down that risk.

Mr. FITZGERALD. Have you guys identified anything specifically that you could do from a modernization perspective that would help and assist us?

Judge SCUDDER. Yes, absolutely. There are several things on the technical level. At a more macro level, what I would say is this. We have made a lot of progress in recent years in thinking about our IT essentially as critical infrastructure, as essential to really everything that we are doing. What that has translating to is a more enterprise- or branch-wide approach to our systems. We need to drive down some of the local customization that we have allowed historically with some of our applications. As we approach system modernization with a more enterprise- or branch-wide approach,

we expect to realize real security benefits. That is primarily where our focus is.

Mr. FITZGERALD. Very good. Thank you. My time is up. I yield back.

Mr. ISSA. Thank you. We now go to the Ranking Member of the Full Committee, Mr. Raskin, for five minutes.

Mr. RASKIN. Thank you very much, Mr. Chair. Judge St. Eve and Judge Scudder, thank you for your testimony today. Federal judges and State judges both swear an oath to faithfully discharge their duties under the Constitution and under the laws of the United States.

Judge St. Eve, should a judge ever decide a case based on whether their decision would please the President or any other public official?

Judge ST. EVE. I can say in deciding cases, I look at the law and apply the law, apply the dictates of the Supreme Court, and that is what we are directed to do.

Mr. RASKIN. That is right and that sounds like the normal course of business, but we just found out last week that the Federal District Court nominee may have done precisely that before Florida State Judge Ed Artel was nominated in May by President Trump. He lobbied for his Federal Court nomination at the same time that he sat on a State Court panel that heard Trump's case against the Pulitzer Prize Board which Trump was suing because he disagreed with their award of the Pulitzer to *The New York Times* and *Washington Post*. The decision in the case was about a very narrow question of personal jurisdiction which the Court ruled on, but this judge filed a concurring opinion in which he reprinted lots of Donald Trump's bold and capitalized letters about what a fraud all of this was and actually not only did he reach the merits of the case saying that Trump had shown that the Pulitzer Board had remarkably acted with actual malice toward Donald Trump, but the actual malice standard set forth in *The New York Times v. Sullivan* should be overturned by the Supreme Court. The Court, he said, "should return to the common law standard in England, where public officials didn't have to prove intent for libel, and a strict liability standard applied." Quite a remarkable thing.

I suppose you don't want to comment on that particular situation, but would you think it is improper for a judge to be rendering a decision to please a President who might then appoint them to the Federal bench? Could I ask you Judge St. Eve, first?

Judge ST. EVE. I am not familiar with that situation, and I don't think it would be proper to comment on somebody who is pending for a judgeship.

Mr. RASKIN. Right, and I would never ask you to do that, but let me ask you, Judge Scudder. Abstracting from the facts of this case, I have advanced them in a compressed way, and you can check it out if you are interested on your own. There is a lot of news coverage about it. Do you agree with what I think Judge St. Eve said at the beginning which is that a judge should never rule in a way that is designed to please a public official as opposed to enforce the meaning of the law?

Judge SCUDDER. I do agree with that. You recognized it in some of your comments that preceded your question and that is embed-

ded within the oath that judges take is we swear to decide and resolve issues without fear or favor. The independence of the Judiciary is enshrined in Article 3 of the Constitution, and we take seriously the duty that you recognized earlier that Chief Justice Marshall pronounced in *Marbury*.

Mr. RASKIN. Well, I appreciate that very much. Can you describe briefly how the ABA ratings for Federal judicial nominees worked before March of this year?

Judge SCUDDER. I can't. I didn't—I can't honestly.

Mr. RASKIN. Let me refresh your memory. I don't know whether you went through that process. Essentially, the ABA examined nominees and their backgrounds to determine whether they were qualified for the job and also had the various ethical—met the various ethical requirements of the job. That existed since 1955, when the ABA began vetting nominees and used the present-day system since 1990, so the last 35 years. We have a system in place that began under President Eisenhower to ensure that judicial nominees have the appropriate qualifications.

In March, Trump announced he was no longer going to provide the ABA access to the materials they need to vet the nominees and then just over two months later, he nominated one of his personal criminal defense attorneys, Emil Bove, to the Third Circuit Court of Appeals, and we learned yesterday, the White House approached Bove to ask if he wanted to be a Federal judge after he ordered the dismissal of corruption charges against Mayor Eric Adams.

Would the Judicial Conference take a position on restoring the ABA vetting system or do you think it is just going to remain agnostic about whether it should be dismissed?

Judge ST. EVE. The Judicial Conference to my knowledge has not taken a position on that one way or the other. That is outside of the scope of the budget process that I am here to testify about today. I am happy to take that question back or put your staff in touch with our staff if you would like.

Mr. RASKIN. All right. I appreciate that. I yield back, Mr. Chair.

Mr. ISSA. I thank you for the gentleman. Isn't it an interesting coincidence that Eisenhower, the man who made a deal politically with Earl Warren for the endorsement made him Chief Justice is the guy that he started under. I would note by the way that I would likely get a zero on our association endorsement for a judgeship. I would get at least a zero.

Mr. RASKIN. We would give you a hundred, Mr. Chair. I don't think you have anything to be afraid of.

Mr. ISSA. I thank the gentleman. We now go to the gentleman from South Carolina for his questions.

Mr. FRY. Thank you, Mr. Chair. I would give you a hundred, but I am not on there. I do appreciate it. Thank you for having this important hearing and thank you, judges, for being here.

The Judiciary is a co-equal branch of government, I think we all recognize that, tasked with upholding and interpreting the law. The concern that we have, a lot of us, is that in recent years it has become increasingly clear that reform is needed to preserve the impartiality and the integrity of the court system, particularly when it comes to removing partisan influence from the bench. Unfortunately, activist judges, such as District Court Judge Boasberg, have

used tools like nationwide injunctions and temporary restraining orders to block the President's agenda raising serious concerns about judicial overreach and politicization. If we are to restore the public trust in the Judiciary, meaningful reforms are necessary.

Today, I want to focus on this Committee's concerns with the compromised aspects of the judge or the Judiciary, as well as the broader issues of judicial security and oversight.

Are nationwide injunctions a core function of the Judiciary? Either one of you.

Judge ST. EVE. The Judicial Conference has not taken a position on nationwide injunctions, and I know that issue is currently before the Supreme Court. There was a case argued earlier this term where I anticipate we might get a ruling before the term ends that addresses something with respect to nationwide injunctions.

Mr. FRY. Judge St. Eve, what are some of the arguments, I guess, that exist out there against nationwide injunctions being violative of the Constitution?

Judge ST. EVE. I have not studied that in anticipation of today's hearing.

Mr. FRY. One of those would be just a clear separation of powers, right? You probably have heard that. Is it the function of the Judiciary to have 600 plus unelected and unaccountable judges or do we have one President of the United States? That is probably one of the clearest arguments if you are arguing against it, that exists out there in the stratosphere, correct?

Judge ST. EVE. Nationwide injunctions, there are issues throughout the country and this is an issue that could come before me as a sitting judge, so it would not be proper for me to comment on it ethically one way or the other.

Mr. FRY. Do you think the American people believe that nationwide injunctions or do they weaken the public's trust in our democratic system, one designed to prioritize elected governance over judicial overreach? Either one of you?

Judge SCUDDER. I don't have an informed view on it and in the capacity that I am appearing, I don't know if I should venture a guess at it.

Mr. FRY. Is the JCUS making any attempt to clarify or to curtail the use of nationwide injunctions? What efforts or discussions are taking place right now regarding nationwide injunctions from a court administrative standpoint?

Judge ST. EVE. I am not familiar with or aware of any, but again, I am appearing in my capacity as Chair of the Budget Committee and haven't studied that.

Mr. FRY. To your knowledge, there is no discussion taking place whatever with the JCUS or the AO about nationwide injunctions?

Judge ST. EVE. I don't know one way or the other. I do know the Judicial Conference does not have an official policy on nationwide injunctions, but beyond that, I am not sure.

Mr. FRY. Judge Scudder, have you heard anything?

Judge SCUDDER. No, I share the same understanding, and I would just observed that all the pros and cons on the legal side of this are before the Supreme Court and if we stay tuned, if their term is ending soon, as everyone expects it will, we may receive some guidance on this quickly.

Mr. FRY. Well, hopefully so. Hopefully, there is some guidance. I think it is partially—obviously, Congress has oversight, but courts also have the capacity to look at new practices.

What statistics or other information can you provide about the percentage of cases at the District Courts in which equitable or injunctive relief is granted?

Judge ST. EVE. I don't know those statistics.

Mr. FRY. Judge Scudder?

Judge SCUDDER. Yes, I don't either. I don't either.

Mr. FRY. What statistics or other information can you provide about the percentage of cases at the District Courts in which nationwide injunctive relief is granted, namely, injunctive relief that enjoins a party against nonparties across the country? Any statistics?

Judge ST. EVE. I don't know those statistics. I don't know if they are maintained anywhere.

Mr. FRY. In your view, actually, let me just switch gears here. Judge Scudder, AO Director Conrad, has noted a sharp rise in cyberattacks on the court system which are prime targets to their sensitive data and critical role for the Judiciary. Given the rising tensions with Iran, China, the growing threat of China, do you believe the Judiciary has adequate cyber safeguards in place?

Judge SCUDDER. Thank you for the question. I believe we are doing everything that we can to mitigate and drive down cyber risk, but I would also renew the point that I made earlier in response to questions in my opening statement. The cyber risk that we face is persistent and sophisticated and it keeps growing in its sophistication. The challenge that we have is keeping up with it and having the resources that we need to get these security improvements and these modernization efforts done to, at the very least, keep up with it, but better yet, to get ahead of it.

Mr. FRY. Thank you for that. Mr. Chair, I see my time has expired and I yield back.

Mr. ISSA. I thank the gentleman. We now go to the gentleman from Colorado for five minutes.

Mr. NEGUSE. I thank the Chair and the Ranking Member for holding this hearing and I want to thank both of our witnesses for your service to our country and for your testimony day.

I want to pick up on a point that was just articulated by my colleague from South Carolina. Both of you have served with distinction as Federal judges. You both had very extensive and distinguished careers in private practice as well as in the Government, Assistant U.S. Attorneys, a variety of different high-profile cases that both of you prosecuted in the past. You both were appointed by President Trump to your current positions on the respective Circuit Court of Appeals in which you serve, and you both were confirmed unanimously by the U.S. Senate which is no easy feat.

Do either of you believe that the Federal Judiciary is "politically compromised" as my colleague from South Carolina is suggesting?

Mr. Scudder? Judge Scudder?

Judge SCUDDER. Thank you for your compliments. I don't. My experience in the Seventh Circuit and with my colleagues all around the country is very much in keeping with the comments and the observations that Representative Raskin made with respect to the

seriousness with which judges take their oath and approach each case or controversy that comes before them, to look at the facts and the law, to try to get it right, recognizing that there is an Appellate process in place if the losing party disagrees, where the ruling can be challenged.

Mr. NEGUSE. Judge St. Eve?

Judge ST. EVE. I would echo Judge Scutter's comments. Thank you for your compliments. I have been a judge for 23 years now and feel the exact same way that Judge Scutter does.

Mr. NEGUSE. Well, I wanted to thank you both for your candor. It is important contextually for this Committee and I think for the American public to hear jurists such as yourselves articulate what you have just described. Of course, the reason is self-evident. This hearing is a bit odd because if one were watching it, you would think it is a fairly atypical—or excuse me, not an atypical hearing, a fairly normal hearing discussing budgetary and technology matters that the judiciary is trying to grapple with. Yet, we find ourselves in very abnormal times.

I am sure it is not lost on either of you that several of my Republican colleagues are actively debating defunding Federal District Courts, potentially defunding Circuit Courts that issue opinions that they disagree with. You all are aware of this. I am sure you have seen some reporting in the news that suggests this. I can represent to you that having served on this Committee and served in the House and I have been a witness to the conversations over the last five months, that is an active matter of consideration.

How do you respond to that? What would it mean, Judge St. Eve, if the Congress were to defund a District Court? You heard my colleague from South Carolina vociferously attacking Judge Boasberg, who I suspect you know.

Judge ST. EVE. We have submitted our budget for Fiscal Year 2026 of \$9.4 billion and justify our requests for court security, defenders, and the S&E account and the fees of jurors. As I said in my oral statement earlier, funding of the courts is essential for us to carry out our constitutional statutory duties.

Mr. NEGUSE. I completely concur with your assessment on that front, but I recognize this, it is a question that may be a bit uncomfortable, but again this is an atypical time to find ourselves in. How will the Budget Committee of the Judicial Conference respond if the Congress successfully defunds a District Court? If that could happen. Republicans have signaled, the majority, that at least some of them would like to defund a District Court in Massachusetts or the Washington District Court. How will the Judicial Conference respond to that? That will just be the new normal, that essentially Congress is allowed and permitted to exact political retribution against a judge if they rule in a way that the Majority of the Congress disagrees with?

Judge ST. EVE. Again, our funding is essential for the judges in every District and every Circuit to carry out their constitutional and statutory duties. We need that funding to do so.

Mr. NEGUSE. Well, I appreciate your answer. I would simply suggest that given the abnormal nature of the times we find ourselves in I hope that the Judicial Conference is actively discussing how it will respond if and when proposals like the one that I have just

described ultimately materialize. Because with all respect for both of you, the response to the Judicial Conference will have to be more squarely designed to address this particular issue rather than the sort of broader budget proposal and the justifications that you have offered.

At the end of the Judicial Conference if they are unwilling to defend the propriety of not having the Congress defund a particular District Court, that is going to be a very untenable position. That would be my request for all of you.

I thank the Chair for his indulgence on the time. I yield back.

Mr. ISSA. My indulgence knows no limits for good reason.

I will note for the record that we know of no request to defund the court. I would also for the record—because all of us on the top dais have been here a while, we have all seen the disruption that gets caused by government shutdowns to branch, including Article III, and would say all the proposals by one-of-a-kind Members who might say something like that pale in comparison to even a few days of shutting down the government, which often disrupts the court in a huge way.

With that, I go my favorite colleague on the dais, the gentleman from California.

Mr. SWALWELL. Judge Scutter—

Mr. ISSA. You have always been my favorite. I hope you know that.

Mr. SWALWELL. Thank you, Chair.

Mr. ISSA. Thank you.

Mr. SWALWELL. We don't shut down the government on this side.

Mr. NEGUSE. Mr. Chair?

Mr. ISSA. OK. I spoke. I deserve this. Yes, please.

Mr. NEGUSE. I have a unanimous consent request that I neglected.

Mr. ISSA. The gentleman will state his unanimous—

Mr. NEGUSE. The unanimous consent was to enter into the record an article from *The Hill* that quotes the Speaker of the House saying, and I quote,

We can eliminate an entire District Court. We have power over funding, over the courts, and all these other things, but desperate times call for desperate measures and Congress is going to act.

Mr. ISSA. Touche. Without objection. I will also place in the record Leader Schumer in 2022 saying,

I want to tell you, Gorsuch, I want to tell you, Kavanaugh, you have released the whirlwind and you will pay the price.

Without objection, both will be placed on the record. I know—he is still my favorite colleague from California with me. Please.

Mr. SWALWELL. Judge Scudder, will it surprise you if we see a Federal judge murdered?

Judge SCUDDER. That would be tragic beyond words. I think that is implicit in the question and I hope everyone will recognize that.

Mr. SWALWELL. Is the threat level that we see today against Federal judges at a temperature where you see yourself and your colleagues changing their own security posture?

Judge SCUDDER. Judge St. Eve may want to weigh in on this from the resource perspective, but there is no question that judicial

security is an enormous priority. It is a priority that has intensified in recent years, and it is responsive to everything that you all are recognizing across all the questioning that we are hearing today. Your support for our security needs is essential to us so judges can go about doing the duty that we have talked about in the hearing so far.

Mr. SWALWELL. I support that. Most of my colleagues support that. I am concerned. Recently, the Chair of the Committee, Mr. Jordan, said to *Punchbowl News* on June 13th, he sees “few Members excited to increase judicial security.” Then, Chip Roy, also a Member of the Committee, said on that same day, “Maybe they [the judges] should stop screwing everything up.”

My concern is that we have put your security in the hands of the Executive Branch, and it is often lately that the Executive—Commander in Chief will tweet out or issue statements against judges. Now, your security is in the hands of somebody who doesn’t like a ruling that one of your colleagues has made. That is why I introduced what is called the MARSHALS Act. Every Member of the Democratic side supports it. I hope Mr. Issa remains open-minded to support it as well.

This would move judicial security from the Executive Branch and would have the Chief Justice of the Supreme Court appoint the U.S. Marshals. Essentially judges would become in charge of their own security. What do you think about that Judge St. Eve?

Judge ST. EVE. Thank you for the question. The U.S. Marshals are on the front line of our security. They have the protection details. They investigate threats. We are very thankful for their extraordinary efforts.

I could tell you in Chicago the U.S. Marshals are incredibly professional and responsive and any time I have had any issue they have responded immediately and appropriately. Although they are not part of our budget, we hope that they are fully funded.

In terms of a separate force, that is not something that I have looked into, and I don’t believe the Judicial Conference has a position on.

Mr. SWALWELL. It wouldn’t be a separate force. It would be essentially—right now the President appoints the U.S. Marshals. They are confirmed by the Senate. This would move judicial security, the U.S. Marshals, to appointment by the Chief Justice of the Supreme Court. Essentially the Marshals Service would fall under the Judicial Branch. That way you still have to come to Congress to receive an appropriation for the Judicial Branch and its security, but it would allow the Branch that is facing security threats to have more agility and surging where security is needed.

The concern is that if a judge in their deliberations is worried that a ruling that goes against the Executive Branch when the Executive Branch has shown a willingness to issue harsh statements from judges that could bring threats, they may let that creep into their deliberations and not be as independent as we want.

So, Judge Scudder, I would welcome your thoughts on moving the Marshals from the Executive Branch to the Judicial Branch.

Judge SCUDDER. Yes, I don’t know—like Judge St. Eve, I don’t know that the Judicial Conference has taken a position on the point, and therefore I can’t give you that. Imbedded all throughout

your question and everything that you are acknowledging is the priority to enhance judicial security wherever the Marshals are located.

I completely agree with everything Judge St. Eve has said about the Marshals. This is a very, very professional committed group of men and women and in my experience in Chicago they are A-plus.

Mr. SWALWELL. I want to make it clear to Mr. Issa because he and his colleagues often point out that Judge Kavanaugh had a serious attempt on his life and his family. That was wrong and that should be condemned. It has been condemned by our side. My introducing this legislation is entirely motivated by the fact that I don't know who the President will be four years from now, or eight years from now, 25 years from now, but I do know that what we have seen where threats are escalating against judges. I think regardless of who the party is at the White House their independence needs to remain independent of their security threats.

Mr. Issa, that is why I would suggest moving it to the Judicial Branch so they can be in charge of their own security.

Mr. ISSA. If the gentleman would yield?

Mr. SWALWELL. Yes.

Mr. ISSA. For the record, because I think this is the appropriate hearing to include that, although I did not sign onto the bill for a number of reasons, Judge St. Eve, if you could answer what he implied in his question, which is from a budgetary standpoint would you say that there are some ambiguities in your budget in that a major—some of your security falls under your budget, some doesn't? Some of your ability to build and enhance and repair facilities falls under your budget, but most falls in your budget, but controlled by GSA. Are there budgetary changes that this Committee should consider?

Although it was noted we don't appropriate, at the end of the day we can say what does fall under appropriations, who falls under your direct authority, who is Article III, if you will, and what liberties you have like the Federal Circuit to have your own budget or to even—not ignore, but to work outside the GSA when you think that is appropriate and costs savings. If you could opine on that because that is where the gentleman and I have become such good friends.

Judge ST. EVE. Just to clarify your question, are you talking about in the context of security only?

Mr. ISSA. No. No, the security—the facilities themselves. There are a number of areas—because you have to go to the GSA for that. You have to go to the Marshals for most but not all your security. As someone who has looked at the budget, would it streamline your ability and the Conference's ability to do their job if to the greatest extent possible we moved into your budget all functions and controls so that you would make those decisions in the most cost-effective fashion?

That would include, obviously, the idea that you have three separate security organizations. The High Court has a separate one. There is the security itself, which you do have. Then, there are the Marshals. Also, in the facility side—and I am really just asking because you are here on the budget. Can we make changes in the Judiciary that makes your budget more effective?

Judge ST. EVE. Well, the best way to do that is to make sure that we are fully funded. Because we are not fully funded and haven't been. We have been flat frozen at the Fiscal Year 2024 level. That really constrains what we can do. I will use the court security account as an example.

We did not receive what we asked for in our court security account in 2024 or 2025. Because of that we had to make some tough decisions about what we could use those funds for. We put a priority, as I indicated earlier, on court security officers who are the main officers at the courthouses that keep the judges and the public safe, and in our Vulnerability Management Program. As a result of that equipment at courthouses had to come in second. There is a lot of equipment out there that needs updated that we just have not been able to do because we don't have the funds to do it. The best way to help us with our budget is to ensure that we are fully funded.

Mr. ISSA. Thank you.

We now recognize the Chair of the Full Committee for his combined opening statement and such questions as he may have.

Chair JORDAN. I don't know if I have that. Thank you, Mr. Chair.

Judge St. Eve, so you are requesting a nine-percent increase. Is that accurate?

Judge ST. EVE. That is accurate.

[Simultaneous speaking.]

Chair JORDAN. What is the Federal District? Is it 677? How many Federal District judges?

Judge ST. EVE. It is around that.

Chair JORDAN. Around that number?

Judge ST. EVE. Yes.

Chair JORDAN. What is the average—what is the staff size for—what is the budget for your typical Federal District judge and what is the staff size that they would have working for them and for the court?

Judge ST. EVE. For a typical District Court judge they have three staff members. The judge is to make a determination if they want three Law Clerks or two Law Clerks and a Judicial Assistant. In addition, the District Court judges have a Court Reporter and a Courtroom Deputy, although those positions—

Chair JORDAN. What is the total number of all those?

Judge ST. EVE. That is five, but in some districts the Courtroom Deputy and the Court Reporter are shared. One District Court judge does not have his or her own Courtroom Deputy or Court Reporter.

Chair JORDAN. Got it.

Judge ST. EVE. That varies by district.

Chair JORDAN. Each judge has two or three clerks?

Judge ST. EVE. Correct.

Chair JORDAN. Of the nine-percent increase, how much of that is going for security?

Judge ST. EVE. The nine-percent increase, our security account is asking for \$892 million.

Chair JORDAN. What percentage of that is the overall nine percent?

Judge ST. EVE. A little under 10 percent of our budget, the full budget. Eight hundred ninety-four million of the \$9.4 billion is for our judicial security account.

Chair JORDAN. Understand, but you are asking for an additional nine percent increase. Of that increase, what percentage of that nine percent are you devoting to security going forward?

Judge ST. EVE. Our increase for the judicial security account is a 19 percent increase over what it is now. That compares it from Fiscal Year 2025 to what we are requesting.

Chair JORDAN. OK. What is the overall dollar amount you are asking for compared to where you are at now, and what are you going to have for the next year?

Judge ST. EVE. In just judicial security or overall?

Chair JORDAN. Overall.

Judge ST. EVE. The overall amount that we are asking for is \$9.4 billion for fiscal year—

[Simultaneous speaking.]

Chair JORDAN. That is an \$800 million increase over last year?

Judge ST. EVE. That is about a nine-percent increase over last year.

Chair JORDAN. What is that dollar amount?

Judge ST. EVE. The dollar amount—I have to—

Chair JORDAN. My understanding is you are asking for an \$800 million increase. Is that accurate? An \$800 million.

Judge ST. EVE. I think that is accurate.

Chair JORDAN. OK. Of that \$800 million, how many of the dollar amount is going for security?

Judge ST. EVE. The total dollar amount going to security is \$892 million and that is about an increase of \$142 million over 2025.

Chair JORDAN. OK.

Judge ST. EVE. Out of the—I am sorry.

Chair JORDAN. Go ahead. Say it again. Go ahead.

Judge ST. EVE. Out of our overall increase, \$142 million is in the court security account.

Chair JORDAN. OK. That means \$658 million is for other things?

Judge ST. EVE. Yes.

Chair JORDAN. Where is all that going?

Judge ST. EVE. Defender services, we are asking for \$1.8 billion. The S&E, or salaries and expenses account, we are asking for \$6.9 billion. That, salaries and expenses, goes to cover people and buildings primarily and IT.

Chair JORDAN. Now, you are giving me the total number. Of the \$800 million increase you said, \$142 million is going for security. That leaves \$658 million new dollars. Where is that money going, the new dollars?

Judge ST. EVE. The additional increase is \$800 million over—from the prior year.

Chair JORDAN. Got that.

Judge ST. EVE. I don't have this broken down into percentages.

Chair JORDAN. Well, then just give me the dollar amount.

Judge ST. EVE. The dollar amount for defender services, the additional amount we are asking for is \$315,000, roughly. We are asking for a little less in fees and jurors. We are asking for \$141,000 in court security. A million in court security.

Chair JORDAN. OK. Well, again Members are comfortable. I have said this all along, we are comfortable with making sure there is security. We are not so comfortable giving increases in everything else. I think that is where the Members are. Certainly, the folks I represent back home, I think that is where they see it. That is our concern particularly with some of the decisions we have seen.

With that, I would be happy to yield my remaining 12 seconds to the Chair.

Mr. ISSA. I will take all 12 seconds to place in the record, and it is a video, so I will just extrapolate the statement. On the April 1, 2025, the speaker's comments that were earlier referred to verbatim are,

We are not defunding the courts. We're not doing anything other than limiting in this legislation the ability of a judge to issue a nationwide injunction.

I want to make it clear the Speaker of the House very, very clearly had no intention of saying that there was going to be any limiting of judges on an individual basis, but rather the nationwide Injunctions, which was a bill that was passed out of the House.

With that, I go to the gentlelady from California.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

Thank you to the two of you for showing up here today, because it sounds to me like you are asking for money. You need money for buildings, for cybersecurity, for security, and for people. I applaud you for asking for more money for security because one of my Republican neighbors has a wanted poster outside his office with pictures of 18 judges, nine of whom are Republicans. It is very scary to me and to all the folks who are walking through the halls visiting us to see.

I want to talk about the people. The Chair of this Full Committee just mentioned defender services. That is what I want to talk about. Because in my mind the fundamental right to defense is what is on the chopping block.

So, Judge St. Eve, my understanding is that you were an AUSA, correct?

Judge ST. EVE. Correct.

Ms. KAMLAGER-DOVE. OK. Judge Scudder, you too were an AUSA, correct?

Judge SCUDDER. Correct.

Ms. KAMLAGER-DOVE. In New York and Chicago, is what I read. For regular people listening, like me, an AUSA is a prosecutor. My understanding is that prosecutors are assigned a caseload. Is that also correct?

Judge ST. EVE. That is correct.

Ms. KAMLAGER-DOVE. OK.

Judge SCUDDER. Yes.

Ms. KAMLAGER-DOVE. Judge Scudder? OK. Great. The caseloads are a direct result of investigations done by special agents, by agencies like the FBI, like the IRS that are doing their due diligence and helping to present evidence for a case. You may not want to answer this question, but I am sure that you became better prosecutors, which probably enhanced your ability to become a judge because of the defense world. Many of these folks that I am

talking about are the Federal public defenders, community defenders.

I am going to say that you probably became better because you had a skilled opponent. You had to work harder, you needed to have counterarguments, you needed to be well-read, and prepared. I bet that you learned how to prepare to be a judge because of your time in the courtroom and preparing for a trial. Those are all skills that we would want in our judges.

I actually think proposing what these Republicans are proposing to do, to cut defender services, is really hypocritical. Because essentially you are saying we don't want the next group of judges to be prepared for their job. We are going to cut up and coming for AUSAs' opportunity for growth because we are going to be cutting public defenders. That is not even talking about how this goes against the Constitution, which as I read it says that you get due process, you get speedy trials, and you get effective counsel.

I am talking about a much bigger problem. Because suffice it to say if you cut public defenders, if you cut defense, then not only are you abandoning the Constitution, but you really are going to eliminate the need for judges. Then everybody can turn the black robes in because you can't do anything if you don't have defense. In my mind that is a very slippery, dangerous, surreptitious slope to be on.

Judge Scudder, as an AUSA I am assuming that your docket included both civil and criminal cases, correct?

Judge SCUDDER. Mainly criminal.

Ms. KAMLAGER-DOVE. OK. My understanding is that the priority is the criminal cases because of speedy trial rights. A speedy trial is dependent on a qualified defense attorney who can advance a case, who knows the value of a case, who understands pretrial services, and who can work with an manage interpreters, investigators, witnesses, and the prosecution. Investigators and interpreters are also on the chopping block right here.

A case cannot be adjudicated without a defense attorney, without public defenders, and without these community public defenders. You can't enter a plea and you can't even go to trial without a defense attorney. These cuts—for the record, these cuts: Public defenders, CGAs—well, not CGAs, but public defenders and community defenders would stabilize the courts and upend your calendars because the cases that have to move the fastest would stall; those are the criminal cases.

I want to say in 2023–2024 there were 66,000 criminal cases filed and 113 pending. There were 347,000 civil cases filed and 633,000 pending. You know who needed public defenders? The January 6th-ers.

I want to enter into the record, Mr. Chair, from the National Memo, "Public Defenders do More for January 6 Suspects Than Trump Ever Will." Sixty percent of the January 6th-ers had a public defender as their counsel.

Mr. ISSA. Without objection it will be placed in the record.

Ms. KAMLAGER-DOVE. Thank you so much, Mr. Chair. I know that my time is up, but I just want to say even Trump said that it was defense counsel. It was his defense counsel where he learned that the FBI was making mistakes, procedural and substantial

misdirection. I will be nice and say that. He was unable to uncover partisan blind spots and bring them to light because of defense counsel. The Republicans want to cut this money that is not just stated in the Constitution that people have a right to, but it is the only thing that keeps the courts going.

With that, I yield back.

Mr. ISSA. I thank the gentlelady.

I now recognize myself. I will note that the Criminal Justice Act of 1964 is when we began paying for the defense. The gentlelady is right that it has become critical, but it also in fact is not a constitutional right, is it? It is, in fact, something that our Founders for the first 200 years did not think that paying for the defense was mandated, that in fact it is the result of a statute. I hope the gentlelady will share with me that as we are funding something that we created in relatively modern times.

With that, I would like to ask a question from a budget standpoint. One of them is your budget every year exceeds inflation in your request, doesn't it?

Judge ST. EVE. I don't know if it exceeds it.

Mr. ISSA. It does this year.

Judge ST. EVE. That is something certainly that impacts our budget.

Mr. ISSA. The Chair of the Full Committee made it clear when he was asking those questions that you are looking at a 10–12 percent request, and in some cases more. If we give you the cost-of-living increase, nothing more, nothing less, are we cutting you or in fact are we base-lining you? In light of a \$2 trillion deficit, do you think you have no reason to try to find ways to spend less to do your job than every other part of government? Is that a fair question?

Judge ST. EVE. We are very cost-conscious and these—

Mr. ISSA. No, no. Really, judge, I have loved your testimony, but lets be—this is now straight budget. The court system has the same pressures we have, which is how do we in fact stop a government that is taking more tax revenue in constant dollars from the American people than we ever have before and still spending \$2 trillion more than we take in? Do you believe that the court should participate to the greatest extent possible in finding those cost savings?

Judge ST. EVE. The court is very aware we are spending taxpayer dollars, and we do have a Full Subcommittee of the Budget Committee that looks for cost-containment measures. We are looking at ways in space because our space budget is \$1.2 million.

Mr. ISSA. OK. I will take that as a yes, you agree that you should be.

Judge ST. EVE. OK.

Mr. ISSA. I asked you earlier about whether consolidating the various different services would help. I would like you to take that back for the record that in fact having three different sets of bureaucracy, if you will, for security, in addition to other subsets of your security budget, whether some form of consolidation would eliminate some of the administrative people. As the Chair said, "we have got \$677 or so Federal judges and plus senior status." The

question is: Are there overheads that can be cut while still fully empowering those judges?

Today included cybersecurity, but I would be remiss if I didn't ask a rhetorical question. It is an important one; it is a perennial one. If we took the money from PACER instead of it being, for better or worse, a slush fund of the court, would you be championing, along with the gentlelady from California, that this should be a free service?

In light of the fact that as Washingtonians at times every one of our museums is free to the entire public, and yet we charge to get the results of what is in fact a public record, the record of the court. Is it fair to say that one of the things that we should be looking at is the question of whether in a modern day recorded information, which is part of the overhead of government—we have no choice but to record it when the cost of delivering it has become less and less and more *de minimis*, whether or not we should be charging at all, and certainly whether we should be charging a tax that makes it a profit center for the courts?

Judge SCUDDER. Yes, Mr. Chair, thank you for the observations and the question. As you know, Congress has considered this before and there has been quite a robust dialog between the Branches on this.

Mr. ISSA. Yes, the Chief Justice chews me out every time we talk about it.

Judge SCUDDER. I will leave that to him. If Congress here is to make the choice to make all documents for everybody free, so to speak, it is not free in this sense. We the judiciary, we still have to maintain those systems, operate them, and secure them. There would need to be some alternative source of funding from somewhere to allow us to do that.

Mr. ISSA. You would agree that the fact that the budget doesn't take a hit on the maintenance of PACER because it is a revenue source? How much did you receive last year in discretionary funds as a result of PACER?

Judge SCUDDER. I don't know the answer to that off the top of my head.

Mr. ISSA. It had a surplus which was spent on other things?

Judge SCUDDER. Yes, all that money, as you know, is governed by statute. It is electronic public access funds and we invest it right back in the system to maintain it and to upgrade it, respecting the legal limits of it.

Judge ST. EVE. We can't take those PACER funds and use them, for example, for something in salaries and expenses, or defenders. It is governed by statute what we could use those funds for. A chunk of it goes back into maintaining and—

[Simultaneous speaking.]

Mr. ISSA. I have always heard about the chunk that goes back in, but I asked that question because, Judge Scudder, we are talking about cybersecurity. We are talking about PACER having been part of the leak of cybersecurity. I asked the question of does it have surpluses, if the clear intent of Congress has been that you have discretion, but you have discretion based on the assumption that it is a reinvestment in the system, then when you ask for more money to modernize cybersecurity and when you opine that

you don't have enough, should we be—is it fair for us to scrutinize where you have spent that money for the last decade and why the system is not more modern since it does charge its own fees?

Judge SCUDDER. Yes, I see here this is approximate, but in fiscal 2024 we received about \$100—call it \$150 million, \$145–\$150 million in PACER receipts, that way. That is money that we absolutely today rely and depend on to maintain and operate and to provide the access that you are recognizing. If it were to dry up in whole or in part, we would absolutely need Congress' support with some stream of funding to be able to maintain that system so as to provide the public good that you are recognizing.

Mr. ISSA. Well, and I am not *per se* saying I want to make it free, although it is free to a lot of the users pursuant to the will of Congress in various ways. I asked the question because it will not surprise you that I have had more than a few of the prime vendors to government say if you gave us that much money and told us we had to immediately upgrade the system and then maintain it, we could do it on moneys similar to what you spend. There are competing factors who have said you are maintaining a system, but you are maintaining it in the arcane old way. There are better ways to maintain it and ways to modernize it.

Judge Scudder, the question I have for you is, would you consider the question of could we leap forward to a system that was substantially immediately at a best-practices level if Congress could give you the authority to essentially contract and pay forward over a long period of time?

Obviously, a long-term contract does require a commitment to the funding. That is something that is within the power of this Committee to give you the ability to have a 20-year contract, or whatever is appropriate with a requirement that they meet those and future practices. Would that be empowering to you since that is the reason for this hearing today?

Judge SCUDDER. Yes, Mr. Chair, the effort to modernize and better secure our case management system is a huge priority right now and an intense one. You recognize that with your question. It absolutely requires resources. We very much depend on Congress for that. Getting about the replacement of our current system and getting a modern secure one that moves quickly and draws on outside expertise to achieve that, we absolutely share that objective.

Mr. ISSA. Good. Well, I think the Ranking Member and I will undoubtedly be talking about this.

Earlier when Mr. Swalwell referred to—and I am trying to wrap this up as quickly as possible—referred to his MARSHALS Act. I want to make sure for the record that you know that I took it seriously that although, at least from this Chair, I am considering in a sense the opposite. I am considering spinning off the Marshals to DOJ and then consolidating all your other needs and giving the budget to do it.

I do find an ambiguity between the role of Wyatt Earp, if you will, and the other historic marshals, and many of the things that happened. Now, that doesn't mean that the marshal you trust today would not be transferred to your direct control and would somehow disappear. I believe the Marshals Service has sort of a two-third or one-third role. We need to ask the question: Would it

be more efficient to hold DOJ responsible for their portion, hold you responsible for yours, and break down the budget in that way?

I have already, because of Mr. Swalwell's suggestion, spoken to the Chair and Subcommittee Chair of the conflicting appropriations to see if, in fact, they have a problem with it. It indicated they didn't. I want to make sure you understand we are taking it seriously. Mr. Swalwell came here to make that clear. At least from my vantage point he makes a good point.

It may not be done the way he anticipated, but I hope you come back after consultation and ask the question if can we do better with the three separate forms of security to give a single point of accountability to the process. The answer you will give us will be yes.

I would recognize the gentlelady if she has a question.

Ms. KAMLAGER-DOVE. I do not have a question, Mr. Chair, but I did want to enter a few things into the record.

Mr. ISSA. I see you have your Constitution—

Ms. KAMLAGER-DOVE. Yes, sir.

Mr. ISSA. —which without objection, the entire Constitution will be placed in the record.

Ms. KAMLAGER-DOVE. Thank you.

Well, I am just going to share a little portion of it because I don't want people to think that I said that the Constitution is talking about funding. I did want to enter the record the Sixth Amendment, which does say that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State. Of course, then the sentence goes on and on.

So, yes, the Constitution does say that you have a right to a speedy trial for criminal prosecutions. In order to have a trial you do need a defense attorney of some kind.

I would also like to enter into the record, asking unanimous consent of course, Mr. Chair, this Supreme Court decision in 1963, *Gideon v. Wainwright*, which established the right to an appointed counsel. OK? That is why in 1964 we had the Criminal Justice Act.

Then, because I know lawyers like to read, I want to enter into the record an article, a third thing. "Federal Defender Services: Serving the System or the Client?"

Mr. ISSA. Without objection, all will be placed into the record.

Ms. KAMLAGER-DOVE. Thank you, sir. This article actually shares the history of how all of this came about. Because prior to 1965—

Mr. ISSA. Without objection, the gentlelady may enter all of her comments in the record, too.

Ms. KAMLAGER-DOVE. Yes. Thank you. Federal cases. The right to counsel for those financially unable to retain counsel was the general responsibility of the bar and courts would often appoint unwilling or inexperienced lawyers without compensation for services or necessary expenses.

To just close, to get public defender services the defendant must first submit and have approved a financial affidavit. I want all those things in the record as we are talking about—

[Simultaneous speaking.]

Mr. ISSA. Without objection.

Ms. KAMLAGER-DOVE. —defender services, to talk about why it is so important. Thank you, Mr. Chair.

Thank you, Mr. Chair. Thank you, Mr. Chair.
Mr. Issa. I thank all our folks today and the witnesses.

Then, I will go to my favorite—second most favorite part of this, which is: This concludes today's hearing. We thank our witnesses for appearing before the Subcommittee. We ask that each of you, if you will agree, to receive additional questions for the record. Feel free to provide extensions of your answers for the record. We would ask that both be done within five legislative days which I will tell you will be after the Fourth of July based on our calendar.

Without objection, all Members will have those five legislative days to submit written questions of witnesses and additional materials for the record.

Without objection, this hearing stands adjourned.

[Whereupon, at 12 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by Members of the Subcommittee on Courts, Intellectual Property, and the Internet can be found at: <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=118401>.

