

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

*Salaries and Expenses*

**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

	<b>Mandatory</b>	<b>Discretionary</b>	<b>Total</b>
<b>Total Fiscal Year 2023 Enacted Appropriation</b>	<b>\$3,356,000</b>	<b>\$36,735,000</b>	<b>\$40,091,000</b>
<b>Total Fiscal Year 2024 Appropriation Request</b>	<b>\$3,532,000</b>	<b>\$39,682,000</b>	<b>\$43,214,000</b>
<b>Total Requested Increase from Fiscal Year 2023 Assumed Appropriation</b>	<b>\$176,000</b>	<b>\$2,947,000</b>	<b>\$3,123,000</b>

**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, [~~\$36,735,000~~]*\$39,682,000*

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.

(P.L. 117-328 - Financial Services and General Government Appropriations Act, 2023)

**SUMMARY OF REQUEST  
COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
SALARIES AND EXPENSES  
FISCAL YEAR 2024  
(Dollar amounts in thousands)**

<b><u>Fiscal Year 2024 Resource Requirements:</u></b>	<b><u>Mandatory</u></b>		<b><u>Discretionary</u></b>		<b><u>Total</u></b>	
	<b><u>FTE</u></b>	<b><u>Amount</u></b>	<b><u>FTE</u></b>	<b><u>Amount</u></b>	<b><u>FTE</u></b>	<b><u>Amount</u></b>
<b>Fiscal Year 2023 Assumed Obligations.....</b>	<b>12</b>	<b>3,356</b>	<b>140</b>	<b>37,788</b>	<b>152</b>	<b>41,144</b>
Utilization of Judiciary Information Technology Fund (including EPA) Balances.....		-		(1,053)		(1,053)
<b>Fiscal Year 2023 Assumed Appropriation.....</b>	<b>12</b>	<b>3,356</b>	<b>140</b>	<b>36,735</b>	<b>152</b>	<b>40,091</b>
<b><u>Adjustments to Base to Maintain Current Services:</u></b>						
<b>A. Judges</b>						
<i>Pay and benefits adjustments</i>						
2.14 1. Proposed 2024 pay adjustment (4.7% for nine months).....	-	103	-	-	-	103
2.14 2. Annualization of 2023 pay adjustment (4.1% for three months).....	-	31	-	-	-	31
2.14 3. Benefits increases						
a. Health benefits.....	-	27	-	-	-	27
b. FICA adjustment.....	-	15				15
<b>B. Court Support Personnel</b>						
<i>Pay and benefits adjustments</i>						
2.15 4. Proposed 2024 pay adjustment (5.2% for nine months).....	-	-	-	593	-	593
2.15 5. Annualization of 2023 pay adjustment (4.6% for three months).....	-	-	-	175	-	175
2.15 6. Promotions and within-grade increases.....	-	-	-	114	-	114
2.15 7. Benefits increases						
a. Health benefits.....	-	-	-	257	-	257
b. FICA adjustment.....	-	-		22		22
2.16 8. One more compensable day.....	-	-	-	77	-	77
<b>C. Other Adjustments</b>						
<i>General Inflationary Adjustments</i>						
2.16 9. Inflationary increases in charges for contracts, services, supplies and equipment .....	-	-	-	141	-	141
2.16 10. Inflationary increases in GSA space rental cots .....	-	-	-	203	-	203
2.16 11. Law books and computer-assisted legal research (CALR).....	-	-	-	22	-	22
2.16 12. Rent increase at 1401 H Street.....	-	-	-	1,245	-	1,245
<b>Subtotal, Adjustments to Base to Maintain Current Services.....</b>	<b>-</b>	<b>176</b>	<b>-</b>	<b>2,849</b>	<b>-</b>	<b>3,025</b>
<b>Total Current Services Appropriation Required.....</b>	<b>12</b>	<b>3,532</b>	<b>140</b>	<b>39,584</b>	<b>152</b>	<b>43,116</b>

<b>D. Program Increases</b>								
2.17	13.	New Position Director of Civic Engagement.....	-	-	1	98	1	98
<b>Total Program Additions Required.....</b>			<b>-</b>	<b>-</b>	<b>1</b>	<b>98</b>	<b>1</b>	<b>98</b>
<b>Total Fiscal Year 2024 Appropriation Required.....</b>			<b>12</b>	<b>3,532</b>	<b>141</b>	<b>39,682</b>	<b>153</b>	<b>43,214</b>
<b>Total Appropriation Increase, Fiscal Year 2023 to Fiscal Year 2024.....</b>			<b>-</b>	<b>176</b>	<b>-</b>	<b>2,947</b>	<b>-</b>	<b>3,123</b>
<b><u>Financing the Fiscal Year 2024 Request:</u></b>								
2.17	14.	Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund.....	-	-	-	1,467	-	1,467
<b>Total Estimated Obligations, Fiscal Year 2024.....</b>			<b>12</b>	<b>3,532</b>	<b>141</b>	<b>41,149</b>	<b>153</b>	<b>44,681</b>

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

**Obligations by Activity (\$000)**

Activity	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request
Total Obligations	39,081	41,144	44,681
Unobligated Balance, Start of Year:			
Judiciary Information Technology Fund	(4,342)	(2,444)	(1,467)
Deposits and Other Adjustments:			
Prior Year Recoveries Judiciary Information Technology Fund	(92)	(23)	
PACER Receipts	(53)	(53)	(53)
Deposit to Judiciary Information Technology Fund	(633)		
Unobligated Balance, End of Year:			
Judiciary Information Technology Fund	2,444	1,467	53
Subtotal, Other Obligations	(2,676)	(1,053)	(1,467)
<b>Direct Obligations</b>	<b>36,405</b>	<b>40,091</b>	<b>43,214</b>
Deposit to Judiciary Information Technology Fund	633		
Unobligated Balance, End of Year	454		
<b>Appropriation Total</b>	<b>37,521</b>	<b>40,091</b>	<b>43,214</b>
Appropriation - Mandatory	3,241	3,356	3,532
Appropriation - Discretionary	34,280	36,735	39,682

**Obligations by Budget Object Class (\$000)**

Description	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request
11 Personnel compensation	17,832	18,919	20,116
12 Personnel benefits	4,613	5,030	5,337
13 Benefits for former personnel	116	212	225
21 Travel	29	158	162
22 Transportation of things	37	44	45
23 Rent, communications and utilities			
<i>Rental payments to GSA</i>	6,519	6,765	8,213
<i>Communications utilities &amp; misc. charges</i>	136	339	347
24 Printing and reproduction	10	5	5
25 Other services	6,232	7,694	7,879
26 Supplies and materials	117	181	123
31 Equipment	793	744	762
<b>Direct Obligations</b>	<b>36,434</b>	<b>40,091</b>	<b>43,214</b>
Other Obligations (JITF and PACER Obligations)	2,647	1,053	1,467
Total Obligations	39,081	41,144	44,681

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

	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request	Difference (+) or (-)
Direct obligations incurred	36,405	40,091	43,214	3,123
Obligated balance, start of year	3,928	4,073	4,610	537
Adjustments of prior year activity	328	0	0	0
Obligated balance, end of year	<u>(4,073)</u>	<u>(4,610)</u>	<u>(4,969)</u>	<u>(359)</u>
<b>Total Outlays</b>	36,588	39,554	42,855	3,301
Less Offsets	<u>(53)</u>	<u>(53)</u>	<u>(53)</u>	<u>0</u>
<b>Net Outlays</b>	<b>36,535</b>	<b>39,501</b>	<b>42,802</b>	<b>3,301</b>

**Personnel Summary**

	FY 2022 Actual	FY 2023 Assumed	FY 2024 Request	Difference (+) or (-)
Total compensable workyears: Full-time equivalent employment	144	152	153	1

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT				
SALARIES AND EXPENSES				
Summary of Mandatory Costs				
	Fiscal Year 2023		Fiscal Year 2024	
	No. of Judgeships	Compensation and Benefits (\$000)	No. of Judgeships	Compensation and Benefits (\$000)
Article III Judges	12	3,356	12	3,532

## 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 beginning on page 2.18.

As below outlined, the Federal Circuit continues its cost containment efforts while taking necessary steps to enhance and sustain the quality of its operations. To that end, the Federal Circuit is seeking increases only for anticipated inflationary cost increases and resumed rent expenses for its commercial space.

### **Planning for Facility Needs**

The Federal Circuit is at a space capacity within the National Courts Building for housing its current active and senior judges. In anticipation of this need years ago, the Federal Circuit obtained nearby commercially leased office space, which it has maintained for several years. This leased space is configured to accommodate five chambers. Presently, four of the court's senior judges and their staffs use this space for their chambers, leaving only one vacant chambers remaining for any new senior judge. Of the court's twelve active judges, five are currently eligible for senior status election at any time. If any one of these judges takes senior status that leased space would be completely full. In the meantime, while one chambers remains vacant, the court recently entered into an agreement with the Fourth Circuit to temporarily house one of its judges and his staff in the available space for several months, pending that court's obtaining of permanent chambers.

The court's commercial leased space also functions as swing space for chambers and court staff who must vacate the National Courts Building during necessary renovations (due to the lack of additional office space in the National Courts Building) and provides continuity of operations space that was of critical importance to maintaining operations during extended demonstrations and civil unrest in Lafayette Square in 2020 and 2021, which impacted on-site operations and security at the National Courts Building.

Two years ago, the court negotiated with the General Services Administration (GSA) a new 17-year lease for the property. As a cost savings for the court, the new lease included two-years of free rent, which the court factored into its FY 2022 and FY 2023 budget requests by not requesting any line item for this rent cost for the last two years. The two-year period is ending and, in FY 2024, the court must pay the full annual rent cost of \$1,245,228. This space is fully occupied and necessary to the operation of the court. At the same time, 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. Taking advantage of the public closure during the pandemic, the court recently completed significant renovations and restorations of these historic properties, as well as multiple judges' chambers, the court's shared library with the Court of Federal Claims, and court office space. These needed improvements were done using the court's existing appropriations and will ensure these spaces will continue to be preserved and useable in the years to come.

As the court looks ahead to future fiscal years, one area of concern is the elevator in the library. The elevator is original to the 1960s construction of the building. The second floor is part of the publicly accessible research area of the library and is the only means by which the second floor of the library can be accessed by the public for someone with mobility issues. Within the past two years, this elevator has experienced multiple personnel entrapments and one sudden-drop incident. During one of these incidents, a staff member was injured and required medical treatment as a result. Because the elevator is the only accessible way judges, staff, and the public can access the second floor of the library, which stores an enormous amount of our library collection, 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 and impedes the ability to safely transfer materials between the two levels of the library. The court continues to negotiate with the GSA on the replacement of 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 cannot be reached.



### **Promoting Security Cost Containment Efforts**

As noted in the court's FY 2023 request, the physical security posture of the National Courts Building remains acute given our 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 our partners in the United States Marshals Service (USMS), the court continues with its previously funded and necessary upgrades to its physical access control systems and perimeter security at the National Courts Building needed to safeguard the facility, judicial officers and court staff, and members of the public.

The Federal Circuit depends on contracted guards to keep judicial officers, staff, and the public safe and secure. These contracted guards require consistent oversight by members of the USMS, the federal organization responsible for top level management of all such contracts. Rather than ask Congress to fund this increase in actual security costs, the Court, in partnership with the USMS, decided to restructure its facilities operations by reducing the normal occupancy hours and adjusting security shifts. Through these policy changes and work arounds, the Federal Circuit was able to avoid these additional costs.

### **Ensuring IT Infrastructure and Security Upgrades**

Based on lessons learned and needs identified during the pandemic, the court is embarking in 2024 on a significant upgrade to the aging, 20-year-old collection of components and technologies essential to the conduct of proceedings in its three courtrooms, which support sixty or more oral arguments per month. The courtroom technology upgrade project for all three of the Federal Circuit's courtrooms will include updated lighting controls, new microphones and speakers, integrated digital control panels, upgraded digital audio and video capabilities, 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. Additionally, the court plans to integrate videoconference technology into the courtroom infrastructure for arguing counsel participating in remote arguments and an upgraded recording system will continue to allow the court to provide the public with both real-time and recorded audio of court proceedings.

Amid ongoing threats to judiciary security infrastructure, the court is focusing much of its Judiciary Information Technology Fund (JITF) deposits on both maintaining current technology needs, as well as implementing necessary enhancements. Our court will continue to use JITF 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 continue the court’s multi-year effort to move to more secure, cloud-based hosting services integral to court operations. JITF will also be used as supplemental funding as needed for the courtroom technology project due to projected equipment price increases and on-going supply chain issues with technology equipment.

A significant portion of JITF will also be used to enhance the court’s IT security posture with the implementation of desktop multi-factor authentication, 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.

### **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.

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. This practice was put on hold for more than two years due to the pandemic, but in November 2022, the Federal Circuit resumed this practice and heard arguments in Philadelphia, PA, including at four law schools and the federal courthouse. This out-of-town sitting provided an opportunity for the court and counsel to interact with both local practitioners and law students and the court looks forward to continuing this important practice.

Finally, through the court's renovation of its historic space, the court has initiated a multi-year program to create exhibits highlighting the rich history within and on the site of the National Courts Building. From the headquarters of the National Women's Party's effort 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. Earlier this year, the court released its first exhibit highlighting this history with plans to expand this important civic engagement effort throughout the public areas of the court.

### **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 including the custodian of court records, management of the court's cases and calendar, courtroom support, administration of oaths, collection of fees, and issuance of 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 but also promote consistency and uniformity in serving the litigants and public.

In March 2022, the Federal Circuit Clerk's Office was awarded for its innovative process efficiencies and quality improvements by the Government Division of the American Society for Quality (ASQ), an organization that objectively evaluates the quality of government operations. The silver-level award validated the quality of Clerk's Office operations under the ASQ/ANSI G1:2021 Guidelines for Evaluating the Quality of Government Operations and Services, reflecting the office's systematic use of the standard's system and process maturity models to improve services over a two-year period. As part of these enhancements, the Clerk's Office greatly reduced internal processing times for cases without sacrificing the quality of its services and supported the faster resolution of cases within the court.

With this recognition, the Federal Circuit Clerk's Office became the first government organization anywhere to obtain award-level validation for the maturity of its key operational processes and systems under these new ASQ/ANSI quality guidelines. This recognition has increased awareness both in the court community and the government quality community of the operations of the Clerk's Office and has led to an increase in requests from other courts to learn how they, too, can change their operations to model them after those of the Clerk's Office.

Along those lines, the Clerk’s Office has partnered with the Administrative Office of the U.S. Courts on the creation of a national court process improvement program based on the Federal Circuit’s local operations model. Once complete, this program will assist other federal and state courts in improving their operations, meeting stakeholder requirements and expectations, and increasing the overall public trust and confidence in the judiciary as a whole. The Clerk’s Office continues to share information with, and support for, other federal courts interested in similar enhancements to their operations. Court staff continue to be invited 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 planning, court operational training, and adapting quality management practices to court operations.

### **Request to Create a Director of Civic Engagement Position**

The court is seeking the addition of one full-time equivalent (FTE) to create a Director of Civic Engagement in FY 2024. The additional FTE would be used to create an exceptional civic outreach program that is dedicated to educating the public and private schools in the DC metro area on (1) the importance of the court system, (2) the issues the court confronts in science, technology, engineering, and math (STEM), and (3) the important history that is part of the National Courts Building complex.

In his 2019 annual report, Chief Justice Roberts emphasized the importance of the judiciary’s role in civic education, challenging courts around the country to become part of the solution in educating the future generation of citizens in the principles of democracy, justice, and the role the court plays in promoting the preservation of our constitutional democracy. The United States Court of Appeals for the Federal Circuit is uniquely qualified and eager to participate in this essential outreach opportunity.

### **Details of Staffing Request**

The Director of Civic Engagement will develop the various physical spaces to house displays and create a high-tech classroom-like environment in an unused portion of the court’s library. There is much to be done, which begins with purging the accumulation of no-longer necessary library resources to make room for other aspects of this project. Rather than pay contractors, the court has already hired several local high school and college interns, both paid and unpaid, to assist in preparing spaces and helping plan displays and programming. The Director would organize and supervise these endeavors as well as collaborate with chambers and other court staff to create content for tours and educational programs. The Director would develop relationships with public and local schools, the Federal Circuit Bar Association, Federal Circuit Historical Society, and other relevant civic and educational organizations to maximize

outreach. This employee would also be responsible for scheduling and coordinating with all departments about upcoming events and requirements. Creating this Director position is critical to the immediate and long-term success of this program.

The court has many judges and staff already dedicated to this endeavor, but it needs a leader to coordinate the effort. This leadership position is modeled on similar positions that exist in several other circuits to perform this same function. The court's unique position within the judiciary, its STEM-focused jurisdiction of cases, and its historic complex permits it to offer a broader range of programming and civic opportunities than what is currently available at other judicial learning centers. The creation of this new position will assist in accomplishing this goal.

### **FISCAL YEAR 2023 APPROPRIATIONS**

The judiciary built the FY 2024 discretionary budget request for the United States Court of Appeals for the Federal Circuit appropriation on the FY 2023 enacted discretionary appropriation, which is \$36,735,000. For bill language, the judiciary used the language from P.L. 117-328, Financial Services and General Government Appropriations Act, 2023.

### **Justification of Changes**

The FY 2024 request for the Court of Appeals for the Federal Circuit totals \$43,214,000. This request includes \$3,532,000 for mandatory expenses and \$39,682,000 for discretionary expenses. The discretionary request includes \$2,849,000 in adjustments to base necessary to maintain current services and one program increase, totaling \$98,000 for one new full-time equivalent, for a total discretionary spending increase of \$2,947,000. The discretionary request of \$39,682,000 is a 9.3 percent increase from the FY 2023 enacted appropriation of \$36,735,000.

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 2024 pay adjustment**

**Mandatory Increase: \$103,000**

The judiciary is assuming base federal pay rates will increase by 4.7 percent in January 2024 for an Employment Cost Index (ECI) adjustment. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2024, from January 2024 to September 2024. (If the ECI adjustment included in the President's FY 2024 budget request is different from this 4.7 percent guidance, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

#### **2. Annualization of 2023 pay adjustment**

**Mandatory Increase: \$31,000**

The requested increase provides for the annualized costs of the 2023 Employment Cost Index (ECI) pay adjustment. As a result, the ECI, federal pay rates for judges increased by 4.1 percent, effective as of January 2023. The requested increase provides for the cost of three months (from October 2023 to December 2023) of the 2023 pay increase in FY 2024.

#### **3. Benefits increases**

##### **a. Health benefits**

**Mandatory Increase: \$27,000**

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 6.6 percent both in January 2023 and January 2024. The requested increase annualizes the 2023 premium increase and includes a nine-month provision for the increase anticipated for FY 2024.

**b. FICA adjustment**

**Mandatory Increase: \$15,000**

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 2023. The salary cap for OASDI increased from \$147,000 to \$160,200 in January 2023. The requested amount is needed to pay the court’s contribution in FY 2024.

**B. COURT SUPPORT PERSONNEL**

*Pay and Benefits Adjustments*

**4. Proposed 2024 pay adjustment**

**Requested Increase: \$593,000**

The judiciary is assuming federal pay rates will increase by 5.2 percent in January 2024. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2024, from January 2024 to September 2024. (If the pay adjustment included in the President’s FY 2024 budget request is different from this 5.2 percent guidance, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

**5. Annualization of 2023 pay adjustment**

**Requested Increase: \$175,000**

The requested increase provides for the annualized costs of the 2023 pay adjustment for Employment Cost Index (ECI) and

locality pay. As a result of the pay adjustment, federal pay rates increased by an average of 4.6 percent, effective as of January 2023. The requested increase provides for the cost of three months (from October 2023 to December 2023) of the 2023 pay increase in FY 2024.

**6. Promotions and within-grade increases**

**Requested Increase: \$114,000**

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: \$257,000**

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 6.6 percent both in January 2023 and January 2024. The requested increase annualizes the 2023 premium increase and includes a nine-month provision for the increase anticipated for FY 2024.

**b. FICA adjustment**

**Requested Increase: \$22,000**

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 2023. The salary cap for OASDI increased from \$147,000 to \$160,200 in January 2023. The requested amount is needed to pay the court's contribution in FY 2024.

**8. One more compensable day**

**Requested Increase: \$77,000**

There is one more compensable day in FY 2024 than in FY 2023. The requested increase adjusts for personnel compensation and benefits associated with one more compensable day.

**C. OTHER ADJUSTMENTS**

*General Inflationary Adjustments*

**9. Inflationary increases in charges for contracts, services, supplies, and equipment**

**Requested Increase: \$141,000**

Consistent with guidance from the Office of Management and Budget, this request of \$141,000 is required to fund inflationary increases of 2.4 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment.

**10. Inflationary increase in GSA space rental costs**

**Requested Increase: \$203,000**

This request represents an inflationary increase and adjustments in the cost of GSA space rental charges for space occupied by the court for FY 2024 based on a rent estimate provided by GSA.

**11. Law books and computer-assisted legal research (CALR)**

**Requested Increase: \$22,000**

An adjustment of \$11,000 is requested to fund an estimated 5.0 percent increase in the cost of library services, including law book accessions and continuations, and an adjustment of \$11,000 is requested to fund an estimated 4.0 percent increase in the cost of computer-assisted legal research resources.

**12. Rent increase for leased space**

**Requested Increase: \$1,245,288**

This \$1,245,288 request represents a full year rent resumption for the court's commercial leased space at 1401 H Street.

Two years ago, the court negotiated with the General Services Administration (GSA) a new 17-year lease for the property. As a cost savings for the court, the new lease included two-years of free rent, which the court factored into its corresponding budget requests by not requesting funding for this rent cost in FY 2022 and FY 2023. The two-year period



will end in July 2023 with the court paying a partial month's rent in August 2023 and a full month's rent in September 2023. The full annual rent collections resume in October 2023 (FY 2024). As such, the court is now including the full rent cost as an adjustment to base increase in its FY 2024 request.

#### **D. PROGRAM INCREASES**

##### **13. New Director of Civic Engagement Position**

**Requested Increase: \$98,000**

**FTE: 1**

The requested increase of \$98,000 is to provide for one additional permanent position priced out for nine months in fiscal year 2024 (salary and benefits). This FTE would be a newly created Director of Civic Engagement position. This position would be responsible for development of the various physical spaces to house displays and the creation of a high-tech classroom-like environment in an unused portion of the court's library, organizing and supervising the planning for displays and programming, and collaborating with chambers and other court staff to create content for tours and educational programs. The Director would also be responsible for developing relationships with public and local schools, the Federal Circuit Bar Association, Federal Circuit Historical Society, and other relevant civic and educational organizations to maximize outreach and coordinating with all departments about upcoming events and requirements. The Court's civic engagement program is discussed in more detail on page x.

#### **FINANCING THE FISCAL YEAR 2024 REQUEST**

##### **14. Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund**

**Estimated obligation: \$1,467,000**

The court anticipates obligating \$53,000 of Electronic Public Access receipts in FY 2024. These funds will be used for various expenditures to improve electronic access to court information and services for the public, including supporting court audio recording software and equipment used for providing public access to court hearings.

The court also anticipates obligating \$1,414,000 from the Judiciary Information Technology Fund (JITF) in FY 2024. This amount includes all required cyclical replacement of equipment. Cyclical information technology equipment replacements scheduled for FY 2024 include the court's desktop computers, laptops, and tablets.

Obligations will also include equipment and software upgrades in support of IT security, the annual renewal of software licenses such as Office 365 and the many other software packages integral to court operations, wireless service, and IT-related training and travel. 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.

Pursuance 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.