

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Salaries and Expenses
SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

	Mandatory	Discretionary	Total
Total Fiscal Year 2024 Assumed Appropriation	\$3,532,000	\$37,863,000	\$41,395,000
Total Fiscal Year 2025 Appropriation Request	\$3,623,476	\$39,105,560	\$42,729,036
Total Requested Increase from Fiscal Year 2025 Assumed Appropriation	\$91,476	\$1,242,560	\$1,334,036

APPROPRIATION LANGUAGE

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, [\$37,683,000]\$39,105,560.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

(H.R. 4664/S. 2309 - Financial Services and General Government Appropriations Act, 2024, updated to reflect the judiciary's fiscal year 2024 assumed appropriation)

**SUMMARY OF REQUEST
COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES
FISCAL YEAR 2025
(Dollar amounts in thousands)**

Page No.	<u>Fiscal Year 2025 Resource Requirements:</u>	<u>Mandatory</u>		<u>Discretionary</u>		<u>Total</u>	
		<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
	Fiscal Year 2024 Assumed Obligations	12	3,532	140	41,015	152	44,547
	Utilization of Judiciary Information Technology Fund (including EPA) Balances.....		-		(3,152)		(3,152)
	Fiscal Year 2024 Assumed Appropriation	12	3,532	140	37,863	152	41,395
	<u>Adjustments to Base to Maintain Current Services:</u>						
	A. Judges						
	<i>Pay and benefits adjustments</i>						
2.15	1. Proposed 2025 pay adjustment (1.5% for nine months).....	-	35	-	-	-	35
2.15	2. Annualization of 2024 pay adjustment (4.6% for three months).....	-	34	-	-	-	34
2.15	3. Benefits increases						
	a. Health benefits.....	-	14	-	-	-	14
	b. FICA adjustment.....		8				8
	B. Court Support Personnel						
	<i>Pay and benefits adjustments</i>						
2.16	4. Proposed 2025 pay adjustment (2.0% for nine months).....	-	-	-	480	-	480
2.16	5. Annualization of 2024 pay adjustment (5.2% for three months).....	-	-	-	198	-	198
2.16	6. Promotions and within-grade increases.....	-	-	-	73	-	73
2.16	7. Benefits increases						
	a. Health benefits.....	-	-	-	143	-	143
	b. FICA adjustment.....				8		8
2.17	8. Annualization of Civic Education Positions.....	-	-	1	-	1	-

C. Other Adjustments								
<i>General Inflationary Adjustments</i>								
2.17	9.	Inflationary increases in charges for contracts, services, supplies and equipment	-	-	-	162	-	162
2.17	10.	Inflationary increases in GSA space rental costs	-	-	-	153	-	153
2.17	11.	Law books and computer-assisted legal research (CALR).....	-	-	-	26	-	26
Subtotal, Adjustments to Base to Maintain Current Services.....			-	91	1	1,243	1	1,334
Total Current Services Appropriation Required.....			12	3,623	141	39,106	153	42,729
Total Fiscal Year 2025 Appropriation Required.....			12	3,623	141	39,106	153	42,729
Total Appropriation Increase, Fiscal Year 2024 to Fiscal Year 2025.....			-	91	1	1,243	1	1,334
<u>Financing the Fiscal Year 2025 Request:</u>								
2.17	12.	Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund.....	-	-	-	119	-	119
Total Estimated Obligations, Fiscal Year 2025.....			12	3,623	141	39,225	153	42,848

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES**

Obligations by Activity (\$000)

Activity	FY 2023 Actual	FY 2024 Assumed	FY 2025 Request
Total Obligations	38,184	44,547	42,848
Unobligated Balance, Start of Year:			
Judiciary Information Technology Fund	(2,444)	(4,350)	(1,198)
Deposits and Other Adjustments:			
Prior Year Recoveries Judiciary Information Technology Fund	(91)		(238)
PACER Receipts	(54)		
Deposit to Judiciary Information Technology Fund	(2,700)		
Unobligated Balance, End of Year:			
Judiciary Information Technology Fund	4,350	1,198	1,317
Subtotal, Other Obligations	(939)	(3,152)	(119)
Direct Obligations	37,245	41,395	42,729
Deposit to Judiciary Information Technology Fund	2,700		
Unobligated Balance, End of Year	146		
Appropriation Total	40,091	41,395	42,729
Appropriation - Mandatory	3,356	3,532	3,623
Appropriation - Discretionary	36,735	37,863	39,106

Obligations by Budget Object Class (\$000)

Description	FY 2023 Actual	FY 2024 Assumed	FY 2025 Request
11 Personnel compensation	19,050	20,377	20,833
12 Personnel benefits	4,227	4,761	5,217
13 Benefits for former personnel	3	292	298
21 Travel	115	162	165
22 Transportation of things	30	106	108
23 Rent, communications and utilities			
<i>Rental payments to GSA</i>	6,715	7,674	7,829
<i>Communications utilities & misc. charges</i>	292	468	477
24 Printing and reproduction	1	5	5
25 Other services	5,881	6,424	6,646
26 Supplies and materials	77	182	186
31 Equipment	854	944	965
Direct Obligations	37,245	41,395	42,729
Other Obligations (JITF and PACER Obligations)	939	3,152	119
Total Obligations	38,184	44,547	42,848

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
Salaries & Expenses
Relation of Direct Obligations to Outlays (\$000)

	FY 2023 Actual	FY 2024 Plan	FY 2025 Request	Difference (+) or (-)
Direct obligations incurred	37,245	41,395	42,729	1,334
Obligated balance, start of year	3,928	4,073	4,527	454
Adjustments of prior year activity	328	0	0	0
Obligated balance, end of year	<u>(4,073)</u>	<u>(4,527)</u>	<u>(4,673)</u>	<u>(146)</u>
Total Outlays	37,428	40,941	42,583	1,642
Less Offsets	<u>(54)</u>	<u>0</u>	<u>0</u>	<u>0</u>
Net Outlays	37,374	40,941	42,583	1,642

Personnel Summary

	FY 2023 Actual	FY 2024 Plan	FY 2025 Request	Difference (+) or (-)
Total compensable workyears: Full-time equivalent employment	144	153	154	1

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
SALARIES AND EXPENSES				
Summary of Mandatory Costs				
	Fiscal Year 2024		Fiscal Year 2025	
	No. of Judgeships	Compensation and Benefits (\$000)	No. of Judgeships	Compensation and Benefits (\$000)
Article III Judges	12	3,532	12	3,623

GENERAL STATEMENT AND INFORMATION

The United States Court of Appeals for the Federal Circuit (Federal Circuit), located in Washington, DC, has nationwide jurisdiction over a diverse range of subject areas, including appeals in all patent cases, all government contract cases, all international trade cases, government personnel cases, cases involving monetary claims against the United States under the Tucker Acts, veterans' benefits cases, vaccine act claims, and many others.

Appeals to the court come from all 94 federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. The court also considers appeals of certain administrative agencies' decisions, including the United States Merit Systems Protection Board, the Boards of Contract Appeals, the United States Patent Trial and Appeal Board, and the United States Trademark Trial and Appeal Board. Decisions of the United States International Trade Commission; the Office of Congressional Workplace Rights, an independent agency in the Legislative Branch; and the Government Accountability Office Personnel Appeals Board also are reviewed by the court. For additional information on the court's jurisdiction, see the Appendix page 2.18.

The Federal Circuit experienced an eight percent increase in caseload over the past year, which reflects the second highest one-year increase in case filings for the court since fiscal year 2016. The court anticipates that the increased case levels will remain steady in the coming year. In order to continue to provide prompt hearing and resolution of the important cases before the court in light of this significant increase in case filings, the court has agreed to increase the number of cases heard each month, beginning in December 2023. With this change, the circuit judges in active status will increase their dockets from 18 new cases per month to 24 new cases per month.

As outlined below, the Federal Circuit continues its cost containment efforts while taking necessary steps to sustain and enhance the quality of its operations. To that end, the Federal Circuit is seeking two additional full-time equivalents (FTEs) in support of the court's expanding public civic engagement program and upcoming launch of its learning center. No additional funding will be required for these two FTEs.

Planning for Facility Needs

The Federal Circuit continues to practice good stewardship over the National Courts Building and the historic Cosmos Club, Dolley Madison House, and Benjamin Ogle Tayloe House, all of which are part of the National Courts Building complex in Washington, D.C. Continuing work begun during the public closure of the courthouse during 2020 and 2021 because of the pandemic, the court is nearing completion of significant renovations and restorations of these historic properties, as well as multiple judges' chambers, the court's shared library with the U.S. Court of Federal Claims, and court office spaces in the now-fifty-year-old National Courts Building. These needed improvements have been carried out using the court's existing appropriations and will ensure these spaces will continue to be preserved and usable in the years to come for courthouse operations, and as important historic properties. Importantly, many of these renovative projects were completed by the court through a delegation process from the General Services Administration (GSA). In prior years, the court has relied exclusively on GSA to handle all renovation projects, but this change has allowed it to serve as a direct contractor for the renovations and as its own general contractor. Federal Circuit staff in the Finance and Procurement Office and Facilities and Security Office worked closely with the Chief Judge and Circuit Executive to diligently manage 13 FY 2023 projects in-house. As a result, the projects were accomplished much more quickly and at a savings to the American taxpayers. Through this cost containment strategy, the court has been able to maintain appropriate stewardship over its aging facilities without having to request additional funding increases in its appropriation from Congress.

As the court looks ahead, it continues to be concerned about its aging elevators. The court is working with GSA to replace two staff elevators, yet other public elevators remain in need of additional attention and will likely require the use of appropriations to remedy. The library elevator, which is the primary way a member of the public can access this public research area, is original to the 1960s construction of the building. Because a large portion of the library collection is now located on the library's second floor, the continued use of the elevator puts the safety of judges, staff, and the public at risk. Taking it out of service renders upper levels of the library totally inaccessible to individuals with mobility issues. It also limits the ability of staff to safely transport materials between the two levels of the library. This elevator often malfunctions. Court staff have been stuck in this elevator for extended periods and one staff member was injured when the elevator opened without being level with the floor. The court has, without success, requested that GSA replace the aged elevator within the court's library. Although not requested as part of this year's appropriation, the court anticipates this expense may be necessary in the near future if an arrangement with GSA cannot be reached.

Promoting Security Cost Containment Efforts

As noted in last year's request, the physical security posture of the National Courts Building remains acute given its location on Lafayette Square and proximity to the White House, which continues to be the location of public demonstrations, ongoing security threats, and high volumes of public tourism traffic. In collaboration with its partners in the United States Marshals Service (USMS), the court continues with its previously funded upgrades to its physical access control systems (PACS) and perimeter security at the National Courts Building needed to safeguard the facility, judicial officers and court staff, and the public.

Once completed, the PACS project will address the significant security deficiencies at the National Courts Building complex, including the replacement of wedge barriers to control access to the building, enhancement of controls to garage entry, and installation and replacement of both non-functioning and outdated cameras with enhanced security features. Due to the sensitive nature of discussing physical security matters in a public forum, the court is willing to provide supplemental information to Congress in a confidential manner, if requested.

The court continues to work in partnership with the USMS to promote various cost containment efforts, including reducing the normal occupancy hours and adjusting security shifts. There were significant increases in security costs based upon the newly negotiated contract with our security partners. Rather than increase its funding request to be able to meet these increased costs, the court instead reduced its security needs by implementing building closures on nights and weekends.

Ensuring IT Infrastructure and Security Upgrades

Each month, the Federal Circuit hears 60 or more oral arguments in each of the court's three courtrooms. Based on lessons learned and new needs identified during remote court operations in 2020 and 2021, the court is making significant upgrades to the aging, 20-year-old collection of components and technologies essential to the conduct of proceedings in each of its courtrooms. The courtroom technology upgrade project will include updated lighting controls, new microphones and speakers, integrated digital control panels, and updated back-end infrastructure. The court will also incorporate some of the technology implemented during the pandemic by integrating video and audio-conferencing capabilities directly into the courtroom equipment, which will facilitate the use of remote video and telephone arguments as needed going forward. An upgraded recording system will also continue to allow the court to provide the public with both real-time and recorded audio of court proceedings. These new audio, video, and other technology upgrades will significantly enhance real-time access and transparency to court proceedings. The court anticipates finally breaking ground on this work in 2024 but notes that the final cost of this project is still not known due to changes in technology since the

original design process began and continued supply chain issues with acquiring the necessary technology. These two factors will need to be addressed by using additional funds from the court's existing appropriation. Additionally, delays in the execution of this task due to coordination issues with GSA and outside vendors will likely result in these actual costs exceeding the amount previously allocated by the court for their completion.

Outside of courtroom upgrades, the court continues to upgrade its information technology (IT) security in response to existing and emerging threats. This past year, the court implemented enterprise-wide multi-factor authentication, which has greatly reduced the risk of potential account takeovers and provided an additional layer of security for court users and their accounts. The court also recently decommissioned four on-premises court servers, following a migration of court data into the cloud environment—two monumental tasks. By eliminating these servers, already at their end-of-life cycle, the court has provided a significantly more secure environment for critical court data at a fraction of the cost. In the coming fiscal year, the Federal Circuit plans on implementing a government-only device use policy for all staff. This change, in conjunction with migrating data to the cloud environment, presents enormous security advantages, including eliminating the security vulnerabilities of allowing staff to remotely access court systems and use personal devices to conduct court-related work. It is critical that technology and security evolve to continue to protect the court's network, regardless of whether its employees are working on-site or from remote locations. The new government-only device policy is an important step in achieving that increased cybersecurity.

As part of the court's efforts at improving its security posture and identifying any potential flaws in its systems, the court has worked with third-party security consultants to rigorously test and validate its IT security systems. These tests showcase the Federal Circuit's commitment to adopting and adhering to industry-recognized and recommended IT security policies and methodologies.

Amid ongoing threats to the judiciary's security infrastructure, the court is focusing much of its Judiciary Information Technology Fund (JITF) on both maintaining current technology needs and implementing necessary security and system enhancements. This year, JITF will be used for the annual renewal of software licenses and the maintenance support for products such as Office 365, Microsoft Dynamics, Microsoft Power Apps, and Microsoft Azure, which support the court's cloud-based hosting services integral to court operations. JITF will also be used as needed for the courtroom technology project due to projected equipment price increases and on-going supply chain issues with technology equipment, as noted.

A significant portion of JITF will also be used to enhance the court's IT security posture with the implementation of end-point protection and response software, password management software, security awareness training for all court staff, migration to Microsoft Azure for domain administration, increased IT security training for IT staff, and upgrading of critical IT hardware. Finally,

ongoing IT equipment maintenance expenses, wireless devices, and IT-related training and travel will be paid using funds from the JITF. IT training in the coming year places an emphasis on enhanced security awareness and includes all IT professionals completing minimum security standards training. The court also has active IT security training which all employees must complete annually and random monthly phishing challenges which have dramatically increased staff security threat assessment capabilities.

Expanding Public Engagement

After more than two years of being closed to the public, except for counsel appearing at arguments, the Federal Circuit fully reopened to the public and resumed its normal operations on September 12, 2022. The court continues, with minimal effort and negligible costs, to provide free online audio streaming of its public court hearings—a service it began in 2020 during the initial phase of the pandemic.

In September 2022, the Federal Circuit held its biennial Judicial Conference, which had been put on hold due to the pandemic. By statute, the Chief Judge of the Federal Circuit may hold a conference “for the purpose of considering the business of the courts and advising means of improving the administration of justice within the circuit.” 28 U.S.C. § 333. The conference provided the 500 attendees with speakers and moderated panels addressing practicing before the court, legal developments within all areas of the court’s jurisdiction, and focused sessions for jurists from the court’s originating tribunals. The Federal Circuit’s next Judicial Conference is scheduled for May 2024 and will be funded through existing appropriations and permissible registration fees.

As part of its nationwide jurisdiction and statutory requirement to provide “reasonable opportunities to citizens to appear before the court,” the Federal Circuit regularly hears arguments outside of Washington, DC 28 U.S.C. § 48(d). The Federal Circuit has previously held sessions in Chicago, IL; New York City, NY; Los Angeles, CA; Boston, MA; Baltimore, MD; Minneapolis, MN; Dallas-Fort Worth, TX; Wilmington, DE; and Philadelphia, PA. Most recently, in October 2023, six Federal Circuit judges, with the assistance of court staff and law clerks, heard arguments and held question and answer sessions in and around the Atlanta metropolitan area, including at the University of Georgia School of Law, Mercer University School of Law, Emory University School of Law, Atlanta’s John Marshall Law School, Georgia State Law School, and the Richard B. Russell Federal Building and United States Courthouse.

Consistent with past sittings, this out-of-town sitting provided a truly unique opportunity for the court to engage with arguing counsel, local practitioners, and over 700 law students. The court strongly believes that, by engaging with the public through this one-of-a-kind venue, it can promote transparency and increase public trust and confidence in not only the Federal Circuit, but with the entire

federal judiciary and United States government. However, given the ever-increasing costs of yearly cross-country travel, it is becoming more challenging to schedule and coordinate these monumental efforts with existing funds. The court appreciates Congress's continued support of this important practice at the Federal Circuit. In 2024, the court plans to sit in Northern California to include University of California (UC) Berkeley School of Law, Stanford Law School, UC Law San Francisco, Santa Clara University School of Law, the Phillip Burton Federal Building and United States Courthouse, and the Robert F. Peckham Federal Building and United States Courthouse.

Federal Circuit Learning Center

Through the court's renovation of its historic spaces, the court has initiated a multi-year project to transform areas of the court into a walking museum and civic learning center to "revive the historic role of courthouses as vital and vibrant centers of a civically engaged community." Chief Justice John G. Roberts, Jr., 2019 Year-End Report on the Federal Judiciary. This initiative aims to bring DC public school students into their courthouse to learn about the building's special history and the court's role in the intersection of law and the science, technology, engineering, and mathematics (STEM) fields. The court's buildings contain and will contain exhibits and displays that highlight the rich history within the National Courts Building complex. From the headquarters of the National Women's Party's efforts to obtain universal suffrage to the early headquarters of NASA and the United States' exploration of space, the National Courts Building site has been home to several significant historical events. Students will be able to tour the buildings and learn about these important historical events in the places they transpired; learn about the role the courts play in our democracy; speak with a judge; and learn about the intersection between law and technology (one of the court's specialties). The library team has undertaken significant effort to reduce the physical library collection in favor of electronically available resources.

Because of the broad scope of the learning center, the Federal Circuit intends to hire two new full-time positions in FY 2024 (on-board for six months in FY 2024, 1.0 FTE), a Director of Civic Education and an Education Specialist, absorbing the costs of the new positions, if necessary. Most courts engaged in civic education have at least two dedicated positions to this endeavor as well as numerous docents to facilitate tours. The primary focus of this Director will be to manage the court's learning center while overseeing the development and delivery of suitable primary and secondary curricular programs focusing on the history, structure, and operation of federal courts and the judicial branch, as well as the Federal Circuit's ties to STEM and its historic properties. The Education Specialist will focus on outreach to schools and teachers, as well as the day-to-day operation of the tour program. Importantly, the court expects that the creation of this program and the hiring of a Director of Civic Education and Education Specialist will not require

any additional funding from Congress. The court intends to rely on both existing funds and current staff along with the Director of Civic Education and the Education Specialist to assist with the development and maintenance of its civic education program.

Sustaining Quality Court Operations

As a public agency, the Clerk's Office has statutory and regulatory requirements to provide operational and administrative support to the judicial officers of the court. Its functions include preserving the court's records; managing the court's docket, cases, and calendar; supporting courtroom hearings; administering oaths; collecting fees; and issuing orders and notices. Because the role of the Clerk's Office is integral to promoting due process, procedural fairness, and the appropriate resolution of cases before the court, it is paramount that all services delivered by the Clerk's Office both meet the requirements and expectations of the court's judicial officers and promote consistency and uniformity in serving the litigants and public.

To support the constitutional role of the court, the Clerk's Office continues to work on enhancing its operations as seen through its reduction of internal case processing times and support of faster resolution of cases within the court. This work over the past five years has been accomplished without sacrificing the quality of public services or performance of the court's core functions within existing appropriation levels, as seen this past year in achieving an internally validated 98% accuracy level in maintaining the court's public docket. Even with this improved quality of service during an increase in cases before the court, the Clerk's Office has been able to effectively absorb this additional work while maintaining its operational effectiveness and efficiency due, in large part, to its continuous improvement and cost containment efforts over the years. The court's commitment to strong collaboration with its stakeholders and providing the best service possible to its customers, along with the positive results associated with this commitment, paints a clear picture that the Federal Circuit represents effective public stewardship in government.

Building on the successes at the Federal Circuit, court staff recently partnered with the Administrative Office for the U.S. Courts on the creation of a national court process improvement program based on the Federal Circuit's local operations model. Launched in September 2023, this program is designed to assist other federal and state courts in improving their operations through increased efficiency and reduction in operating costs, satisfying customer and stakeholder requirements and expectations, and increasing the overall public trust and confidence in the judiciary. The Federal Circuit continues to share information with, and provide support for, other federal courts interested in similar enhancements to their operations. Court staff have also been invited on multiple occasions to present at national programs on topics such as designing an onboarding program that sets up new hires for success, implementing and incorporating the concepts and best-practices of strategic and annual planning, court operational training, and adapting quality management practices to court operations.

The Federal Circuit is grateful for the continued support it has received from Congress which has permitted the court to be a model of operational success within the federal judiciary.

FISCAL YEAR 2024 APPROPRIATIONS

The judiciary built the FY 2025 budget request for the United States Court of Appeals for the Federal Circuit on the assumed FY 2024 appropriation of \$37,863,000, which is the midpoint between the FY 2024 House and Senate marks. For bill language, the judiciary used the language from H.R. 4664 and S. 2309 - Financial Services and General Government Appropriations Bills, 2024, as the closest approximation of the eventual enacted FY 2024 appropriation language, updated with the assumed level as described above.

Justification of Changes

The FY 2025 request for the Court of Appeals for the Federal Circuit totals \$42,729,036. This request includes \$3,623,476 for mandatory appropriations and \$39,105,560 for discretionary appropriations. The discretionary request includes \$1,242,560 in adjustments to base necessary to maintain current services. The discretionary request of \$39,105,560 is a 9.6 percent increase from the FY 2024 assumed appropriation amount of \$37,863,000.

Adjustments to base to maintain current services include funds for the following: increased salaries and benefits costs for judges and current staff as well as increased costs for required routine operating activities such as rent, postage, telecommunications, printing, office supplies, general consulting services, and computer-assisted legal research services.

ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

A. JUDGES

Pay and Benefits Adjustments

1. Proposed 2025 pay adjustment

Mandatory Increase: \$34,512

The judiciary is assuming federal pay rates will increase by 1.5 percent for judges in January 2025. The requested increase

provides for the cost of nine months of the anticipated pay raise in FY 2025, from January 2025 to September 2025. (If the pay adjustment included in the President's FY 2025 budget request is different from this 1.5 percent guidance, the judiciary will revise this line item in its FY 2025 budget re-estimate.)

2. Annualization of 2024 pay adjustment

Mandatory Increase: \$34,428

The requested increase provides for the annualized costs of the 2024 pay adjustment of 4.6 percent for judges associated with the Employment Cost Index (ECI), effective as of January 2024. The requested increase provides for the cost of three months (from October 2024 to December 2024) of the 2024 pay increase in FY 2025.

3. Benefits increases

a. Health benefits

Mandatory Increase: \$14,139

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 5.0 percent in January 2024 and January 2025. The requested increase annualizes the 2024 premium increase and includes a nine-month provision for the increase anticipated for FY 2025.

b. FICA adjustment

Mandatory Increase: \$8,400

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2024. The salary cap for OASDI increased from \$160,200 to \$168,600 in January 2024. The requested amount is needed to pay the Court’s contribution in FY 2025.

B. COURT SUPPORT PERSONNEL

Pay and Benefits Adjustments

4. Proposed 2025 pay adjustment

Requested Increase: \$479,570

The judiciary is assuming federal pay rates will increase by 2.0 percent in January 2025. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2025, from January 2025 to September 2025. (If the pay adjustment included in the President’s FY 2025 budget request is different from this 2.0 percent, the judiciary will revise this line item in its FY 2025 budget re-estimate.)

5. Annualization of 2024 pay adjustment

Requested Increase: \$197,510

The requested increase provides for the annualized costs of a 2024 pay adjustment for Employment Cost Index (ECI) and

locality pay. As a result of an ECI and locality adjustment, federal pay rates increased by an average of 5.2 percent, effective as of January 2024. The requested increase provides for the cost of three months (from October 2024 to December 2024) of the 2024 pay increase in FY 2025.

6. Promotions and within-grade increases

Requested Increase: \$73,402

The requested increase provides for promotions and within-grade increases for personnel. The salary plan for judicial support personnel provides for periodic within-grade increases for staff who receive at least a satisfactory performance rating.

7. Benefits increases

a. Health benefits

Requested Increase: \$143,429

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 5.0 percent in January 2024 and January 2025. The requested increase annualizes the 2024 premium increase and includes a nine-month provision for the increase anticipated for FY 2025.

b. FICA adjustment

Requested Increase: \$8,400

Based on information from the Social Security Administration,

This amount includes increased costs for the courtroom technology upgrade project and information technology (IT) cybersecurity upgrades, network and infrastructure upgrades, and IT scorecard related upgrades.

Obligations will also include the annual renewal of software licenses such as Office 365 and many other software packages integral to court operations, and IT-related training and travel for all staff. Finally, IT equipment maintenance expenses will be paid using funds from the JITF.

APPENDIX

The following is a more complete listing of the Federal Circuit's jurisdiction. It hears appeals from the following matters:

- (A) final decisions of all Federal District Courts in cases arising under 28 U.S.C. § 1338(a) relating to patent laws generally; 35 U.S.C. §§ 145-146 and 154(b) relating to review of decisions of the Patent and Trademark Office, Patent Trial and Appeal Board; 28 U.S.C. § 1346(a)(2) relating to Little Tucker Act claims against the United States; and section 211 of the Economic Stabilization Act of 1970, section 5 of the Emergency Petroleum Allocation Act of 1973, section 506 (c) of the Natural Gas Policy Act of 1978, and section 523 of the Energy Policy and Conservation Act relating to all statutes formerly under the jurisdiction of the Temporary Emergency Court of Appeals;
- (B) final decisions of the United States Court of International Trade, 28 U.S.C. § 2645(c).
- (C) final decisions of the United States Court of Appeals for Veterans Claims, 38 U.S.C. § 7292.
- (D) final decisions of the United States Court of Federal Claims, 28 U.S.C. § 2522 and 42 U.S.C. §§ 300aa - 12(f).
- (E) certain final decisions of the High Court of the Trust Territory of the Pacific Islands, 48 U.S.C. § 1901, note and § 1931, note (1988) (Compact of Free Association; Federated States of Micronesia, Republic of Marshall Islands, TITLE II, Title One, Article VII, § 174(c)).
- (F) final determinations of the United States International Trade Commission relating to unfair practices in import trade made under 19 U.S.C. § 1337.
- (G) findings of the Secretary of Commerce under U.S. note 6 to subchapter X of chapter 98 of the Harmonized Tariff Schedule of the United States relating to importation of educational or scientific instruments and apparatus.
- (H) final orders or decisions of the Merit Systems Protection Board and certain arbitrators, 5 U.S.C. § 7703.
- (I) final decisions of the General Accounting Office Personnel Appeals Board, 31 U.S.C. § 755.
- (J) final decisions of Boards of Contract Appeals, 41 U.S.C. § 7107(a)(1).
- (K) final decisions of the Patent and Trademark Office tribunals on, among other things, patent applications, trademark applications and interferences, cancellations, concurrent use proceedings, and oppositions, 35 U.S.C. § 141 and 15 U.S.C. § 1071.
- (L) appeals under section 71 of the Plant Variety Protection Act of 1970, 7 U.S.C. § 2461.
- (M) certain actions of the Secretary of Veterans Affairs, 38 U.S.C. § 502.
- (N) decisions of the Bureau of Justice Assistance, 42 U.S.C. § 3796c-2.
- (O) certain actions of the Board of Directors of the Office of Congressional Workplace Rights of the U.S. Congress under 2 U.S.C. § 1407(a); and
- (P) final decisions of certain agencies pursuant to 28 U.S.C. § 1296.

Pursuant to 28 U.S.C. § 1292(c), the Federal Circuit also has exclusive jurisdiction regarding

- a. appealable interlocutory orders or decrees in cases where the court would otherwise have jurisdiction over an appeal; and
- b. appeals from judgments in civil actions for patent infringement otherwise appealable to the court and final except for accounting.

Pursuant to 28 U.S.C. § 1292(d), the Federal Circuit

- a. has exclusive jurisdiction of appeals from interlocutory orders granting or denying, in whole or in part, a motion to transfer an action to the Court of Federal Claims; and
- b. may, in its discretion, permit an appeal from an interlocutory order of a judge who certifies that there is a controlling question of law and a substantial ground for difference of opinion thereon, and that an immediate appeal may materially advance the ultimate termination of the litigation.