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

SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS	Mandatory	Discretionary	Total
Fiscal Year 2022 Salaries and Expenses Assumed Appropriation	$480,511,000	$5,651,379,000	$6,131,890,000
Fiscal Year 2022 Vaccine Injury Compensation Trust Fund Assumed Appropriation	$0	$9,850,000	$9,850,000
Total, Fiscal Year 2022 Assumed Appropriation	$480,511,000	$5,661,229,000	$6,141,740,000
Fiscal Year 2023 Salaries and Expenses Appropriation Request	$506,756,000	$5,973,325,000	$6,480,081,000
Fiscal Year 2023 Vaccine Injury Compensation Trust Fund Appropriation Request	$0	$10,450,000	$10,450,000
Total, Fiscal Year 2023 Appropriation Request	$506,756,000	$5,983,775,000	$6,490,531,000
Requested Increase from Fiscal Year 2022 Enacted Appropriation	$26,245,000	$322,546,000	$348,791,000

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, [$5,651,379,000] *$5,973,325,000* (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 [$9,850,000]*$10,450,000* to be appropriated from the Vaccine Injury Compensation Trust Fund.

(H.R. 4502 - Financial Services and General Government Appropriations Act, 2022)

SUMMARY OF REQUEST
SALARIES AND EXPENSES
FISCAL YEAR 2023
(Dollar amounts in thousands)

Fiscal Year 2023 Resource Requirements:	Mandatory		Discretionary		Total	
	FTEs	Amount	FTEs	Amount	FTEs	Amount
Fiscal Year 2022 Available Resources (includes Vaccine Injury Fund)……………….……………	**1,876**	**480,511**	**26,075**	**6,145,253**	**27,951**	**6,625,764**
FY 2021 Encumbered Carryforward …………………………………………………………………	**-**	**-**	**-**	**(188,547)**	**-**	**(188,547)**
Transfer of Balances from Defender Services	**-**	**-**	**-**	**32,400**	**-**	**32,400**
Fiscal Year 2022 Obligations (includes Vaccine Injury Fund)………………………………………	**1,876**	**480,511**	**26,075**	**5,989,106**	**27,951**	**6,469,617**
Non-appropriated sources of funding…………………………….……...….……....…...………						
Estimated FY 2022 fee collections…………………………………………………………………	-	-	-	(163,627)	-	(163,627)
Carryforward balances from FY 2021 and prior years into FY 2022………………………………	-	-	-	(164,250)	-	(164,250)
Fiscal Year 2022 Assumed Appropriation (includes Vaccine Injury Fund)………………………	**1,876**	**480,511**	**26,075**	**5,661,229**	**27,951**	**6,141,740**

Page		Mandatory FTEs	Mandatory Amount	Discretionary FTEs	Discretionary Amount	Total FTEs	Total Amount
	Fiscal Year 2022 Base Assumed Appropriation (including Vaccine Injury Fund)……………….	**1,876**	**480,511**	**26,075**	**5,661,229**	**27,951**	**6,141,740**
	Adjustments to Base to Maintain Current Services:						
	A. Judges and Associated Staff						
4.38	1. Pay and benefit cost adjustments						
4.38	a. Proposed January 2023 pay adjustment (4.1% for nine months)……………………………….	-	14,857	-	4,970	-	19,827
4.38	b. Annualization of January 2022 pay adjustment (2.2% for three months)………………………	-	2,643	-	884	-	3,527
4.39	c. Benefits increases…………………………………………………………………………						
4.39	i. Health benefits…………………………………………………………	-	334	-	117	-	451
4.39	ii. FICA adjustment………………………………………………………	-	404	-	131	-	535
4.39	2. Increase in average number of filled Article III judgeships (14 judge FTE/79 staff FTE)…........	14	3,613	79	9,092	93	12,705
4.40	3. Increase in average number of senior judges (6 judge FTE/28 staff FTE)………………………	6	1,389	28	3,031	34	4,420
4.41	4. Increase in average number of filled bankruptcy judgeships (11 judge FTE/37 staff FTE) ………	11	3,004	37	4,244	48	7,248
	B. Court Personnel and Programs						
4.43	5. Pay and benefit cost adjustments						
4.43	a. Proposed January 2023 pay adjustment (4.6% for nine months)……………………………….	-	-	-	124,433	-	124,433
4.43	b. Annualization of January 2022 pay adjustment (2.7% for three months)………………………	-	-	-	24,182	-	24,182
4.43	c. Promotions and within-grade increases………………………………………………………	-	-	-	27,051	-	27,051
4.43	d. Benefits increases…………………………………………………………………………						
4.43	i. Health benefits…………………………………………………………	-	-	-	6,019	-	6,019
4.43	ii. FICA adjustment………………………………………………………	-	-	-	471	-	471
4.43	e. One less compensable day……………………………………………………………………	-	-	-	(14,424)	-	(14,424)
4.44	6. Funding necessary to maintain FY 2022 service levels due to anticipated increase in non-appropriated funds ……………………………………………………………	-	-	-	(37,199)	-	(37,199)

Page	C. Other Adjustments	Mandatory FTEs	Mandatory Amount	Discretionary FTEs	Discretionary Amount	Total FTEs	Total Amount
4.45	7. Inflationary and miscellaneous adjustments	-	-	-	29,794	-	29,794
4.45	8. Vaccine Injury Compensation Trust Fund adjustment	-	-	-	600	-	600
4.45	9. GSA space rental and related services						
4.45	a. Changes in space/new space	-	-	-	10,614	-	10,614
4.46	b. Building operations/GSA rent	-	-	-	22,545	-	22,545
4.46	c. Tenant improvements	-	-	-	54,201	-	54,201
4.46	d. Space reduction	-	-	-	(1,000)	-	(1,000)
4.46	e. Non-recurring space adjustments	-	-	-	(43,958)	-	(43,958)
4.49	10. Information technology requirements						
4.49	a. Court administration and case management systems	-	-	-	29,600	-	29,600
4.49	b. Administrative and management systems	-	-	-	12,420	-	12,420
4.49	c. IT court support reimbursable program adjustments	-	-	-	5,700	-	5,700
4.50	d. Telecommunication program.	-	-	-	4,100	-	4,100
4.50	e. Infrastructure and collaboration tools	-	-	-	1,200	-	1,200
4.50	f. Judicial Statistical and Reporting Systems.	-	-	-	400	-	400
4.50	g. Court IT allotments.	-	-	-	300	-	300
4.50	h. Contractor insourcing savings	-	-	-	(1,200)	-	(1,200)
	Subtotal, Adjustments to Base to Maintain Current Services	**31**	**26,245**	**144**	**278,318**	**175**	**304,563**
	Total Current Services Appropriation Required	**1,907**	**506,756**	**26,219**	**5,939,547**	**28,126**	**6,446,303**
	Program Increases:						
4.51	11. New FY 2023 full-time magistrate judges and staff (6 full time new judgeships/ 5 FTE and 16 staff FTE)	-	-	21	2,677	21	2,677
4.52	12. FY 2023 court support staffing due to workload changes	-	-	282	30,038	282	30,038
4.52	13. Temporary Bankruptcy Law Clerk Program	-	-	3	292	3	292
4.53	14. National Court Law Clerk Program	-	-	20	2,599	20	2,599
4.53	15. Internal Controls Evaluation System	-	-	-	3,791	-	3,791
4.53	16. Additional IT positions (30 reimbursable positions/15 reimbursable FTE)	-	-	-	2,831	-	2,831
4.54	17. Information technology standardization	-	-	-	2,000	-	2,000
	Subtotal, Program Increases	**-**	**-**	**326**	**44,228**	**326**	**44,228**
	Total Fiscal Year 2023 Appropriation Request	**1,907**	**506,756**	**26,545**	**5,983,775**	**28,452**	**6,490,531**
	Total Appropriation Increase, Fiscal Year 2022 to Fiscal Year 2023	**31**	**26,245**	**470**	**322,546**	**501**	**348,791**
	Financing the Fiscal Year 2023 Request:						
	Total Appropriation Request, Fiscal Year 2023	**1,907**	**506,756**	**26,545**	**5,983,775**	**28,452**	**6,490,531**
4.54	18. Estimated FY 2023 fee collections	-	-	-	215,076	-	215,076
4.55	19 Anticipated unencumbered carryforward from FY 2022	-	-	-	150,000	-	150,000
	Total Estimated Obligations, Fiscal Year 2023	**1,907**	**506,756**	**26,545**	**6,348,851**	**28,452**	**6,855,607**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Salaries and Expenses ($000)

Activity ($000)	FY 2021 Actuals			FY 2022 Assumed Obligations			FY 2023 Request		
	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.	Direct	Offsetting Coll.	Total Oblig.
Appeals	681,888	22,194	704,082	705,317	60,856	766,173	749,327	43,424	792,751
District	2,850,564	92,778	2,943,342	2,981,751	257,270	3,239,021	3,167,804	183,577	3,351,381
Bankruptcy	781,009	25,420	806,429	814,844	70,306	885,150	865,688	50,167	915,855
Probation/Pretrial	1,528,349	49,744	1,578,093	1,597,578	137,842	1,735,420	1,697,262	98,358	1,795,620
Total Obligations	5,841,811	190,135	6,031,946	6,099,490	526,274	6,625,764	6,480,081	375,526	6,855,607
Encumbered Carryforward	-	-	-	-	(188,547)	(188,547)			
Transfer of Balances from Defender Services	-	-	-	32,400	-	32,400	-	-	-
Revised Obligations	**5,841,811**	**190,135**	**6,031,946**	**6,131,890**	**337,727**	**6,469,617**	**6,480,081**	**375,526**	**6,855,607**
Fee Availability		(148,345)	(148,345)		(163,627)	(163,627)		(215,076)	(215,076)
Vaccine Injury Trust Fund		(9,900)	(9,900)		(9,850)	(9,850)		(10,450)	(10,450)
Prior Year Recoveries & Other Adjustments		(52,570)	(52,570)						
Unobligated Balance, Start of Year:									
Encumbered Carryforward		(168,490)	(168,490)						
Unencumbered Carryforward		(163,627)	(163,627)		(164,250)	(164,250)		(150,000)	(150,000)
Unobligated Balance, End of Year:									
Encumbered Carryforward		188,547	188,547						
Unencumbered Carryforward		164,250	164,250		150,000	150,000			
Transfer from Fee of Jurors	(1,626)	-	(1,626)						
Transfer from Federal Judicial Center	(1,451)	-	(1,451)						
Transfer from Defenders Services					-	-			
Anticipated Financial Plan Savings					(150,000)	(150,000)			
Appropriation	**5,838,734**	**-**	**5,838,734**	**6,131,890**	**-**	**6,131,890**	**6,480,081**	**-**	**6,480,081**
Mandatory			**445,033**			**480,511**			**506,756**
Discretionary (Direct)			**5,393,701**			**5,651,379**			**5,973,325**

Carryforward (Unobligated Balance) Analysis ($000)

	FY 2021 Actuals			FY 2022 Assued Obligations			FY 2023 Request		
	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total	Encumbered	Unencumbered	Total
Start of Year:									
Fee Account	(89,042)	(148,345)	(237,387)	(104,721)	(152,658)	(257,379)	-	(150,000)	(150,000)
Judiciary Information Technology Fund	(44,092)	(15,282)	(59,374)	(50,226)	(11,592)	(61,818)	-		-
S&E No-Year Funds	(35,356)	-	(35,356)	(33,599)	-	(33,599)	-		
Subtotal (Unobligated Balance)	*(168,490)*	*(163,627)*	*(332,117)*	*(188,547)*	*(164,250)*	*(352,797)*	-	*(150,000)*	*(150,000)*
End of Year:			-	-	-	-	-	-	-
Fee Account	104,721	152,658	257,379	-	-	-	-	-	-
Judiciary Information Technology Fund	50,226	11,592	61,818	-	-	-	-	-	-
S&E No-Year Funds	33,599	-	33,599	-	-	-	-	-	-
Anticipated Financial Plan Savings[1]	-	-	-	-	150,000	150,000	-	-	-
Subtotal (Unobligated Balance)	*188,547*	*164,250*	*352,797*	-	*150,000*	*150,000*	-	-	-

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

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES
Salaries and Expenses
Obligations by Budget Object Class ($000)

Description ($000)	FY 2021 Actuals Direct	FY 2021 Actuals Offsetting Coll.	FY 2021 Actuals Total Oblig.	FY 2022 Assumed Obligations Direct	FY 2022 Assumed Obligations Offsetting Coll.	FY 2022 Assumed Obligations Total Oblig.	FY 2023 Request Direct	FY 2023 Request Offsetting Coll.	FY 2023 Request Total Oblig.
1100 Personnel compensation	2,790,544	90,825	2,881,369	2,714,815	234,239	2,949,054	2,980,408	172,717	3,153,125
1200 Personnel benefits	1,005,886	32,739	1,038,625	1,064,552	91,851	1,156,403	1,127,130	65,318	1,192,448
1300 Benefits for former personnel	8,543	278	8,821	10,200	880	11,080	11,633	674	12,307
2100 Travel	22,338	727	23,065	43,962	3,793	47,755	46,114	2,672	48,786
2200 Transportation of Things	4,475	146	4,620	5,425	468	5,893	6,641	385	7,026
2310 Rental payments to GSA	1,014,395	33,016	1,047,411	1,047,080	90,344	1,137,424	1,099,697	63,728	1,163,425
2320 Rental payments to others	34,991	1,139	36,130	44,951	3,878	48,829	47,163	2,733	49,896
2330 Communications, utilities & misc	39,328	1,280	40,608	43,962	3,793	47,755	46,956	2,721	49,677
2400 Printing and reproduction	6,342	206	6,548	7,424	641	8,064	8,340	483	8,823
2500 Other services	373,442	12,155	385,596	586,297	50,587	636,884	541,395	31,374	572,769
2600 Supplies and materials	8,555	278	8,834	10,453	902	11,355	12,596	730	13,326
3100 Equipment	44,000	1,432	45,432	51,214	4,419	55,633	56,397	3,268	59,665
9100 Financial transfers	488,973	15,915	504,887	469,154	40,479	509,633	495,614	28,721	524,335
Total Obligations	5,841,811	190,135	6,031,946	6,099,490	526,274	6,625,763	6,480,081	375,526	6,855,607
Encumbered Carryforward	-	-	-	-	(188,547)	(188,547)	-	-	-
Transfer from Defender Services		-	-	32,400	-	32,400	-	-	-
Revised Obligations	**5,841,811**	**190,135**	**6,031,946**	**6,131,890**	**337,727**	**6,469,617**	**6,480,081**	**375,526**	**6,855,607**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Summary of Mandatory Obligations

	FY 2022 Assumed		FY 2023	
	No. of Authorized Judgeships	Compensation ($000)	No. of Authorized Judgeships	Compensation ($000)
Circuit Judgeships	167	44,456	167	45,917
District Judgeships	677	160,889	677	170,618
Senior/Retired Judgeships		184,351		192,956
Bankruptcy Judgeships	345	90,815	345	97,266
Total	**1,189**	**480,511**	**1,189**	**506,756**

COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES

Summary of Personnel Compensation and Benefits by Activity

Program	FY 2021 Actual FTE	FY 2021 Actual Amount ($000)	FY 2022 Assumed FTE	FY 2022 Assumed Amount ($000)	FY 2023 Adj. to Base FTE	FY 2023 Adj. to Base Amount ($000)	FY 2023 Workload Adj. FTE	FY 2023 Workload Adj. Amount ($000)	FY 2023 Total Request FTE	FY 2023 Total Request Amount ($000)
Appeals										
Judges										
Article III Judges										
Active	163	41,797	166	44,456	1	1,461	-	-	167	45,917
Senior	111	29,105	118	31,437	3	2,275	-	-	121	33,712
Retired	28	6,343	29	7,708	-	472	-	-	29	8,180
Court Staff										
Article III Judges' Staff	1,168	129,617	1,190	137,607	13	3,364	20	2,599	1,223	143,570
Circuit Executives	300	47,707	332	55,561	-	2,601	-	-	332	58,162
Clerks Offices	591	70,839	562	73,418	-	3,424	(3)	(211)	559	76,631
Staff and Preargument Attorneys	573	89,664	565	91,623	-	4,289	(10)	(1,262)	555	94,650
Librarians	204	27,013	217	29,595	-	1,385	-	-	217	30,980
Bankruptcy Appellate Panels	11	1,793	14	2,028	-	95	1	120	15	2,243
Total Appeals	3,148	443,878	3,193	473,433	17	19,366	9	1,246	3,218	494,045
District										
Judges										
Article III Judges										
Active	612	149,505	638	160,889	13	9,729	-	-	651	170,618
Senior	467	110,098	473	116,010	3	5,182	-	-	477	121,192
Retired	116	24,492	120	29,196	-	676	-	-	120	29,872
Magistrate Judges	563	147,719	567	155,499	-	5,902	5	980	572	162,381
Court of Federal Claims Judges	21	3,748	23	5,230	-	200			23	5,430
Court Staff										
Article III Judges' Staff	2,979	363,109	3,056	384,902	76	29,034	-	-	3,132	413,936
Magistrate Judges' Staff	1,103	154,230	1,112	161,651	-	7,567	16	1,270	1,128	170,488
Federal Claims Judges' Staff	57	7,411	72	8,785	-	933	-	-	72	9,718
Clerks Offices	5,730	684,253	5,743	702,815	-	32,863	11	966	5,754	736,644
Pro Se and death penalty	465	84,879	487	89,254	-	4,174	-	-	487	93,428
Court Reporters	688	95,587	698	97,769	18	6,603	-	-	716	104,372
Court Interpreters	102	18,538	89	17,106	-	807	-	-	89	17,913
Total District	12,902	1,843,569	13,079	1,929,105	110	103,670	32	3,216	13,221	2,035,991
Bankruptcy										
Judges										
Bankruptcy Judges	315	83,692	332	90,815	11	6,451	-	-	343	97,266
Court Staff										
Bankruptcy Judges' Staff	656	89,416	693	97,751	37	7,919	3	292	733	105,962
Clerks	2,790	348,291	2,790	349,322	-	16,354	27	2,381	2,817	368,057
Bankruptcy Administrators	44	6,523	45	6,325	-	296	2	194	47	6,815
Total Bankruptcy	3,805	527,922	3,860	544,213	48	31,020	32	2,867	3,940	578,100
Probation/Pretrial Services	7,793	1,104,204	7,820	1,177,096	-	55,106	253	27,850	8,073	1,260,052
Total Judges	2,395	596,500	2,466	641,240	31	32,348	5	980	2,503	674,567
Total Chambers	6,427	828,661	6,610	879,950	126	52,991	39	4,161	6,775	937,102
Total Court Staff	18,825	2,494,412	18,875	2,602,658	18	123,823	282	30,038	19,175	2,756,519
GRAND TOTAL	**27,648**	**3,919,573**	**27,951**	**4,123,848**	**175**	**209,162**	**326**	**35,179**	**28,452**	**4,368,188**

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

	FY 2021 Actual		FY 2022 Assumed Obligations		FY 2023 Request
Total Obligations	6,031,946		6,625,763		6,855,607
Obligated balance, start of year	332,117		203,193		123,310
Adjustments to prior-year activity	(33,052)		(129,816)		-
Change in uncollected payments	(169,585)		-		-
Obligated balance, end of year	(203,193)		(123,310)		(109,068)
Total Outlays	**5,958,233**		**6,575,830**		**6,869,849**
Less Offsets	(244,010)		(130,963)		(198,646)
Net Outlays	**5,714,223**		**6,444,867**		**6,671,203**

GENERAL OVERVIEW

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

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

The fiscal year (FY) 2023 appropriations request for the courts' Salaries and Expenses account totals $6,490.5 million to support the operation of the courts. The request includes $506.8 million in mandatory appropriations and $5,983.8 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 2023 request for the Salaries and Expenses account supports the operations of the courts at a current services level, as well as program changes for six new full-time magistrate judges and associated support staff, changes in court support staff due to caseload and workload estimates, a small staff increase for the temporary bankruptcy law clerk program, a national district court law clerk program, an internal controls evaluation system, additional information technology positions, and judiciary information technology standardization.

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

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

District Courts

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

The number of criminal defendants, the mix of civil cases, 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, 2022, is used to determine district court support staffing requirements in FY 2023.

Criminal Case Filings

Criminal case filings are, in part, influenced by the number of U.S. Attorneys and the emphasis placed on prosecution of offenses such as illegal immigration, drug crimes, and violations of firearms laws. As shown in Table 4.1 on page 4.19, for the 12-month period ending June 30, 2021, criminal cases filed decreased by 8.3 percent from the previous year. Defendants charged decreased 4.7 percent for the same 12-month period. Nationally, criminal case activity is expected to decrease in 2022 as court operations continue at reduced levels due to pandemic-driven conditions that make restoration of normal operations difficult. Through June 2022, criminal cases filed are projected to decrease by 1.2 percent, and criminal defendants charged are projected to decrease by 0.9 percent. However, pandemic-related safety precautions add significant complications and additional workload to managing criminal dockets within courts even with reduced case levels. In addition, some specific geographic areas of the country are experiencing surges in criminal case activity due to unique local conditions. Of particular note, district courts in Oklahoma have experienced significant increases in federal prosecutions stemming from the Supreme Court's *McGirt v Oklahoma* decision and expect caseload to continue to increase. Additional information on the *McGirt v Oklahoma* decision can be found on page 4.23.

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 4.19, for the 12-month period ending June 30, 2021, civil case filings decreased 11.1 percent from the previous year, due almost exclusively to a significant decrease in tort actions filed in product liability and personal injury cases as part of the multidistrict litigation (MDL) Case No. 2885 (In Re: 3M Combat Arms Earplug Products Liability Litigation) in the Northern District of Florida. MDL cases are civil actions that involve one or more common questions of fact and are consolidated for pretrial proceedings to avoid duplication of discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel, and the judiciary. The fluctuation caused by this MDL matter is reflected in the caseload, and new civil filings for product liability cases are expected to decrease by 5.8 percent in 2022.

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, 2022, is used to determine appellate court support staffing requirements in FY 2023.

[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 4.19, for the 12-month period ending June 30, 2021, the number of appeals filed decreased 6.6 percent from the previous year. The judiciary currently projects that appellate case filings will decrease by 1.7 percent in 2022, mainly due to projected decreases 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.

Bankruptcy Courts

Bankruptcy courts exercise jurisdiction over bankruptcy cases and proceedings, pursuant to statute and by reference from the district courts. The Bankruptcy Code is set forth at Title 11 of the U.S. Code, and it provides different chapters under which a debtor may file bankruptcy. A key purpose of the Bankruptcy Code is to provide an orderly and equitable process for debtors to resolve their debts with creditors. Through the bankruptcy courts, the legal system protects businesses and individual debtors, as well as their creditors, as intended by law. Projected caseload and workload through June 30, 2022, is used to determine bankruptcy court support staffing requirements in FY 2023.

Bankruptcy Case Filings

Bankruptcy filings have decreased in each of the past several years, but the rate of decrease appeared to be leveling out prior to April 2020. Due to the COVID-19 pandemic, bankruptcy filings saw a pronounced decrease in 2021. As shown in Table 4.1 on page 4.19, filings for the 12-month period ending June 30 decreased by 32.2 percent in 2021. This precipitous drop is likely the result of emergency economic support measures (eviction moratoria, direct cash assistance, etc.) put in place to stabilize the economy during the pandemic. Based on filing trends prior to the pandemic and analysis of the current economic conditions, including the expiration of many emergency pandemic relief initiatives, the judiciary currently projects an increase of 38.5 percent in 2022, for a projected total of 640,300 bankruptcy case filings for the 12-month period ending June 30, 2022.

The judiciary is concerned that the pandemic may result in a significant and rapid increase in bankruptcy filings as the economy continues to be impacted. Because filing levels drive staffing needs in bankruptcy courts, such increases will result in additional workload impacts on bankruptcy courts. A sudden spike in filings may result in courts facing challenges in processing these filings. The judiciary will continue to monitor this issue and, if necessary, reflect updated projected workload changes in an FY 2023 budget re-estimate.

Chapter 7 Bankruptcy Cases

Chapter 7 of the Bankruptcy Code allows for liquidation of a debtor's nonexempt assets to pay back creditors as much as possible. Individuals and business entities (with certain exceptions) may file bankruptcy under Chapter 7. Bankruptcy courts are expected to handle 413,600 new chapter 7 cases during the 12-month period ending June 2022, approximately 77,714 (23.1 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 7,700 new Chapter 11 cases during the 12-month period ending June 2022, which is an increase of approximately 829 (12.1 percent) more cases than the previous year.

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 on past-due payments. Bankruptcy courts are expected to handle 218,200 new Chapter 13 cases during the 12-month period ending June 2022, an increase of approximately 83.6 percent from 2021.

Probation and Pretrial Services Program

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

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

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

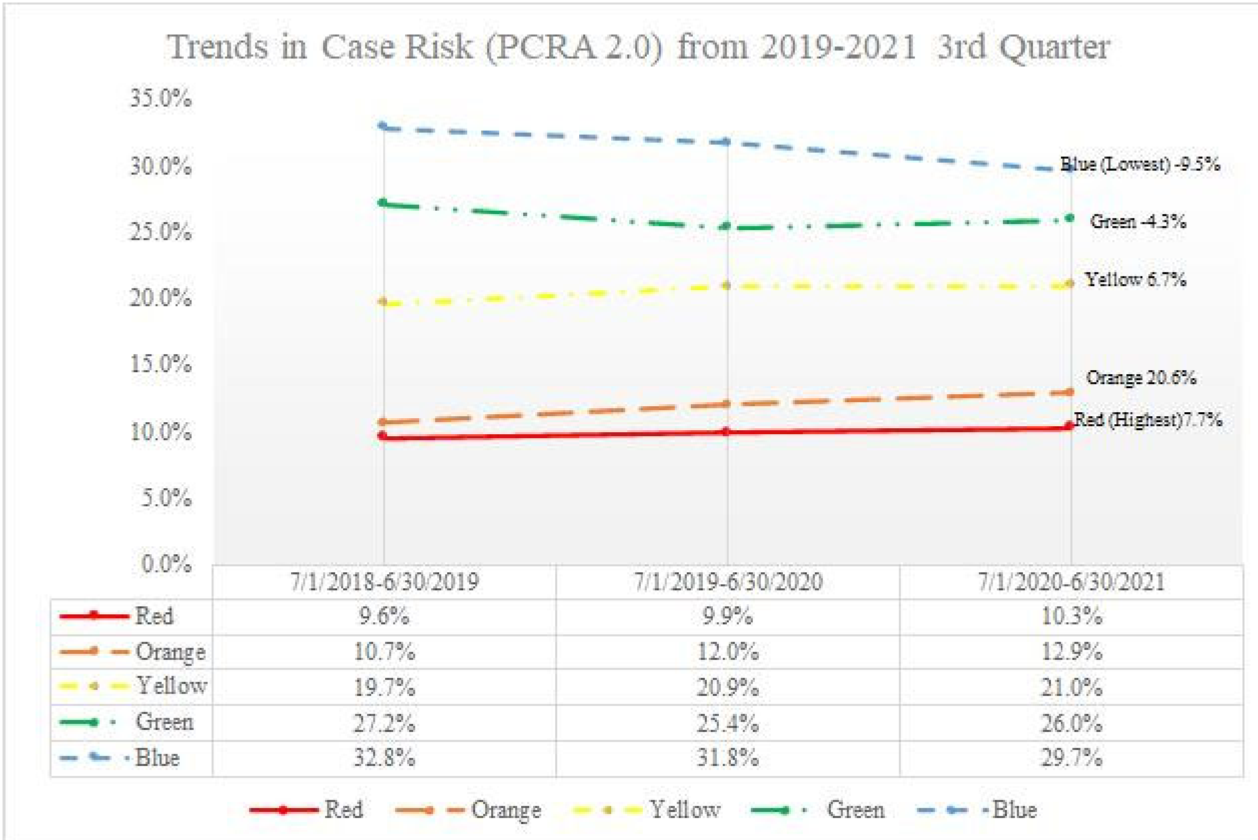
Probation and Pretrial Services Workload

Probation and pretrial services officers' workload is dictated by prosecutions brought by U.S. Attorneys' Offices and the number of inmates released by the BOP for supervision. Beginning in March 2020 most workload indicators fell due to COVID-19 (see the COVID section of the Significant Issues discussion on page 4.20 for more information); however, with COVID evolving, workload numbers have been rebounding with an increase of 5.0 percent from March 2021 through September 2021.

As noted above in the discussion of criminal filings and as shown in Table 4.1 on page 4.19, in the 12-month period ending June 30, 2021, criminal filings and the number of criminal defendants charged decreased. These criminal matters directly impact the probation and pretrial services program and were affected by COVID-19. In 2022, criminal filings are projected to decrease by 1.2 percent, and criminal defendants charged are projected to decrease by 0.9 percent.

Projected caseload and workload through June 30, 2022, is used to determine probation and pretrial services staffing requirements in FY 2023. For the 12-month period ending June 30, 2022, the judiciary projects a 9.6 percent increase in pretrial cases activated, a 3.6 percent increase in pretrial supervision, and an increase of 28.1 percent in presentence reports. The number of persons under supervision is expected to increase by 1.5 percent. There is a projected increase in pretrial activations and presentence reports despite the projected decrease in criminal filings due to the restart of trials and sentencings that were already in progress and had significant delays due to COVID.

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



	7/1/2018-6/30/2019	7/1/2019-6/30/2020	7/1/2020-6/30/2021
Red	9.6%	9.9%	10.3%
Orange	10.7%	12.0%	12.9%
Yellow	19.7%	20.9%	21.0%
Green	27.2%	25.4%	26.0%
Blue	32.8%	31.8%	29.7%

The probation and pretrial services system stratifies the risk of recidivism posed by people under supervision. Higher risk clients require substantially more supervision than lower risk clients. The probation and pretrial services staffing formula accounts for this dynamic by weighing cases by risk level. The highest risk cases are classified as red band, with the risk level decreasing incrementally through the remaining color categories to blue band, which represents the lowest risk cases. The period spanning April 2019 through March 2021 saw a 7.7 percent increase in clients classified as red band, a 20.6 percent increase in clients classified as orange band and a 6.7 percent increase in clients classified as yellow band. Conversely, the percentage of offenders with the green band classification declined by 4.3 percent and the percentage of offenders with blue band classification declined by 9.5 percent.

Workload for Probation and Pretrial Services Offices

Successful case investigations and supervision outcomes depend on sufficient resources that can be used for personnel, treatment and monitoring services, and training and program implementation. The growth in cases supervised per officer is detrimental to the officer's ability to support behavioral change and properly monitor the behaviors of those under supervision. Many factors influence caseload size, including risk levels, geography, and the need to manage special populations (e.g., location monitoring caseloads, sex offenders). The pandemic suppressed workload throughout the probation and pretrial services system but, due to prosecutorial priorities of the current administration and the impact of *McGirt,* workload is starting to rebound. Unless there are sufficient resources to keep pace with workload, officers will be assigned larger caseloads and will be unable to provide adequate supervision.[2]

Responding to Department of Justice (DOJ) Priorities

The Department of Justice has announced the prosecutorial priorities of the new Administration, which include domestic and foreign violent extremists, firearms prosecutions, and crimes of violence. The complexity and risk profile associated with this workload is expected to increase. The higher-risk cases require more intense supervision, increasing workload for officers and the need for additional resources. Moreover, the DOJ is reporting a near record number of assistant U.S. attorneys. There has always been a correlation between the number of prosecutors and the number of cases filed. Accordingly, the courts can expect a steady inflow of new cases. Changes in projected workload components of post-conviction supervision and pretrial services could change based on the new administration's priorities.

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

Table 4.1, Comparison of Judiciary Workload Factors

WORKLOAD FACTOR *	Actual 2016	Actual 2017	Actual 2018	Actual 2019	Actual 2020	Actual 2021	Projected 2022
Criminal Filings	61,021	58,121	67,257	73,012	64,853	59,500	58,800
Year-to-Year Change:	0.3%	-4.8%	15.7%	8.6%	-11.2%	-8.3%	-1.2%
Criminal Defendants Filed	79,968	75,235	84,828	90,541	79,122	75,407	74,700
Year-to-Year Change:	1.0%	-5.9%	12.8%	6.7%	-12.6%	-4.7%	-0.9%
Civil Filings **	290,430	271,721	281,202	293,520	421,082	374,250	352,700
Year-to-Year Change:	3.7%	-6.4%	3.5%	4.4%	43.5%	-11.1%	-5.8%
Appellate Filings	60,099	52,028	49,220	47,783	49,044	45,790	45,000
Year-to-Year Change:	13.3%	-13.4%	-5.4%	-2.9%	2.6%	-6.6%	-1.7%
Bankruptcy Filings	819,159	796,037	775,578	773,361	682,363	462,309	640,300
Year-to-Year Change:	-6.9%	-2.8%	-2.6%	-0.3%	-11.8%	-32.2%	38.5%
Pretrial Services: Cases Activated	88,140	82,265	90,951	98,627	83,839	71,647	78,500
Year-to-Year Change:	-2.7%	-6.7%	10.6%	8.4%	-15.0%	-14.5%	9.6%
Pretrial Services: Persons Under Supervision	45,623	43,998	43,997	46,539	46,646	52,915	54,800
Year-to-Year Change:	-2.9%	-3.6%	0.0%	5.8%	0.2%	13.4%	3.6%
Probation: Presentence Reports	59,562	60,669	60,498	66,622	68,974	47,628	61,000
Year-to-Year Change:	-4.5%	1.9%	-0.3%	10.1%	3.5%	-30.9%	28.1%
Probation: Persons Under Supervision	137,882	135,947	131,036	128,120	126,875	124,249	126,100
Year-to-Year Change:	3.3%	-1.4%	-3.6%	-2.2%	-1.0%	-2.1%	1.5%

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

** The actual FY 20, FY 21 and projected FY 22 civil filings include filings related to the multidistrict litigation (MDL) Case 2885 (In RE: 3M Combat Arms Earplug Products Liability Litigation) in the Northern District of Florida.

FISCAL YEAR 2022 APPROPRIATIONS

In the absence of an enacted FY 2022 appropriation, the judiciary built the FY 2023 discretionary budget request for the Salaries and Expenses account on an assumed FY 2022 discretionary appropriation of $5,661.2 million, which matches the FY 2022 Senate mark. This amount maintains current services in FY 2022 and allows funding for six additional magistrate full time positions, chambers staff associated with 45 Article III judge confirmations in FY 2022, as well as critical information technology requirements. The FY 2023 mandatory appropriation request is built on the FY 2022 assumed financial plan of $480.5 million.

For bill language for this account, the judiciary used the relevant language from H.R. 4502, which includes the House-passed version of the Financial Services and General Government Appropriations Act, 2022, as the closest approximation of eventual enacted FY 2022 appropriations language, updated with the assumed funding level as described above.

After full-year FY 2022 appropriations are enacted, the judiciary will re-estimate its FY 2023 budget request and transmit to the Appropriations Committees any changes to FY 2023 appropriations requirements and bill language.

SIGNIFICANT ISSUES

Impact of COVID-19 on the Judiciary

As with nearly every institution in the world, the ongoing COVID-19 pandemic continues to profoundly impact the judiciary and the judicial process. Responding to the pandemic has been a challenging and costly endeavor for the judiciary. It continues to affect an array of areas from criminal trials and bankruptcy filings to facilities and information technology requirements.

Despite significant disruptions to normal court operations, judges in every court type—district, bankruptcy, and appellate—continue to review filings, hold hearings, issue decisions, and resolve cases on their dockets. Although many courts have started to resume jury trials, with the impact of the recent Omicron variant, jury trials continue to be postponed in many districts due to the challenges of safely allowing jurors to enter courthouses and socially distance throughout the proceedings. Many judiciary personnel are teleworking at least part time, depending on the recovery phase of each court.

The federal judiciary has maximized the use of technology to ensure continuity of operations while protecting the health and safety of the public, individuals appearing before the courts, and judiciary personnel. The "Coronavirus Aid, Relief, and Economic Security Act" (CARES Act), P.L. 116-136, authorized the use of video and telephone conferencing for various criminal events under certain circumstances (including the consent of the defendant after consultation with counsel) contingent upon a finding by the Judicial Conference that emergency conditions exist that materially affect federal courts. The Judicial Conference made such a finding on March 29, 2020, and it will remain in effect until rescinded. Judges also have held hearings by video or telephone in civil cases, with counsel and parties participating remotely.

Similarly, while Judicial Conference policy generally prohibits the broadcasting of proceedings in federal trial courts, at the beginning of the pandemic, the judiciary (through the Executive Committee of the Judicial Conference) approved a temporary exception to this policy which authorizes the use of telephone conference technology to provide the public and the media audio access to court proceedings while public access to federal courthouses is restricted due to the pandemic.

Courts use a variety of platforms to provide audio and video access to proceedings. Increasing the use of technology has strained the judiciary's IT systems. The judiciary has invested in expanding network capacity to handle bandwidth strains when multiple judges are holding hearings simultaneously, obtaining licenses for certain platforms, and ensuring that courts have necessary equipment for the large number of judiciary employees who are teleworking. The judiciary monitors connectivity closely and regularly experiences approximately 22,000 simultaneous connections through its virtual private network services. Judiciary staff have worked quickly to resolve technical and logistical issues as they arise, as well as to ensure information technology and videoconferencing systems remain secure amidst increasing cyber threats.

To address the array of COVID-19 issues facing the judiciary, the AO Director formed a COVID-19 Task Force at the outset of the pandemic to advise on and address emerging issues throughout the pandemic. Judicial Branch members include a chief circuit judge, three chief district judges, and three court unit executives, as well as representatives from AO offices and the U.S. Supreme Court. Partner organization members include the General Services Administration (GSA), U.S. Marshals Service (USMS), Federal Protective Service, Executive Office for U.S. Attorneys, Architect of the Capitol, Department of Justice's Litigation Security Group, and Bureau of Prisons. Throughout the pandemic, the Task Force has continued to facilitate coordination among the court units, federal public defender offices, the AO, and other federal agencies in clarifying policy, developing and implementing practices to address specific COVID-19 related issues, and ensuring consistency across the various courts, offices, and agencies.

An issue of particular note the Task Force has addressed is the pandemic's significant impact on jury trials. Jury trials require numerous potential jurors to assemble at a courthouse for jury selection and require selected jurors to attend trials for multiple days, so they present serious health risks to jurors and to all other trial participants. As a result, the pace of jury trials has been reduced significantly during the pandemic.

Safely convening jury trials remains a judiciary priority. Individual courts have developed protocols that are tailored to meet the conditions in their courthouses and that minimize health and safety risks for all participants. Courts recognize that jurors must be given reasonable assurance of their safety before participating in the jury process. Jurors must be comfortable during a trial and be able to focus on the evidence, arguments, and court instructions, and not the risk of a COVID-19 infection. Courts are assessing information from local health authorities, the Centers for Disease Control and Prevention, and the AO in managing their plans to conduct jury trials. In June 2020, a Jury Subgroup of the AO's COVID-19 Task Force issued a report titled "Conducting Jury Trials and Convening Grand Juries During the Pandemic," which details issues and provides detailed recommendations for courts to consider as they have reconvened grand and petit juries. Courts are trying to adapt to the challenges of the evolving pandemic which are adding strain on local court budgets and operations, especially during the ongoing Omicron phase. Finding and distributing personal protective equipment and testing kits is necessary to support court recovery.

Due to COVID-19, probation and pretrial services offices have instituted a series of adjustments to policies, procedures, and practices to protect the safety of officers and the people they investigate and supervise by reducing in-person contact. For example, districts were encouraged to establish local policies to allow for virtual supervision contacts and telehealth/counseling, and document operational changes made due to COVID-19. At the beginning of the pandemic, the probation and pretrial services system experienced a reduced number of presentence and bail reports (case activations) completed by officers. Post-conviction supervision rates were relatively consistent throughout the pandemic. At the start of the 3rd quarter 2021, criminal filings, case activations, and investigations started to increase. For example, from March 31, 2021 to June 30, 2021, pretrial supervision increased by over 8 percent, and case activations increased by almost 17 percent.

The judiciary has started to address the backlog of cases that has developed during the pandemic, and will continue to do so throughout FY 2022 and FY 2023. The exact number of cases, as well as the length of time it will take to resolve the backlog, will only be known once courts fully return to normal operating procedures. In addition to the backlog of existing cases, bankruptcy filings are expected to rise in future years as discussed above.

Supreme Court Decision in McGirt v. Oklahoma

On July 9, 2020, the Supreme Court held in *McGirt v. Oklahoma*, 591 U.S. __ (2020) that land in northeastern Oklahoma reserved for the Creek Nation pursuant to the 1832 Treaty with the Creeks remains "Indian country" for purposes of the Major Crimes Act (MCA) because Congress has never expressly disestablished the reservation. As a result of the decision, the federal government, rather than the state, must prosecute major crimes involving Indians – including violent crimes such as murder, rape, sexual assault, and robbery. While the Supreme Court's decision applied directly to Creek Nation lands, the Oklahoma Court of Criminal Appeals (OCCA) subsequently expanded *McGirt's* reasoning to the lands of the remaining "Five Civilized Tribes" of Oklahoma—the Cherokee, Chickasaw, Choctaw, and Seminole Nations. These decisions recognize nearly half of Oklahoma as "Indian country," creating federal jurisdiction. Most recently, the OCCA applied the *McGirt* rationale to the Quapaw Nation Reservation, located in the northeastern corner of Oklahoma. These decisions recognize nearly half of Oklahoma as "Indian country," creating federal jurisdiction over a much bigger portion of the state than had previously been the case.

The MCA requires the government to prosecute violent and serious crimes[3] committed by tribal members on tribal lands in federal court. As such, most violent crimes and sex offenses that occur in Indian Country fall within the jurisdiction of the federal courts. In judicial districts with substantial Native American populations, a disproportionately high percentage of federal persons under supervision are tribal members. Naturally, then, when those who are convicted for such crimes are released and returned to Indian Country for supervision, that supervision is also the responsibility of the federal judiciary.

The *McGirt* decision, and its expansion to other tribes, primarily impacts the criminal case load in Oklahoma federal courts in two ways: an increased number of new federal prosecutions (crimes previously prosecuted in state court) and the re-prosecution of overturned state convictions in federal court. The actual number of new criminal cases will depend on the prosecutorial decisions of the United States Attorney's Offices in the districts. While it is difficult to predict with any certainty what the ultimate criminal case increase will be, the number of criminal cases filed in the Eastern District of Oklahoma has increased more than 400 percent and in the Northern District of Oklahoma by nearly 200 percent from 2020 to 2021. Early projections provided by the U.S. Attorney's Offices indicated that, once cases from all the affected tribes are being filed, annual criminal case filings in the Eastern District of Oklahoma

[3] Under the MCA, now codified at 18 U.S.C. § 1153, major crimes include murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, a felony assault under section 113, assault against a person who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of title 18 (i.e., larceny). *See* 18 U.S.C. § 1153.

could rise from an average of 121 to 1,834 and from 278 to 1,473 in the Northern District of Oklahoma. These projections are undergoing continual refinement by DOJ as more information and experience is gained.

In addition to the district court caseload, the *McGirt* decision also increases the workload of the federal probation and pretrial services system. Prosecutorial priority is currently being given to the most serious offenses, such as murder and manslaughter.[4] These higher-risk cases require more intense supervision, increasing workload for officers and the need for more resources. Comparing the data from July 2019 through June 2020 with the data from July 2020 through June 2021, it is evident that workload has significantly increased in the Oklahoma districts, especially in pretrial services. The increases in workload for guideline reports and pretrial supervision are reflected in the table below. The number of presentence investigations and pretrial supervision case activations will continue to increase proportionally based on the number of additional criminal defendants.

Table 4.2, Yearly Workload Case Increases

Yearly Workload Case Increases from the period July to June 2019-2020 to July to June 2020-2021						
	Guideline Reports		Full Pretrial Reports		Pretrial Supervision	
	Case Increase	Percent Increase	Case Increase	Percent Increase	Case Increase	Percent Increase
OKN	48	19.7%	415	229.3%	116	72.5%
OKE	19	20.9%	237	230.1%	41	151.9%
OKW	-73	-18.8%	72	17.0%	50	21.6%

A significant increase in the number of post-conviction supervision cases is not expected in 2022, but would likely materialize in future fiscal years, when the number of sentenced defendants from Indian Country in Oklahoma complete their prison sentences and return home. Workload is expected to grow in all three Oklahoma districts, significantly increasing staffing and resource requirements

[4] According to discussions with DOJ representatives, murder and manslaughter cases increased from 2 cases in the Oklahoma districts in FY 2019, pre-McGirt, to 32 cases in FY 2020, and then further increased to 165 cases prior to the end of FY 2021. Murder and manslaughter are resource intensive cases, and the increase in these types of cases highlights the growing burden on the criminal justice system.

of the probation and pretrial services offices, especially in the Eastern and Northern Districts of Oklahoma. Based on the workload estimates, staffing requirements in the Northern District of Oklahoma, are expected to increase by over 400 percent and over 1,000 percent in the Eastern District of Oklahoma by FY 2023. Based on current caseload projections, staffing requirements for the Western District of Oklahoma are expected to grow at a more moderate pace of 14 percent in FY 2023.[5]

Probation and Pretrial Services Automated Case Tracking System (PACTS) Stabilization and Replacement

In recent years, the information technology applications supporting the probation and pretrial services (PPS) system have had significant problems with reliability and performance. There are more than 30 applications that work together with the Probation and Pretrial Services Automated Case Tracking System (PACTS) to enable probation and pretrial services offices to perform their official duties. These applications, along with PACTS, have experienced recurring outages and slowdowns, which impede the ability of officers and staff to access crucial case file information. The lack of immediate access to data on defendants and persons under supervision jeopardizes officer safety, increases the risk to public safety, causes delays in providing services to courts and other agencies.

The AO developed a two-step plan to ensure the reliability and performance of PACTS and the PPS applications. The first step was to stabilize PACTS while a replacement system is developed and deployed. The stabilization phase, which began in 2017, has yielded positive results by reducing the number of outages and system recovery time when outages occur. The AO continues to monitor system performance with existing funding.

The second step is to develop a replacement system for PACTS with commercial off-the-shelf products as well as a highly configurable platform solution. In April 2020, a contract award was issued to develop a Software-as-a-Service (SaaS) solution to replace the existing PACTS and ancillary applications. The new system will be called PACTS 360.

The PACTS 360 project is progressing with predictability, efficiency, and effectiveness. The vendor has onboarded several new personnel with significant experience and knowledge in the SaaS solution platform, which has improved the quality of development efforts. Though significant progress has been made on the system, the judiciary requires additional funding to complete development and implementation.

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[5] These projections are based on information provided to AO staff by the U.S. Attorney's Offices in April 2021. In recent conversations between AO and DOJ staff, the DOJ confirmed its expectations for caseload numbers to significantly increase.

In FY 2020 through 2022, contracts were issued for a total of $35.5 million for the development of PACTS 360. These contracts included development of business capabilities such as pretrial investigations, presentence investigations, USSC guideline manual, total offense, and drug calculations. In addition, work was started on data migration and management activities in preparation for implementation. The current plan for the remainder of FY 2022 is to obligate an additional $9.1 million in contracts to begin the development for pretrial and post-conviction supervision capabilities. The FY 2023 request includes $33.1 million for this project to complete the pretrial and post-conviction supervision, treatment services capabilities and integrations with other judicial and federal systems. This request also includes the start of implementation and training for probation and pretrial services officers and staff.

Without the requested funding, development and implementation of the system will be delayed by several years. The AO's contract with its vendor expires in May 2025. Delays in completing the development and implementation beyond FY 2025 increases the risk that a new vendor would have to be brought in to complete the final stages of implementing PACTS 360, which could result in additional costs. Additional delays will also prevent the AO from retiring legacy systems which are already at high risk for being non-compliant due to the infrastructure support ending in 2024. Keeping the legacy systems operational without addressing any existing risks will cost $15 million annually until the new system has been successfully deployed.

First Step Act of 2018

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

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

Significant provisions of the FSA have already been implemented and have impacted the workload of the courts. For example, the Act made sentence reductions under the Fair Sentencing Act of 2010 retroactive which resulted in the release of approximately 2,400 inmates. BOP was also directed to adjust its calculation of good time credits, and to make those adjustments retroactive. As a result of this provision, approximately 3,100 inmates were released from BOP custody on July 19, 2019. Another provision authorized inmates to directly petition the courts for compassionate release. Since this provision was enacted, over 20,000 petitions have been submitted to the courts and more than 3,600 petitions have been granted.

In January 2022, BOP released final rules on FSA Earned Time Credits. Under the rules, inmates who have earned time credits equal to or in excess of their remaining prison sentence are eligible to (1) be moved to residential reentry centers, (2) be placed on pre-release home confinement, or (3) commence supervised release. Implementation of the rules resulted in the immediate release of approximately 6,000 individuals to a term of supervised release. This unanticipated surge in releases equates to over ten percent of the judiciary's average probation workload in a given year. The surge was mainly due to modifications of the draft rules which were influenced by the feedback received during the public comment period. This resulted in an increased amount of credit inmates were eligible to earn through approved programming and was applied retroactively. Following the initial surge, the judiciary estimates an additional 3,200 inmates being released to a term of supervised release within the first six months. Due to the changes in the Earned Time Credits rules, the judiciary anticipates additional staffing requirements and increased costs in treatment services and reentry services, including transitional housing.

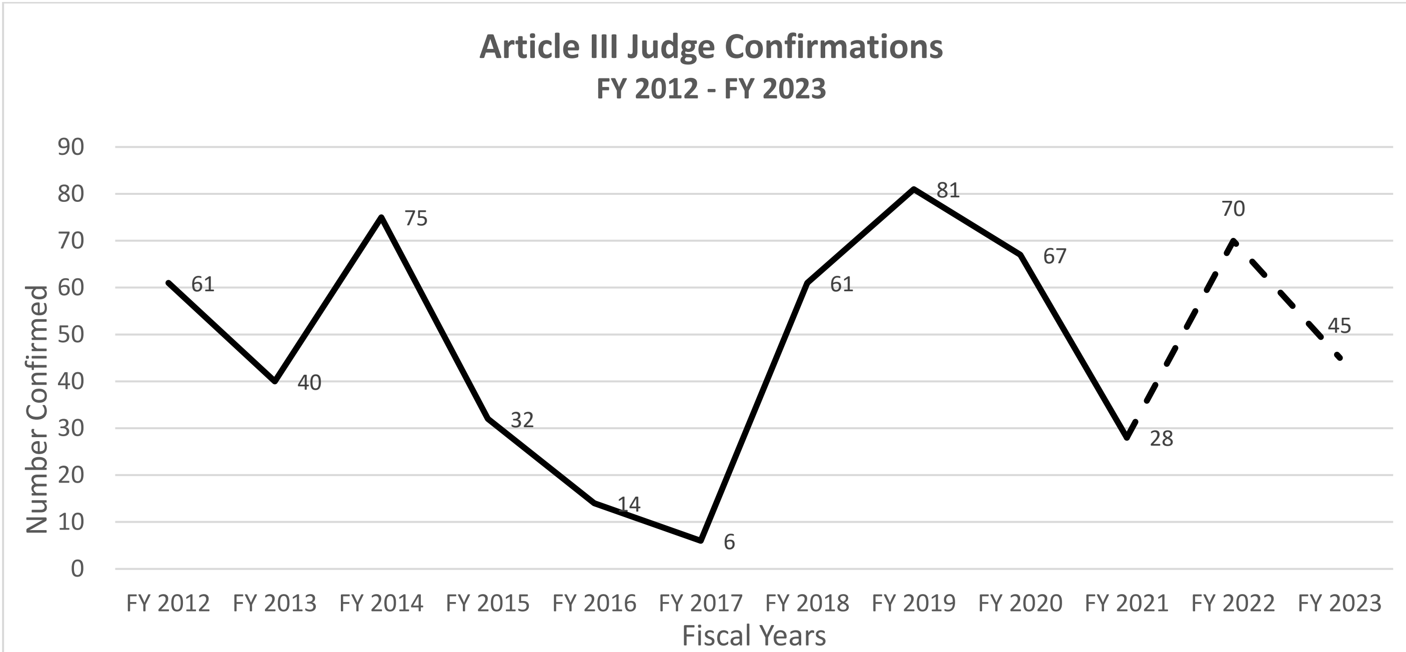
As a result of the COVID-19 pandemic and the CARES Act, there has been a steady increase in the number of inmates placed on home confinement. In addition, there is an anticipated increase of cases due to the provision in FSA which directs BOP to release individuals into prerelease custody who have earned sufficient credits. The probation and pretrial services system supervises a portion of these inmates under the Federal Location Monitoring (FLM) program. Location monitoring cases are labor intensive. Officers who supervise these cases are on call 24 hours a day, 7 days a week. In FY 2020, probation officers supervised 1,020 FLM cases. During FY 2021, the number decreased to 889. For FY 2022, probation officers are projected to supervise approximately 802 FLM cases, and that level is projected to continue through FY 2023, but the latest developments with the FSA could significantly increase those projections.

Judicial Confirmations

The number of filled Article III judgeships has a direct impact on the requirements for the Salaries and Expenses account. This account funds all Article III judges and associated costs, except for justices of the U.S. Supreme Court and judges of the U.S. Court of Appeals for the Federal Circuit and the Court of International Trade (as those courts have stand-alone appropriations). While the salaries and benefits of judges are paid from the Salaries and Expenses account's mandatory requirements, the number of active Article III judges impacts this account's discretionary appropriations requirements for chambers staff, court support staff, and associated operating and maintenance costs that are necessarily increased when a new or replacement Article III judge is confirmed. Operating and maintenance costs include space, travel, training, courtroom digital audio recording equipment, telephone systems, 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 for budgeting purposes between 40 and 45 Article III confirmations each year. Due to changes in Senate procedural rules, actual confirmations in recent years have been significantly above that level with 61 confirmations in FY 2018, 81 in FY 2019, and 67 in FY 2020. The FY 2021 confirmations of 28 were lower than anticipated due to a change in Administration. It is anticipated that FY 2022 confirmations will return to a higher level to address the backlog of existing vacancies, so the judiciary currently projects 70 confirmations in FY 2022 before returning to the average of 45 confirmations in FY 2023. (See the chart below.)

Table 4.3, Article III Judge Confirmations



When the number of judge confirmations is higher than the judiciary estimated in its budget request, funding must still be provided for all confirmed judges' chambers staff, 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 FY 2022 financial plan includes a projection of 70 Article III judge confirmations. The judiciary's FY 2023 request includes the funding needed to sustain confirmation-related costs from FY 2022 and to accommodate an assumption of 45 additional Article III judge confirmations (confirmations are projected to decline in FY 2023 as the number of remaining vacancies also declines). The judiciary will update this assumption as part of its FY 2023 budget re-estimate process.

Data Center Move

The judiciary has two internet data centers, located in Ashburn, Virginia, and in San Diego, California. The data centers are geographically dispersed to serve the eastern and western halves of the country. In 2018, AT&T, the owner of the two data centers, sold several of their data centers—including those at Ashburn and San Diego—to a holding company named Berkshire. Berkshire subsequently established a wholly owned subsidiary, named Evoque, which provides data center solutions.

At the same time, the judiciary was transitioning its Networx data communications contract to the Enterprise Infrastructure Solutions (EIS) contract. Like Networx, EIS is a large, government-wide telecommunications contract which is leveraged by nearly all federal departments and agencies for telecommunications services. This is the contract that currently covers the judiciary's AT&T data centers at Ashburn and San Diego. The EIS contract was expected to continue a 10-year sole source contract to AT&T for services at the data centers. However, the judiciary was informed that the new owner, Evoque, is unable to commit to maintain this service for 10 years. Instead, because they wish to use the space for other purposes, Evoque will only commit to maintain service for eight years at the Ashburn center and three years at the San Diego center. This is a permissible action by Evoque under its contract terms. As a result, the judiciary must move out of the San Diego data center by July 15, 2024, which will be a significant undertaking and expense for the judiciary.

After analyzing various options, the judiciary decided to proceed with a plan to move to another data center (new location is to be determined) for the continued operation of the portion of its telecommunications infrastructure that has not been deemed cloud-ready. Those infrastructure areas (such as archival storage and public websites) that are ready will instead be moved to the cloud, pursuant to a cloud contract planned to be established in 2022, at the same time as the other infrastructure areas are migrated to the new physical data center. The total cost of these migration efforts is approximately $30 million, including $17.9 million in FY 2022 requirements, $12.0 million in FY 2023, and $0.8 million in FY 2024.

New Courthouse Infrastructure

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

Carolina; Anniston, Alabama; Savannah, Georgia; and San Antonio, Texas. Partial funding was also provided for Harrisburg, Pennsylvania, the ninth project on that *CPP* list. In addition, $53 million was appropriated for new construction and acquisition of facilities that are joint U.S. courthouses and federal buildings in Greenville, Mississippi, and Rutland, Vermont.

The Rutland, VT courthouse acquisition was completed in October 2018, and the Charlotte, NC Annex, Savannah, GA Annex and the Greenville, SC projects were completed in FY 2021. The San Antonio, TX new courthouse project was completed in December 2021, and the Nashville, TN; Anniston, AL; and Harrisburg, PA new courthouses are expected to be completed in FY 2022. Each of the remaining fully funded projects (Charlotte R&A, NC; Des Moines, IA; Greenville, MS; Toledo, OH; Savannah R&A GA; Huntsville, AL; and Ft. Lauderdale, FL) are in a different stage of development.

In FY 2018, Congress provided the remaining funding necessary to complete the Harrisburg, Pennsylvania project ($137.2 million), as well as funding for two additional projects: Huntsville, Alabama ($110.0 million) and Fort Lauderdale, Florida ($190.1 million). Both the Huntsville and Fort Lauderdale projects received congressional authorization on February 5, 2019, and are underway. In FY 2021, Congress provided partial funding of $135.5 million for the Hartford, Connecticut, courthouse, and partial funding of $94.5 million for the Chattanooga, Tennessee, courthouse. Full funding of these projects will necessitate additional judiciary funding for associated infrastructure costs.

Although the construction of new courthouses and annexes is funded by GSA, the judiciary is responsible for a variety of associated infrastructure that is needed to ensure new facilities will be fully functional at the time major construction is completed. Remaining funding requirements for the full functionality and operations of the new courthouses will be included in future requests.

In addition to funding infrastructure costs for new courthouses, the judiciary must also pay higher rent at completed courthouse projects that increase the amount of space occupied by the judiciary. As of February 2022, the Charlotte, North Carolina Annex, Savannah, Georgia Annex, and Greenville, South Carolina, courthouse have opened and tenants are moved in. Due to the space increases associated with these facilities, the judiciary has higher GSA rental costs in the FY 2023 request.

COST CONTAINMENT

Judiciary's No Net New and Space Reduction Programs

Space reduction has been one of the judiciary's major cost-containment initiatives. In September 2013, the Judicial Conference established a five-year national space reduction target of three percent, which was equivalent to a total reduction of 870,305 usable square feet (USF)[6]. By September 2018, approximately 1.2 million USF of space had been removed from the judiciary's rent bill. Therefore, the judiciary 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 realized approximately $36 million in annual rent avoidance. Since 2013, the judiciary has achieved an estimated $187 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.[7] 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, this FY 2023 budget request includes $15.0 million to undertake projects needed to reconfigure space to offset space increases and maintain compliance with the No Net New policy. The 14 No Net New projects that were approved in FY 2020 and FY 2021 are expected to result in over 45,000 USF in space reduction or space growth avoidance.

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[6] 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).

[7] 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).

Judiciary's Service Validation Initiative

Beyond the 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 (SVI), which is a cooperative effort of the AO, the courts, and GSA to maximize the value derived from the judiciary's space rental payments. A National Joint Training Program (NJTP) to disseminate in-person information on facilities and security to staff from the judiciary, GSA, Federal Protective Service, and U.S. Marshals Service by GSA region nationwide was scheduled to commence in March 2020. However, the NJTP was cancelled due to the COVID-19 pandemic. In lieu of NTJP, the SVI webcast workgroup was established to provide virtual training until in-person training is feasible. To date, webcasts on Courthouse HVAC System and Airflow, Security and Facility Committees, Safe Return to the Workplace (Episode 1), the Facility Security Assessment Process, and Contractor Access to Court Space have been completed and posted on the SVI webpage on the judiciary's intranet. The next series of in-person training is scheduled to commence in Summer of 2022. A curriculum development workgroup for executives (CDWE) is being established to develop content for the in-person training workshops. A curriculum development workgroup for operations staff (CDWO) is also being established to identify topics and develop content with a focus on day-to-day operations in facilities and security. The implementation of the SVI program has yielded over $100 million in annual cumulative rent savings and cost avoidance through FY 2021.

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 clerks' office staff dedicated to producing and mailing notices manually, 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 significantly reduces the judiciary's costs is Electronic Bankruptcy Noticing (EBN). Pursuant to the Federal Rules of Bankruptcy Procedure, 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. EBN has contributed tens of millions of dollars in cost avoidances over the past decade. An amendment to Federal Rule of Bankruptcy Procedure 9036, approved by the Judicial Conference in 2020, took effect on December 1, 2021. It subjects most high-volume paper notice recipients to mandatory electronic noticing and is expected to increase the rate of EBN to 60 percent of all court-issued bankruptcy notices. That will reduce annual costs by about $4.3 million when the amendment is fully in effect. Between targeted outreach to high-volume paper notice entities for seven months before the amendment became effective, along with new EBN agreements during the first month under the amended rule, the judiciary is saving approximately $116,000 per month in mailing and paper costs. Today, more than 55 percent of all court-issued bankruptcy notices in the United States Bankruptcy Courts are sent electronically.

Law Book and Legal Research Cost Containment Efforts

The National Library Program, in close collaboration with the Judicial Conference's Committee on Court Administration and Case Management (CACM) and the Circuit Librarians, has pursued cost-saving initiatives relating to libraries and legal research resources. The majority of these initiatives relate to careful evaluation of legal resources, resource sharing, and a reduction of print materials in favor of digital resources.

The Judicial Conference adopted a policy in 2005 to cancel all existing subscriptions to non-essential print reporters, as well as to consider whether existing law journals, law reviews, and treatises were essential. This policy was further tightened in 2010 to discourage print subscriptions due to the continuing emphasis on cost containment, recognition of the evolution to a digital environment, concern about the increasing cost of resources, the level of duplication of print resources with access provided through digital access, and the ease with which case law research can be conducted online. This was followed by increased emphasis on resource sharing in 2012 and 2013. In 2020, the CACM Committee encouraged reviewing collections in an effort to reduce costs.

Libraries have made extensive cuts to their print subscriptions each year. In FY 2021, libraries across the judiciary cancelled almost 4,000 print subscriptions, translating to an immediate savings of $1.26 million. Considering the potential impact of compounded inflationary subscription cost increases over time, which is much higher for legal resources than the national inflation rate according to the Consumer Price Index (CPI), the cost avoidance that these cancellations represent for the judiciary exceeds the initial savings from cancellations. In addition to these cancellations, the National Library Program negotiates an early order discount each year for remaining print subscriptions, which in FY 2021 resulted in $2.8 million in cost avoidance.

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 court and circuit offices, district clerks' offices, bankruptcy clerks' offices, 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 court units. The work measurement process uses a combination of statistical modeling and other measurement techniques to define court units' staffing needs for all required work.

The coronavirus pandemic continues to impact planned work measurement studies, and the U.S. Court of Federal Claims and common support studies, which were scheduled to begin in FY 2020, will be rescheduled. Currently, the judiciary is examining staffing requirements for financial transactions and IT security activities across all clerks' offices and probation and pretrial services offices. The study will be completed in June 2022. The judiciary began a work measurement study on federal defender organizations that will be completed in June 2023.

Shared Administrative Services and Alternative Organizational Models

Building on earlier efforts to encourage efficiencies through shared administrative services, the Judicial Conference 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. The judiciary is promoting consolidation efforts by providing guidance materials and reports on court organizational models on its intranet to judges and court unit executives considering consolidation or flexible service arrangements.

FISCAL YEAR 2023 REQUEST

The FY 2023 discretionary appropriation request for the Salaries and Expenses account totals $5,983.8 million, including $10.5 million for requirements funded from the Vaccine Injury Compensation Trust Fund. The judiciary also requests $506.8 million for requirements funded from mandatory appropriations. The FY 2023 discretionary request is a 5.7 percent increase over the FY 2022 assumed discretionary appropriation level of $5,661.2 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 $365.1 million in FY 2023, $37.2 million more than the $327.9 million expected to be utilized in FY 2022.

Total Requested Discretionary Appropriation Increases: $322,546,000

Total Mandatory Appropriation Increases: $26,245,000

JUSTIFICATION OF CHANGES

The changes in the FY 2023 budget request are divided into two sections: adjustments to base and program increases.

Adjustments to base totaling $304.6 million (87.3 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 (+$26.2 million);
- an increase in personnel costs for Court of Federal Claims judges, magistrate judges, chambers staff, and other court support staff (+$173.8 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 (+$16.4 million);
- financing adjustment to account for an increase in non-appropriated sources of funds (-$37.2 million);
- inflationary and miscellaneous adjustments (+$29.8 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 (+$42.4 million); and
- a net increase for information technology requirements (+$52.5 million).

Program changes totaling $44.2 million (12.7 percent of the requested change) are for:

- six new full-time magistrate judges and one part time magistrate judge, and associated staff ($2.7 million);
- an increase in court support staffing due to caseload and workload changes ($30.0 million);
- an increase for temporary law clerk program workload changes ($0.3 million);
- an increase for the national court law clerk program ($2.6 million);
- an increase for the internal controls evaluation system ($3.8 million);
- an increase for additional IT positions ($2.8 million); and
- an increase for information technology standardization ($2.0 million).

ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES

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

A. JUDGES AND ASSOCIATED STAFF

1. Pay and benefit cost adjustments

a. Proposed 2023 pay adjustment

Requested Discretionary Increase: $4,970,000

Mandatory Increase: $14,857,000

The judiciary is assuming federal pay rates will increase by 4.6 percent for staff and 4.1 percent for judges in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President's FY 2023 budget request is different from this 4.6 percent guidance, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

b. Annualization of 2022 pay adjustment

Requested Discretionary Increase: $884,000

Mandatory Increase: $2,643,000

The requested increase provides for the annualized costs of the 2022 pay adjustment of 2.7 percent for staff and 2.2 percent for judges associated with the Employment Cost Index and locality pay adjustments, as appropriate. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

c. Benefits Increases

i. Health Benefits

Requested Discretionary Increase: $117,000

Mandatory Increase: $334,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 2.4 percent both in January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

ii. FICA adjustment

Requested Discretionary Increase: $131,000

Mandatory Increase: $404,000

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 2022. The salary cap for OASDI increased from $142,800 to $147,000 in January 2022. The requested amount is needed to pay the agency's contribution in FY 2023.

2. Increase in average number of filled Article III judgeships

Requested Discretionary Increase: $9,092,000 FTE: 79

Mandatory Increase: $3,613,000 FTE: 14

In FY 2022, the judiciary anticipates that an average of 785 out of the 844 authorized Article III appellate and district judgeships will be filled. Based on historical confirmation patterns, the judiciary projects 45 Article III judges will be confirmed during FY 2023, offset by 38 active judges who take senior status or retire. As a result of the anticipated timing of these confirmations and departures from active Article III status, the FY 2023 request includes funding for 799 Article III appellate and district court judgeships, a net increase of 14 FTE above FY 2022 assumed levels.

This request also includes funding for chambers support staff (42 law clerks, 14 courtroom deputies, 9 secretaries, and 14 court reporters) associated with the increase in 14 judges' FTE.

This line item includes $3.6 million for the salaries and benefits of judges, $7.6 million for the salaries and benefits of supporting staff, and $1.5 million for supporting costs such as law books, furniture, travel, supplies, and equipment. Table 4.4 provides the historical levels of Article III judges.

Table 4.4, Active Article III Judgeship Vacancies and FTEs*

Fiscal Year	Authorized Article III Judgeships	Average Vacancies	Avg. Number of Active Judges
2017	844	113	731
2018	844	140	704
2019	844	125	719
2020	844	77	767
2021	844	65	779
Estimates			
2022	844	59	785
2023	844	45	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: $3,031,000 FTE: 28

Mandatory Increase: $1,389,000 FTE: 6

Funding is requested in FY 2023 for a net increase of six senior judge FTE and the associated chambers staff. The request includes $1.4 million for the salaries and benefits of judges, $2.8 million for the salaries and benefits of supporting staff (13 law clerks, 7 secretaries, 4 courtroom deputies, and 4 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)
2017	569
2018	563
2019	594
2020	587
2021	580
Estimates	
2022	592
2023	598

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, 2021, there were 152 U.S. Court of Appeals and U.S. District Court judges eligible to take senior status or retire. In FY 2022, the judiciary projects an additional 44 judges will become eligible and an additional 31 judges will become eligible in FY 2023. For FY 2023, the judiciary estimates that 35 active Article III judges will either take senior status or retire and 32 senior or retired judges will leave the judiciary's payroll. As a result of the projected timing of these actions, the FY 2023 budget request reflects a net increase of six senior judge FTE.

4. Increase in average number of filled bankruptcy judgeships

Requested Discretionary Increase: $4,244,000 FTE: 37

Mandatory Increase: $3,004,000 FTE: 11

The judiciary projects a total of 321 FTE (including recalled bankruptcy judges) for the 345 authorized bankruptcy judgeships will be funded in FY 2022. Based on historical patterns, it is anticipated that 11 additional judgeships will be filled during FY 2023, increasing the average number of filled bankruptcy judgeships to 332 FTE (including recalled bankruptcy judges) in FY 2023. This request also funds 22 law clerks, 10 courtroom deputies, 3 secretaries, and 2 electronic court recorders associated with the increase of 11 bankruptcy judge FTE.

Table 4.6 Summary of Judicial Officers

	Article III & Bankruptcy Judges (Mandatory Costs)						Claims & Magistrate Judges					
	FY 2022			FY 2023			FY 2022			FY 2023		
	Positions	FTE	($000)	Positions	FTE	($000)	Positions	FTE	($000)	Positions	FTE	($000)
Appellate Judgeships	167	166	44,456	167	166	45,917						
District Judgeships[1]	677	638	160,889	677	652	170,618						
Senior/Retired		740	184,351		746	192,956						
Bankruptcy Judgeships[2]	345	332	90,815	345	343	97,266						
U.S. Court of Federal Claims[3]							16	23	5,230	16	23	5,430
Magistrate Judgeships - Full-time							555	545	150,440	561	550	157,409
Magistrate Judgeships - Part-time[4]							30	22	5,059	27	22	4,971
Total	1,189	1,876	480,511	1,189	1,907	506,756	601	590	160,729	604	595	167,810

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
2017	16	7	9
2018	16	11	5
2019	16	9	7
2020	16	7	9
2021	16	3	13
Estimates			
2022	16	1	15
2023	16	0	16

Table 4.8 Bankruptcy Judges (excludes recalled)

Fiscal Year	Authorized Bankruptcy Judgeships	Avg. Vacancies	Avg. No Active Judges
2017	349	19	330
2018	350	23	327
2019	347	27	320
2020	347	36	311
2021	345	35	310
Estimates			
2022	345	30	315
2023	345	19	326

Table 4.9 Magistrate Judges (Full-Time)

Fiscal Year	Authorized Magistrate Judgeships	FTE
2017	536	532
2018	537	535
2019	541	535
2020	547	534
2021	549	542
Estimates		
2022	555	545
2023	561	550

B. COURT PERSONNEL AND PROGRAMS

5. Pay and benefit cost adjustments

a. Proposed 2023 pay adjustment

Requested Increase: $124,433,000

The judiciary is assuming federal pay rates will increase by 4.6 percent in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President's FY 2023 budget request is different from this 4.6 percent guidance, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

b. Annualization of 2022 pay adjustment

Requested Increase: $24,182,000

The requested increase provides for the annualized costs of the 2022 pay adjustment for Employment Cost Index (ECI) and locality pay. As a result of the pay adjustment, federal pay rates increased by an average of 2.7 percent, effective as of January 2022. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

c. Promotions and within-grade increases

Requested Increase: $27,051,000

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: $6,019,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 2.4 percent both in January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

ii. FICA adjustment

Requested Increase: $471,000

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 2022. The salary cap for OASDI increased from $142,800 to $147,000 in January 2022. The requested amount is needed to pay the Court's contribution in FY 2023.

e. One less compensable day

Requested Decrease: ($14,424,000)

There is one less compensable day in FY 2023 than in FY 2022. The requested decrease adjusts for personnel compensation and benefits associated with one fewer compensable day.

6. Funding necessary to maintain FY 2022 service levels due to anticipated increase in non-appropriated funds

Requested Decrease: ($37,199,000)

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 2023 discretionary appropriation request of $6.0 billion reflects a projected availability of $365.1 million in these non-appropriated funds. Without these funds, the judiciary's request in discretionary appropriations would have totaled approximately $6.3 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 2022 obligation level assumes new fee collections and prior-year unencumbered carryforward from FY 2021 totaling $327.9 million. The FY 2023 request estimates that fee collections and prior-year carryforward will total $365.1 million, a net increase of $37.2 million from the $327.9 million in non-appropriated funds in FY 2022. This is displayed in Table 4.10 below. As a result, the judiciary request includes a decrease in appropriated funds for FY 2023 due to the higher amount of anticipated non-appropriated funds. The judiciary's estimates for non-appropriated funds typically fluctuate during the fiscal year. AO staff will update the appropriations subcommittee staff on changes in non-appropriated funding levels.

Table 4.10 Non-Appropriated Sources of Funding

Dollars in Thousands	FY 2022 Plan	FY 2023 Request	Difference
Fee Collections	163,627	215,076	51,449
Other Carryforward	164,250	150,000	(14,250)
Total, Non-Appropriated Sources of Funding, Excluding Encumbered	**327,877**	**365,076**	37,199

C. OTHER ADJUSTMENTS

7. Inflationary and miscellaneous adjustments

Requested Increase: $29,794,000

Consistent with guidance from the Office of Management and Budget, this request of $29.8 million is required to fund inflationary increases of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment.

8. Vaccine Injury Compensation Trust Fund adjustment

Requested Increase: $600,000

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 2023, the judiciary requests $10.45 million from the Vaccine Injury Compensation Trust Fund, an increase of $600,000 above the amount assumed to be received from the Trust Fund in FY 2022. The increase is due to pay and non-pay inflationary adjustments.

9. GSA space rental and related services

Requested Increase: $42,402,000

The judiciary requests a net increase of $42.4 million in FY 2023 for GSA rent and related services. This net increase is made up of:

(a) Changes in space/new space (+$10.6 million),
(b) Building operations and GSA rent (+$22.5 million),
(c) Tenant improvements (+$54.2 million),
(d) Space reduction savings (-$1.0 million), and
(e) Non-recurring space adjustments (-$44.0 million).

a. Changes in space/new space

Requested Increase: $10,614,000

In FY 2023, the requested increase of $10.6 million, the judiciary anticipates an increase of $2.0 million for annualization of new space delivered in FY 2022 and an $8.6 million net increase for 135,926 useable square feet related to projects to be occupied by the courts of appeals, district courts, bankruptcy courts, and probation and pretrial services offices based on projected occupancy dates and rental rates provided by GSA. Table 4.11 on page 4.47 identifies major projects that GSA plans to complete in FY 2023.

b. Building operations and GSA rent

Requested Increase: $22,545,000

This request represents a 2.0 percent inflationary increase (+$22.5 million) in the cost of GSA space rental and maintenance of facilities occupied by the courts in FY 2023.

c. Tenant improvements

Requested Increase: $54,201,000

The request includes $54.2 million for build-out and tenant improvement projects in FY 2023. Of this amount, $49.2 million is for 16 chambers and courtroom projects for judges taking senior status, replacement judges, and new (additional) judges. In addition, $5.0 million is for circuit judicial councils' tenant alterations improvement projects, including repairs and replacements of tenant equipment and fixtures as well as tenant finishes.

d. Space reduction

Requested Decrease: ($1,000,000)

A net cost savings of $1.0 million is estimated to be achieved in FY 2023 due to reductions in court-occupied space.

e. Non-recurring space adjustments

Requested Decrease: ($43,958,000)

A net decrease of -$44.0 million is required in FY 2023, including a net decrease for non-recurring costs associated with tenant alterations, furniture, repairs, and miscellaneous space adjustments in FY 2023.

Table 4.11 Space to be delivered in FY 2023 - Prospectus projects, displayed in order of GSA estimated delivery dates

City	State	Net Rentable Square Feet to be Delivered	Estimated Occupancy Date	Fiscal Year 2023 Rent Cost New Space	Fiscal Year 2024 Rent Cost	Total Annual Rent Cost
Harrisburg	PA	103,132	10/1/2022	$2,597,255	$0	$2,597,255
Des Moines	IA	29,797	11/1/2022	$3,106,085	$282,371	$3,388,456
Greenville	MS	91,990	4/1/2023	$2,143,910	$2,143,910	$4,287,821
Toledo	OH	54,732	8/1/2023	$784,283	$3,921,417	$4,705,701
Total		**279,651**		**$8,631,534**	**$6,347,699**	**$14,979,233**

Table 4.12 GSA Space Rental Increase

	Square Feet of Space	Avg. Cost per Square Ft.*	Amount in $000
FY 2022:			
Space occupied at start of year	39,268,792		$1,124,836
Estimated new space to be delivered in FY 2022	160,594		$6,431
Total, FY 2022	***39,429,386***	***$28.69***	***$1,131,267***
FY 2023 Adjustments:			
Increase for estimated inflation (2.0%)			$22,545
Estimated savings due to reduction in footprint	(25,000)		($1,000)
Annualization of new space assigned in FY 2022			$1,982
Estimated new space to be delivered in FY 2023	279,651		$8,632
Total, FY 2022 Budget Request	***39,684,037***	***$29.32***	***$1,163,426***
FY 2023 Increase over FY 2022	***254,651***		***$32,159***

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

10. Information technology requirements

Requested Net Increase: $52,520,000

The judiciary requests a net increase of $52.5 million in FY 2023 for information technology related requirements. This net increase is made up of:

(a) Court Administration & Case Management Systems (+29.6 million),
(b) Administration and Management Systems (+$12.4 million),
(c) IT court support reimbursable program adjustments (+5.7 million)
(d) Telecommunications Program (+$4.1 million),
(e) Infrastructure & Collaboration Tools (+$1.2 million),
(f) Judicial Statistical & Reporting Systems ($0.4 million)
(g) Court IT Allotments (+$0.3)
(h) Contractor insourcing savings (-$1.2 million).

A more detailed description of the items in this request and judiciary's IT program can be found in section 11 of this submission, "Judiciary Information Technology Fund." General Inflationary adjustments for these program areas are included above in line item 7 on page 4.45.

a) Court Administration and Case Management Systems

Requested Increase: 29,600,000

An increase of $27.5 million is requested for PACTS 360, the case management system that is essential to enabling probation and pretrial services officers to perform their official duties by providing immediate access to case file information and other data on defendants and persons under supervision.

As discussed on 4.25 and 4.26, significant work is underway on developing and implementing PACTS 360. In FY 2023, the $27.5 million in requested resources will be used for the continuation of development and implementation of PACTS 360 and the integration of legacy PACTS applications into PACTS 360. There is also an adjustment of $2.1 million for architecture and security maintenance in the eVoucher program.

b) Administrative and Management Systems

Requested Increase: $12,420,000

A net increase of $12.4 million is requested to fund minimum requirements for maintaining judiciary finance and human resources systems and periodic updates necessitated by legal and policy changes. These requirements include software license renewals.

c) IT court support reimbursable program adjustments

Requested Increase: $5,700,000

An increase of $5.7 million is requested for court support reimbursable adjustments. These services include IT policy and planning guidance; architecture and infrastructure support;

security services; testing, national IT applications; IT training; and other administrative and IT support services provided by AO staff on behalf of the courts.

d) Telecommunication Program

Requested Increase: $4,100,000

A net increase of $4.1 million is requested to support operations and maintenance for judiciary data communication network cybersecurity, data communication network monitoring services, and the national logging service.

e) Infrastructure & Collaboration Tools

Requested Increase: $1,200,000

This increase of $1.2 million is requested to support operations and maintenance requirements related to IT security including security engineering, awareness, assessment, testing, policy development, and vulnerability remediation support ($0.8 million) and national messaging and collaboration systems ($0.4 million).

f) Judicial Statistical and Reporting Systems

Requested Increase: $400,000

This increase includes $0.4 million associated with data security management and governance.

g) Court IT Allotments

Requested Increase: $300,000

The $0.3 million increase in Court IT allotments includes higher requirements for IT infrastructure and maintenance expenses paid directly by courts for local computer, printer, network equipment and software.

h) Contractor insourcing savings

Requested Decrease: ($1,200,000)

During FY 2023, the AO intends to begin implementing another phase of contractor insourcing which will eliminate approximately 33 contractor positions in FY 2023 and insource the work with a like number of new federal employees. Anticipated FY 2023 savings in the S&E account associated with this insourcing is $1.2 million due to lower compensation for federal workers versus contractors.

For more information on contractor insourcing and AO reimbursable positions, please see the AO chapter, page 8.13 and 8.14.

PROGRAM INCREASES

11. New FY 2023 full-time magistrate judges and staff

Requested Increase: $2,677,000 **FTE: 21**

The judiciary requests $2.7 million for four additional full-time magistrate judge positions and conversions of two part-time magistrate judge positions to full-time (5 FTE), a salary change for a current part-time magistrate judge position, 21 support staff (16 FTE), and associated operating costs. The request includes an offset for conversion of the two part-time magistrate judge positions. Three of the six new full-time positions have been accelerated because of the critical need for these positions. Thus, full-year funding is assumed for these three magistrate judge positions in FY 2023.

Table 4.13 Cost of Additional Magistrate Judges

	Positions	FTE	Total Request
New Full-Time Magistrate Judges (3 accelerated) and salary increase for one part-time magistrate judge	6	5	$1,290,000
Supporting Personnel	21	16	$1,462,000
Operating Expenses			$464,000
Conversion of part-time judges to full-time			($539,000)
Total	**27**	**21**	**$2,677,000**

The Judicial Conference authorizes new magistrate judge positions based upon an individualized showing of need by the requesting district courts. The Conference takes into account all relevant factors in its deliberations on magistrate judge position requests, including the number and locations of authorized district judges. In evaluating requests for full-time magistrate judge positions, the Conference 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.

Based on the criteria described above, in September 2021, the Judicial Conference authorized six additional full-time magistrate judge positions in the following locations. The

Conference also increased the salary for one part-time magistrate judge position as indicated below.

Accelerated:

- District of Columbia at Washington, DC (conversion of part-time position to full-time)
- Eastern District of Oklahoma at Muskogee
- Middle District of Florida at Tampa

Not Accelerated:

- District of New Hampshire at Concord
- Southern District of New York at New York City
- Eastern District of North Carolina at Greenville (conversion of part-time position to full-time)

Salary Increase for Part-Time Magistrate Judge Position

- District of Alaska at Fairbanks (Increase from Level 2 (currently $80,445 per annum) to Level 1 (currently $100,556 per annum))

12. FY 2023 court support staffing due to workload changes

Requested Increase: $30,038,000 FTE: 282

The judiciary requests a program increase for court support staff (564 new positions or 282 FTE) in appellate, district, and bankruptcy courts, and probation and pretrial services offices in FY 2023 in anticipation of changes in projected caseload and workload. 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 2023 FTE, projected caseload and workload data through June 30, 2022, 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 2023 Staffing Changes

Court Support Staffing FY 23 Workload Increase		
Program	**Fiscal Year 2023 FTE**	**Dollars in Thousands**
Appellate	-11	($1,353)
Bankruptcy	29	2,575
District	11	966
Probation/Pretrial	253	27,850
Total	**282**	**$30,038**

13. Temporary Bankruptcy Law Clerk Program

Requested Increase: $292,000 FTE: 3

The judiciary requests $0.3 million and 3 FTEs for the temporary bankruptcy law clerk program. This increase will allow some bankruptcy courts to hire temporary law clerks to assist with the anticipated increase in bankruptcy filings over the next 6 to 18 months as a result of the economic impact of the COVID-19 pandemic, and to supplement resources available to districts facing specialized, complex cases (e.g., large chapter 9 or 11 cases or cases requiring a specialized understanding of non-bankruptcy law) or other workload challenges.

14. National Court Law Clerk Program

Requested Increase: $2,599,000 FTE: 20

The judiciary requests a program increase of $2.6 million for the national court law clerk program. The Judicial Conference authorized a pilot law clerk program in March 2011 to test the proposition that additional law clerks in limited circumstances can provide needed relief to district courts experiencing significant caseload challenges brought on by rising cases and a shortage in Article III judges. After multiple evaluations by the Federal Judicial Center and the AO confirming the success of the program, the Judicial Conference in 2021 approved establishing a national program. The program would allow district courts to apply for a court law clerk position under three eligibility tracks: a high caseload per judgeship, a low judge occupancy rate, and a significant qualitative issue or circumstance (when potentially unquantifiable conditions create a burden for the district). Based on current eligibility criteria, the judiciary projects needing funding for 20 additional law clerk positions in FY 2023.

15. Internal Controls Evaluation system

Requested Increase: $3,791,000

The judiciary requests a program increase of $3.8 million for an internal controls evaluations system. This request will fund internal controls evaluation software and self-assessment tools for the Internal Controls Evaluation (ICE) System, which is a software application that helps managers evaluate compliance with certain internal control requirements and judiciary procurement policies. The AO and the courts are required to maintain an effective program of financial and operational internal controls. This requirement includes a process whereby periodic reviews of the internal control environments are conducted to ensure that they are adequate and continue to be effective. The funds will be used for system upgrades, help desk support, and training.

16. Additional IT Positions

Requested Increase: $2,831,000

The judiciary requests a program increase of $2.8 million and 30 positions (15 FTE) to support additional staffing requirements related to planned cybersecurity improvements (27 positions) and PACTS 360 development and deployment (3 positions). The positions will be Administrative Office staff that are reimbursable from the courts' Salaries and Expenses account.

The 27 positions will support court unit IT security assessment services, Information Technology Security Officer services, Red Teams, advanced cybersecurity training, product development, enhancement and modifications to support business and system capabilities and additional cybersecurity improvements. Also, two of the PACT 360 positions will be responsible for ensuring a robust data management framework for migration from legacy PACTS to PACTS 360. The additional position's duties will include product development, enhancement, and modifications to support business and system capabilities.

For more information on cybersecurity and PACTS positions, please see the section 11 of this submission, "Judiciary Information Technology Fund," pages 11.8 and 11.12.

17. Information technology standardization

Requested Increase: $2,000,000

The judiciary requests a program increase of $2.0 million to implement IT standardization. This program will develop and publish technical standards, recommendations, and frameworks to improve efficiency across judiciary related data applications, services, and security protocols.

FINANCING THE FISCAL YEAR 2023 REQUEST

18. Estimated FY 2023 fee collections

Estimated funds available: $215,076,000

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 $215.1 million in revenue from these sources will be available in FY 2023 to finance requirements in the Salaries and Expenses account, an increase of $51.4 million from the $163.6 million estimated to be available in FY 2022. Table 4.15 lists offsetting receipts from collections by type and displays the actual amounts collected in FY 2021, and estimates for FY 2022 and FY 2023 collections. The judiciary will continue to monitor filings and other collections throughout FY 2022 and will advise appropriations subcommittee staffs of changes to these estimates.

Table 4.15 Offsetting Receipts from Collections

Type of Collection and Source	FY 2021 Actual Collections ($000s)	FY 2022 Estimated Collections ($000)	FY 2023 Estimated Collections ($000)
Fees			
Registry Administration Fees	20	500	500
Bankruptcy Filing and Misc. Fees [1]	86,711	101,066	147,338
Civil Filing and Misc. Fees [2]	63,661	61,766	69,504
Central Violations Bureau Fees	3,628	3,330	3,330
Immigration Adjudication and Naturalization Fees	2,133	5,578	5,723
Subtotal, Fees	**156,153**	**172,239**	**226,396**
Fee allocation to Admin. Office[3]	-7,808	-8,612	-11,320
TOTAL TO SALARIES & EXPENSES	148,345	163,627	215,076

[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.

19. Anticipated unencumbered carryforward from FY 2022

Estimated funds available: $150,000,000

The judiciary estimates that $150.0 million will be available through anticipated savings in FY 2022 to carry forward into FY 2023 and offset the FY 2023 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.