

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

Salaries and Expenses

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

	Mandatory	Discretionary	Total
Fiscal Year 2023 Salaries and Expenses Appropriation	\$501,151,000	\$5,905,055,000	\$6,406,206,000
Fiscal Year 2023 Vaccine Injury Compensation Trust Fund Appropriation	\$0	\$9,975,000	\$9,975,000
Total, Fiscal Year 2023 Appropriation	\$501,151,000	\$5,915,030,000	\$6,416,181,000
Fiscal Year 2024 Salaries and Expenses Appropriation Request	\$535,256,000	\$6,370,391,000	\$6,905,647,000
Fiscal Year 2024 Vaccine Injury Compensation Trust Fund Appropriation Request	\$0	\$10,869,000	\$10,869,000
Total, Fiscal Year 2024 Appropriation Request	\$535,256,000	\$6,381,260,000	\$6,916,516,000
Requested Increase from Fiscal Year 2023 Enacted Appropriation	\$34,105,000	\$466,230,000	\$500,335,000

APPROPRIATION LANGUAGE

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of judges of the United States Court of Federal Claims, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, necessary expenses of the courts, and the purchase, rental, repair, and cleaning of uniforms for Probation and Pretrial Services Office staff, as authorized by law, [\$5,905,055,000]~~\$6,370,391,000~~ (including the purchase of firearms and ammunition); of which not to exceed \$27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects

In addition, there are appropriated such sums as may be necessary under current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed [\$9,975,000]~~\$10,869,000~~ to be appropriated from the Vaccine Injury Compensation Trust Fund

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

**SUMMARY OF REQUEST
SALARIES AND EXPENSES
FISCAL YEAR 2024
(Dollar amounts in thousands)**

<u>Fiscal Year 2024 Resource Requirements:</u>	<u>Mandatory</u>		<u>Discretionary</u>		<u>Total</u>	
	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2023 Available Resources (includes Vaccine Injury Fund).....	1,887	501,151	25,393	6,427,857	27,280	6,929,008
FY 2022 Encumbered Carryforward	-	-	-	(185,034)	-	(185,034)
Fiscal Year 2023 Obligations (includes Vaccine Injury Fund).....	1,887	501,151	25,393	6,242,823	27,280	6,743,974
Non-appropriated sources of funding.....						
Estimated FY 2023 fee collections.....	-	-	-	(138,236)	-	(138,236)
Carryforward balances from FY 2022 and prior years into FY 2023.....	-	-	-	(189,557)	-	(189,557)
Fiscal Year 2023 Enacted Appropriation (includes Vaccine Injury Fund).....	1,887	501,151	25,393	5,915,030	27,280	6,416,181

<u>Page</u>		Mandatory		Discretionary		Total	
		<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>	<u>FTEs</u>	<u>Amount</u>
	Fiscal Year 2023 Base Assumed Appropriation (including Vaccine Injury Fund).....	1,887	501,151	25,393	5,915,030	27,280	6,416,181
	<u>Adjustments to Base to Maintain Current Services:</u>						
	A. Judges and Associated Staff						
4.27	1. Pay and benefit cost adjustments						
4.28	a. Proposed January 2024 pay adjustment (4.7% for nine months).....	-	17,846	-	6,348	-	24,194
4.28	b. Annualization of January 2023 pay adjustment (4.1% for three months).....	-	5,137	-	1,827	-	6,964
4.28	c. Benefits increases.....						
4.28	i. Health benefits.....	-	926	-	329	-	1,255
4.28	ii. FICA adjustment.....	-	1,272	-	442	-	1,714
4.28	2. Increase in average number of filled Article III judgeships (18 judge FTE/100 staff FTE).....	18	4,852	100	11,983	118	16,835
4.29	3. Increase in average number of senior judges (7 judge FTE/35 staff FTE).....	7	1,948	35	4,084	42	6,032
4.30	4. Increase in average number of filled bankruptcy judgeships (8 judge FTE/23 staff FTE)	8	2,124	23	2,790	31	4,914
	B. Court Personnel and Programs						
4.32	5. Pay and benefit cost adjustments						
4.32	a. Proposed January 2024 pay adjustment (5.2% for nine months).....	-	-	-	148,458	-	148,458
4.32	b. Annualization of January 2022 pay adjustment (4.6% for three months).....	-	-	-	43,279	-	43,279
4.32	c. Promotions and within-grade increases.....	-	-	-	28,550	-	28,550
4.32	d. Benefits increases.....						
4.32	i. Health benefits.....	-	-	-	17,387	-	17,387
4.32	ii. FICA adjustment.....	-	-	-	1,445	-	1,445
4.32	e. One more compensable day.....	-	-	-	15,335	-	15,335
4.33	6. Funding necessary to maintain FY 2023 service levels due to anticipated decrease in non-appropriated funds	-	-	-	7,400	-	7,400

Page C. Other Adjustments

	Mandatory		Discretionary		Total	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
4.34 7. Inflationary and miscellaneous adjustments.....	-	-	-	28,879	-	28,879
4.34 8. Vaccine Injury Compensation Trust Fund adjustment.....	-	-	-	894	-	894
4.34 9. GSA space rental and related services						
4.34 a. Changes in space/new space.....	-	-	-	9,057	-	9,057
4.35 b. Building operations/GSA rent	-	-	-	21,244	-	21,244
4.35 c. Tenant improvements.....	-	-	-	31,286	-	31,286
4.35 d. Space reduction.....	-	-	-	(1,448)	-	(1,448)
4.35 e. Non-recurring space adjustments.....	-	-	-	(32,943)	-	(32,943)
4.38 10. Information technology requirements						
4.38 a. Court administration and case management systems.....	-	-	-	(9,928)	-	(9,928)
4.39 b. Administrative and management systems.....	-	-	-	(2,415)	-	(2,415)
4.39 c. IT court support reimbursable program adjustments.....	-	-	-	1,191	-	1,191
4.39 d. Telecommunication program.....	-	-	-	(6,009)	-	(6,009)
4.39 e. Infrastructure and collaboration tools.....	-	-	-	28,537	-	28,537
4.40 f. Judicial statistical and reporting systems.....	-	-	-	(1,943)	-	(1,943)
4.40 g. Court IT allotments.....	-	-	-	17,456	-	17,456
4.40 h. Cybersecurity and IT modernization plan.....	-	-	-	17,190	-	17,190
Subtotal, Adjustments to Base to Maintain Current Services.....	33	34,105	158	390,705	191	424,810
Total Current Services Appropriation Required.....	1,920	535,256	25,551	6,305,735	27,471	6,840,991
<u>Program Increases:</u>						
4.41 11. New FY 2024 full-time magistrate judges and staff (1 full time new judgeship/ 1 FTE and 4 staff FTE).....	-	-	5	721	5	721
4.42 12. FY 2024 court support staffing due to workload changes.....	-	-	99	10,052	99	10,052
4.42 13. National Court Law Clerk Program.....	-	-	23	2,559	23	2,559
4.43 14. Judiciary Integrated Financial Management System.....	-	-	-	16,000	-	16,000
4.43 15. Identity Access Management System (IdAM).....	-	-	-	7,000	-	7,000
4.44 16. Positions for IT infrastructure and modernization (58 reimbursable positions/29 reimbursable FTE).....	-	-	-	5,510	-	5,510
4.44 17. Positions for Office of Public Affairs (2 reimbursable positions/1 reimbursable FTE).....	-	-	-	207	-	207
4.44 18. Office 365 Upgrade	-	-	-	7,905	-	7,905
4.44 19. Tenant alterations to address life and safety requirements	-	-	-	21,796	-	21,796
4.45 20. Judiciary Data Integrity, Reporting, and Controls Program	-	-	-	3,025	-	3,025
4.45 21. Acquisition and Procurement Improvement	-	-	-	750	-	750
Subtotal, Program Increases.....	-	-	127	75,525	127	75,525
Total Fiscal Year 2024 Appropriation Request.....	1,920	535,256	25,678	6,381,260	27,598	6,916,516
Total Appropriation Increase, Fiscal Year 2023 to Fiscal Year 2024.....	33	34,105	285	466,230	318	500,335
<u>Financing the Fiscal Year 2024 Request:</u>						
Total Appropriation Request, Fiscal Year 2024.....	1,920	535,256	25,678	6,381,260	27,598	6,916,516
4.46 22. Estimated FY 2024 fee collections.....	-	-	-	170,393	-	170,393
4.47 23. Anticipated unencumbered carryforward from FY 2023.....	-	-	-	150,000	-	150,000
Total Estimated Obligations, Fiscal Year 2024.....	1,920	535,256	25,678	6,701,653	27,598	7,236,909

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Salaries and Expenses (\$000)

Activity (\$000)	FY 2022 Actuals			FY 2023 Assumed Obligations			FY 2024 Request		
	Direct	Offsetting Coll	Total Oblig	Direct	Offsetting Coll	Total Oblig	Direct	Offsetting Coll	Total Oblig
Appeals	761,978	23,961	785,939	731,478	59,695	791,173	788,505	37,824	826,329
District	2,856,586	89,827	2,946,413	3,000,002	244,826	3,244,828	3,233,888	155,129	3,389,017
Bankruptcy	820,559	25,803	846,362	841,474	68,672	910,146	907,077	43,512	950,590
Probation/Pretrial	1,633,553	51,368	1,684,921	1,833,252	149,609	1,982,862	1,976,176	94,797	2,070,973
Total Obligations	6,072,677	190,958	6,263,635	6,406,206	522,802	6,929,008	6,905,647	331,262	7,236,909
Encumbered Carryforward	-	-	-	-	(185,034)	(185,034)			
Revised Obligations	6,072,677	190,958	6,263,635	6,406,206	337,768	6,743,974	6,905,647	331,262	7,236,909
Fee Availability		(162,402)	(162,402)		(138,236)	(138,236)		(170,393)	(170,393)
Vaccine Injury Trust Fund		(9,850)	(9,850)		(9,975)	(9,975)		(10,869)	(10,869)
Prior Year Recoveries & Other Adjustments		(15,728)	(15,728)						
Unobligated Balance, Start of Year:									
Encumbered Carryforward		(188,586)	(188,586)						
Unencumbered Carryforward		(166,572)	(166,572)		(189,557)	(189,557)		(150,000)	(150,000)
Unobligated Balance, End of Year:									
Encumbered Carryforward		185,035	185,035						
Unencumbered Carryforward		167,145	167,145		150,000	150,000			
Transfer from Defenders Services	(32,400)	-	(32,400)						
Anticipated Financial Plan Savings					(150,000)	(150,000)			
Appropriation	6,040,277	-	6,040,277	6,406,206	-	6,406,206	6,905,647	-	6,905,647
Mandatory			460,225			501,151			535,256
Discretionary (Direct)			5,580,052			5,905,055			6,370,391

Carryforward (Unobligated Balance) Analysis (\$000)

	FY 2022 Actuals			FY 2023 Assumed Obligations			FY 2024 Request		
	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total
Start of Year:									
Fee Account	(104,721)	(162,402)	(267,123)	(118,553)	(173,829)	(292,382)	-	(150,000)	(150,000)
Judiciary Information Technology Fund	(50,266)	(4,170)	(54,436)	(55,920)	(15,728)	(71,648)	-	-	-
S&E No-Year Funds	(33,599)	-	(33,599)	(10,562)	-	(10,562)	-	-	-
<i>Subtotal (Unobligated Balance)</i>	<i>(188,586)</i>	<i>(166,572)</i>	<i>(355,158)</i>	<i>(185,035)</i>	<i>(189,557)</i>	<i>(374,592)</i>	-	<i>(150,000)</i>	<i>(150,000)</i>
End of Year:									
Fee Account	118,553	173,829	292,382	-	-	-	-	-	-
Judiciary Information Technology Fund	55,920	15,728	71,648	-	-	-	-	-	-
S&E No-Year Funds	10,562	-	10,562	-	-	-	-	-	-
Anticipated Financial Plan Savings ¹	-	-	-	-	150,000	150,000	-	-	-
<i>Subtotal (Unobligated Balance)</i>	<i>185,035</i>	<i>189,557</i>	<i>374,592</i>	<i>-</i>	<i>150,000</i>	<i>150,000</i>	<i>-</i>	<i>-</i>	<i>-</i>

¹/Anticipated Financial Plan Savings for FY 2022 into FY 2023 (\$150 million) would include unobligated balances from the Fee Account, the Judiciary Information Technology Fund, and S&E No-Year Funds

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Salaries and Expenses

Obligations by Budget Object Class (\$000)

Description (\$000)	FY 2022 Actuals			FY 2023 Assumed Obligations			FY 2024 Request		
	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.
1100 Personnel compensation	2,804,259	88,181	2,892,440	2,942,831	240,161	3,182,992	3,237,230	155,289	3,392,519
1200 Personnel benefits	1,050,308	33,027	1,083,335	1,052,863	85,923	1,138,786	1,191,062	57,135	1,248,196
1300 Benefits for former personnel	7,012	221	7,233	8,179	667	8,846	8,452	405	8,857
2100 Travel	49,979	1,572	51,551	49,280	4,022	53,302	53,528	2,568	56,095
2200 Transportation of Things	6,060	191	6,251	6,552	535	7,087	6,892	331	7,222
2310 Rental payments to GSA	1,010,575	31,778	1,042,353	1,031,686	84,194	1,115,880	1,105,979	53,054	1,159,033
2320 Rental payments to others	30,227	951	31,178	31,619	2,580	34,199	42,852	2,056	44,907
2330 Communications, utilities & misc	40,620	1,277	41,898	44,152	3,603	47,755	46,192	2,216	48,407
2400 Printing and reproduction	7,054	222	7,276	7,293	595	7,889	8,022	385	8,407
2500 Other services	442,104	13,902	456,007	591,981	48,311	640,292	499,223	23,948	523,171
2600 Supplies and materials	9,105	286	9,391	17,185	1,402	18,587	17,987	863	18,850
3100 Equipment	43,654	1,373	45,027	55,163	4,502	59,665	57,276	2,748	60,024
9100 Financial transfers	571,720	17,978	589,698	567,422	46,307	613,729	630,954	30,267	661,221
Total Obligations	6,072,677	190,958	6,263,635	6,406,206	522,802	6,929,008	6,905,647	331,262	7,236,909
Encumbered Carryforward	-	-	-	-	(185,034)	(185,034)	-	-	-
Revised Obligations	6,072,677	190,958	6,263,635	6,406,206	337,768	6,743,974	6,905,647	331,262	7,236,909

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
SALARIES AND EXPENSES
Summary of Mandatory Obligations

	FY 2023 Assumed		FY 2024 Request	
	No. of Authorized Judgeships	Compensation (\$000)	No. of Authorized Judgeships	Compensation (\$000)
Circuit Judgeships	167	43,871	167	46,753
District Judgeships	677	161,854	677	176,905
Senior/Retired Judgeships		199,713		208,950
Bankruptcy Judgeships	345	95,714	345	102,648
Total	1,189	501,151	1,189	535,256

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Summary of Personnel Compensation and Benefits by Activity

Program	FY 2022		FY 2023		FY 2024					
	Actual		Assumed		Adj. to Base		Workload Adj.		Total Request	
	FTE	Amount (\$000)	FTE	Amount (\$000)	FTE	Amount (\$000)	FTE	Amount (\$000)	FTE	Amount (\$000)
Appeals										
Judges										
Article III Judges										
Active	161	42,529	158	43,871	1	2,883	-	-	160	46,753
Senior	117	31,314	126	34,815	2	2,365	-	-	128	37,180
Retired	30	6,925	30	8,192	-	798	-	-	30	8,990
Court Staff										
Article III Judges' Staff	1,165	131,740	1,180	139,176	13	6,101	-	-	1,193	145,277
Circuit Executives	293	48,128	330	59,528	-	4,025	-	-	330	63,553
Clerks Offices	578	71,617	540	77,346	-	5,229	1	45	541	82,620
Staff and Preargument Attorneys	555	90,044	529	96,486	-	6,523	12	1,483	541	104,492
Librarians	195	26,399	214	30,928	-	2,091	-	-	214	33,019
Bankruptcy Appellate Panels	11	1,737	12	2,014	-	136	-	-	12	2,150
Total Appeals	3,104	450,432	3,119	492,355	17	30,151	13	1,528	3,149	524,034
District										
Judges										
Article III Judges										
Active	605	150,831	615	161,854	17	15,051	-	-	632	176,905
Senior	486	116,997	498	126,421	5	5,297	-	-	503	131,718
Retired	117	24,819	123	30,285	-	777	-	-	123	31,062
Magistrate Judges	583	152,478	607	173,391	-	9,193	1	298	608	182,882
Court of Federal Claims Judges	14	4,190	15	4,862	-	247	-	-	15	5,109
Court Staff										
Article III Judges' Staff	2,973	370,616	3,035	394,341	99	40,507	23	2,559	3,157	437,407
Magistrate Judges' Staff	1,107	157,760	1,156	171,526	-	11,597	4	345	1,161	183,468
Federal Claims Judges' Staff	64	7,807	71	8,793	-	1,312	-	-	71	10,105
Clerks Offices	5,647	692,684	5,607	740,472	-	50,094	50	4,787	5,657	795,353
Pro Se and death penalty	471	88,964	484	94,782	-	6,408	-	-	484	101,190
Court Reporters	678	96,789	688	104,097	23	9,413	-	-	711	113,510
Court Interpreters	103	19,607	88	19,013	-	1,286	-	-	88	20,299
Total District	12,845	1,883,543	12,987	2,029,836	144	151,182	78	7,989	13,209	2,189,007
Bankruptcy										
Judges										
Bankruptcy Judges	324	86,809	335	95,714	8	6,934	-	-	343	102,648
Court Staff										
Bankruptcy Judges' Staff	650	90,639	697	100,852	23	9,038	-	-	720	109,890
Clerks	2,628	339,987	2,400	345,737	-	23,376	-	-	2,400	369,113
Bankruptcy Administrators	43	6,431	42	6,486	-	439	1	72	43	6,997
Total Bankruptcy	3,644	523,866	3,474	548,790	31	39,787	1	72	3,506	588,649
Probation/Pretrial Services	7,695	1,118,752	7,700	1,250,794	-	84,567	35	3,664	7,735	1,339,025
Total Judges	2,434	616,893	2,508	679,403	33	43,545	1	298	2,542	723,246
Total Chambers	6,429	847,526	6,622	909,471	135	74,963	28	2,904	6,785	987,338
Total Court Staff	18,423	2,512,175	18,150	2,732,901	23	187,179	98	10,051	18,271	2,930,131
GRAND TOTAL	27,289	3,976,594	27,280	4,321,775	191	305,687	127	13,253	27,598	4,640,715

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
Salaries and Expenses
Relation of Obligations to Outlays (\$000)

	FY 2022 Actual		FY 2023 Assumed Obligations		FY 2024 Request
Total Obligations	6,263,635		6,929,008		7,236,909
Obligated balance, start of year	355,158		207,960		150,000
Adjustments to prior-year activity	(37,618)		(185,035)		-
Change in uncollected payments	(51,087)		-		-
Obligated balance, end of year	<u>(207,960)</u>		<u>(150,000)</u>		<u>(125,000)</u>
Total Outlays	6,322,128		6,801,933		7,261,909
Less Offsets	(142,548)		(143,591)		(160,805)
Net Outlays	6,179,580		6,658,342		7,101,104

GENERAL OVERVIEW

The judiciary performs a core government function that is a pillar of the United States of America's democratic system of government. The scope and volume of the judiciary's work is dictated by the functions assigned to it by the Constitution and by statute. The judiciary must adjudicate all criminal, bankruptcy, civil, and appellate cases that are filed with the courts and must protect the community by supervising defendants awaiting trial and persons under supervision on post-conviction release.

The rulings of the federal courts protect the rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, the federal courts interpret and apply the law to resolve disputes. The district courts, courts of appeals, bankruptcy courts, and federal probation and pretrial services offices all work to ensure a fair and independent judicial process.

The fiscal year (FY) 2024 appropriations request for the courts' Salaries and Expenses account totals \$6,916.5 million to support the operation of the courts. The request includes \$535.3 million in mandatory appropriations and \$6,381.3 million in discretionary appropriations. Specifically, this request funds appropriations for the salaries, benefits, and other operating expenses of judges and supporting personnel for the United States courts of appeals, district courts, bankruptcy courts, Court of Federal Claims, and probation and pretrial services offices. The request also funds the judiciary's national information technology (IT) initiatives and other operations supporting the business functions of the courts. The FY 2024 request for the Salaries and Expenses account supports the operations of the courts at a current services level, as well as program changes for one new full-time magistrate judge and associated support staff; changes in court support staff due to caseload and workload estimates; new staff for information technology, public affairs, and the national district court law clerk program; a variety of critical information technology systems and projects; and tenant alterations projects required for the protection of life and safety.

This account makes up approximately 69 percent of the judiciary's total appropriations request and supports approximately 28,000 employees, including judges, chambers staff, and court support staff positions in clerk of court and probation and pretrial services offices located throughout the United States in 637 federally-owned and leased court buildings and facilities (excluding Court of Appeals for the Federal Circuit, Court of Federal Claims, Court of International Trade, and Federal Defender Organizations).

The four components of this account are (1) District Courts; (2) Appellate Courts; (3) Bankruptcy Courts; and (4) Probation and Pretrial Services Program. Each is discussed separately below.

District Courts

The district courts are responsible for administering justice in civil and criminal cases under federal jurisdiction in 94 judicial districts throughout the United States and its territories. The public benefits from effective and efficient district courts by having criminal defendants processed through the criminal justice system and by having civil disputes resolved quickly and fairly.

The number of criminal defendants, the mix of civil cases, the amount of juror activity, and the number of authorized judges require the courts to make staffing adjustments indicated by the district court staffing formulas, which are based primarily on civil and criminal cases and the number of judges supported. Projected caseload and workload through June 30, 2023, is used to determine district court support staffing requirements in FY 2024.

Criminal Case Filings

Criminal case filings are, in part, influenced by the number of U.S. Attorneys and the emphasis placed on prosecution of offenses such as illegal immigration, drug crimes, and violations of firearms laws. As shown in Table 4.1 on page 4.19, for the 12-month period ending June 30, 2022, criminal cases filed decreased by 7.2 percent from the previous year. Defendants charged decreased by 7.9 percent for the same 12-month period. Through June 2023, criminal cases filed are projected to increase by 4.1 percent, and criminal defendants charged are projected to increase by 0.9 percent. In addition, some specific geographic areas of the country continue to see elevated criminal case activity due to unique local conditions. Of particular note, district courts in Oklahoma have experienced significant increases in federal prosecutions stemming from the Supreme Court's *McGirt v Oklahoma* decision and expect caseload to continue to increase.

Regardless of a district court's location, several factors highlight the importance of the courts receiving adequate staffing resources, including: the time-sensitive nature of criminal cases, due to statutory deadlines in the Speedy Trial Act; multiple hearings for defendants (i.e., initial appearances, arraignments, and pleas in the early stages alone); and the need for interpreter services.

Civil Case Filings

Civil case filings are driven by prisoner petitions, social security cases, U.S. plaintiff recovery cases, large-volume multi-district litigation cases, and diversity of citizenship cases¹. As shown in Table 4.1 on page 4.19, for the 12-month period ending June 30, 2022, civil case filings decreased 21.5 percent from the previous year, primarily due to a significant decrease in tort actions filed in product liability and personal injury cases as part of the multidistrict litigation (MDL) Case No. 2885 (In Re: 3M Combat Arms Earplug Products Liability Litigation) in the Northern District of Florida. MDL cases are civil actions that involve one or more common questions of fact and are consolidated for pretrial proceedings to avoid duplication of discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary. The fluctuation caused by this MDL matter is reflected in the caseload. Due to the continued resolution of the MDL cases, new civil filings are expected to decrease by 5.3 percent in 2023.

Appellate Courts

The 94 judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. The appellate court is responsible for hearing appeals from the district courts and the bankruptcy appellate panel (if one exists) located within its circuit, as well as appeals from certain federal administrative agencies and, in limited situations, direct appeals from bankruptcy courts. The appellate courts also have original jurisdiction in some categories of cases, such as petitions for Writ of Mandamus, second or successive habeas corpus petitions, and petitions for Writ of Prohibition. A party has the right to appeal every federal case in which a district court enters a final judgment. When an appeal is filed, a court of appeals reviews the decision and record of proceedings in the lower court or administrative agency. The court of appeals affirms, reverses, or remands the case back to the original court. The court of appeals will issue a written order or opinion in each case. Appeals from the courts of appeals may be taken to the United States Supreme Court, which, unlike the courts of appeals, generally has discretion over the number and types of cases it hears. Projected caseload and workload through June 30, 2023, is used to determine appellate court support staffing requirements in FY 2024.

¹ Diversity of citizenship exists when there is no common state citizenship between the plaintiffs and defendants in a suit. A district court has subject matter jurisdiction based on diversity of citizenship when the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between parties not from the same state or country.

Appellate Case Filings

As shown in Table 4.1 on page 4.19, for the 12-month period ending June 30, 2022, the number of appeals filed decreased 8.1 percent from the previous year. The judiciary currently projects that appellate case filings will increase by 2.6 percent in 2023, mainly due to projected minor increases in criminal appeals offset by significant increases in other appeals, which include bankruptcy appeals and administrative agency appeals. Administration initiatives, legislative initiatives, and court decisions can have significant effects on some annual totals.

Bankruptcy Courts

Bankruptcy courts exercise jurisdiction over bankruptcy cases and proceedings, pursuant to statute and by reference from the district courts. The Bankruptcy Code is set forth at Title 11 of the U.S. Code, and it provides different chapters under which a debtor may file bankruptcy. A key purpose of the Bankruptcy Code is to provide an orderly and equitable process for debtors to resolve their debts with creditors. Through the bankruptcy courts, the legal system protects businesses and individual debtors, as well as their creditors, as intended by law. Projected caseload and workload through June 30, 2023, is used to determine bankruptcy court support staffing requirements in FY 2024.

Bankruptcy Case Filings

Bankruptcy filings saw a continued decrease in 2022, due to the ongoing impact of the COVID-19 pandemic. As shown in Table 4.1 on page 4.19, filings for the 12-month period ending June 30 decreased by 17.7 percent in 2022. Emergency economic support measures (eviction moratoria, direct cash assistance, etc.) put in place to stabilize the economy during the pandemic explain much of this decrease in bankruptcy filings. Based on filing trends prior to the pandemic and an analysis of current economic conditions, including the expiration of many emergency pandemic relief initiatives, the judiciary currently projects an increase of 17.6 percent in 2023, for a projected total of 447,600 bankruptcy case filings for the 12-month period ending June 30, 2023.

The judiciary remains concerned that the expiration of emergency economic support and the continuing impact of recent inflation may result in a significant and rapid increase in bankruptcy filings in the future. Because filing levels drive staffing needs in bankruptcy courts, such increases will result in additional workload impacts on bankruptcy courts. A sudden spike in filings may result in courts facing challenges in processing these filings. The judiciary will continue to monitor this issue and, if necessary, reflect updated projected workload changes in an FY 2024 budget re-estimate.

Chapter 7 Bankruptcy Cases

Chapter 7 of the Bankruptcy Code allows for liquidation of a debtor's nonexempt assets to pay back creditors as much as possible. Individuals and business entities (with certain exceptions) may file bankruptcy under Chapter 7. Bankruptcy courts are expected to handle 265,300 new chapter 7 cases during the 12-month period ending June 2023, approximately 25,600 (10.7 percent) more cases than in the previous year.

Chapter 11 Bankruptcy Cases

Chapter 11 of the Bankruptcy Code offers businesses the opportunity to reorganize or liquidate in an orderly manner. Individuals also may file bankruptcy under Chapter 11, when they are ineligible to file under Chapter 13 due to its debt limitations. In Chapter 11 cases, bankruptcy courts are directly involved in reviewing and approving complicated business reorganization plans and asset sales focusing on the goal of achieving a benefit for all interested parties. Bankruptcy courts are expected to handle 5,400 new Chapter 11 cases during the 12-month period ending June 2023, which is 21.9 percent higher than the previous year.

Chapter 13 Bankruptcy Cases

Chapter 13 of the Bankruptcy Code allows individual debtors who have regular income to adjust their debts within a repayment plan. Under such a plan, debtors can save their homes from foreclosure by allowing them to catch up on past-due payments. Bankruptcy courts are expected to handle 176,500 new Chapter 13 cases during the 12-month period ending June 2023, an increase of approximately 29.6 percent from 2022.

Probation and Pretrial Services Program

The federal probation and pretrial services program assists the federal courts by protecting the public and promoting the fair administration of justice. Probation and pretrial services officers provide the courts with in-depth and objective pretrial services and presentence reports. Pretrial services officers investigate defendants and recommend to the judge whether there are conditions that would reasonably assure the defendant's appearance in court and protect the community while the defendant's case is pending disposition, as set forth under 18 U.S.C. § 3142. Probation officers investigate persons convicted of federal crimes and recommend to the judge a sentence that addresses the factors set out in 18 U.S.C. § 3553. Courts rely on those reports to make release and sentencing decisions, and the reports also notify the litigants of all relevant release and sentencing issues. The presentence reports are also used by the U.S. Attorneys' Offices to locate assets to be seized for any fines, restitution, or assessments ordered; the Federal

Bureau of Prisons (BOP) relies on the presentence reports to guide its handling of offenders sentenced to incarceration; and the U.S. Sentencing Commission uses the reports to analyze federal sentencing practices.

Probation and pretrial services officers also support public safety by supervising defendants and persons under supervision living in the community. Many persons under post-conviction supervision lack adequate life skills to transition back into the community smoothly. Officers help persons under supervision to either re-establish, or secure for the first time, appropriate housing, employment, and legitimate community relationships. They provide life skills counseling and leverage programs offered by other federal agencies and local social service organizations. Successful supervision requires persons under supervision to overcome not only the original factors that contributed to their criminal behavior, but institutionalization, alienation from family and friends, and other consequences of a lengthy prison term. Throughout the country, officers secure resources for persons under supervision, cultivate employment prospects, and develop collaborative relationships with a wide variety of organizations. All these efforts assist in the transition of persons under supervision back into the community.

Where the court deems it appropriate, a client's location and activities can be monitored electronically through the global positioning system and other technologies. Similarly, the court may authorize drug testing, restrict travel, or prohibit association with certain individuals. In higher risk cases, courts can order the persons under supervision to undergo polygraph examinations and authorize warrantless searches and seizures by probation officers.

Probation and Pretrial Services Workload

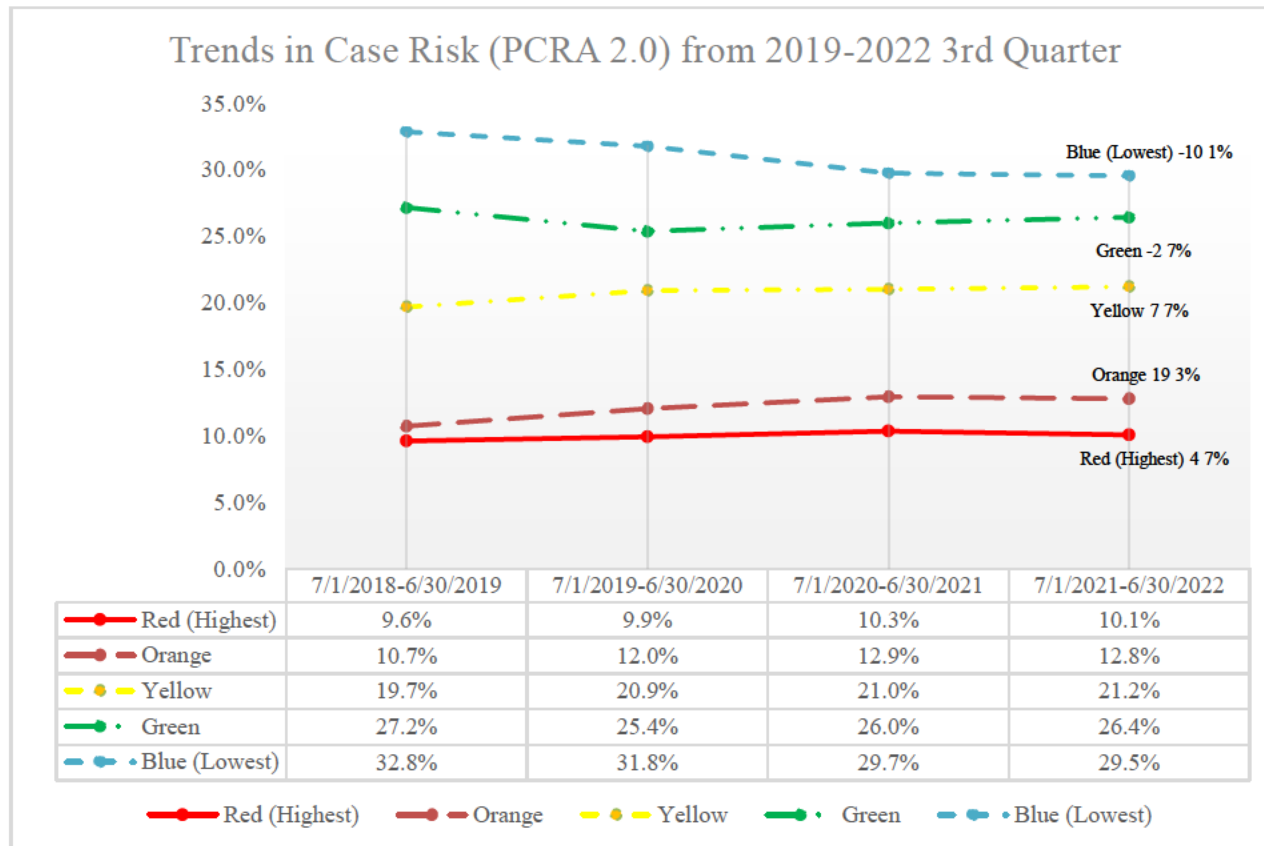
Probation and pretrial services officers' workload is dictated by prosecutions brought by U.S. Attorneys' Offices and the number of inmates released by the BOP for supervision. Beginning in March 2020 most workload indicators fell due to COVID-19; however, with COVID evolving, workload numbers have been rebounding with an increase of 7.8 percent from March 2021 through September 2022.

As noted above in the discussion of criminal filings and as shown in Table 4.1 on page 4.19, in the 12-month periods ending June 30, 2021 and 2022, criminal filings and the number of criminal defendants charged decreased. These criminal matters affect the probation and pretrial services program and were impacted by COVID-19.

Projected caseload and workload through June 30, 2023, is used to determine probation and pretrial services staffing requirements in FY 2024. For the 12-month period ending June 30, 2023, the judiciary projects a 15.4 percent increase in pretrial cases activated, a

2.5 percent decrease in pretrial supervision, and an increase of 3.9 percent in presentence reports. The number of persons under supervision is expected to increase by 0.5 percent.

Projected caseload does not track the risk levels of the supervision cases. Accordingly, the projected increase in the number of cases does not fully represent the expected increase in workload requirements, as the staffing formula developed for the Administrative Office’s (AO) Probation and Pretrial Services Office (PPSO) weighs cases by risk level. A greater percentage of cases received for supervision is expected to involve persons posing higher risks, which would mean further increased work requirements. More information on the risk levels related to probation and pretrial services workload is on the following page.



The probation and pretrial services system stratifies the risk of recidivism posed by people under supervision. Higher risk clients require substantially more supervision than lower risk clients. The probation and pretrial services staffing formula accounts for this dynamic by weighing cases by risk level. The highest risk cases are classified as red band, with the risk level decreasing incrementally through the remaining color categories to blue band, which represents the lowest risk cases. The 12-month period ending June 2019 through the 12-month period ending June 2022 saw a 4.7 percent increase in clients classified as red band, a 19.3 percent increase in clients classified as orange band and a 7.7 percent increase in clients classified as yellow band. Conversely, the percentage of offenders with the green band classification declined by 2.7 percent and the percentage of offenders with blue band classification declined by 10.1 percent.

Workload for Probation and Pretrial Services Offices

Successful case investigations and supervision outcomes depend on sufficient resources that can be used for personnel, treatment and monitoring services, and training and program implementation. Consistent growth over recent years in cases supervised per officer is detrimental to the officer's ability to support behavioral change and properly monitor the behaviors of those under supervision. Many factors influence caseload size, including risk levels, geography, and the need to manage special populations (e.g., location monitoring caseloads, sex offenders). The pandemic suppressed workload throughout the probation and pretrial services system but, due to the impact of *McGirt* and legislative changes such as the First Step Act, as well as expected increases as trials and pleas held in abeyance during the pandemic move ahead, workload has rebounded. Unless there are sufficient resources to keep pace with workload, officers will be assigned larger caseloads and will be unable to provide adequate supervision.²

Responding to Department of Justice (DOJ) Priorities

The prosecutorial priorities of the Administration, as implemented by the Department of Justice, include prosecuting threats to democratic institutions, domestic and foreign violent extremists, firearms violations, crimes of violence, and cybercrime. The complexity and risk profile associated with these prioritized prosecutions are significant, requiring more intense supervision, increasing workload for officers, and demanding additional resources. There has always been a correlation between the number of prosecutors and the number of cases filed. Accordingly, the courts can expect a steady inflow of new cases as DOJ continues to

² The strategy in most districts will be to focus supervision resources on higher risk or special populations and provide less supervision for moderate and lower risk individuals. This will likely have an impact on rearrest rates. For example, some districts will need to treat people on supervision who are assessed as low/moderate risk - low violence the same as the low-risk/low-violence population; however, the probability that the low/moderate-risk/ low-violence population will commit a new crime is 23 percent, while the probability that the low-risk/low-violence population will commit a new crime is only 9 percent.

pursue new prosecutors through the budget process. Changes in projected workload components of post-conviction supervision and pretrial services could change based on the administration's priorities.

Table 4.1 Comparison of Judiciary Workload Factors

WORKLOAD FACTOR *	Actual 2017	Actual 2018	Actual 2019	Actual 2020	Actual 2021	Actual 2022	Projected 2023
Criminal Filings	58,121	67,257	73,012	64,853	59,500	55,220	57,500
Year-to-Year Change:	-4.8%	15.7%	8.6%	-11.2%	-8.3%	-7.2%	4.1%
Criminal Defendants Filed	75,235	84,828	90,541	79,122	75,407	69,466	70,100
Year-to-Year Change:	-5.9%	12.8%	6.7%	-12.6%	-4.7%	-7.9%	0.9%
Civil Filings **	271,721	281,202	293,520	421,082	374,250	293,762	278,300
Year-to-Year Change:	-6.4%	3.5%	4.4%	43.5%	-11.1%	-21.5%	-5.3%
Appellate Filings	52,028	49,220	47,783	49,044	45,790	42,094	43,200
Year-to-Year Change:	-13.4%	-5.4%	-2.9%	2.6%	-6.6%	-8.1%	2.6%
Bankruptcy Filings	796,037	775,578	773,361	682,363	462,309	380,634	447,600
Year-to-Year Change:	-2.8%	-2.6%	-0.3%	-11.8%	-32.2%	-17.7%	17.6%
Pretrial Services: Cases Activated	82,265	90,951	98,627	83,839	71,647	67,701	78,100
Year-to-Year Change:	-6.7%	10.6%	8.4%	-15.0%	-14.5%	-5.5%	15.4%
Pretrial Services: Persons Under Supervision	43,998	43,997	46,539	46,646	52,915	55,471	54,100
Year-to-Year Change:	-3.6%	0.0%	5.8%	0.2%	13.4%	4.8%	-2.5%
Probation: Presentence Reports	60,669	60,498	66,622	68,974	47,628	62,829	65,300
Year-to-Year Change:	1.9%	-0.3%	10.1%	3.5%	-30.9%	31.9%	3.9%
Probation: Persons Under Supervision	135,947	131,036	128,120	126,875	124,249	124,167	124,800
Year-to-Year Change:	-1.4%	-3.6%	-2.2%	-1.0%	-2.1%	-0.1%	0.5%

* Both actual and projected workload factors are for 12-month periods ending June 30 each year.

** The actual FY 21, FY 22 and projected FY 23 civil filings include filings related to the multidistrict litigation (MDL) Case 2885 (In RE: 3M Combat Arms Earplug Products Liability Litigation) in the Northern District of Florida.

FISCAL YEAR 2023 APPROPRIATIONS

The judiciary built the FY 2023 budget request for the Salaries and Expenses appropriation on the FY 2022 enacted appropriation. The FY 2024 discretionary appropriations request is built on the FY 2023 discretionary enacted level of \$5,915.0 million. For bill language, the judiciary used the language from P.L. 117-328, Financial Services and General Government Appropriations Act, 2023.

SIGNIFICANT ISSUES

Cybersecurity and IT Modernization Efforts

The combination of sharp increases in cyberattacks on judiciary IT systems and aging legacy applications critical to court operations has created IT vulnerabilities that require additional resources. The judiciary has developed a multi-year Cybersecurity and IT Modernization Strategy to address the actions and initiatives necessary to respond to aging critical hardware, applications leveraging outdated and potentially insecure software, and overburdened staff. More information on these efforts is available starting on page 11.6 in the *Judiciary Information Technology Fund* chapter.

First Step Act of 2018

In December 2018, the First Step Act (FSA), P.L. 115-391, was enacted. The purposes of this sentencing and corrections reform legislation include:

- Correctional reform, via the establishment of a risk and needs assessment and the creation of a system of earned early release credits at the Bureau of Prisons (BOP),
- Sentencing reform, via changes to penalties for some federal offenses,
- Modifications to compassionate release provisions, and
- The reauthorization of the Second Chance Act of 2007, which established requirements for the BOP to facilitate the reentry of inmates back into the community.

Significant provisions of the FSA have already been implemented and have impacted the workload of the courts. For example, the Act made sentence reductions under the Fair Sentencing Act of 2010 retroactive which resulted in the release of approximately 2,400 inmates. BOP was also directed to adjust its calculation of good time credits and to make those adjustments retroactive. As a result of this provision, approximately 3,100 inmates were released from BOP custody on July 19, 2019. Another provision authorized inmates

to directly petition the courts for compassionate release. Since this provision was enacted, over 25,000 petitions have been submitted to the courts and more than 4,200 petitions have been granted.

In January 2022, BOP released final rules on FSA Earned Time Credits. Under the rules, inmates who have earned time credits equal to or in excess of their remaining prison sentence are eligible to (1) be moved to residential reentry centers, (2) be placed on pre-release home confinement, or (3) commence supervised release. Implementation of the rules resulted in the immediate release of approximately 6,000 individuals to a term of supervised release in January 2022. This unanticipated surge in releases equated to over ten percent of the average number of cases received for supervision in a given year. The surge was mainly due to modifications of the draft rules which were influenced by the feedback received during the public comment period. This resulted in an increased amount of credit inmates were eligible to earn through approved programming and was applied retroactively. As of November 2022, a total of 10,635 inmates were released via Earned Time Credits. Due to the changes in the Earned Time Credits rules, the judiciary anticipates additional staffing requirements and increased costs in treatment services and reentry services, including transitional housing.

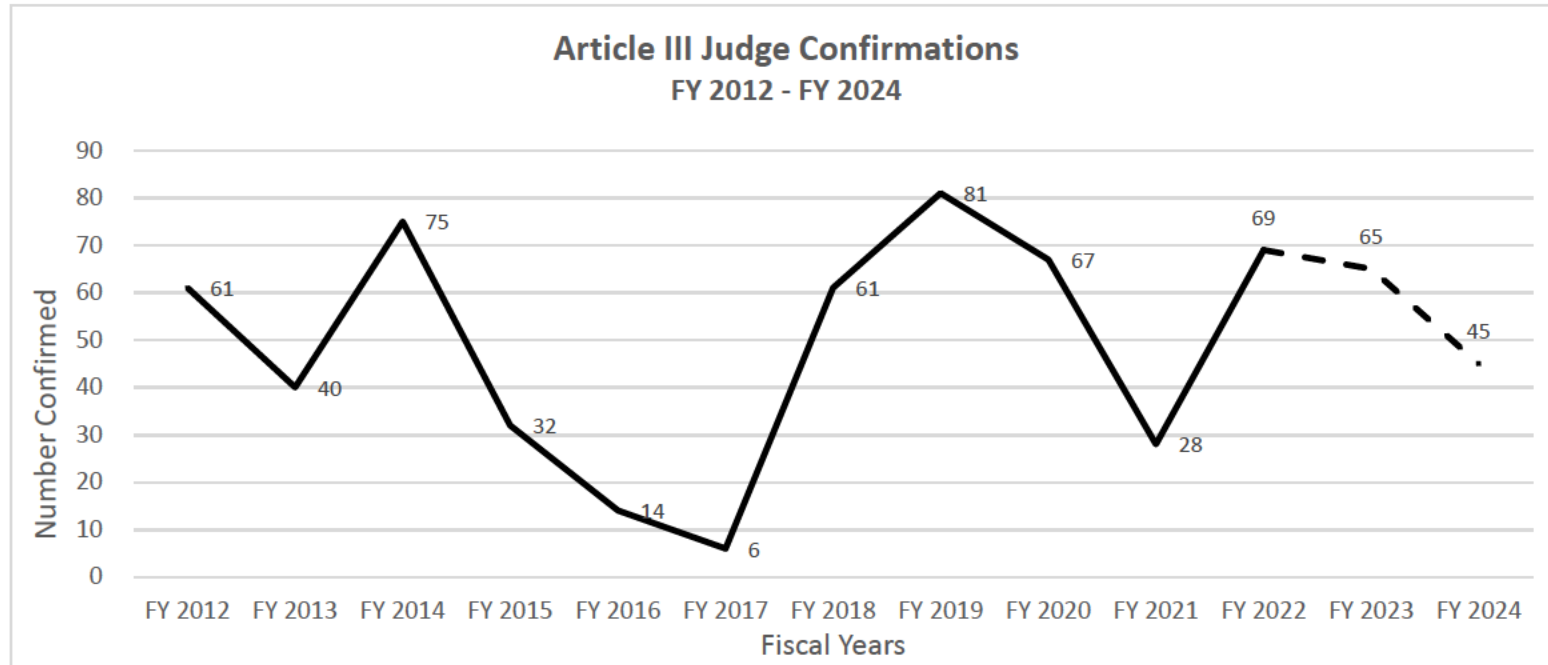
The COVID-19 pandemic and CARES Act resulted in a steady increase in the number of inmates placed on home confinement. In addition, the FSA directs BOP to release individuals who have earned sufficient credits into prerelease custody for longer periods of time and requires that BOP ensure sufficient prerelease capacity to accommodate all eligible inmates. The probation and pretrial services system supervises a portion of these inmates under the Federal Location Monitoring (FLM) program. Under the FLM program, a probation officer supervises a person serving a term of imprisonment in the community on home confinement. This supervision usually entails the use of location monitoring technology to verify the person's compliance with their home confinement conditions imposed by the BOP. Any violation of these conditions is reported by the probation officer to the BOP. The BOP determines the response to any violations. Location monitoring cases are labor intensive. Officers who supervise these cases are on call 24 hours a day, 7 days a week. In FY 2020, probation officers supervised 1,020 FLM cases. During FY 2021, the number decreased to 889 and further decreased to 773 in FY 2022. Despite the downward trend, successful FSA implementation requires the augmentation of BOP prerelease capacity to ensure all eligible inmates have access to community-based prerelease opportunities. The FLM program is an integral component of the capacity building effort. The judiciary anticipates the number of FLM cases will increase in concert with the maturity of FSA implementation.

Judicial Confirmations

The number of filled Article III judgeships has a direct impact on the requirements for the Salaries and Expenses account. This account funds all Article III judges and associated costs, except for justices of the U.S. Supreme Court and judges of the U.S. Court of Appeals for the Federal Circuit and the Court of International Trade (as those courts have stand-alone appropriations). While the salaries and benefits of judges are paid from the Salaries and Expenses account's mandatory requirements, the number of active Article III judges impacts this account's discretionary appropriations requirements for chambers staff, court support staff, and associated operating and maintenance costs that are necessarily increased when a new or replacement Article III judge is confirmed. Operating and maintenance costs include space, travel, training, courtroom digital audio recording equipment, telephone systems, furniture and furnishings, and law books.

Currently, there are 844 authorized Article III and territorial judgeships. However, not all judgeships are filled at any given time. In its annual budget requests, the judiciary makes an assumption regarding the number of expected confirmations each year to help determine the number of anticipated filled Article III judgeships. Typically, the judiciary has estimated for budgeting purposes between 40 and 45 Article III confirmations each year. However, actual confirmations in recent years have been significantly above that level, with 61 confirmations in FY 2018, 81 in FY 2019, 67 in FY 2020, and 69 in FY 2022. The judiciary projects that there will be 65 confirmations in FY 2023 and then 45 confirmations in FY 2024 as the number of remaining vacancies declines. (See the chart below.)

Table 4.2 Article III Judge Confirmations



When the number of judge confirmations is higher than the judiciary estimated in its budget request, funding must still be provided for all confirmed judges’ chambers staff and other operating and maintenance costs. Therefore, fewer resources are available for other areas funded by this account, notably, current court support staffing. The FY 2023 financial plan includes a projection of 65 Article III judge confirmations. The judiciary’s FY 2024 request includes the funding needed to sustain confirmation-related costs from FY 2023 and to accommodate an assumption of 45 additional Article III judge confirmations. The judiciary will update this assumption as part of its FY 2024 budget re-estimate process.

New Courthouse Infrastructure

In FY 2016, Congress provided \$948 million in funding to the GSA for the construction of new courthouses, as prioritized by the judiciary’s September 2015 *Courthouse Project Priorities (CPP)* list. These resources fully funded the top eight courthouse projects on that *CPP*, including: Nashville, Tennessee; Toledo, Ohio; Charlotte, North Carolina; Des Moines, Iowa; Greenville, South Carolina; Anniston, Alabama; Savannah, Georgia; and San Antonio, Texas. Partial funding was also provided for Harrisburg,

Pennsylvania, the ninth project on that *CPP* list. In addition, \$53 million was appropriated for new construction and acquisition of facilities that are joint U.S. courthouses and federal buildings in Greenville, Mississippi, and Rutland, Vermont.

The Rutland, Vermont courthouse acquisition was completed in October 2018. The new courthouse annex in Charlotte, North Carolina, the new courthouse annex in Savannah, Georgia, and the new courthouse in Greenville, South Carolina, were completed in FY 2021. In FY 2022, an additional three new courthouses were completed: Nashville, Tennessee, San Antonio, Texas, and Anniston, Alabama. The Harrisburg, Pennsylvania, and Des Moines, Iowa, new courthouse projects are expected to be completed in FY 2023, as well as the major renovation project at the Charles R. Jonas Federal Building and U.S. Courthouse in Charlotte, North Carolina.

In FY 2018, Congress provided the remaining funding necessary to complete the Harrisburg, Pennsylvania project (\$137.2 million), as well as funding for two additional projects: Huntsville, Alabama (\$110.0 million) and Fort Lauderdale, Florida (\$190.1 million). Both the Huntsville and Fort Lauderdale projects received congressional authorization on February 5, 2019, and are underway (construction for Huntsville and design for Fort Lauderdale).

Although the construction of new courthouses and annexes is funded by GSA, the judiciary is responsible for a variety of associated infrastructure that is needed to ensure new facilities will be fully functional at the time major construction is completed. Additional funding requirements for the judiciary necessary to ensure the full functionality and operations of the new courthouses, comprising \$4.2 million, is included in the judiciary's request.

In addition to funding infrastructure costs for new courthouses, the judiciary must also pay higher rent at completed courthouse projects that increase the amount of space occupied by the judiciary. As of November 2022, the Charlotte Annex, Savannah Annex, Greenville, South Carolina, San Antonio, Texas, Anniston, Alabama and Nashville, Tennessee courthouses have been completed and tenants have moved in.

Cost Containment

The Judiciary works to contain costs whenever possible and has implemented a number of major cost-containment initiatives since 2004. These efforts have achieved significant cost savings and cost avoidance for nearly twenty years and will continue to do so. The

overwhelming majority of the Judiciary's budget relates to personnel and space costs. The Judiciary's cost-containment initiatives have similarly focused on these two areas as they have the greatest impact on long-term savings.

The Judiciary is now exploring lessons learned from operating during the pandemic with the goal of identifying additional efficiencies that could be implemented on a longer term or permanent basis.

FISCAL YEAR 2024 REQUEST

The FY 2024 discretionary appropriation request for the Salaries and Expenses account totals \$6,381.3 million, including \$10.9 million for requirements funded from the Vaccine Injury Compensation Trust Fund. The judiciary also requests \$535.3 million for requirements funded from mandatory appropriations. The FY 2024 discretionary request is a 7.9 percent increase over the FY 2023 enacted discretionary appropriation level of \$5,915.0 million.

In addition to appropriated funds, the Salaries and Expenses account utilizes other funding sources to offset its appropriation requirements, including current year fee collections, carryover of fee balances from the prior year, and no-year appropriation balances (excluding encumbered carryforward). The judiciary projects that these sources of non-appropriated funds will total \$320.4 million in FY 2024, \$7.4 million less than the \$327.8 million expected to be utilized in FY 2023.

**Total Requested Discretionary Appropriation Increases:
\$466,230,000**

Total Mandatory Appropriation Increases: \$34,105,000

JUSTIFICATION OF CHANGES

The changes in the FY 2024 budget request are divided into two sections: adjustments to base and program increases.

Adjustments to base totaling \$424.8 million (84.9 percent of the requested change) are for:

- an increase to mandatory appropriations for personnel costs for judges and costs associated with an increase in filled Article III judgeships, bankruptcy judgeships, and Article III judges who have taken or are expected to take senior status (+\$34.1 million);
- an increase in personnel costs for Court of Federal Claims judges, magistrate judges, chambers staff, and other court support staff (+\$263.4 million);
- an increase in chambers staff to support filled Article III and bankruptcy judgeships and Article III judges who have taken or are expected to take senior status, and related costs (+\$18.9 million);
- financing adjustment to account for a decrease in non-appropriated sources of funds (+\$7.4 million);
- inflationary and miscellaneous adjustments (+\$28.9 million);
- an increase for personnel and related costs for the Vaccine Injury Compensation Trust Fund (+\$0.9 million);

- A net increase for General Services Administration (GSA) rent and related costs (+\$27.2 million); and
- a net increase for information technology requirements (+\$44.1 million).

Program changes totaling \$75.5 million (15.1 percent of the requested change) are for:

- one new full-time magistrate judge and associated staff (\$0.7 million);
- an increase in court support staffing due to caseload and workload changes (\$10.0 million);
- an increase for the national court law clerk program (\$2.6 million);
- an increase for the financial management system upgrade (\$16.0 million);
- an increase for an identity access management system (\$7.0 million);
- an increase for additional IT reimbursable positions (\$5.5 million);
- an increase for additional reimbursable positions in the Office of Public Affairs (\$0.2 million);
- an increase for an Office 365 upgrade (\$7.9 million);

- an increase for tenant alterations projects required to address life and safety issues in the courts (\$21.8 million);
- an increase for a data integrity, reporting and controls program (\$3.0 million); and
- an increase to improve acquisition and procurement improvement activities (\$0.8 million).

ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

The following provides information and justification for each of the adjustments to base for the Salaries and Expenses account. This section is divided into three subsections: judges and associated staff, court personnel and programs, and other adjustments.

A. JUDGES AND ASSOCIATED STAFF

1. Pay and benefit cost adjustments

a. Proposed 2024 pay adjustment

Requested Discretionary Increase: \$6,348,000

Mandatory Increase: \$17,846,000

The judiciary is assuming federal pay rates will increase by 4.7 percent for judges 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 4.7 percent guidance, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

b. Annualization of 2023 pay adjustment

Requested Discretionary Increase: \$1,827,000

Mandatory Increase: \$5,137,000

The requested increase provides for the annualized costs of the 2023 pay adjustment of 4.1 percent for judges associated with the Employment Cost Index (ECI), 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.

c. Benefits increases

i. Health benefits

Requested Discretionary Increase: \$329,000

Mandatory Increase: \$926,000

Based on information from the Office of Personnel Management, agency 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.

ii. FICA adjustment

Requested Discretionary Increase: \$442,000

Mandatory Increase: \$1,272,000

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 judiciary’s contribution in FY 2024.

2. Increase in average number of filled Article III judgeships

Requested Discretionary Increase: \$11,983,000 FTE: 100

Mandatory Increase: \$4,852,000 FTE: 18

In FY 2023, the judiciary anticipates that an average of 778 out of the 844 authorized Article III appellate and district judgeships will be filled. Based on historical confirmation patterns, the judiciary projects 45 Article III judges will be confirmed during FY 2024, offset by 38 active judges who take senior status or retire. As a result of the anticipated timing of these confirmations and departures from active Article III status, the FY 2024 request includes funding for 796 Article III appellate and district court judgeships, a net increase of 18 FTE above FY 2023.

This request also includes funding for chambers support staff (54 law clerks, 17 courtroom deputies, 12 secretaries, and 17 court reporters) associated with the increase in 18 judges’ FTE.

This line item includes \$4.9 million for the salaries and benefits of judges, \$9.9 million for the salaries and benefits of supporting staff, and \$2.1 million for supporting costs such as law books, furniture, travel, supplies, and equipment.

Table 4.3 Active Article III Judgeship Vacancies and FTEs*

Fiscal Year	Authorized Article III Judgeships	Average Vacancies	Avg. Number of Active Judges
2018	844	140	704
2019	844	125	719
2020	844	77	767
2021	844	65	779
2022	844	64	780
Estimates			
2023	844	66	778
2024	844	48	796

* The number of authorized Article III judgeships in this table excludes the U.S. Supreme Court, U.S. Court of Appeals for the Federal Circuit, the U.S. Court of International Trade, but includes territorial courts.

3. Increase in average number of senior judges

Requested Discretionary Increase: \$4,084,000 FTE: 35

Mandatory Increase: \$1,948,000 FTE: 7

Funding is requested in FY 2024 for a net increase of seven senior judge FTE and the associated chambers staff. The request includes \$1.9 million for the salaries and benefits of judges, \$4.1 million for the salaries and benefits of supporting staff (17 law clerks, 8 secretaries, 5 courtroom deputies, and 5 court reporters) and approximately \$0.3 million for supporting

costs such as law books, furniture, travel, supplies, and equipment. Table 4.4 provides the historical levels of senior judges.

Table 4.4 Article III Senior Judgeship FTEs

Fiscal Year	Avg. Number of Senior Judges (FTE)
2018	563
2019	594
2020	587
2021	580
2022	604
Estimates	
2023	608
2024	615

Under federal law, an Article III judge has three options when leaving active service. 28 U.S.C. § 371(a) allows the judge to retire from office and receive an annuity for life equal to the salary in effect at the date of retirement. 28 U.S.C. § 372(a) allows the judge to retire on disability grounds and provides that the judge receives the salary of the office for life after serving 10 years. 28 U.S.C. § 371(b) allows the judge to take senior status and to retain the office but retire from regular active service. Senior status allows the judge to continue rendering substantial judicial service for a number of years, notwithstanding his or her retirement.

As of October 1, 2022, there were 126 U.S. Court of Appeals and U.S. District Court judges eligible to take senior status or retire. In FY 2023, the judiciary projects an additional 29

judges will become eligible and an additional 39 judges will become eligible in FY 2024. For FY 2024, the judiciary estimates that 44 active Article III judges will either take senior status or retire and 33 senior or retired judges will leave the judiciary's payroll. As a result of the projected timing of these actions, the FY 2024 budget request reflects a net increase of seven senior judge FTE.

4. Increase in average number of filled bankruptcy judgeships

Requested Discretionary Increase: \$2,790,000 FTE: 23

Mandatory Increase: \$2,124,000 FTE: 8

The judiciary projects a total of 335 FTE (including recalled bankruptcy judges) for the 345 authorized bankruptcy judgeships will be funded in FY 2023. Based on historical patterns, the judiciary projects that 8 additional judgeships will be filled during FY 2024, increasing the average number of filled bankruptcy judgeships to 343 FTE (including recalled bankruptcy judges) in FY 2024. This request also funds 14 law clerks, 6 courtroom deputies, 2 secretaries, and 1 electronic court recorder associated with the increase of 8 bankruptcy judge FTE.

Table 4.5 Summary of Judicial Officers

	Article III & Bankruptcy Judges (Mandatory Costs)						Claims & Magistrate Judges					
	FY 2023			FY 2024			FY 2023			FY 2024		
	Positions	FTE	(\$000)	Positions	FTE	(\$000)	Positions	FTE	(\$000)	Positions	FTE	(\$000)
Appellate Judgeships	167	158	43,870	167	159	46,753						
District Judgeships ¹	677	619	161,854	677	636	176,905						
Senior/Retired		774	199,713		781	208,950						
Bankruptcy Judgeships ²	345	335	95,714	345	343	102,648						
U.S. Court of Federal Claims ³							16	23	4,862	16	23	5,065
Magistrate Judgeships - Full-time							561	585	166,157	562	586	176,608
Magistrate Judgeships - Part-time ⁴							30	22	7,234	27	22	4,696
Total	1,189	1,886	501,151	1,189	1,919	535,256	607	630	178,253	605	631	186,369

1 Includes territorial judges

2 FTE include recalled bankruptcy judges

3 FTE include recalled court of federal claims judges.

4 FTE include recalled magistrate judges.

Table 4.6 U.S. Court of Federal Claims Judges

Fiscal Year	Authorized Court of Fed. Claims Judgeships	Average Vacancies	Avg. No. Active Judges
2018	16	11	5
2019	16	9	7
2020	16	7	9
2021	16	3	13
2022	16	2	14
Estimates			
2023	16	0	16
2024	16	0	16

Table 4.7 Bankruptcy Judges (excludes recalled)

Fiscal Year	Authorized Bankruptcy Judgeships	Avg. Vacancies	Avg. No. Active Judges
2018	350	23	327
2019	347	27	320
2020	347	36	311
2021	345	35	310
2022	345	26	319
Estimates			
2023	345	19	326
2024	345	19	326

Table 4.8 Magistrate Judges (Full-Time)

Fiscal Year	Authorized Magistrate Judgeships	FTE
2018	537	535
2019	541	535
2020	547	534
2021	549	542
2022	555	555
Estimates		
2023	561	585
2024	562	586

B. COURT PERSONNEL AND PROGRAMS

5. Pay and benefit cost adjustments

a. Proposed 2024 pay adjustment

Requested Increase: \$148,458,000

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, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

b. Annualization of 2023 pay adjustment

Requested Increase: \$43,279,000

The requested increase provides for the annualized costs of a 2023 pay adjustment for Employment Cost Index (ECI) and locality pay. As a result of the ECI and locality 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.

c. Promotions and within-grade increases

Requested Increase: \$28,550,000

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.

d. Benefits increases

i. Health benefits

Requested Increase: \$17,387,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 6.6 percent in both 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.

ii. FICA adjustment

Requested Increase: \$1,445,000

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.

e. One more compensable day

Requested Decrease: \$15,335,000

There is one more compensable day in FY 2024 than in

FY 2023. The requested amount increases personnel compensation and benefits associated with one more compensable day for biweekly paid employees.

6. Funding necessary to maintain FY 2024 service levels due to anticipated decrease in non-appropriated funds

Requested Increase: \$7,400,000

In addition to appropriations from Congress, the judiciary relies on other funding sources to finance its requirements. These non-appropriated funds include current year fee collections, carryforward of fee balances from the prior year, no-year appropriation balances, and Judiciary Information Technology Fund balances. The use of these funds allows the judiciary to reduce its appropriations request on a dollar-for-dollar basis. This Salaries and Expenses account FY 2024 discretionary appropriation request of \$6.4 billion reflects a projected availability of \$320.4 million in these non-appropriated funds. Without these funds, the judiciary's request in discretionary appropriations would have totaled approximately \$6.7 billion.

While the use of these funds benefits the judiciary (and reduces the need for appropriated funds), the amounts available fluctuate year-to-year due to changes in filing fee collections, changes in unobligated balances from prior years, etc. If total non-appropriated funds in the budget year exceed the total non-appropriated funds in the prior year, the budget year's

appropriations request can be reduced further. However, if total non-appropriated funds in the budget year are lower than the total non-appropriated funds in the prior year, appropriations are needed to replace those lost non-appropriated funds to maintain a current services level of obligations.

The FY 2023 financial plan assumes new fee collections and prior-year unencumbered carryforward from FY 2022 totaling \$327.8 million. The FY 2024 request estimates that fee collections and prior-year carryforward will total \$320.4 million, a net decrease of \$7.4 million from the \$327.8 million in non-appropriated funds in FY 2023. This is displayed in Table 4.9 below. As a result, the judiciary request includes an increase in appropriated funds for FY 2024 due to the lower amount of anticipated non-appropriated funds. The judiciary's estimates for non-appropriated funds typically fluctuate during the fiscal year. AO staff will update the appropriations subcommittee staff on changes in non-appropriated funding levels.

Table 4.9 Non-Appropriated Sources of Funding

Dollars in Thousands	FY 2023 Plan	FY 2024 Request	Difference
Fee Collections	138,236	170,393	32,157
Other Carryforward	189,557	150,000	(39,557)
Total, Non-Appropriated Sources of Funding, Excluding Encumbered	327,793	320,393	(7,400)

C. OTHER ADJUSTMENTS

7. Inflationary and miscellaneous adjustments

Requested Increase: \$28,879,000

Consistent with guidance from the Office of Management and Budget, this request of \$28.9 million 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.

8. Vaccine Injury Compensation Trust Fund adjustment

Requested Increase: \$894,000

The National Childhood Vaccine Injury Act of 1986 (42 U.S.C. § 300aa) created a special fund to pay judgments awarded under the Act. This legislation also created the Office of Special Masters within the U.S. Court of Federal Claims to hear vaccine injury cases, and further stipulated that up to eight special masters may be appointed for this purpose. The special masters’ expenditures are reimbursed to the judiciary for

Vaccine Injury Act cases from a special fund set up under the Act.

For FY 2024, the judiciary requests \$10.9 million from the Vaccine Injury Compensation Trust Fund, an increase of \$894,000 above the amount assumed to be received from the Trust Fund in FY 2023. The increase is due to pay and non-pay inflationary adjustments, and a rent increase as a result of rent relief ending in FY 2023, increasing rent for FY 2024.

9. GSA space rental and related services

Requested Increase: \$27,196,000

The judiciary requests a net increase of \$27.2 million in FY 2024 for GSA rent and related services. This net increase is made up of:

- (a) Changes in space/new space (+\$9.1 million),
- (b) Building operations and GSA rent (+\$21.2 million),
- (c) Tenant improvements (+\$31.3 million),
- (d) Space reduction savings (-\$1.4 million), and
- (e) Non-recurring space adjustments (-\$32.9 million).

a. Changes in space/new space

Requested Increase: \$9,057,000

In FY 2024, the judiciary anticipates an increase of \$4.6 million for annualization of new space delivered in FY 2023 and a \$4.5 million net increase for 209,042 useable square feet related to projects to be occupied by the courts of appeals, district courts, bankruptcy courts, and probation and pretrial

services offices based on projected occupancy dates and rental rates provided by GSA. Table 4.10 on page 4.39 identifies major projects that GSA plans to complete in FY 2024.

b. Building operations and GSA rent

Requested Increase: \$21,244,000

This request represents a 2.0 percent inflationary increase (+\$22.3 million) in the cost of GSA space rental and a \$1.1 million decrease in maintenance of facilities occupied by the courts in FY 2024.

c. Tenant improvements

Requested Increase: \$31,286,000

The request includes \$31.3 million for build-out and tenant improvement projects in FY 2024. Of this amount, \$21.0 million is for chambers and courtroom projects for judges taking senior status, replacement judges, and new (additional) judges. In addition, \$10.3 million is for judiciary-required finishes to make the new courthouse in Greenville, MS operational.

d. Space reduction

Requested Decrease: (\$1,448,000)

A net cost savings of \$1.0 million is estimated to be achieved in FY 2024 due to reductions in court-occupied space and an additional savings of \$0.45 million due to the release of space at the Administrative Office's Phoenix Data Center.

e. Non-recurring space adjustments

Requested Decrease: (\$32,943,000)

A net decrease of \$32.9 million is required in FY 2024 for non-recurring costs associated with tenant alterations, furniture, repairs, and miscellaneous space adjustments in FY 2024.

Table 4.10 Space to be delivered in FY 2024 - Prospectus projects, displayed in order of GSA estimated delivery dates

City	State	Net Rentable Square Feet to be Delivered	Estimated Occupancy Date	Fiscal Year 2024 Rent Cost New Space	Fiscal Year 2025 Annualized Rent Cost	Total Annual Rent Cost
Toledo	OH	54,732	12/1/2023	\$3,921,417	\$784,283	\$4,705,701
Greenville	MS	91,990	9/1/2024	\$357,318	\$3,930,502	\$4,287,821
Huntsville	AL	62,320	9/1/2024	\$173,359	\$1,906,953	\$2,080,312
Total		209,042		\$4,452,095	\$6,621,739	\$11,073,834

Table 4.11 GSA Space Rental Increase

	Square Feet of Space	Avg. Cost per Square Ft.*	Amount in \$000
<u>FY 2023:</u>			
Space occupied at start of year	39,278,950		\$1,116,328
Estimated new space to be delivered in FY 2023	200,332		\$2,478
<i>Total, FY 2023</i>	<i>39,479,282</i>	<i>\$28.42</i>	<i>\$1,118,806</i>
<u>FY 2024 Adjustments:</u>			
Increase for estimated inflation (2.0%)			\$22,318
Estimated savings due to reduction in footprint	(37,819)		(\$1,448)
Annualization of new space assigned in FY 2023			\$4,605
Estimated new space to be delivered in FY 2024	209,042		\$4,452
Tenant Improvement Payment to GSA (Greenville, MS)			\$10,300
<i>Total, FY 2024 Budget Request</i>	<i>39,650,505</i>	<i>\$29.31</i>	<i>\$1,159,033</i>
<i>FY 2024 Increase over FY 2023</i>	<i>171,223</i>		<i>\$40,227</i>

*The fiscal year average cost per square foot includes the annualization of rent costs for space added in the succeeding fiscal year.

10. Information technology requirements

Requested Net Increase: \$44,079,000

The judiciary requests a net increase of \$44.1 million in FY 2024 for adjustments needed to maintain current/existing information technology operations. This net increase is made up of:

- (a) Court Administration & Case Management Systems (-\$9.9 million),
- (b) Administration and Management Systems (-\$2.4 million),
- (c) IT court support reimbursable program adjustments (+1.2 million).
- (d) Telecommunications Program (-\$6.0 million),
- (e) Infrastructure & Collaboration Tools (+\$28.5 million),
- (f) Judicial Statistical & Reporting Systems (-\$1.9 million),
- (g) Court IT Allotments (+\$17.5 million), and
- (h) Cybersecurity and IT Modernization Plan (\$17.2 million).

The FY 2024 JITF request includes a new program component, the Cybersecurity and IT Modernization Plan, that was created in FY 2023. This new category tracks requirements and obligations specifically tied to the judiciary's multi-year cybersecurity and IT modernization plan. Activities from the plan previously reported in one of the other categories have

been moved to the new Cybersecurity and IT Modernization Plan category to better track these specific priorities. IT Security programs and other modernization requirements that were in existence prior to the judiciary's request for an IT cybersecurity/modernization supplemental appropriation and are not part of the multi-year plan remain in their program component of origin.

A more detailed description of the items in this request and the judiciary's IT program can be found in section 14 of this submission, "Judiciary Information Technology Fund." Pay and benefits and general inflationary adjustments for these program areas are included above in line items 5 and 7 on pages 4.32 and 4.45.

a. Court Administration and Case Management systems

Requested Decrease: (\$9,928,000)

This base adjustment is associated with a decrease of \$9.9 million mostly due to non-recurring PACTS360 development costs expected to be obligated in FY 2023. This category contains a variety of tools, including Probation and Pretrial Automated Tracking System (PACTS) 360, to access critical case information and law enforcement databases; systems for juror qualification, management, and payment; tools for jury participants to communicate with the courts; as well as the system that captures requests for payments to private court-appointed counsel and expert service providers.

b. Administrative and management systems

Requested Decrease: (\$2,415,000)

A net decrease of \$2.4 million is requested to fund minimum requirements for maintaining judiciary finance and human resources systems, and periodic updates necessitated by legal and policy changes. This category includes the judiciary’s financial and personnel management systems, as well as systems to support and manage space and facilities projects, travel expenses, and judiciary web sites.

c. IT court support reimbursable program adjustments

Requested Increase: \$1,191,000

A net increase of \$1.2 million is requested for court support reimbursable adjustments. The FY 2024 budget request includes the continuation of integrating unmet IT infrastructure/modernization requirements. Acquiring additional funding for IT infrastructure/modernization efforts without also obtaining additional positions to provide proper management and oversight would result in slow or little progress. These services include IT policy and planning guidance; architecture and infrastructure support; security services; testing, national IT applications; IT training; and other administrative and IT support services provided by AO staff on behalf of the courts. This request includes \$2.9 million for the annualization of 15 reimbursable FTE (30 positions)

funded in the judiciary’s FY 2023 request to support additional staffing requirements related to planned cybersecurity improvements (27 positions) and PACTS 360 development and deployment (3 positions). The positions will be Administrative Office staff that are reimbursable from the courts’ Salaries and Expenses account. The request also includes a reduction of \$1.7 million in base adjustments.

d. Telecommunication program

Requested Decrease: (\$6,009,000)

The base adjustment decreases \$6.0 million due to non-recurring costs associated with the transition from the Networx contract to the Enterprise Infrastructure Services (EIS) contract. The judiciary’s communications program enables the judiciary to operate communications services for the appellate, district, and bankruptcy courts and for probation and pretrial services offices, as well as to procure communications equipment for new courthouses and courthouses undergoing major repairs and alteration.

e. Infrastructure and collaboration tools

Requested Increase: \$28,537,000

This increase of \$28.5 million is requested to build and maintain a robust, reliable, and resilient judiciary-wide IT infrastructure. Included are the costs of hardware, software, and IT security associated with the judiciary’s full enterprise hosting and cloud computing services and email and

collaboration systems. This category also includes the costs of IT infrastructure for new courthouse construction projects and operating systems' support, maintenance, testing, and research. continuation of IT security operations, including security engineering, awareness, assessment, testing, policy development, and vulnerability remediation support; hosting services upgrades, cyclical replacements, and maintenance renewals; support contract labor price increases; Microsoft Information Protection and Governance Services in support of data security and governance for Office 365; and backlog of standard base requirements not funded by the FY 2023 enacted appropriations.

f. Judicial statistical and reporting systems

Requested Decrease: (\$1,943,000)

This decrease includes \$1.9 million associated with base adjustments due to non-recurring costs related to the management and reporting capabilities of the enterprise data warehouse. This category includes systems to support gathering and reporting statistics in the judiciary; data analysis and management reporting across judiciary-wide data sources; and planning and decision-making with staffing, financial, and workload data.

g. Court IT Allotments

Requested Increase: \$17,456,000

The \$17.5 million increase in court IT allotments is requested to fund higher requirements for IT infrastructure and maintenance expenses paid directly by courts for local computer, printer, network equipment and software. Also included in this category are costs for local telecommunications services, equipment, maintenance, and courtroom technology. The FY 2024 request includes funding needed to manage a backlog of cyclical replacements of network hardware, software licenses, and video conference equipment in these areas in FY 2023.

h. Cybersecurity and IT modernization plan

Requested Increase: \$17,190,000

The judiciary requests an increase of \$17.2 million to fund the continuation of IT security operations including security engineering, awareness, assessment, testing, policy development, and vulnerability remediation support; funding for Microsoft Information Protection and Governance Services in support of data security and governance for Office 365; implementation of software defined wide area network technology on the data communications network; continued development and implementation for the unified debt management system; funding for data communication network monitoring operations; and continued development of the Online System for Clerkship Application and Review (OSCAR), which is an online system for federal law clerk and appellate staff attorney hiring.

PROGRAM INCREASES

11. New FY 2024 full-time magistrate judge and staff

Requested Increase: \$721,000

FTE: 5

The judiciary requests an additional \$721,000 for one additional full-time magistrate judge position (1.0 FTE), four support staff positions (4 FTE), and associated operating costs. The new full-time position, which will be located in the Northern District of Oklahoma, has been accelerated because of the critical need for the position. Thus, full-year funding is assumed for this magistrate judge position in FY 2024.

Table 4.12 Cost of Additional Magistrate Judges

	<u>Positions</u>	<u>FTE</u>	<u>Total Request</u>
New Full-Time Magistrate Judge (accelerated) and salary increase for one part-time magistrate judge	1		\$298,000
Supporting Personnel	4		\$345,000
Operating Expenses			\$78,000
Total	5		\$721,000

The Judicial Conference authorizes new magistrate judge positions based upon an individualized showing of need by the requesting district courts. The Conference takes into account

all relevant factors in its deliberations on magistrate judge position requests, including the number and locations of authorized district judges. In evaluating requests for full-time magistrate judge positions, the Conference considers the comparative need of the district judges for the assistance of magistrate judges and the overall workload of the district court; the commitment of the court to the effective utilization of magistrate judges; and the availability of sufficient work of the type that the district judges wish to assign to magistrate judges to justify the authorization of additional full-time positions.

Consideration is also given to the geographical areas and population to be served, convenience to the public and bar, the rights of criminal defendants to prompt court proceedings, the number and extent of federally administered lands in the district, transportation and communication facilities, and other pertinent local conditions. As an alternative to authorizing additional full-time magistrate judge positions, the feasibility of using recalled magistrate judges may be explored with individual district courts in response to their requests for additional magistrate judge positions.

Based on the criteria described above, in June 2022, the Executive Committee authorized, on an expedited basis on behalf of the Judicial Conference, one additional full-time magistrate judge position with accelerated funding in the Northern District of Oklahoma at Tulsa. This authorization is directly related to increased workload experienced in the

Northern District of Oklahoma because of the *McGirt v. Oklahoma* ruling.

12. FY 2024 court support staffing due to workload changes

Requested Increase: \$10,052,000 FTE: 99

The judiciary requests a program increase for court support staff (198 new positions or 99 FTE) in appellate, district, bankruptcy administrators, and probation and pretrial services offices in FY 2024 in anticipation of changes in projected caseload and workload. Table 4.13 provides a breakdown of FTE and funding. To calculate the number of staff needed, the judiciary’s request uses the current staffing formulas for each court unit type. To determine FY 2024 FTE, projected caseload and workload data through June 30, 2023, is used (see workload table on p. 4.10). Some staffing formulas use caseload data for multiple years, so depending on the formula, a single year increase or decrease in workload will not necessarily result in a corresponding increase or decrease in formula results.

Table 4.13 Fiscal Year 2024 Staffing Changes

Court Support Staffing FY 24 Workload Increase		
Program	Fiscal Year 2024 FTE	Dollars in Thousands
Appellate	13	\$1,528
Bankruptcy Administrators	1	72
District	50	4,788
Probation/Pretrial	35	3,664
Total	99	\$10,052

13. National Court Law Clerk Program

Requested Increase: \$2,559,000 FTE: 23

The judiciary requests a program increase of \$2.6 million for the national court law clerk program. The Judicial Conference authorized a pilot law clerk program in March 2011 to test the proposition that additional law clerks in limited circumstances can provide needed relief to district courts experiencing significant caseload challenges brought on by rising cases and a shortage in Article III judges. After multiple evaluations by the Federal Judicial Center and the AO confirming the success of the program, the Judicial Conference in 2021 approved establishing a national program. The program would allow district courts to apply for a court law clerk position under three eligibility tracks: a high caseload per judgeship, a low judge occupancy rate, and a significant qualitative issue or

circumstance (when potentially unquantifiable conditions create a burden for the district). A total of 18 law clerks have been provided to district courts under this program, and based on current eligibility criteria, the judiciary projects needing funding for 23 additional law clerk positions in FY 2024.

14. Judiciary Integrated Financial Management System

Requested Increase: \$16,000,000

The judiciary requests \$16.0 million to fund a major upgrade to the Judiciary Integrated Financial Management System (JIFMS), the judiciary's official budget, accounting, and procurement system. The current version of JIFMS (Momentum 7.02) is over eight years and ten releases behind the current release of the commercial off-the-shelf Momentum product. This large gap in updates renders JIFMS technologically obsolete, which causes performance degradations and poses significant supportability and security risks. Due to limited resources and other critical requirements related to cybersecurity and high-priority judiciary IT systems, the judiciary has not had the funding necessary to upgrade JIFMS. The upgrade of JIFMS from version 7.02 (released in September 2010) to version 7.9 is critical to address numerous audit and security concerns, technical obsolescence of third-party support tools, performance concerns, and government compliance functionality.

15. Identity Access Management System (IdAM)

Requested Increase: \$7,000,000

The judiciary requests \$7.0 million to fund a multi-year initiative to implement a new Identity Access Management System. The program increase for IdAM will establish standard identity and access management for all national IT systems. Judiciary users have multiple logon IDs and passwords to access various national systems, making it difficult to track users' movements from one system to the next.

The judiciary's current IdAM was first implemented in 2007 and is outdated. The current IdAM system is dependent on the payroll system and does not align with industry best practices. It lacks critical capabilities and cannot manage a multi-cloud environment, drastically hampering efforts to modernize infrastructure and applications, increasing security risks, and compromising the judiciary's ability to effectively operate a distributed IT environment (an environment where data and software processing is distributed to reduce the impact of any particular site or hardware failure). Overhauling the IdAM system and implementing a cloud-based system capable of supporting a multi-cloud environment will enhance the judiciary's security posture, enhance audit capabilities, provide services faster, and provide a better user experience.

16. Additional positions for IT infrastructure and modernization

Requested Increase: \$5,510,000

The judiciary requests a program increase of \$5.5 million and 58 reimbursable positions (29 reimbursable FTE) necessary for the implementation of the multi-year cybersecurity and IT modernization plan. These positions will support the judiciary's critical cybersecurity and modernization efforts.

17. Additional positions for Office of Public Affairs

Requested Increase: \$207,000

The judiciary requests a program increase of \$207,000 and 2 reimbursable positions (1 reimbursable FTE) for two web development positions in the AO's Office of Public Affairs to help support the judiciary's programs.

18. Microsoft Office 365 upgrade

Requested Increase: \$7,905,000

The judiciary requests \$7.9 million to implement a multi-year initiative to upgrade the judiciary's Microsoft Office 365 licenses. An upgrade of the judiciary's enterprise-wide Microsoft Office 365 licenses from level Government 3 (G3) to G5 provides additional security features such as: (1) Office 365 Advanced Threat Protection (ATP) including prebreach prevention, post breach investigation and simulation/training;

(2) Office 365 Advanced Message Encryption (adds expiration and revocation controls); (3) Data Loss Prevention (DLP) and information barriers (for Teams); (4) Office 365 Cloud App Security; (5) Advanced Data Governance (adds automated retention /deleting/labeling, communication supervision); (6) Customer Lockbox; (7) Customer Key; (8) Advanced eDiscovery (adds analytics); and (9) Advanced Compliance (adds privileged access management).

19. Tenant alterations to address life and safety requirements

Program Increase: \$21,796,000

An increase of \$21.8 million is required in FY 2024 to fund tenant alterations needed to address life and safety requirements, including repair and replacements of judges' elevators. There are 15 federal courts as identified by GSA that identified elevators that are unsafe, unreliable, and in need of critical repair to protect judges and to continue court operations without interruption.

The judiciary is responsible for judges' elevators per its rent agreements. Due to life, safety and security concerns, judges should be able to enter and exit the courthouse and chambers inconspicuously with access outside of public circulation. This access permits a safe escape route in case of an emergency. The judges' elevator repair program develops a national inventory of elevators, prioritizes elevators for repair, modernization or replacement, as appropriate, and identifies

those high-priority elevators for which repair is necessary in FY 2024 to address life, safety and/or accessibility issues.

20. Judiciary Data Integrity, Reporting, and Controls Initiative

Requested Increase: \$3,025,000

The judiciary requests \$3.0 million to implement a multi-year initiative to produce an annual consolidated financial statement as part of the Judiciary Data Integrity, Reporting and Controls (JDIRC) program. This effort is closely aligned with the judiciary's core value of accountability and Goal 2.1b of the *Strategic Plan for the Federal Judiciary*, which is to ensure the integrity of funds, information, operations, and programs through strengthened internal controls and audit programs.

The judiciary does not currently prepare an annual consolidated financial report that captures all judiciary financial activity or funding sources. To address this, the judiciary has implemented a multi-year effort to develop consolidated financial statements and a more integrated approach to internal controls and data governance. This approach will provide a process for officials across the judiciary to validate internal controls that are in place and operating effectively and to allow mutual reliance on controls by both court units, federal public defenders organizations, and AO staff (e.g., reliance of a clerk of court on the AO Controller and vice versa). These consolidated financial statements will be subject to annual independent financial statement audits.

21. Acquisition and Procurement Improvement

Requested Increase: \$750,000

The judiciary requests a program increase of \$0.7 million to support improvements to the judiciary's acquisition and procurement improvement activities. For the past several years, the AO has been working to address issues and challenges faced in the judiciary's acquisitions and procurement activities. GAO reviews and congressional inquiries, combined with internal audits and reviews, though different in purpose and scope, reinforce the need for a strategic approach to address the underlying causes of these concerns across the entire organization.

The acquisition and procurement improvement strategy identifies seven key elements for improvement in the AO's acquisitions and contract management program. These include 1) Integrate Procurement as a strategic partner in AO mission delivery; 2) Improve requirements definition and contract specificity; 3) Maintain proper employer-employee relationships for all contracts, especially time-and-materials contracts; 4) Strengthen invoice analysis, documentation, and oversight; 5) Expand the contracting officer representative program; 6) Develop training for acquisition personnel and program staff on subcontracting approval requirements; and 7) Improve contracting officer file documentation and maintenance.

The judiciary is requesting \$750,000 to implement the action plans identified. Resources are required for contractor support for this multi-year project. This initiative closely aligns with the principles of JDIRC, in that an effective internal control structure and compliance with governing documents such as the *Strategic Plan for the Federal Judiciary* and the *Strategic Direction for the Administrative Office of the United States Courts* promote increased accountability and transparency into the judiciary’s financial management practices.

FINANCING THE FISCAL YEAR 2024 REQUEST

22. Estimated FY 2024 fee collections

Estimated funds available: \$170,393,000

Congress has authorized the judiciary to collect fees for civil and bankruptcy filings, as well as fees for a variety of case services, including registry account administration and miscellaneous court case administration costs. A portion of the fees collected by the courts are deposited into a special fund maintained by the Treasury Department and may be used to reimburse judiciary accounts for expenses incurred. These fees are available without fiscal year limitation.

The judiciary estimates that \$170.4 million in revenue from these sources will be available in FY 2024 to finance requirements in the Salaries and Expenses account, an increase of \$32.2 million from the \$138.2 million estimated to be available in FY 2023. Table 4.14 lists offsetting receipts from

collections by type and displays the actual amounts collected in FY 2022, and estimates for FY 2023 and FY 2024 collections. The judiciary will continue to monitor filings and other collections throughout FY 2023 and will advise appropriations subcommittee staffs of changes to these estimates.

Table 4.14 Offsetting Receipts from Collections

Type of Collection and Source	FY 2022 Actual Collections (\$000s)	FY 2023 Estimated Collections (\$000)	FY 2024 Estimated Collections (\$000)
<i>Fees</i>			
Registry Administration Fees	948	500	500
Bankruptcy Filing and Misc. Fees ¹	76,346	79,249	104,077
Civil Filing and Misc. Fees ²	86,704	59,433	65,800
Central Violations Bureau Fees	3,411	3,330	3,330
Immigration Adjudication and Naturalization Fees	3,540	3,000	5,654
Subtotal, Fees	170,949	145,512	179,361
Fee allocation to Admin. Office ³	-8,547	-7,276	-8,968
TOTAL TO SALARIES & EXPENSES	162,402	138,236	170,393

¹ Includes statutory bankruptcy filing fees and bankruptcy court miscellaneous fees.

² Includes statutory civil filing fees and appellate court and district court miscellaneous fees.

³ Based on Judicial Conference policy, up to five percent of total fees collected may be used to support Administrative Office requirements.

23. Anticipated unencumbered carryforward from FY 2023

Estimated funds available: \$150,000,000

The judiciary estimates that \$150.0 million will be available through anticipated savings in FY 2023 to carry forward into FY 2024 and offset the FY 2024 appropriation request for the Salaries and Expenses account. Savings generally become available due to delays in GSA space delivery schedules that reduce space rental and furniture expenses and unobligated funds returned from the nearly 400 court units throughout the judiciary. This carryforward balance includes the carryforward of fee balances from the prior year, no-year appropriation balances, and Judiciary Information Technology Fund balances.

The judiciary will advise appropriations subcommittee staffs of changes to this estimate.