



Funding the Federal Judiciary

Fiscal Year 2002 Budget and Supplemental Emergency Funding

The Judiciary operated under a series of continuing resolutions until November 28, 2001, when an appropriation finally was enacted. Funding, provided within the Commerce, Justice, State and Judiciary Appropriation, totaled \$4.6 billion, \$357 million or 8.4 percent above the fiscal year 2001 level.

This allowed funding for 398 new work units in the courts to help meet a significant increase in workload. The 2002 budget also provided a 3.4 percent pay increase for judges and a 4.1 percent increase for court staff. The courts' Salaries and Expenses account received a 7.1 percent increase, from \$3.36 billion to \$3.60 billion. The Court Security account received \$220.7 million, a 10.8 percent appropriation increase over fiscal year 2001. This account also received \$77.2 million in emergency security funding for more court security officers and equipment to respond to the attacks of September 11.

The Fees of Jurors account received \$48.1 million. This was slightly below estimated requirements, and funds were reprogrammed from available fee balances to meet total requirements and ensure no delay in jury trials.

Defender Services received \$500.7 million, a 15.4 percent increase over fiscal year 2001. In enacting the appropriation, Congress supported implementation of a rate adjustment for panel attorneys to \$90 per hour for in-court and out-of-court work. It is hoped that this significant increase, following many years in which statutorily-authorized adjustments had not been implemented, will improve the quality of Constitutionally mandated appointed counsel services in criminal cases for those who cannot afford to hire an attorney.

The Administrative Office received an appropriation of \$61.7 million, which allowed it to continue current operations and support of the courts. The Administrative Office accomplishes its mission with less than 2 percent—actually 1.6 percent—of the Judiciary's appropriations, and its share continues to decline. In 1985, the Administrative Office's share of the Judiciary's budget was close to 3 percent.

Fiscal Year 2003 Budget

The Judiciary's budget request for fiscal year 2003 totaled \$5.29 billion, an increase of \$507 million over fiscal year 2002. Nearly 74 percent, or \$374.7 million of the \$507 million total increase, was associated with pay increases, inflation or other adjustments to base, necessary to provide for the same services as were provided in fiscal year 2002. The remaining 26.1 percent (\$132.6 million) of the increase was requested to address programmatic and workload related needs. The bulk of these increases, (\$105.5 million), were to provide for additional support staff and associated costs. The remaining program increases (\$27.1 million) provided for additional magistrate judges needed to handle the courts' growing criminal and bankruptcy workload, associated staff in districts with growing caseloads, and security related requirements.

On July 18, 2002, the Senate Appropriations Committee favorably reported the fiscal year 2003 Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill. The bill provided the Judiciary with appropriations of \$4.965 billion, a \$313.7 million or 6.7 percent increase over the fiscal year 2002 enacted appropriation adjusted for non-recurring costs. While this increase was significant in that the Judiciary received a larger

Chief Judge John G. Heyburn II (W. D. Ky.), left, and Administrative Office Director Leonidas Ralph Meham appeared before the House Appropriations Subcommittee on Commerce, Justice, and State, the Judiciary and Related Agencies to discuss the Judiciary's Fiscal Year 2003 budget request. Earlier in the week, Judge M. Blane Michael (4th Cir.) testified with Judge Heyburn before the Senate Appropriations Subcommittee.



increase than most agencies in the bill, the amount was still almost \$270 million below the Judiciary's full requirements for FY 2003, including a \$174 million shortfall in the Salaries and Expenses account and \$54 million in the Defender Services account.

On October 1, 2002, the new fiscal year began for the Judiciary without an appropriations bill and Congress passed the first of many continuing resolutions to keep the government operating. On October 3, 2002, Chief Justice William H. Rehnquist wrote to the President and congressional leaders expressing his concerns regarding the fiscal year 2003 funding of the federal Judiciary. As Presiding Officer of the Judicial Conference of the United States, he requested that Congress take action prior to the upcoming elections to pass a full-year fiscal year 2003 funding bill for the Judiciary. He sought to extricate the Judiciary's budget for fiscal year 2003 from the middle of the policy differences between the other two branches, similar to what was done

in 1996. "I have reluctantly come to the conclusion that this is necessary," the Chief Justice wrote, "because the uncertain budget situation we face could have a significant, adverse impact on our judicial system." He noted that the Judiciary immediately required additional funds above fiscal year 2002 enacted appropriations simply to maintain pace with the existing workload—a workload caused by the war on terrorism, continued increases in criminal caseload, skyrocketing bankruptcy filings, and the steady growth in the number of released felons requiring supervision by probation offices. The 107th Congress, however, adjourned without passing a fiscal year 2003 appropriations bill for most of the federal government, including the Judiciary. The Judiciary began fiscal year 2003 operating under a continuing resolution, which limited funding to the fiscal year 2002 levels. New appropriation legislation was introduced when the 108th Congress convened in January 2003.