

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS,
Washington, DC, March 5, 2013.

Hon. PATRICK J. LEAHY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Administrative Office of the United States Courts (AO) recently received several requests for information about how the Judiciary is preparing to handle the impact of funding sequestration. The Judiciary's efforts to address this budgetary emergency have been extensive, involving countless hours spent by judges, and court and AO staff working to determine how best to withstand the severe cuts while still continuing to perform core constitutional duties. As background, following months of information gathering and planning, the Executive Committee met on December 19, 2012, to consider proposed actions to deal with the impact of sequestration on the federal courts. With enactment of the American Taxpayer Relief Act of 2012 and the subsequent delay in the effective date of sequestration, from January 2 to March 1, 2013, the Executive Committee met again on February 7, 2013, to finalize actions based on updated sequestration calculations for the Judiciary.

We consider the emergency measures approved by the Executive Committee (discussed below) to be one-time only. They cannot be sustained beyond fiscal year 2013 and will be difficult and painful to implement. The Judiciary cannot continue to operate at such drastically reduced funding levels without seriously compromising the constitutional mission of the federal courts. This is especially true if those funding levels continue into fiscal year 2014 and beyond. We are hopeful that Congress and the Administration will ultimately reach agreement on alternative deficit reduction measures that render the current sequestration cuts unnecessary.

The Executive Committee approved a number of emergency measures that applied primarily to the non-salary parts of the Judiciary budget. Because of our decentralized budget and management system for the courts, the planning is primarily done on the local level. The goal of the emergency measures was to minimize the impact of sequestration on court staff by providing maximum flexibility to court managers. This was only partially successful. The sequestration cuts that went into effect March 1, 2013, total nearly \$350 million for the Federal Judiciary. Fiscal year 2013 court allotments on a national level would have declined by 14.6 percent below fiscal year 2012 allotments. Instead, after applying the emergency measures, court allotments have declined by 10.4 percent below fiscal year 2012 allotments. While this is a marked improvement, the allotments, after sequestration and implementation of the emergency measures, could still result in up to 2,000 on-board employees being laid off or thousands of employees facing furloughs for one day each pay period (a 10 percent pay cut). These sequestration staffing losses would come on top of the almost 9 percent decline in staff (over 1,800 probation officers and clerks' office staff) that has already been experienced in the courts since July 2011.

These budget reductions to the Judiciary will have serious implications for the administration of justice and the rule of law. Public safety will be impacted because there will be fewer probation officers to supervise criminal offenders released in our communities. Funding for drug testing and mental health treatment will be cut 20 percent. Delays in the processing of civil and bankruptcy cases could threaten economic recovery. There will be a 30 percent cut in funding

for court security systems and equipment and court security officers will be required to work reduced hours, thus creating security vulnerabilities throughout the federal court system. In our defender services program, federal defender attorney staffing levels will decline, which could compromise our defender function, and delay payments to private attorneys appointed under the Criminal Justice Act could for nearly three weeks in September. Sequestration will also require deep cuts in our information technology programs on which we depend for our daily case processing and on which we have successfully relied in past years to achieve efficiencies and limit growth in our budget.

I have enclosed for your information a description of guidance regarding sequestration given to federal courts nationwide in late February. While some of it is technical in nature, our guidance provides important information for the courts on funding levels under sequestration as well as practices for managing payroll and personnel activities under sequestration. As the enclosed description indicates, decisions about court closures, furloughing staff or other adverse personnel actions, managing court operations at lower funding levels, and salary policies under sequestration, reside with each court unit. Allowing individual court units to set their own funding priorities under sequestration is consistent with the decentralized structure of the federal court system and long established Judiciary budget execution policies. I have, however, urged courts to delay implementation of any involuntary personnel actions, such as furloughs or terminations, until April when we hope to have a clearer picture of full-year funding for fiscal year 2013.

I hope this letter has provided you with insight into the actions we are taking to address sequestration as well as the devastating impact the cuts will have on the administration of justice in this country.

This letter is being provided in similar form to the chairman and ranking minority member of the House and Senate Judiciary Committees and to the chairman and ranking minority member of the House and Senate Appropriations Committees and their relevant subcommittees. If you require any additional information, please contact our Office of Legislative Affairs.

Sincerely,

THOMAS F. HOGAN,
Director.

Enclosure.

RETIREMENT OF GENERAL CARTER HAM

Mr. MCCAIN. Mr. President, today I honor an exceptional warrior. After a lifetime of service to our Nation, GEN Carter F. Ham is retiring from the U.S. Army and his current position as Commander of the U.S. Africa Command. On this occasion I believe it is fitting to recognize General Ham's years of uniformed service to our Nation.

General Ham has served and led at all levels in the Army. He began his career as an enlisted infantryman in the 82nd Airborne Division and he retires as a theater level commander. He was commissioned as a second lieutenant through the Reserve Officers' Training Corps in the Infantry as a Distinguished Military Graduate of John Carroll University in Cleveland, OH in 1976. General Ham's distinguished military service has taken him all over the

United States, Italy and Germany. Prior to his current command he served as the commanding general of U.S. Army Europe.

During these last 24 months as Commander, U.S. Africa Command, he has led combat operations to oust a tyrant, coordinated economic and infrastructural development programs to improve conditions on the ground, and orchestrated international security cooperation activities aimed at strengthening the abilities of American and African forces to deal with the range of complex challenges facing the continent. These were no small tasks and all the while he continued to make the well-being of our service men and women his highest priority. I can think of no better leader to have had carrying the guidon!

Our Nation and our international partners will feel the loss of this distinguished soldier and statesman. I join many members of the Senate Armed Services Committee in expressing my respect and gratitude to General Ham for his outstanding service to our Nation. The strength of our Nation is our Army; the strength of our Army is our soldiers. Thank you, General Ham, for your service as a soldier and general, and for keeping our Nation Army Strong! I wish him and his wife Christi "fair winds and following seas."

RETIREMENT OF GENERAL JOHN ALLEN

Mr. MCCAIN. Mr. President, today I honor an exceptional warrior. After a lifetime of service to our Nation, Gen. John R. Allen is retiring from the U.S. Marine Corps. On this occasion I believe it is fitting to recognize General Allen's years of uniformed service to our Nation.

The general was commissioned a second lieutenant following graduation from the Naval Academy with the class of 1976. He has led at every level from platoon to theater command, including being the first Marine Commandant of the U.S. Naval Academy. He spent 2 years in Iraq's Anbar province, where he led an effort to reach out to Sunni tribal leaders to try to persuade them to stand against al-Qaida militants—a shift that helped turn the course of the war in western Iraq. And during his recent command in Afghanistan, which he proclaimed to be "the honor of a lifetime," he spent 19 months winding down America's longest war while strengthening Afghanistan's military to fight insurgency.

General Allen's record of service is remarkable and highly decorated. He has distinguished himself in every aspect from graduating with academic honors to receiving some of the highest military awards of the U.S. and foreign armed forces. However, he recognizes the most important distinction, and that is his family. In the last decade he has spent plenty of time away from his family in service to our Nation. He said that his family had not vacationed

since his two adult daughters were young. His service and sacrifice will truly be missed by a grateful nation, and we hope that he gets that vacation he so clearly deserves and more.

Our Nation will feel the loss of this distinguished officer, warrior and patriot; however, I have the utmost respect for his decision to put his family first. I join many members of the Senate Armed Services Committee in expressing my respect and gratitude to General Allen for his outstanding service to our Nation. I wish him and his wife Kathy "fair winds and following seas."

RETIREMENT OF GENERAL JAMES MATTIS

Mr. MCCAIN. Mr. President, today I honor an exceptional warrior and scholar. After a lifetime of service to our Nation, Gen. James N. Mattis is retiring from the U.S. Marine Corps and his current position as Commander of the United States Central Command. On this occasion I believe it is fitting to recognize General Mattis' 41 years of uniformed service to our Nation.

The general was commissioned a second lieutenant on January 1, 1972. He has served in every major combat operation of his era and led at every level from platoon to theater command. Upon promotion to brigadier general, he commanded first the 1st Marine Expeditionary Brigade and then Task Force 58, during Operation Enduring Freedom in southern Afghanistan. As a major general, he commanded the 1st Marine Division during the initial attack and subsequent stability operations in Iraq during Operation Iraqi Freedom. General Mattis led marines into Afghanistan in 2001 and Iraq in 2003—the defining conflicts of our age.

General Mattis is well known for his dedication and intellect. When selected to command the U.S. Central Command, then Secretary of Defense, Robert Gates, called him "one of the military's most innovative and iconoclastic thinkers." He has proved to be that and more. General Mattis is known to carry books on philosophy with him on every combat mission. He is said to have a personal library of over 6,000 books that he takes with him to every new command. Even more important than his intellect and bravery, is his ability to connect with and lead our soldiers, sailors, airmen and marines. In March 2003, he wrote a letter to all forces under his command, telling them to "engage your brain before you engage your weapon." I have had the pleasure of meeting those under his command and am always impressed by the respect and favor he carries amongst them.

I most respect General Mattis' willingness to speak truth to power. His candor is a facet of a professionalism that has been exacted over a lifetime and exercised during a most impressive military career. Thoughtful leaders throughout government will feel his

absence. I join many past and present members of the Senate Armed Services Committee in my gratitude to General Mattis for his outstanding leadership and his unwavering support of servicemembers. General James Mattis' service has evinced the meaning of the words "Semper Fidelis." I wish him "fair winds and following seas."

RIDING FOR CHANGE

Mr. LEVIN. Mr. President, last month a group of 26 cyclists set off on a 3-day, 400 mile journey from Newtown, CT, to the steps of our Nation's Capitol. They began their ride with a stop at Sandy Hook Elementary School, a place that should be synonymous with childhood, innocence, and learning. Instead, for now, it reminds us of tragedy. The cyclists left Newtown that morning to bring Washington a simple message: It is time for Congress to finally take steps to stop gun violence.

These riders were not special interest groups or highly paid lobbyists. They were everyday people—teachers, police officers, librarians, healthcare professionals. People like Heather Peck, a school psychologist and mother of two from Newtown, who wrote that she was riding "for those beautiful smiling faces that I see coming down the hallway each day and their right to feel safe and secure at school." Like Gary Lyke of Brookfield, CT, a Vietnam veteran who wrote that he was riding "in the hope I can help encourage our leaders to join in creating meaningful, common sense laws making it safe for children to grow and inherit the freedoms I and other veterans served for." Like Officer Jeff Silver of the Newtown Department of Police Services, who wrote simply, "I ride for commonsense gun control laws."

But sadly, in a Nation where polls have shown that a majority of Americans support background checks for all gun sales, the status quo defies common sense. Around our country today, anyone, including convicted felons or domestic abusers or the mentally ill, can go to a gun show and purchase a firearm without having to pass any sort of background check. Studies have estimated that 40 percent of U.S. gun sales are conducted by unlicensed sellers without background checks. In 2012, an estimated 6.6 million guns were sold in this way, no questions asked.

Likewise, in a Nation where studies have shown that mass shootings involving assault weapons result in an average of 14.8 people shot. It is startling that almost anyone can walk into a shop or gun show and purchase the same type of military-style assault rifle that was used at Sandy Hook Elementary that horrible day. This includes suspected terrorists, because nothing in current law prohibits individuals on terrorist watch lists from purchasing firearms, unless they fall into another disqualifying category. Polls have shown that 63 percent of

Americans support a ban on the assault weapons and high-capacity ammunition magazines that lead to such horrific crimes.

Legislation has already been introduced into the Senate that, if enacted, would make our society and our schools safer. For example, I am a cosponsor of the Denying Firearms and Explosives to Dangerous Terrorists Act. This bill would close the 'terror gap' in Federal law by denying the transfer of a firearm when a Federal Bureau of Investigation, FBI, background check reveals that the prospective purchaser is a suspected terrorist and the Attorney General has a reasonable belief that the purchaser may use the firearm in connection with terrorism. I am also a cosponsor of the Assault Weapons Ban of 2013, which would stop the flood of military-style assault weapons into our society.

We should listen to the Sandy Hook riders and take action. We should listen to our law enforcement communities, who have implored us to ban the military-style weapons and high-capacity ammunition magazines which can so easily escalate confrontation into murder and a killing of one or two people into a massive slaughter. No law can prevent all tragedies, but these bills could help prevent some. They could help stop another quiet elementary school from falling victim to a Sandy Hook tragedy. They could help save the lives of children. That is more than enough reason to act. I urge my colleagues to swiftly take up and pass these measures.

FISHING RESTRICTIONS PREVENTION

Mr. ALEXANDER. Mr. President, on March 27, Governor Bill Haslam signed a resolution passed by the Tennessee General Assembly supporting efforts in the U.S. Senate and the U.S. House of Representatives to prevent the U.S. Army Corps of Engineers from restricting public access to fishing areas below dams on the Cumberland River in Tennessee.

The resolution, sponsored by State Senator Jim Tracy, recognizes the traditions that Tennessee anglers have enjoyed for generations, and the dire economic impact that the Corps' proposed restrictions would have on the State of Tennessee. I, along with the members of the Tennessee General Assembly, will continue to urge the Corps to consider alternatives that do not unilaterally prohibit access to some of the highest quality fishing areas in Tennessee and address the concerns of Tennesseans.

I ask that Senate Joint Resolution 114, as passed by the Tennessee General Assembly and signed by Governor Bill Haslam, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows: