

**UNITED STATES SENTENCING COMMISSION**  
*Salaries and Expenses*  
**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

<b>Fiscal Year 2019 Assumed Appropriation</b>	<b>\$18,548,000</b>
<b>Fiscal Year 2020 Requested Appropriation</b>	<b>\$19,265,000</b>
<b>Requested Increase from Fiscal Year 2019 Assumed Appropriation</b>	<b>\$717,000</b>

**APPROPRIATION LANGUAGE**

**UNITED STATES SENTENCING COMMISSION**  
**SALARIES AND EXPENSES**

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [~~\$18,548,000~~]*\$19,265,000*, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

(H.R. 6147 - Financial Services and General Government Appropriations Act, 2019, updated to reflect the judiciary's fiscal year 2019 assumed appropriation)

**SUMMARY OF REQUEST  
 UNITED STATES SENTENCING COMMISSION  
 SALARIES AND EXPENSES  
 FISCAL YEAR 2020  
 (Dollar amounts in thousands)**

**Fiscal Year 2020 Resource Requirements:**

	<u>FTEs</u>	<u>Amount</u>
<b>Fiscal Year 2019 Assumed Obligations</b> .....	<b>95</b>	<b>20,217</b>
Carryforward balance from the Judiciary Information Technology Fund.....	-	(1,669)
<b>Fiscal Year 2019 Assumed Appropriation</b> .....	<b>95</b>	<b>18,548</b>

**Page No. Adjustments to Base to Maintain Current Services:**

**A. Commission Personnel**

Pay and Benefit Adjustments

10.16	1. Annualization of assumed 2019 pay adjustment (1.9% for three months) . . . . .	-	72
10.16	2. Promotions and within-grade increases . . . . .	-	160
	3. Benefits increases . . . . .		
10.16	a. Health benefits. . . . .	-	25
10.17	b. FICA adjustment. . . . .	-	23
10.17	c. FERS adjustment. . . . .	-	256
10.17	4. One more compensable day . . . . .	-	60

**SUMMARY OF REQUEST  
 UNITED STATES SENTENCING COMMISSION  
 SALARIES AND EXPENSES  
 FISCAL YEAR 2020  
 (Dollar amounts in thousands)**

		<u>Original Request</u>	
<b>B. Other Adjustments</b>		<u>FTEs</u>	<u>Amount</u>
10.17	5. General inflationary adjustments . . . . .	-	121
	<b>Subtotal, Adjustments to Base to Maintain Current Services . . . . .</b>	-	717
	<b>Total Current Services Appropriation Required . . . . .</b>	<b>95</b>	<b>19,265</b>
	<b>Total, Fiscal Year 2020 Appropriation Required.....</b>	<b>95</b>	<b>19,265</b>
	<b>Total Appropriation Increase, Fiscal Year 2019 to Fiscal Year 2020.....</b>	-	717
	<b>Total Appropriation Required, Fiscal Year 2020 . . . . .</b>	<b>95</b>	<b>19,265</b>
	<b>Total Estimated Obligations, Fiscal Year 2020.....</b>	<b>95</b>	<b>19,265</b>

**UNITED STATES SENTENCING COMMISSION  
SALARIES AND EXPENSES  
Obligations by Activity (\$000)**

Activity	Fiscal Year 2018 Actual	Fiscal Year 2019 Assumed/Obligations Appropriations	Fiscal Year 2020 Request
<b>Salaries and Expenses, Total Obligations</b>	<b>18,562</b>	<b>20,217</b>	<b>19,265</b>
Unobligated Balance, Start of Year			-
Judiciary Information Technology Fund	(1,499)	(1,669)	-
New Deposits	(170)	-	-
Unobligated Balance, End of Year			
Judiciary Information Technology Fund	1,669	-	-
<b>Total Direct Obligations</b>	<b>18,562</b>	<b>18,548</b>	<b>19,265</b>
Unobligated Balance, Expiring	137	-	-
<b>Appropriation Required (Direct)</b>	<b>18,699</b>	<b>18,548</b>	<b>19,265</b>

**Object Classification (\$000)**

Description	Fiscal Year 2018 Actual	Fiscal Year 2019 Assumed Obligations	Fiscal Year 2020 Request
11 Personnel compensation	10,043	11,400	11,675
12 Personnel benefits	3,355	3,936	4,325
21 Travel	412	335	343
22 Transportation of things	7	5	5
23 Rent, communications and utilities	29	29	27
24 Printing and reproduction	151	173	150
25 Other services	2,269	2,427	1,506
26 Supplies and materials	95	98	113
31 Equipment	2,031	1,814	1,121
91 JITF Deposit	170	0	0
<b>Total Obligations<sup>1/</sup></b>	<b>18,562</b>	<b>20,217</b>	<b>19,265</b>

1/ Includes JITF obligations of \$1,669,000 in FY 2019.

**UNITED STATES SENTENCING COMMISSION**  
**SALARIES AND EXPENSES**  
**Relation of Obligations to Outlays (\$000)**

	<b>Fiscal Year 2018 Actuals</b>	<b>Fiscal Year 2019 Assumed Obligations</b>	<b>Fiscal Year 2020 Request</b>	<b>Difference (+) or (-)</b>
Total Obligations	18,562	20,217	19,265	(952)
Obligated balance, start of year	2,937	3,753	4,088	335
Adjustments in prior year activity	(71)	(77)	(73)	4
Obligated balance, end of year	<u>(3,753)</u>	<u>(4,088)</u>	<u>(3,895)</u>	<u>193</u>
Total Outlays	17,675	19,805	19,385	(420)
Less Judiciary Information Technology Fund Obligations	<u>0</u>	<u>(1,669)</u>	<u>0</u>	<u>1,669</u>
<b>Net Outlays</b>	<b>17,675</b>	<b>18,136</b>	<b>19,385</b>	<b>1,249</b>

**Personnel Summary**

	<b>Fiscal Year 2018 Actuals</b>	<b>Fiscal Year 2019 Assumed FTE</b>	<b>Fiscal Year 2020 Request</b>	<b>Difference (+) or (-)</b>
Total compensable workyears:				
Full-time equivalent employment	93	95	95	0

## **GENERAL STATEMENT AND INFORMATION**

The Sentencing Reform Act of 1984 Act created the United States Sentencing Commission (Commission) as an expert independent agency within the judicial branch, whose seven voting members, including the Chair, are nominated by the President and confirmed by the Senate. By statute, no more than four Commissioners can be from the same political party, and at least three must be federal judges, thereby ensuring a bipartisan Commission of diverse backgrounds.

The statutory duties of the United States Sentencing Commission include:

- promulgating federal sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community on application of the federal sentencing guidelines and federal sentencing generally.

The Commission continues its core mission to promulgate new sentencing guidelines and guideline amendments in response to legislation, sentencing data, and feedback from sentencing courts, Congress, the Executive Branch, federal defenders, and others in the federal criminal justice community. In fiscal years (FYs) 2019 and 2020, the Commission will continue working to enhance the fairness and effectiveness of sentencing and improve recidivism outcomes, thereby saving federal resources and protecting public safety.

The Commission also will continue analyzing and disseminating sentencing information efficiently and in a timely manner in order to fulfill its statutory duties to monitor the operation of the sentencing guidelines, advise Congress, and act as a clearinghouse of information on federal sentencing.

The demand for Commission work-products, information, and services continues to increase, as evidenced by the high volume of inquiries for data from the Chairmen and Ranking Members of the Judiciary Committees of the Senate and the House of Representatives as well as interested congressional offices. These requests only increased throughout FY 2018 and into FY 2019 as Congress considered bipartisan sentencing legislation. During FY 2020, the Commission will continue to prioritize responding to congressional requests with reliable and timely data.

In addition, consistent with the priorities of the Judicial Branch and in coordination with the Administrative Office of the United States Courts, the Commission is continually auditing and updating its cybersecurity measures and expects to continue investing significantly in this area for the foreseeable future.

The FY 2020 request for the Commission totals \$19,265,000 to maintain current services and once again does not include any program increases. The Commission strives to maximize available resources and appreciates the funding Congress has provided for the fulfillment of its statutory duties under the Sentencing Reform Act of 1984.

## **ONGOING ACTIVITIES**

### **Recent Amendments and Commission Priorities**

In April 2018, the Commission adopted several amendments to the sentencing guidelines that became effective November 1, 2018. These amendments reflect a collaborative data-driven approach to federal sentencing policy.

In response to the Bipartisan Budget Act of 2015, the Commission increased offense levels for certain social security fraud offenses. The Commission received valuable comments from the Senate Committee on Finance, the House of Representatives Ways and Means Committee, and the House of Representatives Judiciary Committee as well as the Social Security Administration. The Commission's action establishes an enhancement and a minimum offense level for individuals who violate certain positions of trust (*e.g.*, health care providers, claims representatives, and others).

The Commission also approved a multi-part synthetic drugs amendment, drawing upon public comment, expert testimony, and data analysis gathered during a multi-year study of synthetic drugs. Before the Commission's action, many new synthetic drugs were not referenced in the federal sentencing guidelines. As a result, federal courts faced expensive and resource-intensive hearings. The

Commission’s actions reflect the evolving nature of these new drugs and will simplify and promote uniformity in sentencing these offenders.

The synthetic drugs amendment includes a new guideline definition of the term “fentanyl analogue” that effectively raises the guideline penalties for fentanyl analogues to a level more consistent with the statutory penalty structure. To address the severe dangers posed by fentanyl, the Commissioners also adopted a four-level sentencing enhancement for knowingly misrepresenting or knowingly marketing fentanyl or fentanyl analogues as another substance (which equates to an approximate 50 percent increase in sentence).

The amendment also established drug ratios and minimum offense levels for two new classes of synthetics drugs: synthetic cathinones (often referred to as “bath salts”) and synthetic cannabinoids (including, but not limited to, “K2” or “spice”). The Commission found that synthetic cathinones possess a common chemical structure that is sufficiently similar to treat as a single class of synthetic drugs.

The Commission also found that, while synthetic cannabinoids differ in chemical structure, the drugs induce similar biological responses and share similar pharmacological effects. In setting the new drug ratios, the Commission considered among other factors, the severity of the medical harms to the user, the current ratios applied in similar cases, known trafficking behaviors, and concerns for public safety.

The Commission also added new commentary to the *Guidelines Manual* providing that judges should consider alternative sentencing options for “nonviolent first offenders” whose applicable guideline range falls within Zones A or B. Eligible defendants must not have any prior convictions and must not have used violence, credible threats of violence, or possessed a firearm or other dangerous weapon in the offense. This narrowly-tailored amendment is consistent with the statutory directive to the Commission in 28 U.S.C. § 994(j).

The Commission also addressed recommendations from its Tribal Issues Advisory Group regarding how tribal convictions are treated in Chapter Four of the *Guidelines Manual* and the definition of “court protection order” in the guidelines.

The Commission continuously reviews Supreme Court jurisprudence that may directly or indirectly affect its priorities and workload. For example, the Commission previously undertook an accelerated review of the guideline definition of “crime of violence” after the Supreme Court’s decision in *Johnson v. United States* struck down as unconstitutionally vague the residual clause portion of the statutory definition of “violent felony” in the Armed Career Criminal Act. The Commission deleted the identical residual clause in the

guideline definition of “crime of violence” and revised the list of enumerated offenses covered by the guideline definition. These changes were intended to simplify and reduce litigation over whether an offense qualifies as a crime of violence under the guidelines. Since then, discrete application issues have arisen regarding the revisions as well as broader concerns raised by the Department of Justice and others that the “categorical approach” that courts apply to the guidelines’ definition is overly complex and results in odd and disparate sentencing outcomes. In FY 2019, the Commission is considering ways to simplify this determination and ensure logical and more uniform sentencing outcomes. This ongoing effort is particularly important in light of the risk to public safety posed by violent recidivist offenders.

One of the Commission’s top priorities in FYs 2019 and 2020 will be its continued examination of the overall structure and operation of the guidelines post-*Booker*, the Supreme Court’s decision in 2005 that rendered the sentencing guidelines advisory in nature. In FY 2018, the Commission reported on persistent demographic disparities in sentencing, and in FY 2019 the Commission will report on sentencing disparities within the same courthouses. In FYs 2019 and 2020, the Commission intends to study geographical disparities in sentencing, and assess the usage and influence of the guidelines over the last decade.

## **Conducting Research**

Research is a critical part of the Commission's mission. The Commission regularly analyzes data to monitor how courts are sentencing offenders and using the guidelines, and routinely uses these analyses when considering proposed changes to the guidelines. Many of its analyses are published by the Commission as a resource for policy-makers and the criminal justice community.

In FY 2018 and 2019, the Commission continued to issue reports on the impact of statutory mandatory minimum penalties, an important issue to policy makers because more than one-fifth (21.8 percent) of all offenders in FY 2016 were convicted of an offense carrying a mandatory minimum penalty. Furthermore, more than half (55.7 percent) of inmates in custody of the Federal Bureau of Prisons as of September 30, 2016, were convicted of an offense carrying a mandatory minimum penalty.

In FY 2017, the Commission released the first in its current series, *Overview of Mandatory Minimum Penalties in the Federal Criminal Justice System*, and released four additional reports in FY 2018: *Mandatory Minimum Penalties for Drug Offenses in the Federal System*, *Mandatory Minimum Penalties for Firearms Offenses in the Federal System*, *Application and Impact of 21 U.S.C. § 851: Enhanced Penalties for Federal Drug Trafficking Offenders*, and *Mandatory Minimum Penalties for Federal Identity Theft Offenders*. In FY 2019, the Commission will release the sixth report in this series on the impact of mandatory minimum penalties on

federal sex offenders. Each of these reports provides the prevalence of the mandatory minimum penalty studied, how often offenders receive statutory relief from the mandatory minimum penalty, the demographic breakdown of offenders affected, and the impact the mandatory minimum penalty has on sentences imposed and the population of the Federal Bureau of Prisons. The Commission believes these reports are a valuable source of data and information as Congress continues to assess the role of mandatory minimum penalties in the federal criminal justice system.

The Commission also continues to focus its research on recidivism, drawing upon partnerships across the federal criminal justice system with the goal of improving recidivism outcomes and improving public safety. The Commission's ongoing series examines 25,431 U.S. citizen federal offenders who were released from prison or placed on probation in calendar year 2005 and studies their recidivism over an eight-year follow-up period. In FY 2017 and 2018, the Commission released three such reports: *Recidivism Among Federal Drug Trafficking Offenders*, *The Past Predicts the Future: Criminal History and Recidivism of Federal Offenders*, and *The Effects of Aging on Recidivism Among Federal Offenders*. In FY 2019, the Commission will release additional reports that examine the recidivism of violent federal offenders, federal firearms offenders, and study the impact of sentence length on recidivism outcomes.

Resources permitting, the Commission plans to continue its recidivism research with an updated cohort of federal offenders released in calendar year 2010. This will enable the Commission to examine the impact, if any, on recidivism of both *United States v. Booker*, and the recent implementation of new evidence-based practices in supervision by federal probation officers.

The Commission believes its recidivism research can help inform Congress and others as they consider sentencing policy. For example, in FY 2018, the Commission released *Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Guideline Amendment*. This report analyzes the recidivism rates of a group of crack cocaine offenders whose sentences were reduced pursuant to retroactive application of the guideline amendment implementing the Fair Sentencing Act of 2011, and compares their recidivism rate to a comparable group of offenders who would have been eligible to seek a reduced sentence under that guideline amendment, but who were released before its effective date after serving their full sentence. The Commission found the recidivism rates of both groups were virtually identical, at 37.9 percent of offenders [recidivism means different things to different people I would explain in a few words how recidivism is used here– arrested for a new crime within 3 years, 5 years, etc.].

As part of its statutory mission to avoid unwarranted sentencing disparities, a key component of the Commission's research is to examine the demographic impact of sentencing. In FY 2018, the Commission published *Demographic Differences in Sentencing: An*

*Update to the 2012 Booker Report*, the third analysis the Commission has published exploring the relationship between demographic factors, such as race and gender, and sentencing outcomes. Consistent with previous reports, sentence length continues to be associated with some demographic factors such as race, and the Commission will continue to explore research in this area.

The Commission plans to release several new research publications in FY 2019, among them an in-depth study of the various types of federal economic crimes and a report examining the impact of revocations of federal offenders' terms of probation and supervised release on criminal history computations under the sentencing guidelines.

### **Collecting, Analyzing, and Reporting Sentencing Data**

Each year, the Commission collects and analyzes data regarding every felony and Class A misdemeanor offense sentenced during that year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: the charging document, the plea agreement, the presentence investigation report, the judgment and commitment order, and the statement of reasons form. The Commission analyzes these documents to report information of interest and importance to policy-makers and the federal criminal justice community.

In FY 2018, the Commission received 320,000 documents for more than 69,000 original sentencings. Throughout FYs 2017 and 2018, the Department of Justice has announced several enhanced enforcement initiatives in areas such as immigration, firearms, and violence offenses. As these initiatives result in increased prosecutions, the Commission expects its caseload will increase significantly in FYs 2019 and 2020 as those cases work through the federal criminal justice system and proceed to sentencing.

To date, the Commission has been able to process its large caseload by continuously working to develop methods to extract automatically certain data and information from court documents. These efforts not only improve efficiency and reduce costs, but also expand the type of information the Commission can collect and analyze on a routine basis.

A prime example of the Commission's use of data extraction is its new initiative to collect information regarding the nature of offenders' criminal history events. Previously, the Commission was able to collect only the number of criminal history points and Criminal History Category as determined under the guidelines in the offenders' criminal histories. Due to ongoing technological investments, the Commission now can collect complete information on the number of convictions and types of offenses in the criminal histories of federal offenders. Using this new capability, in FY 2018, the Commission published *The Criminal History of Federal*

*Offenders*, which for the first time analyzes the complete criminal history of 61,946 federal offenders sentenced in a fiscal year. The Commission plans to make its criminal history datasets for future fiscal years publicly available and believes they will prove to be a valuable resource for researchers and policy makers.

The Commission also has utilized its new data extraction capability to collect and report, for the first time, complete information regarding the use of 21 U.S.C. § 851, which significantly increases penalties for certain recidivist drug offenders and has been the subject of significant recent congressional interest.

The Commission continues to focus on making its data and research more accessible and easily understood. The Commission's annual *Sourcebook of Federal Sentencing Statistics*, available in print and online, provides comprehensive sentencing data for each fiscal year; and its web-based "Interactive Sourcebook of Federal Sentencing Statistics" (ISB) adds analyses not found elsewhere, including sentence length by the guideline the court used at sentencing, amount of loss in fraud cases, and age of offenders in drug cases for each major drug type. The ISB allows users to customize tables and figures, *e.g.*, by circuit, district, or state. In FYs 2019 and 2020, the Commission plans to update the *Sourcebook* and the ISB to improve and streamline their presentation.

In order to provide the timeliest information on national sentencing trends and practices, on its website the Commission posts key sentencing data on a quarterly basis and provides trend analyses of the changes in federal sentencing practices over time.

As required by 28 U.S.C. § 994(g) and 18 U.S.C. § 4047, when the Commission considers sentencing guideline amendments, it estimates the impact of these amendments on the federal prison population. The Commission often is asked by congressional committees and the Congressional Budget Office to complete prison and sentencing impact assessments for proposed legislation, and these analyses are made available on its website when conducted.

The Commission continuously updates and expands its Quick Facts series, which contains dozens of easy-to-read, two-page synopses designed to provide concise facts and data about a single area of federal crime. The series includes overviews of women offenders in the Federal Bureau of Prisons, offenders convicted of mandatory minimum penalties, career offenders, "white-collar" offenders, drug trafficking offenders by drug type, robbery offenders, and many more.

The Commission also responds to numerous requests for data analyses from federal judges, including specific data requests relating to pending cases. The Commission's ability to provide these analyses on demand and with real-time data provides a unique and helpful resource to judges.

## **Congressional Data Inquiries and Briefings**

Each year the Commission receives frequent inquiries from Congress to complete prison and sentencing impact assessments of proposed legislation using real-time sentencing data. These assessments are often complex, time-sensitive, and require highly specialized, scarce Commission resources.

The Commission has experienced a surge in such inquiries, particularly from the Chairmen and Ranking Members of relevant Committees as well as interested congressional offices as Congress considered bipartisan criminal justice reform legislation. In FYs 2018 and 2019, the Commission responded to dozens of time-sensitive data inquiries from the U.S. House and Senate Judiciary Committees.

The Commission also fills more general data requests from Congress on issues and provides circuit, district, and state-wide data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress.

Commission staff routinely holds briefings for congressional staffers on Capitol Hill to present data and findings from the Commission's recent reports. In addition, Commission staff provide basic sentencing guideline training to congressional offices at their request. The Commission stands ready in FY 2020 to continue offering individualized training opportunities to congressional staff upon request.

## **Specialized Training**

The Commission continues to fulfill its statutory duty to provide specialized seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors, and defense attorneys on application of the guidelines and federal sentencing generally. In FYs 2018 and 2019, Commissioners and staff conducted training programs in nearly all 94 federal districts, each program specifically tailored to the needs of the particular audience.

The Commission also has initiated training exclusively for federal judges as they play a unique role in sentencing. Approximately 100 judges attended the Commission's 2018 annual judges' seminar in San Francisco, California, and similar participation is expected at its 2019 seminar in Chicago, Illinois. The Commission intends to meet the unique training needs of judges on an annual basis.

Each year the Commission also holds a national training seminar for a broader array of members of the federal criminal justice system. More than 850 federal probation officers, prosecutors, defense attorneys, and judges attended its 2018 national training seminar in San Antonio, Texas, and the Commission is planning for even more participants to attend its 2019 annual seminar in New Orleans, Louisiana.

The Commission increasingly is relying on distance and online learning in order to expand the reach of its training and contain costs. In FY 2018, the Commission conducted webinars and webcasts and added new on-line resources. For example, the Commission released a new remote learning course on sentencing illegal reentry offenders, who comprise about one-third of federal offenders. The Commission has added other online resources, such as podcasts on frequently recurring sentencing issues, a glossary of sentencing-related terms, and case law summaries related to sentencing. On the first day alone, nearly 400 users reviewed this new content and engagement continues to expand as the podcast series continues to be updated in FYs 2019 and 2020.

In FY 2018, the Commission released an updated version of its primer titled *Federal Sentencing: The Basics*, which provides judges and practitioners a general overview of the federal sentencing process. This publication also linked to an online, interactive course on the website.

In FY 2018, the Commission launched a quarterly newsletter as another means of providing sentencing training. The newsletter is available online and distributed electronically to interested constituents and contains guideline application pointers, case law updates, and answers to frequently asked questions.

In addition to these newer resources, the Commission continues to staff a help line that responds to dozens of questions each day from judges, practitioners, and probation officers regarding proper guideline application.

### **Public Interface**

The Commission continues to expand and improve its public outreach efforts in a cost-efficient manner. The Commission's redesigned website significantly modernized its aesthetic and improved its functionality. The redesigned site has proved to be a more robust resource for policy-makers and the federal courts. In FY 2018, the Commission's website received over 1.3 million hits and averaged approximately 27,500 users each month. Over an 11-day rollout period, nearly 14,000 users accessed the Commission's 2018 *Guideline Manual* online.

The Commission also has undertaken several projects aimed at improving access to the *Guidelines Manual*, which is its core product. In FY 2018, the Commission launched a mobile application that enables users to conveniently access the *Guidelines Manual* on a smartphone at no cost. This new resource has been well received by practitioners and enhanced features will be added in FYs 2019 and 2020. In FY 2019, the Commission will unveil a new interactive online *Guidelines Manual* that will provide the history of each guideline provision. This new resource will provide guideline users a more easily accessible and transparent understanding of the policy rationale and sentencing data underlying each guideline provision.

The Commission also continues to expand its social media presence. Using its social media account and a new cloud communications tool, the Commission provides frequent electronic updates to the interested public on its policy work and research publications. During FYs 2019 and 2020, the Commission will continue to use these tools to disseminate information to a broad audience in a timely cost-efficient manner.

#### **FISCAL YEAR 2019 APPROPRIATIONS ASSUMPTION**

In the absence of enacted full year FY 2019 appropriations, the judiciary made assumptions to construct a FY 2020 budget request. The judiciary built the FY 2020 budget request for the United States Sentencing Commission assuming the FY 2019 House and Senate mark as an estimate for the final FY 2019 appropriations. This amount would fund the Center's full FY 2019 requirements.

For bill language, the judiciary used the language from H.R. 6147, the House-passed Financial Services and General Government Appropriations Act, 2019, updated with the assumed funding level as described above, as the closest approximation of eventual enacted FY 2019 appropriations language

After full year FY 2019 appropriations are enacted, the judiciary will re-estimate its FY 2020 budget request and transmit to the Appropriations Committees any changes to FY 2020 appropriations requirements and language.

## JUSTIFICATION OF CHANGES

The FY 2020 budget request of \$19,265,000 represents an overall increase of \$717,000, or 3.9 percent, over the FY 2019 assumed appropriation of \$18,548,000. The Commission's request reflects an increase over FY 2019 to account for inflationary increases and adjustments for personnel costs to maintain current services. The Commission requests no program increases for FY 2020.

Adjustments to maintain current services include funds for pay and benefits, cost increases for current staff, and adjustments for on-going activities, such as inflationary increases in contract rates and charges for services, supplies, equipment, and other Commission needs.

### ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

#### A. COMMISSION PERSONNEL

##### *Pay and Benefit Adjustments*

##### 1. Annualization of assumed 2019 pay adjustment

**Requested Increase: \$72,000**

The requested increase provides for the annualized costs of an assumed 2019 pay adjustment for Employment Cost Index

(ECI) and locality pay. Based on the FY 2019 appropriations action to date, federal pay rates are assumed to increase by an average of 1.9 percent, effective as of January 2019. The requested increase provides for the cost of three months (from October 2019 to December 2019) of the assumed 2019 pay increase in FY 2020. (If Congress ultimately does not enact a 2019 pay adjustment for federal civilian workers, or if one is provided at a rate different than 1.9 percent, the judiciary will revise this line item in its FY 2020 budget re-estimate.)

##### 2. Promotions and within-grade increases

**Requested Increase: \$160,000**

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.

##### 3. Benefits increases

##### a. Health benefits

**Requested Increase: \$25,000**

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 1.2 percent both in January 2019 and January 2020. The requested increase

annualizes the 2019 premium increase, and includes a nine-month provision for the increase anticipated for FY 2020.

**b. FICA adjustment**

**Requested Increase: \$23,000**

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 2019. The salary cap for OASDI increased from \$128,400 to \$132,900 in January 2019. The requested amount is needed to pay the agency contribution in FY 2020.

**c. FERS adjustment**

**Requested Increase: \$256,000**

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employee Retirement System (FERS) plans for FY 2020. For most employees, the agency contribution rate will increase from 13.7 percent to 16.0 percent. Any FERS increase is in accordance with revised estimates of the cost of providing benefits by the Board of Actuaries of the Civil Service Retirement and Disability System.

**4. One more compensable day**

**Requested Increase: \$60,000**

There is one more compensable day in FY 2020 than in FY 2019. The requested amount increases personnel compensation and benefits associated with one more compensable day for biweekly paid employees.

**B. OTHER ADJUSTMENTS**

*General Inflationary Adjustments*

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

**Requested Increase: \$121,000**

Consistent with guidance from the Office of Management and Budget, this request of \$121,000 is required to fund inflationary increases of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment.