COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES
Salaries and Expenses

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS	Mandatory	Discretionary	Total
Fiscal Year 2020 Salaries and Expenses Enacted Appropriation	$457,484,000	$5,250,234,000	$5,707,718,000
Fiscal Year 2020 Vaccine Injury Compensation Trust Fund Enacted Appropriation	$0	$9,070,000	$9,070,000
Total, Fiscal Year 2020 Enacted Appropriation	$457,484,000	$5,259,304,000	$5,716,788,000
Fiscal Year 2021 Salaries and Expenses Appropriation Request	$469,369,000	$5,459,475,000	$5,928,844,000
Fiscal Year 2021 Vaccine Injury Compensation Trust Fund Appropriation Request	$0	$9,700,000	$9,700,000
Total, Fiscal Year 2021 Appropriation Request	$469,369,000	$5,469,175,000	$5,938,544,000
Requested Increase from Fiscal Year 2020 Enacted Appropriation	$11,885,000	$209,871,000	$221,756,000

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, [$5,250,234,000]*$5,459,475,000* (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 [$9,070,000]*$9,700,000* to be appropriated from the Vaccine Injury Compensation Trust Fund.

(P.L. 116-93 - Financial Services and General Government Appropriations Act, 2020)

SUMMARY OF REQUEST
SALARIES AND EXPENSES
FISCAL YEAR 2021
(Dollar amounts in thousands)

Fiscal Year 2021 Resource Requirements:	Mandatory		Discretionary		Total	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
Fiscal Year 2020 Available Resources (includes Vaccine Injury Fund)……………….……………	**1,870**	**457,484**	**26,377**	**5,880,948**	**28,247**	**6,338,432**
FY 2019 Encumbered Carryforward …………………………………………………………………	**-**	**-**	**-**	**(170,015)**	**-**	**(170,015)**
Fiscal Year 2020 Obligations (includes Vaccine Injury Fund)………………………………………	**1,870**	**457,484**	**26,377**	**5,710,933**	**28,247**	**6,168,417**
Non-appropriated sources of funding…………………………..……...….………....…...………						
Estimated FY 2020 fee collections…………………………………………………………………	-	-	-	(203,489)	-	(203,489)
Carryforward balances from FY 2019 and prior years into FY 2020………………………………	-	-	-	(248,140)	-	(248,140)
Fiscal Year 2020 Enacted Appropriation (includes Vaccine Injury Fund)…………………………	**1,870**	**457,484**	**26,377**	**5,259,304**	**28,247**	**5,716,788**

Page		Mandatory FTEs	Mandatory Amount	Discretionary FTEs	Discretionary Amount	Total FTEs	Total Amount
	Fiscal Year 2020 Base Enacted Appropriation (including Vaccine Injury Fund)…………………	**1,870**	**457,484**	**26,377**	**5,259,304**	**28,247**	**5,716,788**
	Adjustments to Base to Maintain Current Services:						
	A. Judges and Associated Staff						
4.32	1. Pay and benefit cost adjustments						
4.32	a. Proposed January 2021 pay adjustment (1.0% for nine months)………………………………	-	4,178	-	1,521	-	5,699
4.32	b. Annualization of 2020 pay adjustment (2.6% for three months)………………………………	-	2,974	-	965	-	3,939
4.32	c. Benefits increases…………………………………………………………………………						
4.32	i. Health benefits…………………………………………………………………………	-	167	-	82	-	249
4.33	ii. FICA adjustment…………………………………………………………………………	-	231	-	75	-	306
4.33	iii. FERS adjustment…………………………………………………………………………	-	717	-	1,258	-	1,975
4.33	2. Increase in average number of filled Article III judgeships (8 judge FTE/43 staff FTE)………………	8	1,816	43	4,824	51	6,640
4.34	3. Increase in average number of senior judges (7 judge FTE/30 staff FTE)………………………	7	1,556	30	3,142	37	4,698
4.35	4. Increase in average number of filled bankruptcy judgeships (1 judge FTE/3 staff FTE) …………	1	246	3	366	4	612
	B. Court Personnel and Programs						
4.37	5. Pay and benefit cost adjustments						
4.37	a. Proposed January 2021 pay adjustment (1.0% for nine months)………………………………	-	-	-	25,639	-	25,639
4.37	b. Annualization of 2020 pay adjustment (3.1% for three months)………………………………	-	-	-	25,810	-	25,810
4.37	c. Promotions and within-grade increases………………………………………………………	-	-	-	25,639	-	25,639
4.37	d. Benefits increases…………………………………………………………………………						
4.37	i. Health benefits…………………………………………………………………………	-	-	-	5,451	-	5,451
4.37	ii. FICA adjustment…………………………………………………………………………	-	-	-	2,814	-	2,814
4.38	iii. FERS adjustment…………………………………………………………………………	-	-	-	31,648	-	31,648
4.38	e. One less compensable day…………………………………………………………………	-	-	-	(13,679)	-	(13,679)
4.38	6. Funding necessary to maintain FY 2020 service levels due to anticipated decline in non-appropriated funds ………………………………………………………………	-	-	-	62,924	-	62,924
4.39	7. Reduction to FY 2021 base due to decrease in court salary and non-salary requirements …………	-	-	-	(33,000)	-	(33,000)

Page	C. Other Adjustments	Mandatory FTEs	Mandatory Amount	Discretionary FTEs	Discretionary Amount	Total FTEs	Total Amount
4.39	8. Inflationary and miscellaneous adjustments……	-	-	-	13,566	-	13,566
4.39	9. Vaccine Injury Compensation Trust Fund adjustment……	-	-	-	630	-	630
4.40	10. GSA space rental and related services						
4.40	a. New space to be delivered in FY 2021……	-	-	-	5,231	-	5,231
4.40	b. GSA rent inflation……	-	-	-	20,981	-	20,981
4.40	c. Space reduction……	-	-	-	(2,000)	-	(2,000)
4.40	d. Other space-related adjustments……	-	-	-	(5,955)	-	(5,955)
4.43	11. Information technology requirements ……						
4.43	a. Continued implementation of ongoing information technology projects.……	-	-	-	15,456	-	15,456
4.43	b. Contractor conversion savings……	-	-	-	(900)	-	(900)
	Subtotal, Adjustments to Base to Maintain Current Services……	**16**	**11,885**	**76**	**192,488**	**92**	**204,373**
	Total Current Services Appropriation Required……	**1,886**	**469,369**	**26,453**	**5,451,792**	**28,339**	**5,921,161**
	Program Increases:						
4.44	12. New FY 2021 full-time magistrate judges and staff (2 new judgeships/ 2 FTE and 7 staff FTE)……	-	-	9	1,302	9	1,302
4.45	13. FY 2021 court support staffing due to workload changes……	-	-	139	13,599	139	13,599
4.45	14. Infrastructure costs for new courthouse construction projects ……	-	-	-	2,482	-	2,482
	Subtotal, Program Increases……	**-**	**-**	**148**	**17,383**	**148**	**17,383**
	Total Fiscal Year 2021 Appropriation Request……	**1,886**	**469,369**	**26,601**	**5,469,175**	**28,487**	**5,938,544**
	Total Appropriation Increase, Fiscal Year 2020 to Fiscal Year 2021……	**16**	**11,885**	**224**	**209,871**	**240**	**221,756**
	Financing the Fiscal Year 2021 Request:						
	Total Appropriation Request, Fiscal Year 2021……	**1,886**	**469,369**	**26,601**	**5,469,175**	**28,487**	**5,938,544**
4.46	15. Estimated FY 2021 fee collections……	-	-	-	213,705	-	213,705
4.47	16. Anticipated unencumbered carryforward from FY 2020……	-	-	-	175,000	-	175,000
	Total Estimated Obligations, Fiscal Year 2021……	**1,886**	**469,369**	**26,601**	**5,857,880**	**28,487**	**6,327,249**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Salaries and Expenses ($000)

Activity ($000)	FY 2019 Actuals			FY 2020 Estimated Obligations			FY 2021 Request		
	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.
Appeals	716,741	35,919	752,660	672,779	74,343	747,123	698,844	46,961	745,804
District	2,550,514	127,819	2,678,333	2,734,559	302,174	3,036,734	2,840,501	190,875	3,031,376
Bankruptcy	835,253	41,859	877,112	780,861	86,287	867,148	811,113	54,505	865,618
Probation/Pretrial	1,460,100	73,173	1,533,273	1,519,518	167,910	1,687,428	1,578,387	106,064	1,684,451
Total Obligations	5,562,608	278,770	5,841,378	5,707,718	630,714	6,338,432	5,928,844	398,405	6,327,249
Encumbered Carryforward	-	-	-	-	(170,015)	(170,015)	-	-	-
Revised Obligations	**5,562,608**	**278,770**	**5,841,378**	**5,707,718**	**460,699**	**6,168,417**	**5,928,844**	**398,405**	**6,327,249**
Fee Availability		(210,301)	(210,301)		(203,489)	(203,489)		(213,705)	(213,705)
Vaccine Injury Trust Fund		(8,475)	(8,475)		(9,070)	(9,070)		(9,700)	(9,700)
Prior Year Recoveries & Other Adjustments		(37,489)	(37,489)						
Unobligated Balance, Start of Year:									
Encumbered Carryforward		(184,650)	(184,650)						
Unencumbered Carryforward		(256,010)	(256,010)		(248,140)	(248,140)		(175,000)	(175,000)
Unobligated Balance, End of Year:									
Encumbered Carryforward		170,015	170,015						
Unencumbered Carryforward		248,140	248,140		175,000	175,000			
Anticipated Financial Plan Savings					(175,000)	(175,000)			
Appropriation (Direct)	**5,562,608**	**-**	**5,562,608**	**5,707,718**	**-**	**5,707,718**	**5,928,844**	**-**	**5,928,844**
Mandatory			**418,225**			**457,484**			**469,369**
Discretionary			**5,144,383**			**5,250,234**			**5,459,475**

Carryforward (Unobligated Balance) Analysis ($000)

	FY 2019 Actuals			FY 2020 Estimated Obligations			FY 2021 Request		
	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total
Start of Year:									
Fee Account	(92,194)	(210,995)	(303,189)	(97,192)	(213,268)	(310,460)	-	(175,000)	(175,000)
Judiciary Information Technology Fund	(80,898)	(44,961)	(125,859)	(62,937)	(34,872)	(97,809)	-		-
S&E No-Year Funds	(11,558)	(54)	(11,612)	(9,886)	-	(9,886)	-		
Subtotal (Unobligated Balance)	*(184,650)*	*(256,010)*	*(440,660)*	*(170,015)*	*(248,140)*	*(418,155)*	-	*(175,000)*	*(175,000)*
End of Year:			-	-	-	-	-	-	-
Fee Account	97,192	213,268	310,460	-	-	-	-	-	-
Judiciary Information Technology Fund	62,937	34,872	97,809	-	-	-	-	-	-
S&E No-Year Funds	9,886	-	9,886	-	-	-	-	-	-
Anticipated Financial Plan Savings[1]	-	-	-	-	175,000	175,000	-	-	-
Subtotal (Unobligated Balance)	*170,015*	*248,140*	*418,155*	-	*175,000*	*175,000*	-	-	-

[1]/Anticipated Financial Plan Savings for FY 2020 into FY 2021 ($175 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)

	FY 2019 Actuals			FY 2020 Estimated Obligations			FY 2021 Request		
Description ($000)	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.
1100 Personnel compensation	2,614,639	131,033	2,745,671	2,651,588	293,006	2,944,593	2,850,321	191,535	3,041,856
1200 Personnel benefits	884,374	44,320	928,694	923,731	102,074	1,025,806	970,038	65,184	1,035,222
1300 Benefits for former personnel	7,035	353	7,387	8,605	951	9,556	11,013	740	11,753
2100 Travel	61,191	3,067	64,257	61,910	6,841	68,751	73,006	4,906	77,912
2200 Transportation of Things	4,304	216	4,519	4,747	525	5,272	5,085	342	5,427
2310 Rental payments to GSA	980,935	49,160	1,030,094	951,062	105,094	1,056,156	1,015,761	68,257	1,084,018
2320 Rental payments to others	4,173	209	4,382	47,504	5,249	52,753	42,635	2,865	45,500
2330 Communications, utilities & misc	35,926	1,800	37,727	70,560	7,797	78,357	96,171	6,462	102,633
2400 Printing and reproduction	7,933	398	8,331	6,855	758	7,613	8,033	540	8,573
2500 Other services	412,384	20,667	433,050	450,931	49,829	500,760	305,408	20,523	325,931
2600 Supplies and materials	9,417	472	9,889	11,990	1,325	13,315	15,834	1,064	16,898
3100 Equipment	41,770	2,093	43,863	66,768	7,378	74,146	58,399	3,924	62,323
9100 Financial transfers	498,529	24,984	523,513	451,466	49,888	501,354	477,141	32,063	509,204
Total Obligations	5,562,608	278,770	5,841,378	5,707,718	630,714	6,338,432	5,928,844	398,405	6,327,249
Encumbered Carryforward	-	-	-	-	(170,015)	(170,015)	-	-	-
Revised Obligations	**5,562,608**	**278,770**	**5,841,378**	**5,707,718**	**460,699**	**6,168,417**	**5,928,844**	**398,405**	**6,327,249**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Summary of Mandatory Obligations

	FY 2020 Enacted		FY 2021	
	No. of Authorized Judgeships	Compensation ($000)	No. of Authorized Judgeships	Compensation ($000)
Circuit Judgeships	167	42,414	167	44,023
District Judgeships	677	150,850	677	155,210
Senior/Retired Judgeships		179,716		183,259
Bankruptcy Judgeships	347	84,504	347	86,877
Total	**1,191**	**457,484**	**1,191**	**469,369**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Summary of Personnel Compensation and Benefits by Activity

	FY 2019		FY 2020		FY 2021					
	Actual		Financial Plan		Adj. to Base		Workload Adj.		Total Request	
Program	FTE	Amount ($000)	FTE	Amount ($000)	FTE	Amount ($000)	FTE	Amount ($000)	FTE	Amount ($000)
Appeals										
Judges			-							
Article III Judges										
Active	160	39,341	165	42,414	-	1,609	-	-	165	44,023
Senior	114	28,454	118	29,911	1	485	-	-	119	30,395
Retired	30	6,685	30	7,827	-	105	-	-	30	7,932
Court Staff										
Article III Judges' Staff	1,081	119,740	1,180	129,204	4	2,902	-	-	1,184	132,106
Circuit Executives	283	41,403	302	48,747	-	403	-	-	302	49,150
Clerks Offices	608	66,720	578	72,693	-	672	2	159	580	73,524
Staff and Preargument Attorneys	557	82,199	562	88,303	-	829	10	1,234	572	90,366
Librarians	213	25,784	224	28,779	-	474	-	-	224	29,253
Bankruptcy Appellate Panels	13	1,776	13	1,901	-	32	-	-	13	1,933
Total Appeals	3,058	412,101	3,172	449,779	5	7,511	12	1,393	3,189	458,683
District										
Judges										
Article III Judges										
Active	564	130,688	626	150,850	8	4,360	-	-	634	155,210
Senior	480	109,638	484	114,093	5	2,818	-	-	490	116,911
Retired	112	23,092	119	27,885	-	135	-	-	119	28,020
Magistrate Judges	557	135,556	562	145,305	-	3,854	2	504	564	149,663
Court of Federal Claims Judges	26	1,772	16	3,156	-	47			16	3,203
Court Staff										
Article III Judges' Staff	2,809	327,874	3,047	365,968	56	9,479	-	-	3,103	375,447
Magistrate Judges' Staff	1,082	143,372	1,103	152,089	-	3,222	7	630	1,110	155,941
Federal Claims Judges' Staff	44	5,192	68	8,082	-	475	-	-	68	8,557
Clerks Offices	5,740	638,690	5,770	690,362	-	13,702	28	2,270	5,798	706,334
Pro Se and death penalty	464	77,128	469	83,551	-	1,772	-	-	469	85,323
Court Reporters	675	87,718	669	93,956	12	3,780	3	281	684	98,017
Court Interpreters	101	17,356	91	17,334	-	466	1	129	92	17,929
Total District	12,655	1,698,076	13,026	1,852,631	81	44,110	41	3,814	13,148	1,900,554
Bankruptcy										
Judges										
Bankruptcy Judges	326	80,327	328	84,504	1	2,373	-	-	329	86,877
Court Staff										
Bankruptcy Judges' Staff	678	87,290	681	91,692	3	2,233	-	-	684	93,925
Clerks	2,989	345,496	2,960	355,887	-	5,062	1	106	2,962	361,055
Bankruptcy Administrators	46	6,259	46	6,189	-	131	-	-	46	6,320
Total Bankruptcy	4,038	519,372	4,016	538,272	4	9,799	1	106	4,021	548,177
Probation/Pretrial Services	7,968	1,044,541	8,034	1,129,528	-	30,668	94	9,418	8,128	1,169,614
Total Judges	2,369	555,553	2,448	605,945	16	15,786	2	504	2,466	622,235
Total Chambers	6,158	760,596	6,549	830,586	63	20,083	7	630	6,619	851,299
Total Court Staff	19,193	2,357,942	19,250	2,533,679	12	56,219	139	13,597	19,401	2,603,495
GRAND TOTAL	**27,720**	**3,674,091**	**28,247**	**3,970,209**	**91**	**92,088**	**148**	**14,731**	**28,487**	**4,077,028**

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

	FY 2019 Actual		FY 2020 Estimated Obligations		FY 2021 Request
Total Obligations	5,841,378		6,338,432		6,327,249
Obligated balance, start of year	153,672		175,808		143,969
Adjustments to prior-year activity	(36,992)		(170,015)		-
Change in uncollected payments	(12,648)		-		-
Obligated balance, end of year	(175,808)		(143,969)		(91,918)
Total Outlays	**5,769,602**		**6,200,256**		**6,379,300**
Less Offsets	(218,380)		(267,931)		(186,150)
Net Outlays	**5,551,222**		**5,932,325**		**6,193,150**

GENERAL OVERVIEW

The judiciary performs a core government function that is a pillar of our 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) 2021 appropriations request for the courts' Salaries and Expenses account totals $5,938.5 million to support the operation of the courts. The request includes $469.4 million in mandatory appropriations and $5,469.2 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 2021 request for the Salaries and Expenses account supports the operations of the courts at a current services level, as well as program changes for two new magistrate judges and associated support staff, changes in court support staff due to caseload and workload estimates, and infrastructure costs associated with new courthouse construction projects.

This account makes up approximately 69 percent of the judiciary's total appropriations request and supports approximately 28,500 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 597 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, 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, 2020, is used to determine district court support staffing requirements in FY 2021.

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. The current Administration implemented new prosecution policies that led to higher caseloads in a number of criminal offense categories, and the national criminal caseload continues to increase. As shown in Table 4.1 on page 4.16, for the 12-month period ending June 30, 2019, criminal cases filed increased by 8.6 percent from the previous year. Defendants charged increased 6.7 percent for the same 12-month period. The national increase in criminal case activity is expected to continue in 2020. Criminal cases filed are projected to increase by 7.9 percent, and criminal defendants charged are projected to increase by 5.0 percent.

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 cases[1]. As shown in Table 4.1 on page 4.16, for the 12-month period ending June 30, 2019, civil case filings increased 4.4 percent from the previous year, due primarily to a significant increase in tort actions filed in product liability and personal injury cases. Projections for 2020 show civil case filing activity remaining close to 2019 levels, with a small 0.4 percent increase projected.

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, 2020, is used to determine appellate court support staffing requirements in FY 2021.

---

[1] 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 4.16, for the 12-month period ending June 30, 2019, the number of appeals filed decreased 2.9 percent from the previous year. However, the judiciary currently projects that appellate case filings will increase by 6.5 percent in 2020, mainly due to significant projected increases in criminal appeals and other appeals, which would include bankruptcy appeals and administrative agency appeals. Administration initiatives, legislative initiatives, and court decisions can have significant effects on some annual totals. For example, in the early 2000s, filings of administrative agency appeals surged due to appeals of decisions by the Board of Immigration Appeals in the Justice Department and the executive branch's efforts to address its backlog of immigration cases.

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 business and individual debtors, as well as their creditors, as intended by law. Projected caseload and workload through June 30, 2020, is used to determine bankruptcy court support staffing requirements in FY 2021.

Bankruptcy Case Filings

Bankruptcy filings have decreased in each of the past several years, but the rate of decline is slowing and filings are projected to increase slightly in 2020. As shown in Table 4.1 on page 4.16, filings for the 12-month period ending June 30 decreased by only 0.3 percent in 2019. The judiciary currently projects an increase of 1.8 percent between 2019 and 2020, for a projected total of 787,600 bankruptcy case filings for the 12-month period ending June 30, 2020.

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 495,200 new chapter 7 cases during the 12-month period ending June 2020, approximately 16,157 (3.4 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 7,000 new Chapter 11 cases during the 12-month period ending June 2020, which is a decrease of approximately 0.1 percent from 2019.

Chapter 13 Bankruptcy Cases

Chapter 13 of the Bankruptcy Code assists 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 past-due payments. Bankruptcy courts are expected to handle 284,800 new Chapter 13 cases during the 12-month period ending June 2020, a decrease of approximately 0.6 percent from 2019.

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 workload is dictated by prosecutions brought by U.S. Attorneys' Offices and the number of inmates released by the BOP for supervision. In the past, prosecutorial policies at the Justice Department resulted in fewer total criminal filings and, therefore, reduced workload in some probation and pretrial services categories. For instance, pretrial services cases activated and pretrial services persons under supervision all decreased from 2014 to 2017. However, this trend changed in 2018 and 2019.

As noted above in the discussion of criminal filing and as shown in Table 4.1 on page 4.16, in the 12-month periods ending June 30, 2018, and June 30, 2019, criminal filings and the number of criminal defendants charged have increased substantially. These criminal matters directly impact the probation and pretrial services program. In 2018, criminal filings increased by 15.7 percent, criminal defendants charged increased by 12.8 percent, and the number of pretrial services cases activated increased by 10.6 percent. For 2019, criminal filings increased by 8.6 percent, criminal defendants charged increased by 6.7 percent, and the number of pretrial services cases activated increased by 8.4 percent.

Projected caseload and workload through June 30, 2020, is used to determine probation and pretrial services staffing requirements in FY 2021. For the 12-month period ending June 30, 2020, the judiciary projects an 8.4 percent increase in pretrial cases activated, a 4.0 percent increase in pretrial supervision, and an increase of 8.4 percent in presentence reports. The number of persons under supervision is expected to increase, for the first time in four years, by 0.4 percent. For a more detailed explanation of the nuances and complexities of probation and pretrial services workload, see page 4.16.

Table 4.1, Comparison of Judiciary Workload Factors

WORKLOAD FACTOR *	Actual 2014	Actual 2015	Actual 2016	Actual 2017	Actual 2018	Actual 2019	Projected 2020
Criminal Filings	64,027	60,866	61,021	58,121	67,257	73,012	78,800
Year-to-Year Change:	-8.1%	-4.9%	0.3%	-4.8%	15.7%	8.6%	7.9%
Criminal Defendants Filed	84,017	79,154	79,968	75,235	84,828	90,541	95,100
Year-to-Year Change:	-8.5%	-5.8%	1.0%	-5.9%	12.8%	6.7%	5.0%
Civil Filings	298,713	280,037	290,430	271,721	281,202	293,520	294,700
Year-to-Year Change:	5.5%	-6.3%	3.7%	-6.4%	3.5%	4.4%	0.4%
Appellate Filings	55,260	53,032	60,099	52,028	49,220	47,783	50,900
Year-to-Year Change:	-2.0%	-4.0%	13.3%	-13.4%	-5.4%	-2.9%	6.5%
Bankruptcy Filings	1,000,083	879,736	819,159	796,037	775,578	773,361	787,600
Year-to-Year Change:	-12.1%	-12.0%	-6.9%	-2.8%	-2.6%	-0.3%	1.8%
Pretrial Services: Cases Activated	98,122	90,588	88,140	82,265	90,951	98,627	106,900
Year-to-Year Change:	-4.2%	-7.7%	-2.7%	-6.7%	10.6%	8.4%	8.4%
Pretrial Services: Persons Under Supervision	50,261	46,968	45,623	43,998	43,997	46,539	48,400
Year-to-Year Change:	-5.2%	-6.6%	-2.9%	-3.6%	0.0%	5.8%	4.0%
Probation: Presentence Reports	69,453	62,346	59,562	60,669	60,498	66,622	72,200
Year-to-Year Change:	-2.0%	-10.2%	-4.5%	1.9%	-0.3%	10.1%	8.4%
Probation: Persons Under Supervision	132,597	133,428	137,882	135,947	131,036	128,649	129,200
Year-to-Year Change:	0.2%	0.6%	3.3%	-1.4%	-3.6%	-1.8%	0.4%

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

FISCAL YEAR 2020 APPROPRIATIONS

The judiciary built the FY 2021 budget request for the Salaries and Expenses appropriation on the FY 2020 enacted appropriation. The FY 2021 discretionary appropriations request is built on the FY 2020 enacted level of $5,259.3 million. This amount maintains current services in FY 2020 and allows for funding of six additional magistrate judge positions, chambers staff associated with 81 Article III judges confirmed in FY 2019, additional positions for the probation and pretrial services program as a result of an increasing workload, costs associated with new courthouse construction, as well as critical cybersecurity tools. The FY 2021 mandatory appropriation request is built on the FY 2020 assumed financial plan level of $457.5 million.

Any changes to FY 2021 requirements due to the final FY 2020 financial plan will be included in the judiciary's re-estimates of its FY 2021 budget request.

For bill language, the judiciary used the language from P.L. 116-93, Financial Services and General Government Appropriations Act, 2020.

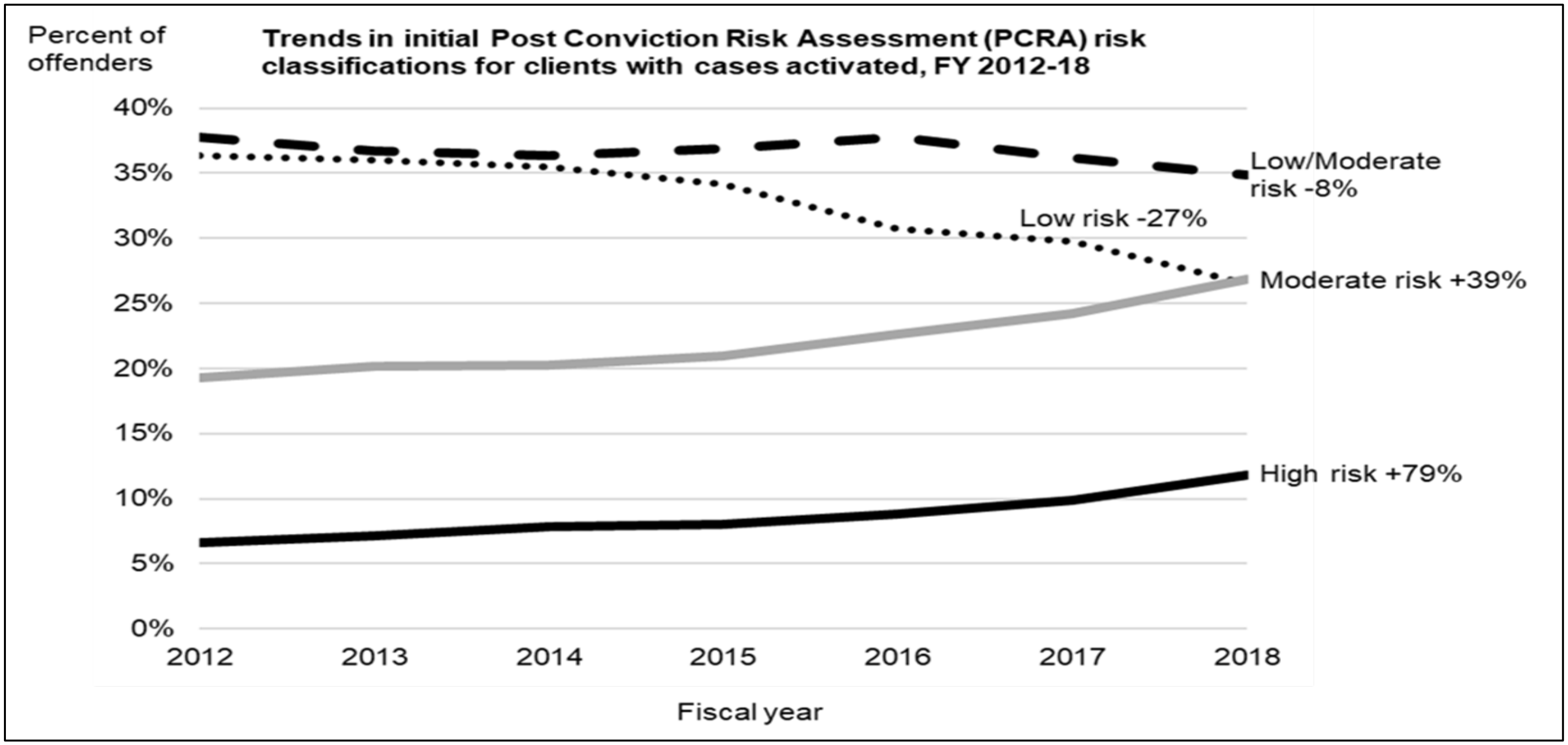
SIGNIFICANT ISSUES

Increasing Workload for Probation and Pretrial Services Offices

The workload of the probation and pretrial services program is increasing dramatically. As explained on page 4.15, in 2020, pretrial services cases activated, pretrial services supervision, presentence reports, and the projected number of persons under post-conviction supervision are all expected to increase from their respective 2019 levels. The growth in pretrial services cases will almost certainly translate to higher future probation requirements, which will also increase staffing requirements.

In addition to growing total caseloads, the proportion of cases activated within the federal probation system that pose greater supervision challenges and higher risk of recidivism is also increasing. The probation and pretrial services program assesses the risk of its clients by classifying them into four categories – high risk, moderate risk, low/moderate risk, and low risk. High and moderate risk clients require substantially more supervision than lower risk clients, thus increasing the workload for probation and pretrial services officers and necessitating the expenditure of higher amounts of resources for officers and court ordered services. As shown in the chart on the following page, the time period spanning FY 2012 through FY 2018 (the last year for which there is complete data) witnessed a 79 percent increase in clients classified as high risk and a 39 percent increase in clients classified as moderate risk. Conversely, the percentage of offenders with the lowest risk classification declined by 27 percent and the percentage of offenders with low/moderate risk declined by 8 percent. There is no reason to expect this trend to reverse.

Table 4.2, Risk Level



This increasing workload is due to two factors:

1) *<u>Responding to Justice Department Priorities</u>*
The current Administration has publicly committed to increase prosecutions for illegal reentry to the United States, firearms, drugs, and violent offenses. For example, the Administration recently reported that federal firearm prosecutions have increased by over 40 percent compared to the last two years of the previous Administration. There is no indication that the

Administration intends to change its prosecutorial priorities. In fact, the Justice Department has indicated to the judiciary that it is hiring a record number of prosecutors to continue carrying out its prosecution policies.

2) *First Step Act of 2018*

The President signed into law the First Step Act (the Act), P.L. 115-391, in December 2018. The law retroactively applies the reduced penalties under the Fair Sentencing Act of 2010, expands "good time" credits, modifies compassionate release provisions, and creates a new method for inmates to earn early release from prison. The Act unequivocally increases the workload of the federal probation system by requiring officers to supervise BOP inmates on home confinement or in residential reentry centers earlier than previously planned or by requiring officers to supervise persons on supervised release in the community earlier than previously planned. The Justice Department already announced the July 2019 release of 3,100 inmates under the First Step Act.[2]

Comprehensively quantifying the workload impact of the Act on the probation and pretrial services program is difficult at this time, as BOP is still working to define the implementation plan for several significant provisions. However, based on current information and projections, a total of over 13,000 additional persons under supervision will enter the probation system due to provisions of the Act. The judiciary will keep Congress apprised as more information and estimates are developed.

The Fair Sentencing Act retroactivity and the good time credit recalculation provisions of the First Step Act are the provisions with the most immediate impact on probation and pretrial services workload. These two provisions are expected to result in approximately 5,700 inmates being released earlier than anticipated through FY 2020. Nearly all of these former inmates will remain on supervision through FY 2021.

The spike in pre-release home confinement cases under the Federal Location Monitoring Program, including the Elderly Home Confinement provision, is also one of the Act's immediate workload drivers. The Act generally requires probation offices to supervise these cases[3]. Location monitoring cases are labor intensive, and the officers who supervise them are on-call 24 hours a day, 7 days per week. Since passage of the Act, there has been a nearly 150 percent increase in these cases. Officers receive over 300,000 location monitoring alerts each year (at all hours of the day) and must respond to all of them. The burdens of

---

[2] U.S. Department of Justice Press Release, "Department of Justice Announces Enhancements to the Risk Assessment System and Updates on First Step Act Implementation," Jan. 15, 2020, available at https://www.justice.gov/opa/pr/department-justice-announces-enhancements-risk-assessment-system-and-updates-first-step-act.

[3] *See* 18 U.S.C. §§ 3624(c)(3), 3624(g)(7) and (8); 34 U.S.C. § 60541(G)(4).

these cases have required the probation and pretrial services program to recommend caps for officers assigned to them. Exceeding the recommended caseload caps will place more stress on officers and lead to alerts not being addressed promptly, risking public safety. Unless adequately resourced, probation offices may need to decline accepting home confinement referrals from the BOP; declining such referrals could thwart one of the primary objectives of the First Step Act.

Another provision of the First Step Act with immediate workload implications is the expanded use of compassionate release under 18 U.S.C. § 3582(c). Inmates may now petition a court for compassionate release from BOP custody. The expanded compassionate release provision has resulted in releasing some of the BOP's inmates with the greatest health challenges. The demands these extremely ill clients place on probation officers are significant. As BOP is mandated to inform inmates of the availability of compassionate release, inmate awareness of this provision will grow as will the number of motions for release. This workload is likely to increase throughout FY 2020 and FY 2021.

Successful supervision outcomes depend on sufficient resources that can be used for personnel, treatment and monitoring services, and training and program implementation. The growth in cases supervised per officer is detrimental to an officer's ability to support behavioral change and properly monitor the behaviors of those under supervision. Accordingly, unless there are sufficient resources to keep pace with rising workload, officers will be assigned larger caseloads and find it more challenging to provide adequate supervision. Supervision resources will be focused on higher risk cases, and moderate and lower risk individuals will receive less supervision. This will likely increase re-arrest rates[4] and, thus, increase the risk to public safety.

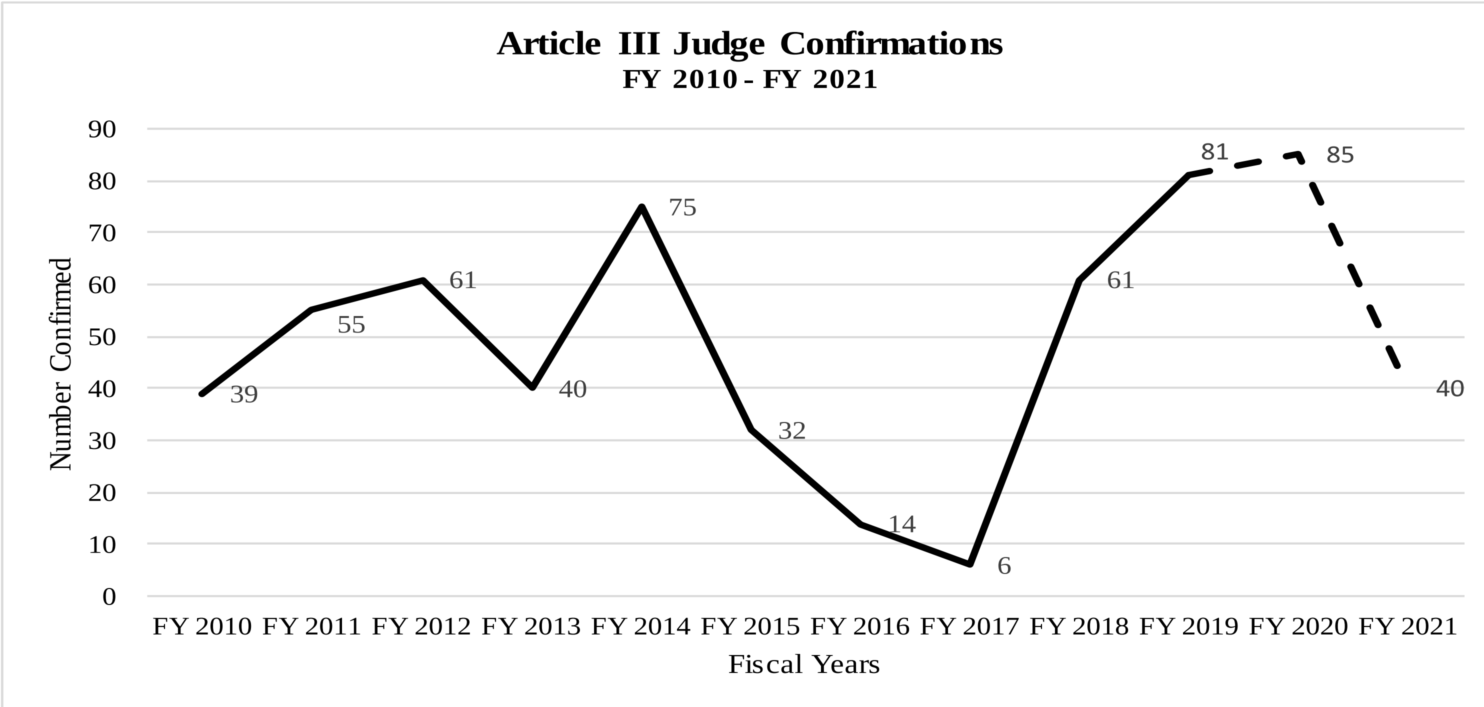
[4] Re-arrest rates within three years are as follows: For low risk, 10.1%. For low/moderate risk 22.5%. For moderate risk, 33.9%. For high risk, 38.9%.

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 requirements. The discretionary account funds 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, staff furniture and furnishings, and law books.

Currently, there are 844 authorized Article III 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 between 40 and 45 Article III confirmations each year. In FY 2018 and FY 2019, however, a change in legislative priorities and Senate procedural rules resulted in the number of Senate confirmations of Article III judges substantially increasing. Actual confirmations outpaced the judiciary's usual confirmation estimate by 16 judges (35.5%) and 36 judges (80%) in FY 2018 and FY 2019, respectively. As shown in the chart below, these rates are significantly higher than in recent years.

Table 4.3, Article III Judge Confirmations



When the number of judge confirmations is higher than expected, funding must still be provided for all confirmed judges' chambers staff, court support 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 assumed FY 2020 financial plan includes a projection of 85 Article III judge confirmations. Looking to FY 2021, the judiciary's request includes the funding needed to sustain confirmation-related costs from FY 2020 and to accommodate an assumption of 40 additional Article III judge confirmations (confirmations are projected to decline in FY 2021 as the number of remaining vacancies also declines). The judiciary will update this assumption as part of its budget re-estimates.

Consolidated Financial Statement Initiative

The judiciary is committed to robust financial management practices including strong oversight, internal controls, and independent auditing. The judiciary has undergone regular audits and investigations of its appropriated and other funds and has an infrastructure of controls designed to prevent fraud, waste and abuse. Individuals supporting these functions – including external independent auditors – make reports directly to a specific committee of the Judicial Conference comprised of federal judges from throughout the country.

The judiciary plans to begin a new, multi-year financial management initiative – the Judiciary Data Integrity, Reporting, and Controls Program (JDIRC) in FY 2020. If the judiciary's assumed FY 2020 financial plan is approved, this initiative will build upon the judiciary's foundation of strong financial management practices and robust internal controls. Ultimately, this program will result in the judiciary submitting a consolidated, audited financial statement to the Treasury Department that is compliant with Federal Accounting Standards Advisory Board (FASAB) generally accepted accounting principles (GAAP) or other comprehensive basis of accounting. Existing judiciary financial processes, internal control evaluations and financial systems were not designed to support assertion to and the production of GAAP compliant, consolidated, auditable financial statements on an annual basis. Additional resources are required to reach that goal.

The Treasury Department and the Government Accountability Office (GAO), which audits the government-wide financial statements, have asked that the judiciary submit annual, audited financial statements to ensure compliance with government-wide reporting requirements. Although the judiciary (like the legislative branch) is not subject to Office of Management and Budget financial reporting requirements and FASAB standards to produce these statements, providing these consolidated statements will aid the Treasury Department's priority to receive an unqualified audit opinion on the government-wide statements. The goal of this initiative is to allow the judiciary to submit financial statements in the same manner the executive and legislative branches currently do. At the same time, through this initiative, the judiciary will further strengthen its transparency and accountability with all stakeholders – including Congress, the executive branch, persons interacting with the judiciary, and the American public.

For this initiative, the judiciary has developed a five-year approach to prepare consolidated financial statements and strengthen internal controls. There are three principal elements to the JDIRC:

1. Data Integrity: Implement a data management program to include financial data models, data lineage, data policy and processes, and data standards.

2. Financial Reporting: Ensure all material financial transactions are appropriately documented, presented, and disclosed to

assert to the accuracy of the consolidated financial statements and achieve and unqualified audit opinion.

3. Internal Controls: Follow the industry best practices for documenting and evaluating internal control in a continuous cycle.

To successfully submit a consolidated financial statement that meets GAAP standards requires extensive preparation. Development of a more integrated and data driven approach to internal controls is a prerequisite to the development of consolidated financial statements. The accuracy and integrity of financial reporting is dependent on the controls over the processes and quality of data that is reflected in the data reported on a financial statement or used internally for management decisions.

The judiciary currently anticipates beginning this project in FY 2020. The judiciary assumes this project will be funded at $7.3 million in the FY 2020 financial plan. In FY 2020, the AO anticipates hiring seven Salaries and Expenses reimbursable positions (four FTE and $843,000) and utilizing $6.5 million in contractor support. For FY 2021, this budget request maintains funding for the JDIRC initiative at $7.3 million, including $3.1 million for 22 positions (15 FTE) and $4.3 million in contractor support. The funding for the seven positions hired in FY 2020 would be annualized, and 15 additional reimbursable positions will be filled during FY 2021. These 22 positions are needed for internal and external teams to train and support court units and staff at the Administrative Office and for other data management functions. After implementation is complete, these 22 positions will be needed to support the ongoing sustainment of this effort. Contractors are needed in the early phase of the project to support the initial risk assessment; map all significant business process, data elements, posting logic and key controls; and identify gaps. As the program continues, fewer contractor resources will be needed.

New Courthouse Infrastructure

In FY 2016, Congress provided $948 million in funding to the General Services Administration (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 plan, 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 project is complete, while completion of three projects is anticipated in FY 2021: Charlotte, NC (annex); Nashville, TN; and Savannah, GA (annex). Harrisburg, PA completion is expected to follow in November 2021.

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 that new facilities will be fully functional at the time that major construction is completed. For those courthouse projects that were funded in FY 2016, this FY 2021 request includes $15.4 million to fund furniture, information technology, and other space-related infrastructure costs required during the design and construction of the new courthouses. Additional information about these FY 2021 costs can be found on page 4.40. Remaining funding requirements for the full functionality and operations of the new courthouses will be included in future requests.

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. Judiciary-related infrastructure costs associated with the courthouse projects in Huntsville and Fort Lauderdale are still being developed and will be included in future funding requests.

Evidence-Based Practices

Evidence-based practices are the use of the best available evidence to inform decision making about the supervision of individuals to achieve positive outcomes, including the reduction of recidivism. Empirical research over the past several decades has consistently demonstrated that interventions in community corrections are most effective in reducing recidivism when they adhere to three evidence-based principles: risk, need, and responsivity. According to the risk principle, the level of correctional intervention should match the person under supervision's risk of recidivism. Under the need principle, correctional interventions should target known and changeable predictors of recidivism (also referred to as "criminogenic needs"). Finally, according to the responsivity principle, interventions should involve the treatment modality most capable of changing known predictors of recidivism; research has demonstrated that cognitive behavioral strategies are the most effective way to influence change. The FY 2021 request includes $9.2 million to continue the probation and pretrial services program's evidence-based practices initiative. Highlights of this initiative are below.

Risk Assessment (Post-Conviction): The Post-Conviction Risk Assessment (PCRA) classifies the risk level of persons under supervision and identifies the criminogenic needs that could reduce the risk of re-offending. The PCRA includes a violence assessment, which helps officers identify persons on supervision who pose a greater risk of committing a violent offense. The PCRA tool enhances the abilities of officers to prioritize their casework and appropriately target services to higher risk cases. In FY 2019, the average treatment expenditure for low risk persons under supervision was $1,055, while it was $3,602 for high risk persons under supervision. By identifying a risk level, the probation and pretrial services program uses its resources as efficiently as possible.

Risk Assessment (Pretrial Services): The judiciary has developed the Pretrial Risk Assessment (PTRA), which is an objective, actuarial instrument providing a consistent method of predicting risk of failure-to-appear, new arrests, and technical violations while on pretrial release. Pretrial services offices currently use the tool in approximately 80 percent of all cases to recommend to a court whether a defendant should be released pending trial. Judiciary staff continue to promote PTRA and provide education on evidence-based practices in pretrial services through the Detention Reduction Outreach Program (DROP), a program designed to reduce unnecessary pretrial detention through collaboration with pertinent stakeholders.

Cognitive Behavioral Therapy Curricula: In addition to risk assessment, the probation and pretrial services program is expanding the availability of cognitive-behavioral therapy programming by developing curricula that address the top criminogenic needs of persons under supervision: antisocial thinking patterns, social networks, substance abuse, and educational or employment deficits. An additional curriculum was developed to address violent tendencies. Implementation of these curricula is focused on developing a group of 38 national trainers to engage in a pilot study to evaluate the implementation plan and initial outcomes.

Staff Training Aimed at Reducing Re-Arrest (STARR): When implemented, core correctional practices improve officers' abilities to positively influence people under supervision and reduce recidivism. In the probation and pretrial services system, core correctional practices are being deployed through the STARR program. The training includes discussing the theory of core correctional practices, a demonstration of each skill, exercises, and an opportunity for officers to practice each skill and receive feedback. As of the end of FY 2019, the judiciary has trained more than 5,354 officers (which represents approximately 67 percent of current probation and pretrial services officers) through the STARR program. The judiciary is conducting an evaluation of STARR implementation in FY 2020 and will use the results to refine training and implementation procedures in FY 2021.

COST CONTAINMENT

Judiciary's Space Reduction Program

Space reduction has been one of the judiciary's major cost-containment initiatives. The Judicial Conference established a national space reduction target of three percent in September 2013, which was equivalent to a total reduction of 870,305 usable square feet (USF)[5]. At the time of the deadline for this goal (January 2019), approximately 1.2 million USF of space had been removed from the judiciary's rent bill. Therefore, the judiciary has exceeded its national space reduction goal by approximately 37 percent. In fact, all circuits exceeded their space reduction goals. Through the substantial investments the judiciary made in this initiative, it has resulted in approximately $36 million in annual rent avoidance. Since 2013, the judiciary has achieved an estimated $116 million in cumulative rent avoidance via space reduction.

Following the success of the three percent reduction goal, the judiciary has turned its focus to another Judicial Conference-approved cost-containment initiative, the No Net New policy. This policy requires that any increase in square footage within a circuit must be offset by an equivalent reduction in square footage identified within the same fiscal year.[6] As courts expand their workforces, Article III judges take senior status, and new judges are appointed, demand will increase for space, particularly chambers space required for new judges. As a result, circuits need to improve the utilization of their space to ensure that they do not expand their space footprints. For this reason, similar to the FY 2019 and FY 2020 budget requests, this FY 2021 budget request includes $15 million to undertake projects needed to reconfigure space more efficiently and offset space increases to maintain compliance with the No Net New policy. The ten No Net New projects that were approved in FY 2019 are expected to reduce the judiciary's space footprint by 57,000 square feet, equating to $3 million in additional annual rent cost avoidance.

---

[5] This target was prorated among the circuits based on the square footage occupied by each, taking into consideration the amount of square footage allotted to the circuit under the current version of the *U.S. Courts Design Guide*. The target excluded: new courthouse construction, renovation, or alterations projects approved by Congress, and is contingent upon the judiciary having access to funding to analyze, design, and implement space reductions. The baseline for this policy was the square footage of total space holdings within each circuit as of the beginning of FY 2013 (JCUS-SEP 13, p. 32).

[6] The No Net New policy is subject to the following exclusions: new courthouse construction, renovation, or alterations projects approved by Congress. The baseline for this policy is the square footage of total space holdings within each circuit as of the beginning of FY 2013 (JCUS-SEP 13, p. 32; JCUS-SEP 14, p. 29).

Beyond this three percent reduction goal and the No Net New policy, the judiciary has implemented other space-related cost-containment initiatives including the Service Validation Initiative, which is a cooperative effort of the AO, the courts, and GSA to maximize the value derived from the judiciary's space rental payments.

Bankruptcy Noticing Center and Electronic Bankruptcy Noticing

Bankruptcy noticing is required both by the United States Bankruptcy Code (11 U.S.C. § 101 et seq.) and the Federal Rules of Bankruptcy Procedure. The Bankruptcy Noticing Center (BNC) facilitates these requirements by centrally transmitting bankruptcy notices for all bankruptcy courts to case participants through a private contractor. Since its creation in 1993, the BNC has allowed the judiciary to reduce bankruptcy clerk's office staff dedicated to manually producing and mailing notices, to secure U.S. Postal Service bulk discount rates, and to implement more extensive cost-saving and avoidance measures than could have been achieved if noticing were managed locally. One such measure is "multi-stuffing," where the contractor places all notices from all courts for a single recipient into a single mail piece.

Another initiative that saves a significant amount of resources is Electronic Bankruptcy Noticing (EBN). Pursuant to federal bankruptcy rules (Fed. R. Bankr. P. 2002(g)(4) and 9036), the BNC obtains consent from creditors and other parties to accept notices electronically, thereby avoiding the expense of producing and mailing paper notices and ensuring faster delivery. The judiciary is seeking ways to expand electronic noticing. For example, a proposed change to Fed. R. Bankr. P. 9036, which is currently open for public comment, would mandate electronic noticing for high volume paper notice recipients (entities that receive a large number of bankruptcy notices each month). Increased EBN noticing to date contributed approximately $8.4 million in cost avoidance in FY 2019. The $8.4 million in cost avoidance takes into account approximately $900,000 in contractor costs for EBN customer support and outreach to high-volume paper notice recipients. EBN's rate of adoption has continued to grow – increasing by approximately six percent over the last two years alone. Today, approximately 46% of all bankruptcy notices in the United States are sent electronically. The judiciary is currently working to expand use of EBN in the future, which will result in additional savings.

Work Measurement

The judiciary has employed work measurement since 1970 to determine its staffing requirements, and to provide a reliable tool to allocate staffing resources equitably across court types and individual court units. Though the methodology has changed over the years, work measurement's primary purpose remains to bring an empirically-based and practical approach to staffing allocations.

The staffing formulas estimate the number of staff required to perform the work of judiciary units, which include appellate and circuit offices, district courts, bankruptcy courts, probation and pretrial services offices, and federal defender organizations (FDOs). The formulas define both administrative and operational staffing requirements of each judiciary unit.

Although the judiciary has used work measurement for several decades, the shifting fiscal environment has further amplified the importance of work measurement as an effective management tool available to the judiciary. The judiciary updates the staffing formulas, generally at five-year intervals, to incorporate efficiencies derived from information technology initiatives, best practices, and other process improvements as well as to evaluate new work requirements in a consistent manner across the courts. The work measurement process uses a combination of statistical modeling and other measurement techniques to define court units' staffing needs for all required work.

In FY 2019, the judiciary completed a work measurement study on appellate courts and circuit offices. This updated staffing formula is in use for FY 2020 financial plan allocations and was included in the FY 2021 budget request. In FY 2020, the judiciary will complete the staffing formula update for the probation and pretrial services offices Additionally, in FY 2020, the judiciary will begin a study to evaluate staffing needs for common support activities across the district clerks, bankruptcy clerks, and probation and pretrial offices.

Shared Administrative Services and Alternative Organizational Models

Building on earlier efforts to encourage efficiencies through shared administrative services, the Judicial Conference has established an initiative to develop and evaluate a host of organizational models that courts may adopt to further efficiencies. These models include:

1) "vertical" consolidation of district and bankruptcy clerks' offices within a judicial district;
2) "horizontal" consolidation of bankruptcy clerks' offices across judicial districts; and
3) shared administrative services arrangements, which may comprise a range of approaches (including inter-district sharing arrangements, intra-district sharing arrangements, and establishing regional or national service centers for specific administrative functions.)

The judiciary has also developed practical information for the courts considering consolidation and/or shared administrative services. This information describes the various sharing arrangements courts have developed to deliver administrative services, identifies issues to consider when developing sharing arrangements, assesses the effect of sharing arrangements, and provides resource materials. At the local level, courts throughout the country have implemented a significant number of voluntary shared administrative services arrangements. These practices have helped to control costs without sacrificing efficiency or quality of service to judges and the public.

Regarding horizontal consolidation, in 2016, the Judicial Conference approved a horizontal consolidation pilot project. The horizontal consolidation pilot is based on three-year voluntary sharing arrangements between two bankruptcy courts regarding all services of the bankruptcy clerks' offices. The judiciary identified four districts and is working to identify additional courts for a maximum of six districts. The Federal Judicial Center will prepare a final report evaluating the pilot within one year after its conclusion.

FISCAL YEAR 2021 REQUEST

The FY 2021 discretionary appropriation request for the Salaries and Expenses account totals $5,469.2 million, including $9.7 million for requirements funded from the Vaccine Injury Compensation Trust Fund. The judiciary also requests $469.4 million for requirements funded from mandatory appropriations. The FY 2021 discretionary request is a 4.0 percent increase over the FY 2020 enacted discretionary appropriation level of $5,259.3 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 $388.7 million in FY 2021, $62.9 million less than the $451.6 million expected to be utilized in FY 2020.

Total Requested Discretionary Appropriation Increases: $209,871,000

Total Mandatory Appropriation Increases: $11,885,000

JUSTIFICATION OF CHANGES

The changes in the FY 2021 budget request are divided into two sections: adjustments to base and program increases.

Adjustments to base totaling $204.4 million (92.2 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 (+$11.9 million);
- an increase in personnel costs for Court of Federal Claims judges, magistrate judges, chambers staff, and other court support staff (+$107.2 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 (+$8.3 million);
- financing adjustments to replace non-appropriated sources of funds with appropriated funds; (+$62.9 million);
- a base reduction to court salary and non-salary allotments (-$33.0 million);
- inflationary and miscellaneous adjustments (+$13.6 million);

- an increase for personnel and related costs for the Vaccine Injury Compensation Trust Fund (+$0.6 million);
- A net increase for General Services Administration (GSA) rent and related costs (+$18.3 million); and
- a net increase for information technology requirements (+$14.6 million).

Program changes totaling $17.4 million (7.8 percent of the requested change) are for:

- two new magistrate judges and associated staff ($1.3 million);
- an increase in court support staffing due to caseload and workload changes ($13.6 million); and
- infrastructure costs associated with new courthouse construction projects ($2.5 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, court personnel and programs, and other adjustments.

A. JUDGES AND ASSOCIATED STAFF

1 . Pay and benefit cost adjustments

a. Proposed 2021 pay adjustment

Requested Discretionary Increase: $1,521,000

Mandatory Increase: $4,178,000

The judiciary is assuming federal pay rates will increase by 1.0 percent in January 2021. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2021, from January 2021 to September 2021. (If the pay adjustment included in the President's FY 2021 budget request is different than 1.0 percent, the judiciary will revise this line item in its FY 2021 budget re-estimate.)

b. Annualization of 2020 pay adjustment

Requested Discretionary Increase: $965,000

Mandatory Increase: $2,974,000

The requested increase provides for the annualized costs of the 2020 pay adjustment associated with the Employment Cost Index (ECI). Based on the FY 2020 enacted appropriation, federal pay rates for judges increased by 2.6 percent, effective as of January 2020. The requested increase provides for the cost of three months (from October 2020 to December 2020) of the enacted 2020 pay increase in FY 2021.

c. Benefits Increases

i. Health Benefits

Requested Discretionary Increase: $82,000

Mandatory Increase: $167,000

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.2 percent both in January 2020 and January 2021. The requested increase annualizes the 2020 premium increase and includes a nine-month provision for an estimated 3.2 percent increase anticipated for FY 2021.

ii. FICA adjustment

Requested Discretionary Increase: $75,000

Mandatory Increase: $231,000

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 2020. The salary cap for OASDI increased from $132,900 to $137,700 in January 2020. The requested amount is needed to pay the agency's contribution in FY 2021.

iii. FERS adjustment

Requested Discretionary Increase: $1,258,000

Mandatory Increase: $717,000

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employees Retirement System (FERS) plans for FY 2021. For most employees, the agency contribution rate will generally increase from 16.0 percent to 17.3 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.

2. Increase in average number of filled Article III judgeships

Requested Discretionary Increase: $4,824,000 FTE: 43

Mandatory Increase: $1,816,000 FTE: 8

In FY 2020, the judiciary anticipates that an average of 791 out of the 844 authorized Article III appellate and district judgeships will be filled. Based on historical confirmation patterns, the judiciary projects 40 Article III judges will be confirmed during FY 2021, offset by 34 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 2021 request includes funding for 799 Article III appellate and district court judgeships, a net increase of 8 FTE above FY 2020.

This request also includes funding for chambers support staff (23 law clerks, 8 courtroom deputies, 5 secretaries, and 7 court reporters) associated with the increase in 8 judges' FTE.

This line item includes $1.8 million for the salaries and benefits of judges, $3.9 million for the salaries and benefits of supporting staff, and $1.0 million for supporting costs such as law books, furniture, travel, supplies, and equipment.

Table 4.4, Active Article III Judgeship Vacancies and FTEs*

Fiscal Year	Authorized Article III Judgeships	Average Vacancies	Avg. Number of Active Judges
2015	844	53	791
2016	844	73	771
2017	844	113	731
2018	844	140	704
2019	844	125	719
Estimates			
2020	844	53	791
2021	844	51	799

***** The number of authorized Article III judgeships 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: $3,142,000 FTE: 30

Mandatory Increase: $1,556,000 FTE: 7

Funding is requested in FY 2021 for a net increase of seven senior judge FTE and the associated chambers staff. The request includes $1.6 million for the salaries and benefits of judges, $2.9 million for the salaries and benefits of supporting staff (13 law clerks, 7 secretaries, 5 courtroom deputies, and 5 court reporters) and approximately $0.2 million for supporting costs such as law books, furniture, travel, supplies, and equipment. Table 4.5 provides the historical levels of senior judges.

Table 4.5, Article III Senior Judgeship FTEs

Fiscal Year	Avg. Number of Senior Judges (FTE)
2015	567
2016	566
2017	569
2018	563
2019	594
Estimates	
2020	602
2021	609

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, 2019, there are 171 U.S. Court of Appeals and U.S. District Court judges eligible to take senior status or retire. In FY 2020, the judiciary projects 21 judges will become eligible and an additional 41 judges will become eligible in FY 2021. For FY 2021, the judiciary estimates that 38 active Article III judges will either take senior status or retire and 25 senior or retired judges will leave the judiciary's payroll. As a result of the projected timing of these actions, the FY 2021 budget request reflects a net increase of seven senior judge FTE.

4. Increase in average number of filled bankruptcy judgeships

Requested Discretionary Increase: $366,000 FTE: 3

Mandatory Increase: $246,000 FTE: 1

The judiciary projects a total of 328 FTE (including recalled bankruptcy judges) for the 347 authorized bankruptcy judgeships will be funded in FY 2020. Based on historical patterns, it is anticipated that one additional judgeship will be filled during FY 2021, increasing the average number of filled bankruptcy judgeships to 329 FTE (including recalled bankruptcy judges) in FY 2021. This request also funds one law clerk and one courtroom deputy associated with the increase of one bankruptcy judge FTE.

Table 4.6 Summary of Judicial Officers

	Article III & Bankruptcy Judges (Mandatory Costs)						Claims & Magistrate Judges					
	FY 2020			FY 2021			FY 2020			FY 2021		
	Positions	FTE	($000)	Positions	FTE	($000)	Positions	FTE	($000)	Positions	FTE	($000)
Appellate Judgeships	167	165	42,414	167	165	44,023						
District Judgeships[1]	677	626	150,850	677	634	155,210						
Senior/Retired		756	179,716		758	183,259						
Bankruptcy Judgeships[2]	347	328	84,504	347	329	86,877						
U.S. Court of Federal Claims[3]							16	16	3,156	16	16	3,226
Magistrate Judgeships - Full-time							547	540	141,899	549	542	145,212
Magistrate Judgeships - Part-time[4]							32	22	3,405	32	22	3,991
Total	1,191	1,875	457,484	1,191	1,886	469,369	595	578	148,460	597	580	152,429

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 4.7 U.S. Court of Federal Claims Judges

Fiscal Year	Authorized Court of Fed. Claims Judgeships	Average Vacancies	Avg. No. Active Judges
2015	16	4	12
2016	16	6	10
2017	16	7	9
2018	16	11	5
2019	16	9	7
Estimates			
2020	16	7	9
2021	16	5	11

Table 4.8 Bankruptcy Judges (excludes recalled)

Fiscal Year	Authorized Bankruptcy Judgeships	Avg. Vacancies	Avg. No Active Judges
2015	349	24	325
2016	349	20	329
2017	349	19	330
2018	350	23	327
2019	347	27	320
Estimates			
2020	347	26	321
2021	347	25	322

Table 4.9 Magistrate Judges (Full-Time)

Fiscal Year	Authorized Magistrate Judgeships	FTE
2015	531	515
2016	534	518
2017	536	532
2018	537	535
2019	541	535
Estimates		
2020	547	540
2021	549	542

B. COURT PERSONNEL AND PROGRAMS

5. Pay and benefit cost adjustments

a. Proposed 2021 pay adjustment

Requested Increase: $25,639,000

The judiciary is assuming federal pay rates will increase by 1.0 percent in January 2021. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2021, from January 2021 to September 2021. (If the pay adjustment included in the President's FY 2021 budget request is different than 1.0 percent, the judiciary will revise this line item in its FY 2021 budget re-estimate.)

b. Annualization of January 2020 pay adjustment

Requested Increase: $25,810,000

The requested increase provides for the annualized costs of the enacted 2020 pay adjustment for the ECI and locality pay adjustments. Based on the enacted FY 2020 appropriation, federal pay rates increased by an average of 3.1 percent, effective as of January 2020. The requested increase provides for the cost of three months (from October 2020 to December 2020) of the assumed 2020 pay increase in FY 2021.

c. Promotions and within-grade increases

Requested Increase: $25,639,000

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: $5,451,000

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.2 percent both in January 2020 and January 2021. The requested increase annualizes the 2020 premium increase and includes a nine-month provision for an estimated 3.2 percent increase anticipated for FY 2021.

ii. FICA adjustment

Requested Increase: $2,814,000

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 2020. The salary cap for OASDI increased from

$132,900 to $137,700 in January 2020. The requested amount is needed to pay the agency contribution in FY 2021.

iii. FERS adjustment

Requested Increase: $31,648,000

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employees Retirement System (FERS) plans for FY 2021. For most employees, the agency contribution rate will generally increase from 16.0 percent to 17.3 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.

e. One less compensable day

Requested Decrease: ($13,679,000)

There is one less compensable day in FY 2021 than in FY 2020. The decrease in personnel compensation and benefits is associated with one less compensable day.

6. Funding necessary to maintain FY 2020 service levels due to anticipated decline in non-appropriated funds

Requested Increase: $62,924,000

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 2021 discretionary appropriation request of $5.5 billion reflects a projected availability of $388.7 million in these non-appropriated funds. Without these funds, the judiciary's request in discretionary appropriations would have totaled approximately $5.9 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 2020 obligation level assumes new fee collections and prior-year unencumbered carryforward from FY 2019 totaling $451.6 million. The FY 2021 request estimates that fee collections and prior-year carryforward will total $388.7 million, a net decrease of $62.9 million from the $451.6 million available in FY 2020. This is displayed in Table 4.10 below. The judiciary requests appropriated funds for FY 2021 to replace these non-appropriated funds to maintain the same level of services as provided in FY 2020. 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 4.10 Non-Appropriated Sources of Funding

Dollars in Thousands	FY 2020 Plan	FY 2021 Request	Difference
Fee Collections	203,489	213,705	10,216
Other Carryforward	248,140	175,000	-73,140
Total, Non-Appropriated Sources of Funding, Excluding Enumbered Funds	**451,629**	**388,705**	-62,924

7. Reduction to FY 2021 base due to decrease in court salary and non-salary requirements

Requested Decrease: ($33,000,000)

The judiciary is requesting a decrease of $33.0 million associated with periodic re-assessments of courts needs that reduces base requirements for court salaries and operating expenses.

C. OTHER ADJUSTMENTS

8. Inflationary and miscellaneous adjustments

Requested Increase: $13,566,000

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary adjustments of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, furniture and equipment, and other minor miscellaneous adjustments.

9. Vaccine Injury Compensation Trust Fund adjustment

Requested Increase: $630,000

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 2021, the judiciary requests $9.7 million from the Vaccine Injury Compensation Trust Fund, an increase of $630,000 above the amount assumed to be received from the Trust Fund in FY 2020. The increase is due to pay and non-pay inflationary adjustments.

10. GSA space rental and related services

Requested Increase: $18,257,000

The judiciary requests a net increase of $18.3 million in FY 2021 for GSA rent and related services. This net increase is made up of:

(a) new space to be delivered in FY 2021 (+$5.2 million),
(b) inflationary adjustments to the GSA space rental base costs (+$21.0 million),
(c) space reduction savings (-$2.0 million), and
(d) other space-related adjustments (-$6.0 million).

a. New space to be delivered in FY 2021

Requested Increase: $5,231,000

In FY 2021, the judiciary anticipates there will be a net increase of 231,324 useable square feet related to projects to be occupied by the courts of appeals, district courts, bankruptcy courts, and probation and pretrial services offices. The requested increase of $5.2 million is based on projected occupancy dates and rental rates provided by GSA. Table 4.11 on page 4.41 identifies major projects that GSA plans to complete in FY 2021.

b. GSA rent inflation

Requested Increase: $20,981,000

This request represents a 2.0 percent inflationary increase in the cost of GSA space rental and maintenance of facilities occupied by the courts in FY 2021. This increase is based on rent estimates prepared by GSA.

c. Space Reduction

Requested Decrease: ($2,000,000)

A net cost savings of $2.0 million is estimated to be achieved in FY 2021 due to reductions in court-occupied space.

d. Other space-related adjustments

Requested Decrease: ($5,955,000)

A net adjustment of $5,955,000 is required in FY 2021, including a decrease to cyclical maintenance, tenant alterations, and furniture (-$10.5 million), annualization of new space delivered in FY 2020 (+3.6 million), and a base increase in tenant improvement projects (+$1.0 million).

Table 4.11 GSA Space Rental Increase

	Square Feet of Space	Avg. Cost per Square Ft.*	Amount in $000
FY 2020:			
Space occupied at start of year	39,134,097		$1,050,991
Adjustments to FY 2020 base			$3,102
Estimated savings due to reduction in footprint			$0
Estimated new space to be delivered in FY 2020	75,984		$2,063
Total, FY 2020	***39,210,081***	***$26.94***	***$1,056,156***
FY 2021 Adjustments:			
Increase for estimated inflation (2.0%)			$20,981
Estimated savings due to reduction in footprint	(50,000)		($2,000)
Annualization of new space assigned in FY 2020			$3,570
Estimated new space to be delivered in FY 2021	231,324		$5,231
Total, FY 2021 Budget Request	***39,391,405***	***$27.52***	***$1,084,018***
FY 2021 Increase over FY 2020	***181,324***		***$27,862***

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

Table 4.12 Space to be delivered in FY 2021 - Prospectus projects, displayed in order of GSA estimated delivery dates

City	State	Net Rentable Square Feet to be Delivered	Estimated Occupancy Date	Fiscal Year 2021 Rent Cost New Space	Fiscal Year 2022 Rent Cost	Total Annual Rent Cost
Savannah	GA	46,000	11/1/2020	$787,624	$71,602	$859,226
Charlotte	NC	107,524	4/1/2021	$3,151,248	$3,151,248	$6,302,496
Council Bluffs	IA	Lease Replacement	6/1/2021	$159,610	$319,219	$478,829
Nashville	TN	77,800	7/1/2021	$1,132,764	$3,398,291	$4,531,055
Total		**231,324**		**$5,231,245**	**$6,940,361**	**$12,171,605**

11. Information Technology Requirements

Requested Net Increase: $14,556,000

a. Continued implementation of ongoing information technology projects

Requested Increase: $15,456,000

A net increase of $15.5 million is requested for the Information Technology (IT) program for current operations and system maintenance to the judiciary's integrated financial management, human resources, rent and property management systems; telecommunications; case management systems; cybersecurity capabilities; and infrastructure support for national IT applications.

The judiciary continues to implement programs and systems to support the IT needs of the courts. The IT program allows the judiciary to operate and maintain its information technology infrastructure, products, projects, and services, which are essential to the judicial process and the operations of the courts.

A more detailed description of the judiciary's IT program can be found in section 11 of this submission, "Judiciary Information Technology Fund."

b. Contractor conversion savings

Requested Decrease: ($900,000)

A decrease of $0.9 million is requested to convert contractors to permanent federal employees. Following an FY 2017 re-assessment of functions Administrative Office contractors perform, the AO is implementing a third round of contractor conversions, a process that began in 2012 as a part of the AO's cost-containment efforts. The goal is to improve project/program management contract operations, as well as reduce costs by converting more expensive contractor positions to less expensive government positions. In this third round of contractor conversions, 114 total cumulative contractor conversions (from FY 2018 through FY 2020) are planned, and all are scheduled to be completed by the end of FY 2020. In total, with this third round of conversions Salaries and Expenses account will have reduced requirements by $5.2 million. (The FY 2019 request was reduced by $2.6 million and the FY 2020 request was reduced by $1.7 million for previous contractor conversions.) The remaining $900,000 in savings is included in the FY 2021 request.

PROGRAM INCREASES

12. New FY 2021 full-time magistrate judges and staff

Requested Increase: $1,302,000 **FTE: 9**

The judiciary requests an additional $1.3 million for 2 additional magistrate judge positions (2 FTE), 7 support staff (7 FTE), and associated operating costs. Because of the critical need for these positions, they have been "accelerated;" thus, a full-year's funding is assumed for these magistrate judge positions in FY 2021.

Table 4.13 Cost of Additional Magistrate Judge

	Positions	FTE	Total Request
New Full-Time Magistrate Judges	2	2	$504,280
Supporting Personnel	7	7	$630,147
Operating Expenses			$167,994
Total	**9**	**9**	**$1,302,421**

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 generally 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.

In September 2019, the Judicial Conference authorized two additional magistrate judge positions in the following locations:

- Eastern District of Missouri at St. Louis
- Southern District of California at San Diego

13. FY 2021 Court Support Staffing due to workload changes

Requested Increase: $13,599,000 FTE: 139

The judiciary requests a program increase for court support staff (278 new positions or 139 FTE) in appellate, district, and bankruptcy courts, and probation and pretrial services offices in FY 2021 in anticipation of changes in projected caseload and workload changes. Table 4.14 provides a breakdown of FTE and funding. To calculate the number of staff needed, the judiciary's request uses the current staffing formulas. To determine FY 2021 FTE, projected caseload and workload data through June 30, 2020, is used. 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 4.14 Fiscal Year 2021 Staffing Changes

Court Support Staffing		
Program	**Fiscal Year 2021 FTE**	**Dollars in Thousands**
Appellate	12	$1,393
Bankruptcy	1	106
District	32	2,682
Probation/Pretrial	94	9,418
Total	**139**	**$13,599**

14. Infrastructure Costs for New Courthouse Construction Projects

Requested Increase: $2,482,000

GSA's construction costs associated with eight major new courthouse projects were funded in FY 2016, but the judiciary is responsible for a number of ancillary infrastructure costs associated with the construction of these facilities. This request includes a total net increase of $2.5 million over the assumed FY 2020 level for a total FY 2021 investment in new courthouse infrastructure of $30.8 million.

This net increase is comprised of a $0.5 million decrease in revised requirements for furniture, moves, and other miscellaneous costs and an increase of $3.0 million due to projected courthouse IT requirements.

FINANCING THE FISCAL YEAR 2021 REQUEST

15. Estimated FY 2021 Fee Collections

Estimated funds available: $213,705,000

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 $213.7 million in revenue from these sources will be available in FY 2021 to finance requirements in the Salaries and Expenses account, an increase of $10.2 million from the $203.5 million estimated to be available in FY 2020. Table 4.15 lists offsetting receipts from collections by type and displays the amounts collected in FY 2019, and estimates for FY 2020 and FY 2021 collections. The judiciary will continue to monitor filings and other collections throughout FY 2020 and will advise appropriations subcommittee staffs of changes to these estimates.

Table 4.15 Offsetting Receipts from Collections

Type of Collection and Source	FY 2019 Actual Collections ($000s)	FY 2020 Estimated Collections ($000)	FY 2021 Estimated Collections ($000)
Fees			
Registry Administration Fees	2,075	1,000	1,000
Bankruptcy Filing and Misc. Fees [1]	142,666	137,143	144,845
Civil Filing and Misc. Fees [2]	65,952	65,808	68,527
Central Violations Bureau Fees	4,593	4,330	4,330
Immigration Adjudication and Naturalization Fees	6,083	5,918	6,251
Subtotal, Fees	**221,369**	**214,199**	**224,953**
Fee allocation to Admin. Office[3]	-11,068	-10,710	-11,248
TOTAL TO SALARIES & EXPENSES	210,301	203,489	213,705

[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.

16. Anticipated Unencumbered Carryforward from FY 2020

Estimated funds available: $175,000,000

The judiciary estimates that $175.0 million will be available through anticipated savings in FY 2020 to carry forward into FY 2021 and offset the FY 2021 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.