

United States Court of Appeals for the Federal Circuit

—and—

United States Court of Federal Claims

O R D E R

Joint Courthouse Security Enforcement

The United States Court of Appeals for the Federal Circuit and the United States Court of Federal Claims find there is a need to update its security protocols to expand the enforcement power accorded to the United States Marshal assigned to the premises.

This Order pertains to the Howard T. Markey National Courts Building Complex (“NCB Complex”), a courthouse complex that includes historic houses and leased space in Washington, D.C. The NCB Complex houses the United States Court of Federal Claims and the United States Court of Appeals for the Federal Circuit (“the courts”).

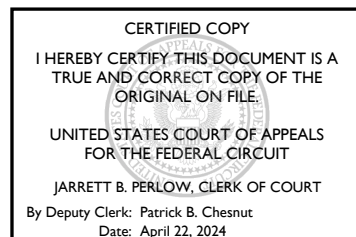
In furtherance of the enforcement power accorded to the United States Marshal on behalf of the courts pursuant to 28 U.S.C. § 566 and to ensure the uniform applicability of security requirements throughout the NCB Complex, effective May 1, 2024,

IT IS ORDERED THAT

(1) SCREENING AND IDENTIFICATION.

- a. All visitors to the NCB Complex must submit to a mandatory security screening, conducted in the NCB Complex lobby by the Court Security Officers (CSOs) on duty. Such screening includes use of an X-ray machine to scan

Administrative Order No. 2024-02



personal effects, including electronic devices, items inside pockets; occasionally items such as belts, jewelry, or shoes; and any other items brought to the NCB Complex, as well as walking through a metal detector, and agreeing to submit to additional screening if deemed necessary.

- b. All visitors to the NCB Complex must adhere to the Prohibited Items List, in Exhibit A, as well as the Tools of the Trade List, in Exhibit B.
- c. During such screening, all visitors to the NCB Complex must present valid, government-issued identification to the CSOs. Only certain, specified identification will be accepted, as detailed in Exhibit C.
- d. Any visitor who does not have a valid form of identification listed in this Order may be permitted entry if escorted by an employee of the NCB Complex. Following security screening, the United States Marshal shall require that individual to record their name in a log maintained by CSOs.
- e. The United States Marshal, or designee, may for good cause shown approve access to any visitor to the NCB Complex who does not have an acceptable form of identification listed in this Order, should the United States Marshal determine that access is appropriate and necessary.
- f. Once the screening process is complete, the visitor will receive a "Visitor" badge, which must be worn throughout the visitor's time in the NCB Complex. Visitors must return the badge to the CSO posted at the exit to the NCB Complex when leaving for the day.

(2) FIREARMS AND WEAPONS.

No person other than the United States Marshal, Deputy United States Marshals, CSOs, sworn Federal Protective Service Officers, or Federal Law Enforcement Officers shall possess any firearms in the NCB Complex, except as follows.

- a. No person other than the United States Marshal, Deputy United States Marshals, or CSOs shall possess firearms in any courtroom in the NCB Complex.
- b. The United States Marshal shall provide a secure area with lockers for the deposit of firearms of all other law enforcement officers who wish to be, or are required to be, present in the NCB Complex.
- c. Pursuant to Executive Order 13977, a federal judge with a valid permit may bring a firearm to the NCB Complex, so long as the firearm is either immediately placed in the secure area lockers provided for such purpose, upon entry to the building, or is secured within a lockbox inside the judge's vehicle. The United States Marshal shall report any instances of non-compliance with this provision to the judge's respective Chief Judge.
- d. Members of the public shall not introduce or possess any firearm, defined by 26 U.S.C. § 5845, or dangerous weapon, defined in 18 U.S.C. § 930(g)(2), into the NCB Complex. Potentially dangerous weapons shall be confiscated at the direction of the United States Marshal.
- e. Any party wishing to introduce a firearm as evidence in a judicial proceeding is required to contact the United States Marshal in advance for information on the applicable procedures.

(3) POSSESSION AND USE OF ELECTRONIC DEVICES.

- a. Persons entering the NCB Complex are permitted to possess electronic devices (e.g., cell-phones, laptops, tablets, etc.). However, before being granted entry, all devices must be physically examined by the CSOs at the screening location. This examination includes placing the device through the X-ray machine and other physical assessment or evaluation deemed necessary.
- b. Unless otherwise directed and consistent with this Order, persons possessing electronic devices may use them in the common, public areas of the NCB Complex (e.g., lobbies, courtyard, etc.). However, all electronic devices must be turned off while in any NCB Complex courtroom or as directed by court staff when in non-common areas of the NCB Complex. Notwithstanding this restriction, counsel may use electronic devices in the courtroom while at counsel tables unless prohibited by the presiding judge, provided the devices emit no sound while in use, and the devices are not used for any activities otherwise prohibited by this Order.
- c. If requested ahead of the proceedings, any presiding judge or special master may, in his or her sole discretion, permit the use of technology to receive and send electronic communications by persons in the public area of the courtroom during court proceedings, so long as such use of technology does not include the use of any photography, videography, broadcasting, radio, telephone or other audio transmission, or any audio or visual recording or transmission, and does not emit sounds or otherwise disturb or distract from court proceedings.

(4) PHOTOGRAPHY, VIDEOGRAPHY, AND OTHER RECORDING.

- a. In general, photography, video recording, audio recording, broadcasting, or transmitting of court proceedings and courthouse spaces by any member of the public, counsel, or the media is prohibited in the NCB Complex, including in the courtyard on NCB property, absent an exception granted pursuant to this Order.
- b. Consistent with this Order, each individual court may establish its own procedures for permitting exceptions to this general prohibition for their court proceedings or in their designated court common and private spaces.
- c. Visitors to the NCB Complex, counsel, and media, may use cellular phones and transmit wireless data through mobile devices in the public areas of the NCB complex, provided these devices are not used for taking photographs or any audio or video recording.
- d. If provided by either court, members of each court's bar may access any provided wireless data connection pursuant to the respective court's use policy.
- e. In their respective staff areas, the Circuit Executive and Clerk of Court for the U.S. Court of Appeals for the Federal Circuit and the Clerk of Court for the U.S. Court of Federal Claims may authorize exceptions to this Order as necessary for the conducting of court business consistent with this Order.

(5) DISORDERLY INDIVIDUALS.

- a. The NCB Complex's Facilities Security Committee is delegated the authority to adopt and implement a policy for addressing individuals engaging in disruptive, disorderly, or

inappropriate conduct (“disorderly individuals”) within the NCB Complex and its property.

- b. Upon the recommendation of the United States Marshal or designee and a finding that (a) an individual has engaged in disruptive, disorderly, or inappropriate conduct and, (b) based on such conduct, there is a sufficient need to regulate and monitor an individual’s conduct in the NCB Complex, the Circuit Executive of the U.S. Court of Appeals for the Federal Circuit and the Clerk of Court for the U.S. Court of Federal Claims (“Issuing Official”) are delegated the authority to issue necessary security orders that impose additional security requirements or restrictions consistent with this Order.
- c. An Issuing Official, though, may not fully restrict an individual’s ability to file materials with the courts or participate in any court proceeding as ordered by a judge.
- d. An Issuing Official shall promptly serve notice of any security order on a disorderly individual and provide a copy to the United States Marshal or designee.
- e. Any security order shall remain in effect until the order is revoked by an Issuing Official or the restrictions are modified or revoked by order of the Chief Judge of the respective court upon petition by the disorderly individual.

(6) NATIONAL COURTS BUILDING DESIGNATED OFFICIAL.

Pursuant to 41 C.F.R. §§ 102-71.20, 102-74.230, the Circuit Executive for the U.S. Court of Appeals for the Federal Circuit is the Designated Official for the NCB Complex.

(7) FACILITY SECURITY OVERSIGHT.

- a. Following a security incident at the NCB Complex, which includes (a) any actual or attempted violations of this Order; (b) incidents involving disorderly individuals; (c) security incursions or breaches at the NCB Complex; or (d) violation of a policy issued by the Facility Security Committee, the United States Marshal or designee must report within one (1) business day of such incident to the chair of the Facility Security Committee who may refer the matter to the Facility Security Committee for additional review.
- b. In the event of a failure or disruption in the operation of NCB Complex security equipment, including recording, surveillance, or screening equipment, the United States Marshal or designee must report the failure or disruption to the chair of the Facility Security Committee within one (1) day of the failure or disruption. The United States Marshal or designee must provide a monthly report on the operational status of NCB Complex security equipment to the chair of the Facility Security Committee. As appropriate, the chair may refer the matter to the Facility Security Committee for additional review.
- c. Upon receipt of any report under this section, the chair must inform the Chief Circuit Judge for the Court of Appeals for the Federal Circuit, the Chief Judge for the Court of Federal Claims, and the Clerk of Court for the Court of Federal Claims.

(8) ENFORCEMENT.

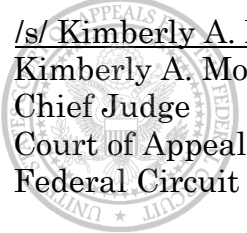
The United States Marshal is authorized to enforce the directives of this Order, which supersedes all previously-issued Orders of these courts on these matters. Any person found to have violated this

Order or any notice or order issued under this Order may be held in contempt of court, cited, and/or expelled from the NCB Complex until an order of the Chief Circuit Judge for the Court of Appeals for the Federal Circuit or the Chief Judge for the Court of Federal Claims, upon petition, reinstates access.

FOR THE COURTS

April 22, 2024
Date

/s/ Kimberly A. Moore
Kimberly A. Moore
Chief Judge
Court of Appeals for the
Federal Circuit



April 22, 2024
Date

/s/ Elaine D. Kaplan
Elaine D. Kaplan
Chief Judge
Court of Federal Claims

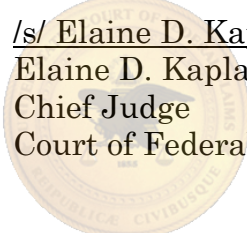


Exhibit A

Prohibited Items List

The items that are prohibited in the Howard T. Markey National Court Building include any item prohibited by any applicable Federal, State, local, and tribal law and/or ordinance, as well as firearms, dangerous weapons, explosives, or other destructive devices (including their individual parts or components) designed, redesigned, used, intended for use, or readily converted to cause injury, death, or property damage unless necessary as an exhibit in a trial. This list applies to all Courthouse occupants, contractors, and visitors.

Firearms and Projectile Weapons:

- Firearms or similar devices that expel a projectile through the action of an explosive (unless meeting the exemptions listed in 18 U.S.C. § 930(d));
- BB or pellet guns;
- Compressed air guns;
- Antique firearms;
- Flare guns;
- Realistic replica or toy firearms (unless meeting the exemptions listed in 18 U.S.C. § 930(d));
- Spear guns;
- Starter pistols;
- Stun guns, cattle prods, dart-firing stun guns, and other electric weapons or controlled devices;
- Ammunition, shotgun shells or firearm cartridges, black powder, smokeless propellant powder (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
- Slingshots.

Bladed, edged, or sharp tools or implements:

- Axes and hatchets;
- Bows and arrows;
- Ice axes/ice picks;
- Throwing stars (martial arts);

- Knives, sabers, swords, daggers, and other bladed devices with a blade of more than 2.5 inches (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
- Razor-type blades such as box cutters, utility knives, and razor blades not in a cartridge, but excluding safety razors (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)).

Club-like items and striking devices:

- Billy clubs;
- Blackjacks;
- Brass knuckles;
- Chains more than 12 inches (Jewelry exceptions can be made);
- Night sticks (unless meeting the exemptions listed in 18 U.S.C. § 930(d)); and
- Martial arts weapons, including nun chucks and Ku batons.

Destructive devices, explosives, or combustible chemical compounds and mixture:

- Blasting caps or detonators;
- Dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate, and others;
- Fireworks;
- Gunpowder;
- Hand grenades, mines, bombs, rockets, missiles, pipe bombs, plastic explosives;
- Realistic replicas of explosives or similar devices.
- Explosive or expanding gases;
- Gas torches; and
- Flammable Liquids (i.e., gasoline, turpentine, and paint thinner) (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)).

Disabling chemicals and other dangerous items:

- Mace, pepper spray, tear gas, tear gas guns, or other chemical sprays designed for self-defense (unless meeting the exemption listed in 18 U.S.C. § 930(d));

- Spillable batteries, except those in wheelchairs or similar devices used by a mobility-impaired individual;
- Spray paints (unless meeting the exemption listed in 18 U.S.C. § 930(d)(3)); and
- Poisonous gases.

Exhibit B

Tools of the Trade List

Tools of the trade include any items required for a person to do their job, such as hand tools for maintenance and construction or a chef's knife for a caterer, or items utilized for purposes that do not pose an inherent threat to the NCB Complex. These items are not necessarily prohibited within the NCB Complex, but they do could be used as weapons, so any person in possession of one of these items must notify CSOs or other security personnel of their possession, prior to submitting the security screening.

Bladed, Edged, or Sharp Items

- Saws, including cordless portable power saws;
- Scissors, metal with pointed tips;
- Screwdrivers (except those in eyeglass repair kits);
- Drills, including portable power drills; and
- Tools including, but not limited to, wrenches, pliers, and folding, multi-purpose utility tools, etc.

Club-like Items and Striking Devices

- Hammers; and
- Crowbars.

Destructive Devices, Explosives, or Combustible Chemical Compounds and Mixtures. The list of destructive devices, explosives, or any chemical compound or mixture that may combust or oxidize upon the application of heat, flame, or shock includes, but is not limited to:

- Flares;
- Gasoline;
- Ammonium nitrate;
- Aerosol sprays; and
- Jellied alcohol (e.g., Sterno canisters) for use by caterers only.

Disabling Chemicals and Other Dangerous Items. The list of disabling chemicals and other dangerous items includes, but is not limited to:

- Chlorine and bleach;

- Compressed gas cylinders, including fire extinguishers; and
- Toxic industrial chemicals and/or materials.

Training Aids. Inert training aids may include but are not limited to realistic replicas of explosives or other dangerous weapons used in the training of security personnel, (e.g., vehicle searches, facility searches, and general improvised explosive device recognition). These items require an approved exception.

Sporting Equipment. Sporting equipment consists of items used in the practice of, or participation in, certain physical activities, games, or sports, many of which may be used as club-like items or striking devices.

- Baseball bats;
- Golf clubs;
- Hockey sticks;
- Lacrosse sticks
- Pool cues; and
- Ski poles.

Exhibit C

Acceptable Forms of Identification

Upon entry to the NCB Complex, security personnel will request visitors provide valid, unexpired identification prior to entry. The following forms of identification are accepted:

- United States Passport or United States Passport Card
- Permanent resident card
- Department of Homeland Security enhanced driver's license
- Driver's License or other state photo identification card issued by Department of Motor Vehicles (or equivalent), issued by any of the 50 United States, the District of Columbia, and the United States Territories of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands
- Department of Homeland Security Presidential Directive 12 (HSPD-12) Personal Identity Verification Card
- Foreign government-issued passport recognized by the Department of State
- Federal judiciary issued credentials, including a PIV-1, judge, or court unit executive credentials

Additionally, any visitor under the age of 18, without an adult escort, who offers a school-issued identification card shall be allowed access to the NCB Complex.