



JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE
OF THE UNITED STATES
Presiding

HONORABLE JOHN D. BATES
Secretary

December 5, 2013

Honorable Tom Udall
Chairman
Subcommittee on Financial Services
and General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Honorable Mike Johanns
Ranking Member
Subcommittee on Financial Services
and General Government
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Udall and Senator Johanns:

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FISCAL YEAR 2014 FUNDING APPEAL

We understand the ongoing fiscal challenges facing the country, and we recognize the difficult task your subcommittee has in allocating limited funding among the numerous agencies in the bill. At the same time, it is incumbent upon us to advise the Congress of the resources required by the Judiciary to address the workload imposed on it by the Constitution and the Congress and to ensure that the United States continues to have a strong judicial system that protects the rights and liberties of our citizens.

The Judiciary cannot continue to operate at sequestration funding levels in fiscal year 2014. The nearly \$350 million in sequestration cuts in fiscal year 2013 had a devastating impact on federal court operations nationwide. Due to flat budgets, followed by sequestration, clerks of court and probation and pretrial services offices have downsized by 3,100 staff (14 percent) since July 2011, including 1,200 staff lost during fiscal year 2013 alone. These staffing losses are impacting the progress of cases through the courts, and cuts in probation and pretrial officer staffing mean less deterrence, detection, and response to possible criminal activity by federal defendants and offenders in the community. Sequestration cuts to the Defender Services program threaten the ability of the Judiciary to provide court-appointed counsel for persons accused of a federal crime. Federal defender organizations have downsized by 400 staff (11 percent) in fiscal year 2013 and two weeks of voucher payments to private panel attorneys had to be deferred to fiscal year 2014. Sequestration resulted in a 30 percent cut in funding for court security systems and equipment and court security officers were required to work reduced hours, thus creating security vulnerabilities throughout the federal court system. Funding to pay petit and grand jurors was exhausted in August 2013 and the Judiciary had to request an expedited funding transfer from accounts already facing shortfalls to ensure that jurors could be paid for performing their civic duty and that criminal and civil jury trials could continue as scheduled.

The Judicial Conference respectfully requests that a total fiscal year 2014 funding level of \$7,042,067,000 in mandatory and discretionary appropriations be provided for the Judiciary in a final bill. This request is \$24 million and \$157 million *below* the discretionary appropriations levels approved by the House and Senate Appropriations Committees, respectively. The appeal level is the minimum needed for the federal courts to operate effectively. Enclosure 1 details the appeal levels for each judiciary appropriations account within Title III of the House and Senate bills. We ask for your special consideration of the four accounts discussed in Enclosure 2.

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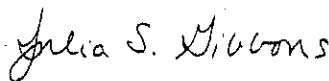
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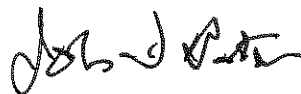
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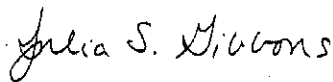
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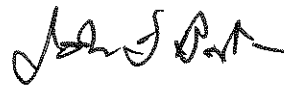
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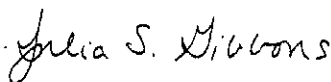
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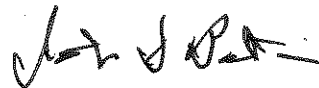
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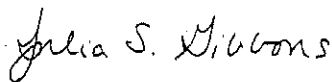
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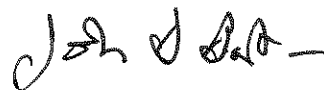
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FY 2014 Judiciary Appropriations
Conference Appeal
(\$000)

Appropriation Account	FY 2014									
	FY 2013 Appropriations (Post-Seq.)	FY 2014 Budget Request	FY 2014 House Mark	FY 2014 Senate Mark	FY 2014 Judiciary Nov. Re-Est	FY 2014 Conference Appeal	FY 2013 (Post-Seq.)	FY 2014 House Mark	FY 2014 Senate Mark	FY 2014 Appeal vs.
U.S. Supreme Court	71,030	74,838	74,195	74,838	75,039	75,039	4,009	844	201	
Salaries & Expenses	7,732	11,635	11,557	11,158	11,158	11,158	3,426	(399)	-	
Care of Building and Grounds	30,953	33,355	30,885	33,355	33,537	33,537	2,584	2,652	182	
U. S. Court of Appeals for the Federal Circuit	20,412	21,973	20,375	21,378	21,446	21,446	1,034	1,071	68	
U. S. Court of International Trade										
<i>Courts of Appeals, District Courts & Other Judicial Services (CADCOIS)</i>										
Salaries & Expenses	4,776,841	5,170,239	4,999,197	5,089,169	5,048,511	5,048,511	271,670	49,314	(40,658)	
<i>Direct Vaccine Injury Fund</i>	4,990	5,327	5,200	5,327	5,327	5,327	337	127	-	
Total	4,781,831	5,175,566	5,004,397	5,094,496	5,053,838	5,053,838	272,007	49,441	(40,658)	
Defender Services	986,055	1,068,623	1,065,000	1,098,446	1,044,394	1,044,394	58,339	(20,606)	(54,052)	
Fees of Jurors & Commissioners	49,193	54,414	54,414	54,891	53,891	53,891	4,698	(523)	(1,000)	
Court Security	473,847	524,338	520,000	520,278	497,520	497,520	23,673	(22,480)	(22,758)	
<i>Subtotal, CADCOIS</i>	6,290,926	6,822,941	6,643,811	6,768,111	6,649,643	6,649,643	358,717	5,832	(118,468)	
Administrative Office	78,572	85,354	80,000	83,601	81,276	81,276	2,704	1,276	(2,325)	
Federal Judicial Center	25,588	27,664	25,785	26,400	26,400	26,400	812	615	-	
Judicial Retirement Funds (mandatory)	125,464	126,931	126,931	126,931	126,931	126,931	1,467	-	-	
U.S. Sentencing Commission	15,637	17,016	15,758	16,637	16,637	16,637	1,000	879	-	
Mandatory Total	466,632	486,465	486,465	486,465	523,530	523,530	56,898	37,065	37,065	
Discretionary Total	6,199,682	6,735,242	6,542,832	6,675,944	6,518,537	6,518,537	318,855	(24,295)	(157,407)	
Total, The Judiciary	6,666,314	7,221,707	7,029,297	7,162,409	7,042,067	7,042,067	375,753	12,770	(120,342)	

**Fiscal Year 2014 Judiciary Appropriations Conference Appeal
Courts of Appeals, District Courts and Other Judicial Services**

- COURTS' SALARIES AND EXPENSES. **For our largest account, the courts' Salaries and Expenses appropriation, the Judicial Conference appeals to \$5,048,511,000, which is \$49 million above the House bill and \$41 million below the Senate bill, and reflects the judiciary's minimum requirements for this account.** The requested level restores one-third (400) of the 1,200 staff in clerks of court and probation and pretrial services offices that were lost in fiscal year 2013 due to sequestration cuts. The appeal level will restore the 20 percent cut to drug and mental health testing and treatment services, and restore cuts to GPS location monitoring for defendants and offenders under the supervision of our probation and pretrial services officers. The appeal will also restore deep cuts to the judiciary's information technology initiatives, initiatives that will generate cost savings and reduce judiciary costs over the longer term or are critical modernization projects to avoid obsolescence and system failures. At a hard freeze at sequestration funding levels, increases in must-pay components of this account would necessitate a further 3 percent cut to court allotments below fiscal year 2013 levels resulting in the loss of an additional 1,000 staff. Deep cuts to drug and mental health testing and treatment services would remain in place as would cuts to GPS location monitoring of defendants and offenders, and cuts to information technology and other programs.
- DEFENDER SERVICES. **For the Defender Services appropriation, the Judicial Conference appeals to a funding level of \$1,044,394,000 – \$21 million below the House bill and \$54 million below the Senate bill – to support an estimated 210,000 defense representations.** The appeal level includes funding for deferred panel attorney vouchers that could not be paid in fiscal year 2013 due to sequestration cuts and funding sufficient to pay all vouchers in fiscal year 2014. (Funding for deferred vouchers was included in the short-term Continuing Resolution, however, this funding must also be included in the full-year appropriation for this account.) Funding is requested to restore about 50 of the 400 federal defender staff lost during fiscal year 2013 in order to allow the more cost-effective federal defender offices to take more cases. The appeal level also includes resources to restore (effective March 1, 2014) the \$15 per hour temporary rate cut to panel attorney hourly rates that was implemented on September 1, 2013, as a precautionary measure given the uncertainty regarding fiscal year 2014 funding. At a hard freeze for fiscal year 2014, federal defender offices could not add staff to meet workload demands, there would be an estimated three-week deferral of panel attorney payments into fiscal year 2015, and the panel attorney \$15 per hour rate cut could not be restored.

- **COURT SECURITY. For the Court Security appropriation, the Judicial Conference appeals to \$497,520,000, \$23 million below the House and Senate bills.** The safety of judges, jurors, attorneys, defendants, and the public in federal court facilities is a top priority of the Judiciary. The appeal level will provide funding sufficient to fund our current estimates for this account, including court security officers, security systems and equipment, and payments to the Federal Protective Service for security services at federal court facilities. A hard freeze in fiscal year 2014 would require cutbacks in court security officer hours to continue, and necessitate further reductions in security systems and equipment countermeasures requested by the U.S. Marshals Service to provide adequate protection for the courts.
- **FEES OF JURORS. For the Fees of Jurors account, the Judicial Conference appeals to \$53,891,000, \$0.5 million below the House bill and \$1 million below the Senate bill.** The appeal level restores sequestration cuts for this must-pay account and provides sufficient funding for petit and grand juror expenses for fiscal year 2014 based on current statistical projections. A hard freeze for Fees of Jurors in fiscal year 2014 would result in funding for juror costs running out in July 2014, two months before the end of the fiscal year, possibly impacting the progress of criminal and civil jury trials.