



The Judiciary

Fiscal Year 2023

Congressional Budget Summary



PREPARED BY
THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS
WASHINGTON, DC
March 2022

PAGE INTENTIONALLY LEFT BLANK

Foreword

Overview

The Judiciary's fiscal year (FY) 2023 discretionary budget request of \$8.6 billion is a 7.2 percent increase over the Judiciary's FY 2022 assumed appropriations of \$8.1 billion. The Judiciary's FY 2023 appropriations request also includes \$767.1 million in mandatory appropriations. In the absence of enacted full year FY 2022 appropriations, the Judiciary made funding assumptions to construct its FY 2023 budget request. The FY 2022 funding levels assume that Congress will provide a full-year discretionary appropriation for the courts' Salaries and Expenses account at the FY 2022 Senate mark level, and the FY 2022 fall re-estimate levels for the Defender Services, Court Security, and Fees of Jurors and Commissioners accounts. For bill language, the Judiciary used the text of H.R. 4502, which includes the House-passed FY 2022 Financial Services and General Government (FSGG) appropriations bill, as a starting point.

The Judiciary, like the rest of the federal government, is currently operating under a continuing resolution. After final FY 2022 appropriations are enacted, the Judiciary will update its FY 2023 request and apprise the Appropriations Committees of any necessary changes.

The Judicial Conference is grateful for the support that Congress has shown the Judiciary through the annual appropriations process. The Conference is hopeful that Congress will continue to provide sufficient resources to the Judiciary in FY 2022 and FY 2023. Our constitutional system of government, with separation of powers and checks and balances, cannot function as intended if the judicial branch is not sufficiently resourced. We ask that Congress take into account the nature and importance of the work of the federal courts, its impact on society and our democracy, and continue to make the Judiciary a funding priority.

Responding to the ongoing COVID-19 pandemic continues to be a challenging and costly endeavor for the Judiciary. The Judiciary has been able to continue operations during the pandemic with significant investments in information technology (IT) infrastructure and telecommunications solutions, at the expense of investments in other necessary capabilities. COVID-19 is expected to continue affecting the Judiciary into the foreseeable future, as the Judiciary will likely face a backlog of cases when the pandemic eventually shifts to a more manageable endemic phase, and new bankruptcy filings are expected to rise due to the pandemic's lasting impact on the economy.

While the unpredictable nature of the pandemic and the uncertain timeline for the restoration of normal operations significantly complicate the effort to project future workload – and thus, future budget requirements – the Judiciary's FY 2023 request represents the Judiciary's

best estimate of its funding needs based on currently available information and the Branch's assessment of the resources necessary to support its workforce and technical and physical infrastructure.

As with its revised FY 2022 funding request, a portion of the necessary resources being requested for FY 2023 is comprised of unmet needs remaining from two off-cycle funding requests submitted by the Judiciary last year. Critical Judiciary requirements submitted for inclusion in the bill that became the Emergency Security Supplemental Appropriations Act and for the infrastructure package that is moving through the reconciliation process remain unaddressed. These requirements include investments to protect judges and courthouses, strengthen the digital security of Judiciary networks and systems, and modernize critical Judiciary programs and applications. Because these are extraordinary and emergent needs, we hoped to have them addressed via the supplemental or reconciliation processes to avoid putting undue burden on the FSGG subcommittees. The lack of action on our supplemental and reconciliation requests, however, leaves us no choice but to begin incorporating the most critical components of our off-cycle requests into the annual appropriations process.

Fiscal Year 2022 Priorities

The FY 2022 assumed levels will fund FY 2022 pay and non-pay adjustments to base and other Judiciary priorities. For the courts' Salaries and Expenses account, the FY 2022 assumed appropriation will fund six additional magistrate judge positions, chambers staff to support Article III judges confirmed in FY 2021 and a high number of additional projected FY 2022 confirmations, significant cybersecurity requirements, and additional resources for ongoing courthouse construction projects. Furthermore, the Judiciary plans to address several critical infrastructure priorities, including continuing development of the probation and pretrial services automated case tracking system (PACTS 360) and relocating one of the Judiciary's data centers.

The FY 2022 assumed level for the Defender Services account will have the necessary additional resources to handle its workload, including additional federal defender organization staff and additional projected panel attorney payments. Regarding panel attorney hourly rates, with inflationary adjustments, the capital and non-capital panel attorney rates increased to \$202 and \$158 per hour, respectively, for work performed on or after January 1, 2022. These rates remain at the current statutory maximum.

The FY 2022 assumed level for the Court Security account will support essential security needs, including an initial investment to begin hardening courthouses to withstand hostile incursions; additional court security officer (CSO) positions; and continued investments for the modernization and cyclical replacement of physical access control systems (PACS), video management systems (VMS), and other security equipment. In addition, the Judiciary will implement the Judiciary Vulnerability Management Program in FY 2022. This program will address security risks posed by the availability of judges' personally identifiable information

(PII) online and facilitate security services among the Judiciary, United States Marshals Service, Federal Protective Services, General Services Administration, and other appropriate federal and local law enforcement agencies. The Judiciary is seeking modified appropriations language in FY 2022 to allow full implementation of the program, including the ability to redact judges' PII, while the relevant permanent authority is pursued through the authorization process. The Judiciary also continues to work closely with its security providers at the USMS and Federal Protective Service (FPS) to improve judges' physical security in response to the tragic attack on U.S. District Judge Esther Salas's family in July 2020 as well as increasing threats against judges, generally.

The FY 2022 assumed level for the Fees of Jurors and Commissioners account is sufficient to fund FY 2022 projected juror costs fully by also utilizing higher carryforward balances available from FY 2021. These carryforward balances are available because of reduced juror activity in FY 2021 related to the impact of the COVID-19 pandemic on grand juries and jury trials.

Fiscal Year 2023 Budget Request

The Judiciary's FY 2023 budget request represents a 7.2 percent increase over the FY 2022 assumed level. Much of the requested increase is necessary to maintain current services, including meeting government-wide obligations to fund previously enacted federal pay increases. The Judiciary is also assuming an average pay increase of 4.6 percent in 2023, which includes a 4.1 percent base pay increase and a 0.5 percent average increase in locality pay. If approved, this would be the largest federal employee pay increase since 2002, comprising \$161 million of the Judiciary's discretionary budget request.

Other resources are needed to meet unique demands on the Branch: the need to support the substantial increase in Article III judge confirmations that began in April 2019, the requirement to address expected increases in workload and caseloads that the Judiciary does not control, and the obligation to modernize or replace existing and outdated facilities and infrastructure. The request also funds the Judiciary's national IT initiatives, courthouse hardening needs, and other operations supporting the business of the courts. The Judiciary's budget request seeks the resources required to sustain operations and meet these additional demands while still honoring our ongoing commitment to efficiency and cost containment.

For the courts' Salaries and Expenses account, the Judiciary requests \$5.98 billion, an increase of \$322.5 million (5.7 percent) in discretionary appropriations over the FY 2022 assumed level. This request funds a number of critical new investments, including an additional four full-time magistrate judges and the conversions of two part-time magistrate judges to full-time magistrate judge positions, additional court support staff and probation and pretrial services program staff due to higher workload estimates, law clerk staffing increases related to the national district court law clerk program and the temporary bankruptcy law clerk program, IT

investments for the internal controls system and IT standardization efforts, and additional reimbursable staff to support cybersecurity efforts and the PACTS 360 program.

For the Defender Services account, the Judiciary requests \$1.46 billion, an increase of \$118.4 million (8.8 percent) over the FY 2022 assumed level. This request includes funding to add 18 FTE needed to address projected federal defender workload in FY 2023 and to support all projected panel attorney representations in FY 2023. In addition, this request supports federal defender IT and cybersecurity modernization requirements, as well as additional program oversight positions.

For the Court Security account, the Judiciary requests \$785.6 million, an increase of \$80.8 million (11.5 percent) over the FY 2022 assumed level of \$704.8 million. The FY 2023 request reflects the necessary adjustments to base to maintain current services, which include full-year funding for the Judiciary Vulnerability Management Program described above, as well as several program increases related to the CSO program, security systems and equipment needs including continued funding for courthouse hardening, and additional USMS staffing requirements.

For the Fees of Jurors and Commissioners account, the Judiciary seeks \$45.7 million, an increase of \$10.5 million (29.9 percent) over the FY 2022 assumed level. The increase over the prior year level is larger than normal due to the significant use of unobligated balances to fund base program requirements in FY 2022, as described above. Without continuing access to those one-time funds, additional appropriations are required to ensure that total obligations remain stable in the juror program. The FY 2023 request is sufficient to fund all projected petit and grand juror requirements.

Courthouse Construction and Capital Security Improvements

The Judiciary's courthouse construction and capital security projects are funded from the General Services Administration (GSA) budget. The Judiciary continues to focus on effectively managing the 13 courthouses and federal building projects whose construction costs were funded in FY 2016 and FY 2018. By the end of FY 2022, GSA will have completed work on one courthouse acquisition (Rutland, VT), three courthouse annexes (Charlotte, NC; Savannah, GA; Greenville, SC), and three new courthouses (San Antonio, TX; Nashville, TN; Anniston, AL). While work continues on the remaining projects, additional resources are required to address the Judiciary's current courthouse construction priorities. These include \$262.2 million to address a judicial space emergency in San Juan, PR, and \$323.4 million to fully fund the construction of new courthouses in Hartford, CT, and Chattanooga, TN, the top two priorities of the Judiciary's *Courthouse Project Priorities* plan.

The Capital Security Program (CSP) provides funding to address security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of construction of a new courthouse. Stable, consistent funding for these projects is crucial to address serious

deficiencies that threaten the safety and security of the Judiciary and the public. For the Capital Security Program, the Judiciary requests that Congress provide GSA \$35.9 million in FY 2023 for its two highest priorities, projects in August, GA, and Fort Wayne, IN.

Cost Containment

The Judiciary seeks to contain costs whenever possible and has implemented a number of cost-containment initiatives since 2004. These efforts have achieved significant cost savings and cost avoidance for over fifteen years and will continue to do so. The Judiciary is also evaluating lessons learned from how operations changed in response to the pandemic to determine if there are additional opportunities for efficiencies and cost savings. The overwhelming majority of the Judiciary's budget relates to personnel and space costs. The Judiciary's cost-containment initiatives have similarly focused on these two areas as they should have the greatest impact on long-term savings.

Starting in 2013, the Judiciary has had several cost-containment initiatives related to space. First, the Judiciary adopted a three percent national space reduction target. That initiative resulted in approximately 1.2 million useable square feet of space being removed from the Judiciary's rent bill, exceeding the national space reduction goal by approximately 37 percent. This initiative resulted in approximately \$187 million in cumulative space rental cost avoidance since 2013, approximately \$36 million annually. The Judiciary subsequently implemented the No Net New policy, which requires that any increase in square footage within a federal judicial circuit must be offset by an equivalent reduction in square footage identified within the same fiscal year. This policy helps limit growth in the Judiciary's space footprint.

Regarding personnel costs, the Judiciary continues to use work measurement tools to update its court support staffing formulas regularly to incorporate best practices, improvements in information technology, and other efficiencies. Further, the Judiciary has undertaken significant efforts to develop alternative organizational models that may result in cost savings, including expanding shared administrative services within and among districts. At the local level, courts throughout the country have implemented a significant number of voluntary shared administrative services arrangements. These practices help to control costs without sacrificing efficiency or quality of service to judges and the public. The Judiciary also promotes these efforts by providing guidance materials and reports on court organizational models to judges and court unit executives considering consolidation or flexible service arrangements.

The Judiciary continues with law book and legal research cost-containment efforts. Libraries have made extensive cuts to their print subscriptions each year. In FY 2021, court libraries across the Judiciary cancelled almost 4,000 print subscriptions, translating to an immediate savings of \$1.3 million. In addition to these cancellations, the National Library Program negotiates an early order discount each year for remaining print subscriptions, which in FY 2021 avoided \$2.8 million in costs.

Finally, the Judiciary continues to explore other operational improvements that will simultaneously contain costs. One example is to encourage electronic noticing to creditors in bankruptcy proceedings to avoid the expense of producing and mailing paper notices and ensure faster delivery. In FY 2021, the Judiciary conducted targeted outreach to over 1,300 high-volume notice recipients, and approximately 13% of them subsequently enrolled in electronic bankruptcy noticing. Today, more than 51 percent of all bankruptcy notices in the United States are sent electronically.

The Judiciary's FY 2023 discretionary budget request of \$8.6 billion and its mandatory budget request of \$767.1 million are summarized in the following pages. A more detailed description of the Judiciary's FY 2023 request, as well as the requests for courthouse construction and capital security requirements, can be found in The Judiciary, FY 2023 Congressional Budget Justification.



Amy St. Eve
United States Circuit Judge
For the Seventh Circuit Court of Appeals
Chair, Budget Committee of the
Judicial Conference of the United States



Roslynn R. Maukopf
United States District Judge
Director, Administrative Office
of the United States Courts
Secretary, Judicial Conference of the United States

Table of Contents

	Page
<u>Foreword</u>	i
<u>Overview of the Judiciary</u>	1
<u>Fiscal Year 2023 Budget Summary - Details of Request</u>	5
Summary Tables	
<u>Judiciary Appropriation Funding for Fiscal Year 2022 – Fiscal Year 2023</u>	13
<u>Summary of FTE for Fiscal Year 2021 – Fiscal Year 2023</u>	14
<u>Fiscal Year 2023 Summary of Requested Changes</u>	15
<u>Outlays for Fiscal Year 2021 – Fiscal Year 2023</u>	18
Fiscal Year 2023 Request Summary by Appropriation	
Supreme Court of the United States:	
<u>Salaries and Expenses</u>	21
<u>Care of the Building and Grounds</u>	25
<u>United States Court of Appeals for the Federal Circuit</u>	27
<u>United States Court of International Trade</u>	29
Courts of Appeals, District Courts and Other Judicial Services (CADCOJS):	
<u>Salaries and Expenses</u>	31
<u>Defender Services</u>	41
<u>Fees of Jurors and Commissioners</u>	47
<u>Court Security</u>	51
<u>Administrative Office of the United States Courts</u>	57
<u>Federal Judicial Center</u>	59
<u>United States Sentencing Commission</u>	61
<u>Title III Administrative Provisions – The Judiciary</u>	63
<u>Judicial Retirement Funds</u>	65
Judiciary Space Priorities for the Fiscal Year 2023 Budget Request	
<u>Courthouse Construction</u>	69
<u>Capital Security Program</u>	71

PAGE INTENTIONALLY LEFT BLANK

Overview of the Judiciary

The organization of the judiciary, the district and circuit boundaries, the places of holding court, and the number of federal judges are established by laws passed by Congress and signed by the President. The number of federal judges in each district and in the courts of appeals is authorized by Congress on the basis of workload.

In addition to the adjudication of cases, other related functions, such as the provision of criminal defense services and the supervision of offenders, are prescribed by statute. Following is a brief overview of the work of the courts and other related activities of the Judicial Branch.

United States Supreme Court

The United States Supreme Court consists of nine justices, one of whom is appointed as Chief Justice of the United States. The Supreme Court is the final arbiter in the federal court system.

United States Courts of Appeals

There are 12 regional courts of appeals and 167 authorized appellate court Article III judgeships nationwide. These 12 courts of appeals have jurisdiction over cases within a regional area or “circuit.” The 12 regional courts of appeals review cases from the United States district courts and the United States Tax Court as well as orders and decisions from a number of federal administrative agencies.

United States Court of Appeals for the Federal Circuit

The United States Court of Appeals for the Federal Circuit has exclusive national jurisdiction over a large number of diverse subject areas, including international trade, government contracts, patents, trademarks, certain monetary claims against the United States government, federal personnel, and veterans’ benefits. Appeals to the court come from all 94 federal district courts, as well as the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Appeals for Veterans Claims. There are 12 authorized Article III circuit judgeships on the Court.



United States District Courts

There are 94 district courts in the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the territories of Guam, the U.S. Virgin Islands, and the Northern Mariana Islands. The U.S. District Courts are the courts of general jurisdiction in the federal court system, and most federal cases are initially tried and decided in these courts. There are 677 authorized Article III district court judgeships nationwide.

The Federal Magistrates Act of 1968 created the office of magistrate judge to assist the district court judges. Magistrate judges are non-Article III judges appointed by the district judges, and they serve for a term of years rather than a lifetime appointment. Full-time magistrate judges serve a term of eight years and may be reappointed.

United States Bankruptcy Courts

The bankruptcy courts are separate units of the district courts. Federal courts have exclusive jurisdiction over bankruptcy cases; a bankruptcy case cannot be filed in a state court. United States bankruptcy judges are non-Article III judges appointed by the courts of appeals for a term of years, rather than a lifetime appointment. They serve for a term of 14 years and may be reappointed.



United States Court of International Trade

The Court of International Trade, with nine Article III judges, has exclusive nationwide jurisdiction of civil actions against the United States, its agencies and officers, and certain civil actions brought by the United States, arising out of import transactions and the administration and enforcement of the federal customs and international trade laws.

United States Court of Federal Claims

The Court of Federal Claims has nationwide jurisdiction over certain types of claims against the federal government. Its 16 judges are appointed for a term of 15 years by the President with the advice and consent of the Senate. Judges appointed to the Court of Federal Claims are authorized under Article I of the Constitution and do not have the tenure and salary protections of Article III judges.



Probation and Pretrial Services

Federal probation and pretrial services officers protect the public through the investigation and supervision of defendants and offenders within the federal criminal justice system. A pretrial services officer supervises defendants awaiting trial who are released into communities and provides a source of information upon which the court can determine conditions of release or detention while criminal cases are pending adjudication. In support of sentencing determinations, which require both uniformity of practice and attention to individual circumstances, probation officers provide the court with reliable information concerning the offender, the victim, and the offense committed, as well as an impartial application of the sentencing guidelines. Probation officers supervise offenders sentenced to probation, as well as offenders coming out of federal prison who are required to serve a term of supervised release.

Defender Services

The federal judiciary oversees and administers the federal defender and appointed counsel program, which provides legal representation and other services to persons financially unable to obtain counsel in criminal and related matters in federal court. The Sixth Amendment to the Constitution guarantees that “[i]n all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense.” The Criminal Justice Act provides that courts shall appoint counsel from federal public and community defender organizations or from a panel of private attorneys (“panel attorneys”) established by the court.

Court Security

The judiciary’s Court Security appropriation funds protective guard services and security systems and equipment for United States courthouses and other facilities housing federal court operations. These services are contracted for and managed by the Department of Justice’s United States Marshals Service, with additional guard services provided by the Department of Homeland Security’s Federal Protective Service.

Fees of Jurors and Commissioners

The judiciary receives funding to provide for the statutory fees and allowances of federal grand and petit jurors and for the compensation of land commissioners.

Administrative Office of the U.S. Courts

The Administrative Office of the U.S. Courts is the central support entity for the judicial branch. It has management oversight of the court security program, the probation and pretrial services program, and the defender services program. It supports the Judicial Conference of the United States in determining judiciary policies; develops new methods, systems, and programs for conducting the business of the federal courts efficiently and economically; develops and supports the application of technology; collects and analyzes statistics on the business of the federal courts for accurate planning and decisions about resource needs; provides financial management services and personnel and payroll support; and conducts audits and reviews to ensure the continued quality and integrity of federal court operations.

Federal Judicial Center

The Federal Judicial Center is the judiciary's research and education agency. The Center undertakes research and evaluation of judicial operations and procedures for both the committees of the Judicial Conference and the courts themselves. It provides judges, court personnel, and others orientation, continuing education, and training through seminars; curriculum units for in-court use; monographs and manuals; and audio, video, and interactive media programs.

Payment to Judicial Trust Funds

This appropriation finances annuity payments to retired bankruptcy judges and magistrate judges, U.S. Court of Federal Claims judges, and spouses and dependent children of deceased judicial officers.

United States Sentencing Commission

The U.S. Sentencing Commission promulgates sentencing policies, practices, and guidelines for the federal criminal justice system. The Chair, three Vice Chairs, and three other voting commissioners are appointed by the President with the advice and consent of the Senate.



Budget Summary – Details of Request

The judiciary’s appropriation request for fiscal year (FY) 2023 totals \$9,408,997,000 (including \$767,119,000 in mandatory appropriations and \$8,641,878,000 in discretionary appropriations). The judiciary’s discretionary request is a \$576.8 million (7.2 percent) above FY 2022 assumed discretionary appropriations.

Summary of FY 2023 Request			
(\$000)			
	Mandatory	Discretionary	Total
FY 2022 Assumed Appropriation	761,330	8,065,075	8,826,405
FY 2023 Adjustments to Base	5,789	441,634	447,423
FY 2023 Program Increases	-	135,169	135,169
FY 2023 Total Increases	5,789	576,803	582,592
FY 2023 Total Request	767,119	8,641,878	9,408,997

Fiscal Year 2022 Appropriations

In the absence of enacted full FY 2022 appropriations, the judiciary made assumptions to construct an FY 2023 budget request. The specific assumption for each account is detailed below in each section of this Congressional Budget Summary as well as in each chapter of the full Fiscal Year 2023 Congressional Budget Justification.

For bill language, the judiciary used the language from H.R. 4502, the House-passed FY 2022 Financial Services and General Government appropriations bill, updated with the FY 2022 assumed funding level, as the closest approximation of eventual enacted FY 2022 appropriations language.

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 in appropriations requirements and language.

Adjustments to Base (Mandatory Appropriations)

An increase of \$5.8 million is requested for mandatory judiciary appropriations for FY 2023, as follows:

1. An increase of \$18.6 million is for pay and benefit adjustments for Article III judges for the Supreme Court; the Court of Appeals for the Federal Circuit; the Court of International Trade; and active, senior, and retired Article III judges and bankruptcy judges within the courts’ Salaries and Expenses account, including the annualization of the FY 2022 pay adjustment of 2.2 percent for judges and an assumed additional 4.1 percent pay adjustment for judges effective January 2023.

2. For the courts' Salaries and Expenses account, an increase of \$8.0 million is associated with an additional 14 active Article III judge FTE (based on an assumption of 45 confirmations), an additional 6 senior judge FTE, and an additional 11 bankruptcy judge FTE.
3. A decrease of \$20.8 million is necessary for the Judiciary Retirement Trust Funds account based on requirements calculated by an independent actuary.

Adjustments to Base (Discretionary Appropriations)

Of the requested \$576.8 million increase in discretionary appropriations, \$441.6 million (77 percent) will provide for pay adjustments, inflation, and other adjustments to base necessary to maintain current services. Base adjustments include:

1. An increase of \$235.2 million will provide for inflationary pay and benefit increases for magistrate and Court of Federal Claims judges, judges' staff, and other judiciary personnel. This includes an assumed 4.6 percent federal pay adjustment effective January 2023, annualizing the January 2022 pay adjustment (2.2 percent for magistrate and Court of Federal Claims court judges and 2.7 percent for staff), changes in benefit costs, one less compensable day, and a wage rate adjustment for court security officers (CSOs).
2. A net increase of \$52.5 million in information technology (IT) requirements for the courts' Salaries and Expenses account is due to:
 - an increase of \$29.6 million for Court Administration and Case Management Systems,
 - an increase of \$12.4 million for Administrative and Management Systems,
 - an increase of \$5.7 million for the IT Court Reimbursable Program,
 - an increase of \$4.1 million for the Telecommunications Program,
 - an increase of \$1.2 million for Infrastructure and Collaboration Tools,
 - an increase of \$0.4 million for Judicial Statistical and Reporting Systems,
 - an increase of \$0.3 million for Court IT allotments, and
 - a decrease of \$1.2 million for contractor insourcing savings.
3. A net increase of \$52.1 million in financing adjustments is necessary to maintain current services due to changes in the availability of carryforward balances and/or non-appropriated resources, composed of:
 - a decrease of \$37.2 million for the courts' Salaries and Expenses account,
 - an increase of \$64.3 million for the Defender Services account,
 - an increase of \$15.8 million for the Fees of Jurors and Commissioners account,
 - an increase of \$7.9 million for the Court Security account, and
 - an increase of \$1.3 million for the Administrative Office (AO) account.

The judiciary will keep the Appropriations Subcommittees informed of any change in this estimate.

4. A net increase of \$44.4 million is associated with changes in the judiciary's space program, including:
 - a net \$42.4 million is attributed to the court's Salaries and Expenses account:
 - an increase of \$10.6 million for new space expected to be delivered in FY 2023,
 - an increase of \$22.5 million for inflationary adjustments to building operations and GSA space rental costs,
 - an increase of \$54.2 million for tenant improvements,
 - a decrease of \$1.0 million in savings associated with the space reduction program, and
 - a decrease of \$44.0 in non-recurring space adjustments.
 - a net \$2.0 million is associated with increases of \$1.3 million, \$0.4 million, \$0.2 million, and \$0.1 million for the Defender Services, Supreme Court, Court of International Trade, and Court of Appeals for the Federal Circuit accounts, respectively.
5. An increase of \$39.3 million will provide for increases in contract rates and other standard inflationary increases. Of this amount, \$0.6 million is for the Vaccine Injury Compensation Trust Fund.
6. An increase of \$17.9 million is for the annualization of positions funded in FY 2022, including:
 - 62 federal public defender organization (FPDO) positions (31 FTE), 16 community defender organization (CDO) positions, 32 positions (16 FTE) related to the Supreme Court decision in *McGirt v. Oklahoma*, 24 national positions (12 FTE); and 8 reimbursable positions for the Defender Services account;
 - 28.5 CSO and 9 USMS positions (4 FTE) for the Court Security account; and
 - 7 positions (3.5 FTE) for the AO account.
7. An increase of \$16.4 million is for chambers staff associated with the additional active and senior Article III judges and bankruptcy judges (noted above in the mandatory adjustments to base section), specifically, 79 FTE for chambers staff for active Article III judges, 28 FTE for senior judges, and 37 FTE for bankruptcy judges.
8. An increase of \$4.2 million is for estimated increases in Federal Protective Service (FPS) security charges.
9. An increase of \$2.6 million is associated with the annualization of the Judiciary Vulnerability Management Program in the Court Security account.

10. An increase of \$2.4 million is associated with adjustments to security systems and equipment requirements in the Court Security account.
11. A decrease of \$19.5 million is associated with a change in panel attorney representations based on FY 2023 caseload projections in the Defender Services program.
12. A decrease of \$5.7 million is associated with a projected net change in juror requirements based on FY 2023 projected caseload.

Program Changes (Discretionary Appropriations)

The remaining \$135.2 million (23 percent) of the requested increase is for program enhancements, including:

1. A net increase of \$30.0 million is associated with an increase of 564 positions (282 FTE) in court support staffing in the courts' Salaries and Expenses account due to changes in projected caseload.
2. An increase of \$20.0 million in the Court Security account is to support hardening courthouses against attempts to breach court facilities and disrupt the judicial process.
3. An increase of \$15.9 million for the Supreme Court Buildings and Grounds account will fund the remaining courtyard restoration project at the Supreme Court.
4. An increase of \$10.5 million is to support the Court Security equipment modernization and cyclical replacement strategy for aging video management systems (VMS).
5. An increase of \$9.9 million is for security upgrades at the Supreme Court, including:
 - \$1.3 million for security cameras for the Supreme Court Salaries and Expenses account,
 - \$1.0 million for building and grounds access controls for the Supreme Court Salaries and Expenses account,
 - \$0.7 million for police radio upgrades for the Supreme Court Salaries and Expenses account,
 - \$4.2 million to re-request physical security upgrades for Supreme Court Building and Grounds assumed to be unfunded in FY 2022, and
 - \$2.8 million for additional physical security upgrades for the Supreme Court Building and Grounds account.
6. An increase of \$9.2 million is for information technology, cybersecurity and IT modernization requirements for the Defender Services account, including:
 - \$8.0 million for enhancements and modernization related to five cybersecurity and IT initiatives:

- data center migration;
 - cybersecurity support;
 - Defender Services Office networks, governance, and services modernization;
 - data security management and improvements; and
 - application upgrades.
- \$1.1 million for expanding capacity/licenses for existing systems related to three IT initiatives:
 - online document review platform,
 - cloud content repositories and file sharing services, and
 - cybersecurity software.
7. An increase of \$5.4 million in the Court Security account is for 86 CSO positions to complete the implementation of the revised CSO staffing standards.
 8. An increase of \$4.9 million in the Defender Services account is for 44 positions (22 FTE) for requirements resulting from the Supreme Court decision in *McGirt v. Oklahoma*.
 9. An increase of \$3.8 million in the courts' Salaries and Expenses account is for the internal controls evaluation system.
 10. An increase of \$2.8 million in the courts' Salaries and Expenses account will fund 30 reimbursable positions (15 reimbursable FTE) at the AO to support critical information technology initiatives, including:
 - 27 reimbursable positions/13.5 reimbursable FTE for cybersecurity, and
 - 3 reimbursable positions/1.5 FTE for Probation and Pretrial Services Automated Case Tracking System (PACTS) 360.
 11. An increase of \$2.7 million in the Court Security account is associated with infrastructure security requirements for new courthouse projects in Fort Lauderdale, FL, and Toledo, OH.
 12. An increase of \$2.7 million is for 16 positions (8 FTE) and 3 contractors at the USMS for the Court Security account, including:
 - 4 new USMS positions (2 FTE) to support the equipment modernization and cyclical replacement strategy for aging VMS,
 - 6 positions (3 FTE) for operational and administrative support to district judicial security inspectors,
 - 4 positions (2 FTE) for contract support,
 - 1 position (0.5 FTE) and three contractors for ensuring contract compliance, and
 - 1 position (0.5 FTE) for the CSO radio communications program.

13. An increase of \$2.7 million in the courts' Salaries and Expenses account will fund 4 additional full-time magistrate judge positions and conversions of 2 part-time magistrate judge positions (5 FTE), 21 support staff (16 FTE), and associated operating costs.
14. An increase of \$2.6 million in the courts' Salaries and Expenses account will fund 20 FTE to establish a national court law clerk program, which will help provide needed relief to district courts experiencing significant caseload challenges brought on by rising cases and a shortage in Article III judges.
15. An increase of \$2.5 million in the Court Security account will fund 10 additional contract hours per CSO position, restoring a portion of previous reductions to CSO contract hours in FY 2016 and FY 2017.
16. An increase of \$2.0 million for the courts' Salaries and Expenses account will support the implementation of IT standardization across the judiciary.
17. An increase of \$1.8 million for the Supreme Court Salaries and Expenses account will fund an educational assistance program to provide student loan repayment and tuition assistance benefits to Court police officers and other employees.
18. An increase of \$1.8 million in the Court Security account is associated with increasing preventive maintenance for active vehicle barriers (AVBs) to mitigate AVB breakdowns.
19. An increase of \$1.3 million in the Court of Appeals for the Federal Circuit account is associated with the replacement of a non-public elevator used by judges and staff at the Howard T. Markey National Courts Building.
20. An increase of \$1.1 million in the Court Security account will support the court unit emergency management program, which provides emergency management supplies and training to court units.
21. An increase of \$1.0 million in the Court Security account will fund 16 CSO positions related to increased requirements as a result of the Supreme Court decision in *McGirt v. Oklahoma*.
22. An increase of \$1.0 million in the Defender Services account is for 9 national positions (4.5 FTE), including:
 - 8 national positions (4 FTE) for the national litigation support team, and
 - 1 national position (0.5 FTE) for Defender IT systems.
23. An increase of \$0.7 million will fund 8 reimbursable positions within the Defender Services account to support data management, financial analysis, legal and policy support, program operations, training, and implementation of Criminal Justice Act-related policies approved by the Judicial Conference.

24. An increase of \$0.5 million in the Court Security account will support 7 additional CSO positions at new courthouses projected to be open in FY 2023 or early FY 2024.
25. An increase of \$0.3 million and 3 FTE for the courts' Salaries and Expenses account will allow bankruptcy courts in need to hire additional 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 or other workload challenges.
26. An increase of \$0.3 million for the Supreme Court Salaries and Expenses account will fund 2 senior IT positions (1 FTE).
27. An increase of \$0.2 million for the AO account will fund 2 positions (1 FTE) for the contractor suitability/background investigation program in the AO's Human Resources Office.
28. An increase of \$0.1 million for the AO account will fund 1 position (0.5 FTE) to support the Office of Compliance and Risk.
29. A decrease of \$2.4 million and 9 FTE for the Defender Services account is for 22 fewer FDO staff (18 FPDO positions/9 FTE and 4 CDO positions) based on current caseload projections.

PAGE INTENTIONALLY LEFT BLANK

Summary Tables

THE JUDICIARY									
Judiciary Appropriation Funding (\$000)									
Appropriation Account	FY 2021 Enacted			FY 2022 Assumed			FY 2023 Request		
	Mandatory ¹	Discretionary	Total	Mandatory ¹	Discretionary	Total	Mandatory	Discretionary	Total
Supreme Court									
Salaries and Expenses	2,729	94,690	97,419	2,789	98,338	101,127	2,896	107,153	110,049
Building and Grounds	-	10,618	10,618	-	10,309	10,309	-	33,512	33,512
<i>Total, Supreme Court</i>	<i>2,729</i>	<i>105,308</i>	<i>108,037</i>	<i>2,789</i>	<i>108,647</i>	<i>111,436</i>	<i>2,896</i>	<i>140,665</i>	<i>143,561</i>
Court of Appeals for the Federal Circuit	3,103	33,500	36,603	3,241	34,006	37,247	3,356	36,448	39,804
Court of International Trade	1,753	20,000	21,753	2,189	20,766	22,955	2,311	21,405	23,716
<i>Courts of Appeals, District Courts, and Other Judicial Services:</i>									
Salaries and Expenses	445,033	5,393,701	5,838,734	480,511	5,651,379	6,131,890	506,756	5,973,325	6,480,081
Vaccine Injury Trust Fund	-	9,900	9,900	-	9,850	9,850	-	10,450	10,450
<i>Total, Salaries and Expenses</i>	<i>445,033</i>	<i>5,403,601</i>	<i>5,848,634</i>	<i>480,511</i>	<i>5,661,229</i>	<i>6,141,740</i>	<i>506,756</i>	<i>5,983,775</i>	<i>6,490,531</i>
Defender Services	-	1,316,240	1,316,240	-	1,343,338	1,343,338	-	1,461,711	1,461,711
Fees of Jurors & Commissioners	-	32,517	32,517	-	35,157	35,157	-	45,677	45,677
Court Security	-	664,011	664,011	-	704,824	704,824	-	785,589	785,589
<i>Total, CADCOJS</i>	<i>445,033</i>	<i>7,416,369</i>	<i>7,861,402</i>	<i>480,511</i>	<i>7,744,548</i>	<i>8,225,059</i>	<i>506,756</i>	<i>8,276,752</i>	<i>8,783,508</i>
Administrative Office of the U.S. Courts	-	95,675	95,675	-	104,128	104,128	-	111,261	111,261
Federal Judicial Center	-	29,015	29,015	-	32,151	32,151	-	33,455	33,455
Judicial Retirement Funds	262,300	-	262,300	272,600	-	272,600	251,800	-	251,800
Sentencing Commission	-	19,965	19,965	-	20,829	20,829	-	21,892	21,892
Total Direct	714,918	7,709,932	8,424,850	761,330	8,055,225	8,816,555	767,119	8,631,428	9,398,547
Vaccine Injury Trust Fund	-	9,900	9,900	-	9,850	9,850	-	10,450	10,450
Total, Judiciary	714,918	7,719,832	8,434,750	761,330	8,065,075	8,826,405	767,119	8,641,878	9,408,997

¹ FY 2021 mandatory levels reflect actuals.

FY 2022 mandatory levels represent FY 2022 assumed financial plan levels.

THE JUDICIARY									
Summary of FTE									
Appropriation Account	FY 2021 Actual			FY 2022 Assumed			FY 2023 Request		
	Mandatory	Discretionary	Total	Mandatory	Discretionary	Total	Mandatory	Discretionary	Total
Supreme Court									
Salaries and Expenses	9	494	503	9	526	535	9	527	536
Building and Grounds	-	43	43	-	50	50	-	50	50
<i>Total, Supreme Court</i>	<i>9</i>	<i>537</i>	<i>546</i>	<i>9</i>	<i>576</i>	<i>585</i>	<i>9</i>	<i>577</i>	<i>586</i>
Court of Appeals for the Federal Circuit	12	132	144	12	140	152	12	140	152
Court of International Trade	9	56	65	9	68	77	9	68	77
<i>Courts of Appeals, District Courts, and Other Judicial Services:</i>									
Salaries and Expenses	1,812	25,836	27,648	1,876	26,075	27,951	1,907	26,545	28,452
Vaccine Injury Trust Fund	-	-	-	-	-	-	-	-	-
<i>Total, Salaries and Expenses</i>	<i>1,812</i>	<i>25,836</i>	<i>27,648</i>	<i>1,876</i>	<i>26,075</i>	<i>27,951</i>	<i>1,907</i>	<i>26,545</i>	<i>28,452</i>
Defender Services	-	3,101	3,101	-	3,383	3,383	-	3,459	3,459
Fees of Jurors & Commissioners	-	-	-	-	-	-	-	-	-
Court Security	-	65	65	-	84	84	-	96	96
<i>Total, CADCOJS</i>	<i>1,812</i>	<i>29,002</i>	<i>30,814</i>	<i>1,876</i>	<i>29,542</i>	<i>31,418</i>	<i>1,907</i>	<i>30,100</i>	<i>32,007</i>
Administrative Office of the U.S. Courts	-	602	602	-	643	643	-	648	648
Federal Judicial Center	-	125	125	-	128	128	-	128	128
Judicial Retirement Funds	-	-	-	-	-	-	-	-	-
Sentencing Commission	-	95	95	-	95	95	-	95	95
Total Direct	1,842	30,549	32,391	1,906	31,192	33,098	1,937	31,756	33,693
Reimbursables, AO	-	605	605	-	749	749	-	815	815
Total, Judiciary	1,842	31,153	32,995	1,906	31,941	33,847	1,937	32,571	34,508

FY 2023 Summary of Requested Mandatory & Discretionary Changes

	Supreme Court		Federal Circuit		International Trade		Total CADCOJS ¹	
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)	FTEs	(\$000)
FY 2022 Assumed Appropriation Level - Mandatory	9	2,789	12	3,241	9	2,189	1,876	480,511
FY 2022 Assumed Appropriation Level - Discretionary	576	108,647	140	34,006	68	20,766	29,542	7,744,548
<i>AO Reimbursable FTE</i>	-	-	-	-	-	-	-	-
FY 2022 Assumed Appropriation	585	111,436	152	37,247	77	22,955	31,418	8,225,059
FY 2023 Adjustments to Base								
Judges:								
- Annualization of 2022 pay adjustment (2.2% for three months)	-	15	-	19	-	16	-	3,527
- Pay and benefits adjustments	-	92	-	96	-	106	-	20,813
- Increase in average number of filled Article III judgeships	-	-	-	-	-	-	93	12,705
- Increase in average number of senior judges	-	-	-	-	-	-	34	4,420
- Increase in average number of filled bankruptcy judgeships	-	-	-	-	-	-	48	7,248
- Payments to judiciary retirement trust funds	-	-	-	-	-	-	-	-
Court Personnel and Other Programs:								
- Annualization of 2022 pay adjustment (2.7% for three months)	-	484	-	116	-	49	-	28,046
- Pay and benefits adjustments	-	2,673	-	731	-	340	-	168,735
- Annualization of 2022 panel attorney capital rate	-	-	-	-	-	-	-	532
- Annualization of 2022 panel attorney non-capital rate	-	-	-	-	-	-	-	6,307
- Annualization of FY 2022 increase in positions (including McGirt)	-	-	-	-	-	-	59	15,091
- Annualization of FY 2022 increase of court security officer (CSO) positions	-	-	-	-	-	-	-	1,263
- Annualization of FY 2022 increase of USMS positions	-	-	-	-	-	-	4	882
- Annualization of FY 2022 increase for vulnerability management program	-	-	-	-	-	-	-	2,625
- FY 2023 CSO contract and wage rate adjustments (3%)	-	-	-	-	-	-	-	14,279
- Funding necessary to maintain current services (financing adjustment)	-	-	-	-	-	-	-	50,795
- Inflation (including law books and computer assisted legal research)	-	619	-	160	-	63	-	37,411
- Space related costs (includes inflation for space rental rates)	-	369	-	141	-	178	-	43,695
- Vaccine Injury Compensation Trust Fund adjustment	-	-	-	-	-	-	-	600
- Information technology requirements	-	-	-	-	-	-	-	52,520
- Change in projected panel attorney workload	-	-	-	-	-	-	-	(19,518)
- Change in available jurors	-	-	-	-	-	-	-	(5,746)
- FPS security service charges	-	-	-	-	-	9	-	4,144
- Adjustments to base for security systems and equipment	-	-	-	-	-	-	-	2,378
Subtotal, FY 2023 Adjustments to Base	-	4,252	-	1,263	-	761	238	452,753
<i>Total Adjustments to Base, Mandatory</i>	<i>-</i>	<i>107</i>	<i>-</i>	<i>115</i>	<i>-</i>	<i>122</i>	<i>31</i>	<i>26,245</i>
<i>Total Adjustments to Base, Discretionary</i>	<i>-</i>	<i>4,145</i>	<i>-</i>	<i>1,148</i>	<i>-</i>	<i>639</i>	<i>207</i>	<i>426,508</i>
<i>AO Reimbursable FTE changes</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
FY 2023 Adjusted Base	585	115,688	152	38,510	77	23,716	31,656	8,677,812
FY 2023 Program Changes								
Judges:								
- Magistrate judges and staff	-	-	-	-	-	-	21	2,677
Court Personnel and Other Programs:								
- Police radio equipment upgrades at Supreme Court	-	683	-	-	-	-	-	-
- Security cameras at Supreme Court	-	1,266	-	-	-	-	-	-
- IT security positions at Supreme Court	1	255	-	-	-	-	-	-
- Buildings and grounds access control at Supreme Court	-	969	-	-	-	-	-	-
- Educational assistance program at Supreme Court	-	1,800	-	-	-	-	-	-
- Physical security upgrades at Supreme Court	-	4,200	-	-	-	-	-	-
- Additional Physical security upgrades at Supreme Court	-	2,800	-	-	-	-	-	-
- Courtyard restoration at Supreme Court	-	15,900	-	-	-	-	-	-
- Replacement of judges' elevator at Court of Appeals for the Federal Circuit	-	-	-	1,294	-	-	-	-
- Infrastructure costs for new courthouse construction projects	-	-	-	-	-	-	-	2,700
- FY 2023 court support staffing due to workload changes	-	-	-	-	-	-	282	30,038
- Temporary Bankruptcy Law Clerk Program	-	-	-	-	-	-	3	292
- National court law clerk program	-	-	-	-	-	-	20	2,599
- Internal controls evaluation system	-	-	-	-	-	-	-	3,791
- Additional IT positions	-	-	-	-	-	-	-	2,831
- Information technology standardization	-	-	-	-	-	-	-	2,000
- Continued implementation of the FDO staffing formula	-	-	-	-	-	-	(9)	(2,431)
- Defender Services national positions	-	-	-	-	-	-	5	995
- Defender Services McGirt positions	-	-	-	-	-	-	22	4,862
- Defenders Services reimbursable positions	-	-	-	-	-	-	-	669
- Defender Services IT, cybersecurity, and IT modernization requirements	-	-	-	-	-	-	-	9,167
- CSOs for new courthouse construction projects	-	-	-	-	-	-	-	476
- CSOs for McGirt requirements	-	-	-	-	-	-	-	1,011
- Court unit emergency management program	-	-	-	-	-	-	-	1,088
- Courthouse hardening	-	-	-	-	-	-	-	20,000
- Video management systems replacement	-	-	-	-	-	-	-	10,500
- USMS staffing positions	-	-	-	-	-	-	8	2,680
- Phased implementation of CSO staffing standards	-	-	-	-	-	-	-	5,431
- CSO hours restoration	-	-	-	-	-	-	-	2,520
- Active vehicle barrier preventive maintenance	-	-	-	-	-	-	-	1,800
- Contractor suitability at AO	-	-	-	-	-	-	-	-
- Office of Compliance and Risk at AO	-	-	-	-	-	-	-	-
Subtotal, FY 2023 Program Changes	1	27,873	-	1,294	-	-	352	105,696
<i>Total Program Changes, Mandatory</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Total Program Changes, Discretionary</i>	<i>1</i>	<i>27,873</i>	<i>-</i>	<i>1,294</i>	<i>-</i>	<i>-</i>	<i>352</i>	<i>105,696</i>
<i>AO Reimbursable FTE changes</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Total Mandatory Increases</i>	<i>-</i>	<i>107</i>	<i>-</i>	<i>115</i>	<i>-</i>	<i>122</i>	<i>31</i>	<i>26,245</i>
<i>Total Discretionary Increases</i>	<i>1</i>	<i>32,018</i>	<i>-</i>	<i>2,442</i>	<i>-</i>	<i>639</i>	<i>559</i>	<i>532,204</i>
<i>AO Reimbursable FTE changes</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
Subtotal, FY 2023 Total Increases	1	32,125	-	2,557	-	761	590	558,449
FY 2023, Total Mandatory Appropriation	9	2,896	12	3,356	9	2,311	1,907	506,756
FY 2023, Total Discretionary Appropriation	577	140,665	140	36,448	68	21,405	30,100	8,276,752
<i>AO Reimbursable FTE</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
FY 2023, Total Judiciary	586	143,561	152	39,804	77	23,716	32,007	8,783,508

¹ Includes Salaries and Expenses, Defender Services, Fees of Jurors and Commissioners, and Court Security accounts.

FY 2023 Summary of Requested Mandatory & Discretionary Changes

	Administrative Office		Fed. Judicial Center		Sentencing Commission		Judicial Retirement Funds	Total Judiciary	
	FTE	(S000)	FTE	(S000)	FTE	(S000)	(S000)	FTE	(S000)
FY 2022 Assumed Appropriation Level - Mandatory	-	-	-	-	-	-	272,600	1,906	761,330
FY 2022 Assumed Appropriation Level - Discretionary	643	104,128	128	32,151	95	20,829	-	31,192	8,065,075
AO Reimbursable FTE	749	-	-	-	-	-	-	749	-
FY 2022 Assumd Appropriation	1,392	104,128	128	32,151	95	20,829	272,600	33,847	8,826,405
FY 2023 Adjustments to Base									
Judges:									
- Annualization of 2022 pay adjustment (2.2% for three months)	-	-	-	-	-	-	-	-	3,577
- Pay and benefits adjustments	-	-	-	-	-	-	-	-	21,107
- Increase in average number of filled Article III judgeships	-	-	-	-	-	-	-	93	12,705
- Increase in average number of senior judges	-	-	-	-	-	-	-	34	4,420
- Increase in average number of filled bankruptcy judgeships	-	-	-	-	-	-	-	48	7,248
- Payments to judiciary retirement trust funds	-	-	-	-	-	-	(20,800)	-	(20,800)
Court Personnel and Other Programs:									
- Annualization of 2022 pay adjustment (2.7% for three months)	-	540	-	157	-	127	-	-	29,519
- Pay and benefits adjustments	-	4,215	-	973	-	806	-	-	178,473
- Annualization of 2022 panel attorney capital rate	-	-	-	-	-	-	-	-	532
- Annualization of 2022 panel attorney non-capital rate	-	-	-	-	-	-	-	-	6,307
- Annualization of FY 2022 increase in positions (including McGirt)	3.5	703	-	-	-	-	-	63	15,794
- Annualization of FY 2022 increase of court security officer (CSO) positions	-	-	-	-	-	-	-	-	1,263
- Annualization of FY 2022 increase of USMS positions	-	-	-	-	-	-	-	4	882
- Annualization of FY 2022 increase for vulnerability management program	-	-	-	-	-	-	-	-	2,625
- FY 2022 CSO contract and wage rate adjustments (3%)	-	-	-	-	-	-	-	-	14,279
- Funding necessary to maintain current services (financing adjustment)	-	1,257	-	-	-	-	-	-	52,052
- Inflation (including law books and computer assisted legal research)	-	112	-	174	-	130	-	-	38,669
- Space related costs (includes inflation for space rental rates)	-	-	-	-	-	-	-	-	44,383
- Vaccine Injury Compensation Trust Fund adjustment	-	-	-	-	-	-	-	-	600
- Information technology requirements	-	-	-	-	-	-	-	-	52,520
- Change in projected panel attorney workload	-	-	-	-	-	-	-	-	(19,518)
- Change in available jurors	-	-	-	-	-	-	-	-	(5,746)
- FPS security service charges	-	-	-	-	-	-	-	-	4,153
- Adjustments to base for security systems and equipment	-	-	-	-	-	-	-	-	2,378
Subtotal, FY 2022 Adjustments to Base	3.5	6,827	-	1,304	-	1,063	(20,800)	242	447,422
Total Adjustments to Base, Mandatory	-	-	-	-	-	-	(20,800)	31	5,789
Total Adjustments to Base, Discretionary	3.5	6,827	-	1,304	-	1,063	-	211	441,634
AO Reimbursable FTE changes	47	-	-	-	-	-	-	47	-
FY 2023 Adjusted Base	1,443	110,955	128	33,455	95	21,892	251,800	34,135	9,273,828
FY 2023 Program Changes									
Judges:									
- Magistrate judges and staff	-	-	-	-	-	-	-	21	2,677
Court Personnel and Other Programs:									
- Police radio equipment upgrades at Supreme Court	-	-	-	-	-	-	-	-	683
- Security cameras at Supreme Court	-	-	-	-	-	-	-	-	1,266
- IT security positions at Supreme Court	-	-	-	-	-	-	-	1	255
- Buildings and grounds access control at Supreme Court	-	-	-	-	-	-	-	-	969
- Educational assistance program at Supreme Court	-	-	-	-	-	-	-	-	1,800
- Physical security upgrades at Supreme Court	-	-	-	-	-	-	-	-	4,200
- Additional Physical security upgrades at Supreme Court	-	-	-	-	-	-	-	-	2,800
- Courtyard restoration at Supreme Court	-	-	-	-	-	-	-	-	15,900
- Replacement of judges' elevator at Court of Appeals for the Federal Circuit	-	-	-	-	-	-	-	-	1,294
- Infrastructure costs for new courthouse construction projects	-	-	-	-	-	-	-	-	2,700
- FY 2023 court support staffing due to workload changes	-	-	-	-	-	-	-	282	30,038
- Temporary Bankruptcy Law Clerk Program	-	-	-	-	-	-	-	3	292
- National court law clerk program	-	-	-	-	-	-	-	20	2,599
- Internal controls evaluation system	-	-	-	-	-	-	-	-	3,791
- Additional IT positions	-	-	-	-	-	-	-	-	2,831
- Information technology standardization	-	-	-	-	-	-	-	-	2,000
- Continued implementation of the FDO staffing formula	-	-	-	-	-	-	-	(9)	(2,431)
- Defender Services national positions	-	-	-	-	-	-	-	5	995
- Defender Services McGirt positions	-	-	-	-	-	-	-	22	4,862
- Defenders Services reimbursable positions	-	-	-	-	-	-	-	-	669
- Defender Services IT, cybersecurity, and IT modernization requirements	-	-	-	-	-	-	-	-	9,167
- CSOs for new courthouse construction projects	-	-	-	-	-	-	-	-	476
- CSOs for McGirt requirements	-	-	-	-	-	-	-	-	1,011
- Court unit emergency management program	-	-	-	-	-	-	-	-	1,088
- Courthouse hardening	-	-	-	-	-	-	-	-	20,000
- Video management systems replacement	-	-	-	-	-	-	-	-	10,500
- USMS staffing positions	-	-	-	-	-	-	-	8	2,680
- Phased implementation of CSO staffing standards	-	-	-	-	-	-	-	-	5,431
- CSO hours restoration	-	-	-	-	-	-	-	-	2,520
- Active vehicle barrier preventive maintenance	-	-	-	-	-	-	-	-	1,800
- Contractor suitability at AO	1	204	-	-	-	-	-	1	204
- Office of Compliance and Risk at AO	0.5	102	-	-	-	-	-	1	102
Subtotal, FY 2023 Program Changes	1.5	306	-	-	-	-	-	354	135,169
Total Program Changes, Mandatory	-	-	-	-	-	-	-	-	-
Total Program Changes, Discretionary	1.5	306	-	-	-	-	-	354	135,169
AO Reimbursable FTE changes	19.0	-	-	-	-	-	-	19	-
Total Mandatory Increases	-	-	-	-	-	-	(20,800)	31	5,789
Total Discretionary Increases	5	7,133	-	1,304	-	1,063	-	565	576,803
AO Reimbursable FTE changes	66	-	-	-	-	-	-	66	-
Subtotal, FY 2023 Total Increases	71	7,133	-	1,304	-	1,063	(20,800)	662	582,592
FY 2023, Total Mandatory Appropriation	-	-	-	-	-	-	251,800	1,937	767,119
FY 2023, Total Discretionary Appropriation	648	111,261	128	33,455	95	21,892	-	31,756	8,641,878
AO Reimbursable FTE	815	-	-	-	-	-	-	815	-
FY 2023, Total Judiciary	1,463	111,261	128	33,455	95	21,892	251,800	34,508	9,408,997

FY 2023 Summary of Requested Mandatory & Discretionary Changes - Courts of Appeals, District Courts, and Other Judicial Services (CADCOJS) Details									
	Salaries and Expenses		Defender Services		Fees of Jurors and Commissioners	Court Security		Total CADCOJS	
	FTE	(\$000)	FTE	(\$000)	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2022 Assumed Appropriation Level - Mandatory	1,876	480,511	-	-	-	-	-	1,876	480,511
FY 2022 Assumed Appropriation Level - Discretionary	26,075	5,661,229	3,383	1,343,338	35,157	84	704,824	29,542	7,744,548
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-
FY 2022 Assumed Appropriation	27,951	6,141,740	3,383	1,343,338	35,157	84	704,824	31,418	8,225,059
FY 2023 Adjustments to Base									
Judges:									
- Annualization of 2022 pay adjustment (2.2% for three months)	-	3,527	-	-	-	-	-	-	3,527
- Pay and benefits adjustments	-	20,813	-	-	-	-	-	-	20,813
- Increase in average number of filled Article III judgeships	93	12,705	-	-	-	-	-	93	12,705
- Increase in average number of senior judges	34	4,420	-	-	-	-	-	34	4,420
- Increase in average number of filled bankruptcy judgeships	48	7,248	-	-	-	-	-	48	7,248
- Payments to judiciary retirement trust funds	-	-	-	-	-	-	-	-	-
Court Personnel and Other Programs:									
- Annualization of 2022 pay adjustment (2.7% for three months)	-	24,182	-	3,774	-	-	90	-	28,046
- Pay and benefits adjustments	-	143,550	-	26,532	-	-	(1,347)	-	168,735
- Annualization of 2022 panel attorney capital rate	-	-	-	532	-	-	-	-	532
- Annualization of 2022 panel attorney non-capital rate	-	-	-	6,307	-	-	-	-	6,307
- Annualization of FY 2022 increase in positions (including McGirt)	-	-	59	15,091	-	-	-	59	15,091
- Annualization of FY 2022 increase of court security officer (CSO) positions	-	-	-	-	-	-	1,263	-	1,263
- Annualization of FY 2022 increase of USMS positions	-	-	-	-	-	4	882	4	882
- Annualization of FY 2022 increase for vulnerability management program	-	-	-	-	-	-	2,625	-	2,625
- FY 2023 CSO contract and wage rate adjustments (3%)	-	-	-	-	-	-	14,279	-	14,279
- Funding necessary to maintain current services (financing adjustment)	-	(37,199)	-	64,318	15,800	-	7,876	-	50,795
- Inflation (including law books and computer assisted legal research)	-	-	-	29,794	6,782	466	369	-	37,411
- Space related costs (includes inflation for space rental rates)	-	42,402	-	1,293	-	-	-	-	43,695
- Vaccine Injury Compensation Trust Fund adjustment	-	600	-	-	-	-	-	-	600
- Information technology requirements	-	52,520	-	-	-	-	-	-	52,520
- Change in projected panel attorney workload	-	-	-	(19,518)	-	-	-	-	(19,518)
- Change in available jurors	-	-	-	-	(5,746)	-	-	-	(5,746)
- FPS security service charges	-	-	-	-	-	-	4,144	-	4,144
- Adjustments to base for security systems and equipment	-	-	-	-	-	-	2,378	-	2,378
Subtotal, FY 2023 Adjustments to Base	175	304,563	59	105,111	10,520	4	32,559	238	452,753
<i>Total Adjustments to Base, Mandatory</i>	<i>31</i>	<i>26,245</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>31</i>	<i>26,245</i>
<i>Total Adjustments to Base, Discretionary</i>	<i>144</i>	<i>278,318</i>	<i>59</i>	<i>105,111</i>	<i>10,520</i>	<i>4</i>	<i>32,559</i>	<i>207</i>	<i>426,508</i>
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-
FY 2023 Adjusted Base	28,126	6,446,303	3,442	1,448,449	45,677	88	737,383	31,656	8,677,812
FY 2023 Program Changes									
Judges:									
- Magistrate judges and staff	21	2,677	-	-	-	-	-	21	2,677
Court Personnel and Other Programs:									
- Police radio equipment upgrades at Supreme Court	-	-	-	-	-	-	-	-	-
- Security cameras at Supreme Court	-	-	-	-	-	-	-	-	-
- IT security positions at Supreme Court	-	-	-	-	-	-	-	-	-
- Buildings and grounds access control at Supreme Court	-	-	-	-	-	-	-	-	-
- Educational assistance program at Supreme Court	-	-	-	-	-	-	-	-	-
- Physical security upgrades at Supreme Court	-	-	-	-	-	-	-	-	-
- Additional Physical security upgrades at Supreme Court	-	-	-	-	-	-	-	-	-
- Courtyard restoration at Supreme Court	-	-	-	-	-	-	-	-	-
- Replacement of judges' elevator at Court of Appeals for the Federal Circuit	-	-	-	-	-	-	-	-	-
- Infrastructure costs for new courthouse construction projects	-	-	-	-	-	-	2,700	-	2,700
- FY 2023 court support staffing due to workload changes	282	30,038	-	-	-	-	-	282	30,038
- Temporary Bankruptcy Law Clerk Program	3	292	-	-	-	-	-	3	292
- National court law clerk program	20	2,599	-	-	-	-	-	20	2,599
- Internal controls evaluation system	-	3,791	-	-	-	-	-	-	3,791
- Additional IT positions	-	2,831	-	-	-	-	-	-	2,831
- Information technology standardization	-	2,000	-	-	-	-	-	-	2,000
- Continued implementation of the FDO staffing formula	-	-	(9)	(2,431)	-	-	-	(9)	(2,431)
- Defender Services national positions	-	-	5	995	-	-	-	5	995
- Defender Services McGirt positions	-	-	22	4,862	-	-	-	22	4,862
- Defenders Services reimbursable positions	-	-	-	669	-	-	-	-	669
- Defender Services IT, cybersecurity, and IT modernization requirements	-	-	-	9,167	-	-	-	-	9,167
- CSOs for new courthouse construction projects	-	-	-	-	-	-	476	-	476
- CSOs for McGirt requirements	-	-	-	-	-	-	1,011	-	1,011
- Court unit emergency management program	-	-	-	-	-	-	1,088	-	1,088
- Courthouse hardening	-	-	-	-	-	-	20,000	-	20,000
- Video management systems replacement	-	-	-	-	-	-	10,500	-	10,500
- USMS staffing positions	-	-	-	-	-	8	2,680	8	2,680
- Phased implementation of CSO staffing standards	-	-	-	-	-	-	5,431	-	5,431
- CSO hours restoration	-	-	-	-	-	-	2,520	-	2,520
- Active vehicle barrier preventive maintenance	-	-	-	-	-	-	1,800	-	1,800
- Contractor suitability at AO	-	-	-	-	-	-	-	-	-
- Office of Compliance and Risk at AO	-	-	-	-	-	-	-	-	-
Subtotal, FY 2023 Program Changes	326	44,228	18	13,262	-	8	48,206	352	105,696
<i>Total Program Changes, Mandatory</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>
<i>Total Program Changes, Discretionary</i>	<i>326</i>	<i>44,228</i>	<i>18</i>	<i>13,262</i>	<i>-</i>	<i>8</i>	<i>48,206</i>	<i>352</i>	<i>105,696</i>
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-
<i>Total Mandatory</i>	<i>31</i>	<i>26,245</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>-</i>	<i>31</i>	<i>26,245</i>
<i>Total Discretionary</i>	<i>470</i>	<i>322,546</i>	<i>77</i>	<i>118,373</i>	<i>10,520</i>	<i>12</i>	<i>80,765</i>	<i>559</i>	<i>532,204</i>
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-
Subtotal, FY 2023 Total Increases	501	348,791	77	118,373	10,520	12	80,765	590	558,449
FY 2023, Total Mandatory Appropriation	1,907	506,756	-	-	-	-	-	1,907	506,756
FY 2023, Total Discretionary Appropriation	26,545	5,983,775	3,459	1,461,711	45,677	96	785,589	30,100	8,276,752
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-
FY 2023, Total Judiciary	28,452	6,490,531	3,459	1,461,711	45,677	96	785,589	32,007	8,783,508

Outlays - FY 2021 to FY 2023

Appropriation	FY 2021	FY 2022	FY 2023
Supreme Court			
Discretionary	91,226	97,174	106,125
Mandatory	2,729	2,789	2,896
Total, Salaries and Expenses	93,955	99,963	109,021
Buildings and Grounds	14,217	19,622	28,562
Court of Appeals for the Federal Circuit			
Discretionary	31,635	33,416	36,079
Mandatory	3,103	3,241	3,356
Total, Court of Appeals for the Federal Circuit	34,738	36,657	39,435
Court of International Trade			
Discretionary	18,113	19,021	19,718
Mandatory	1,753	2,189	2,311
Total, Court of International Trade	19,866	21,210	22,029
<i>Courts of Appeals, District Courts, and Other Judicial Services:</i>			
Salaries and Expenses - Discretionary	5,269,190	5,964,356	6,164,447
Salaries and Expenses - Mandatory	445,033	480,511	506,756
Total, Salaries and Expenses	5,714,223	6,444,867	6,671,203
Defender Services	1,186,796	1,385,060	1,540,437
Fees of Jurors & Commissioners	31,485	53,527	46,626
Court Security	663,264	678,332	709,436
Total, Courts of Appeals, District Courts, and Other Judicial Services	7,595,768	8,561,786	8,967,702
Administrative Office of the United States Courts	95,675	104,538	111,941
Federal Judicial Center	26,704	30,496	32,903
Judicial Retirement Funds (Mandatory)	262,300	272,600	251,800
Sentencing Commission	19,590	21,199	22,373
Subtotal, Discretionary	7,447,895	8,406,742	8,818,646
Subtotal, Mandatory	714,918	761,330	767,119
Total	8,162,813	9,168,072	9,585,765

Fiscal Year 2023 Request Summary by Appropriation

PAGE INTENTIONALLY LEFT BLANK



Supreme Court of the United States
Salaries and Expenses

FY 2023 Request						
	Mandatory		Discretionary		Total	
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2022 Assumed Appropriation	9	2,789	526	98,338	535	101,127
Adjustments to Base	-	107	-	3,842	-	3,949
Program Increases	-	-	1	4,973	1	4,973
FY 2023 Appropriation Request	9	2,896	527	107,153	536	110,049

The U.S. Supreme Court requests \$110.0 million (\$2.9 million for mandatory expenses and \$107.2 million for discretionary expenses) in FY 2023 for the Salaries and Expenses account.

The \$107.2 million request for discretionary appropriations represents a 9.0 percent increase over the FY 2022 assumed discretionary appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$98.3 million, which is the same as the FY 2022 current services level. This request reflects the necessary adjustments to base to maintain current services. The Court also requests \$3.2 million and \$1.8 million in program increases relating to security-related programs and an educational assistance program, respectively.

I. Mandatory Adjustments to Base

The FY 2023 request includes \$0.1 million for standard pay increases and changes in benefits for the Chief Justice and the Associate Justices.

II. Discretionary Adjustments to Base

The Supreme Court requests a net \$3.8 million increase for discretionary expenses for standard pay and benefits adjustments, other inflationary adjustments, and one less compensable day to maintain current services in FY 2023.

III. Program Changes

The FY 2023 request includes \$5.0 million for program changes. These changes include:

1. Police radio equipment upgrades: \$0.7 million

The Court requests \$0.7 million for the three-year project to replace end-of-life radios with new communications equipment that will lead to greater reliability and compatibility with federal, state, and local law enforcement communications in the D.C. metropolitan area and in jurisdictions throughout the country.

2. Security cameras: \$1.3 million

The Court requests \$1.3 million for the installation of high-definition security cameras as well as the integration of the security cameras into the existing control software and servers on Supreme Court grounds.

3. IT Security Positions: \$0.3 million and 1 FTE

The FY 2023 request includes an increase of \$0.3 million to fund two senior IT positions (1 FTE). The two senior IT positions consist of one senior cybersecurity specialist (0.5 FTE) and one senior network technology engineer (0.5 FTE). Both positions will assist with maintaining the security, integrity, and availability of the Court's network infrastructure and data.

4. Building and grounds access control: \$1.0 million

The Court requests \$1.0 million for the expansion of the Supreme Court's existing interior and exterior access control systems.

5. Educational assistance program: \$1.8 million

The Court requests \$1.8 million to fund an educational assistance program to provide student loan repayment and tuition assistance benefits to Court police officers and other employees. The Court requested legislation authorizing the new program in 2022. This will bring the Court into parity with the Capitol Police, House, Senate, and executive branch agencies, all of which already have statutory authorization to provide a student loan repayment benefit to their employees.

IV. Appropriations Language

**Supreme Court of the United States
Salaries and Expenses**

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed \$10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, [~~\$98,338,000~~]*\$107,153,000*, of which \$1,500,000 shall remain available until expended.

In addition, there are appropriated such sums as may be necessary under current law for salaries of the chief justice and associate justices of the court.

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

V. Summary of Obligations

U.S. Supreme Court - Salaries and Expenses Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	72,021	77,042	82,144
Rent, Communications and Utilities	1,527	1,313	1,701
Travel	577	1,420	1,448
Other	21,413	21,352	24,756
Total Obligations	95,538	101,127	110,049
Other Adjustments	1,881	-	-
Available Appropriation	97,419	101,127	110,049
Mandatory Appropriation	2,729	2,789	2,896
Discretionary Appropriation	94,690	98,338	107,153

PAGE INTENTIONALLY LEFT BLANK



Supreme Court of the United States
Care of the Building and Grounds

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	50	10,309
Adjustments to Base	-	303
Program Increases	-	22,900
FY 2023 Appropriation Request	50	33,512

The U.S. Supreme Court requests \$33.5 million for its Care of the Building and Grounds account in FY 2023, an increase of 225 percent from the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$10.3 million, which is the same as the FY 2022 current services level.

The Architect of the Capitol provides for the structural and mechanical care of the U.S. Supreme Court Building and Grounds, including maintenance and operation of mechanical, electrical, and electronic equipment. This request includes the necessary adjustments to base to maintain current services. The Court also requests \$22.9 million in program increases relating to security and courtyard restoration for FY 2023.

I. Discretionary Adjustments to Base

The Supreme Court requests a net increase of \$0.3 million for standard pay and benefits adjustments, other inflationary adjustments, and one less compensable day.

II. Program Changes

The FY 2023 request includes \$22.9 million for program changes. These changes include:

1. Physical security upgrades (FY 2022 re-request): \$4.2 million

The Court requests \$4.2 million for physical security upgrades for additional vehicle barricades, reinforced driveway gates, and other security-related projects to enhance building security assumed to be unfunded in FY 2022.

2. Additional physical security upgrades: \$2.8 million

The Court requests \$2.8 million for a new police kiosk, utilities, and control systems supporting physical security infrastructure.

3. Courtyard restoration: \$15.9 million

The Supreme Court’s courtyards and plazas include stone carvings, fountains, plumbing, and electrical systems that are original to the building, constructed in 1935. Congress funded \$4.8 million of this multi-year restoration project in FY 2017. The FY 2023 request will fund the remaining stone restoration work in the courtyards, the complete replacement of failed courtyard electrical systems, and fountain restoration.

III. Appropriations Language

**Supreme Court of the United States
Care of the Building and Grounds**

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, [\$10,309,000]**\$33,512,000**, to remain available until expended.

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

IV. Summary of Obligations

U.S. Supreme Court - Care of the Building and Grounds Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	6,280	6,531	6,920
Rent, Communications and Utilities	1,798	2,700	2,850
Travel	-	3	4
Other	8,361	14,266	20,788
Total Obligations	16,439	23,500	30,562
Other Adjustments	(5,821)	(13,191)	2,950
Available Appropriation	10,618	10,309	33,512



United States Court of Appeals for the Federal Circuit
Salaries and Expenses

	FY 2023 Request				Total	
	Mandatory		Discretionary			
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2022 Assumed Appropriation	12	3,241	140	34,006	152	37,247
Adjustments to Base	-	115	-	1,148	-	1,263
Program Increases	-	-	-	1,294	-	1,294
FY 2023 Appropriation Request	12	3,356	140	36,448	152	39,804

The Court of Appeals for the Federal Circuit requests \$39.8 million (\$3.4 million for mandatory expenses and \$36.4 million for discretionary expenses) for FY 2023.

The \$36.4 million request for discretionary appropriations represents a 7.2 percent increase over the FY 2022 assumed discretionary appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$34.0 million, which is the same as the FY 2022 current services level. This request includes the necessary adjustments to base to maintain current services and a program increase required to replace a courthouse judges' elevator.

I. Mandatory Adjustments to Base

The FY 2023 request includes \$0.1 million for standard pay and benefits increases for judges.

II. Discretionary Adjustments to Base

The Court requests a net increase of \$1.1 million for standard pay and benefits adjustments, other inflationary adjustments, and one less compensable day.

III. Program Changes

The Court requests an increase of \$1.3 million to replace a non-public elevator used by judges and staff at the Howard T. Markey National Courts Building. This elevator exclusively serves the separate judges' security entrance and permits direct access by judges to the parking level of the building without public exposure.

IV. Appropriations Language

United States Court of Appeals for the Federal Circuit
Salaries and Expenses

For salaries of officers and employees, and for necessary expenses of the court, as authorized by law, [\$34,006,000] \$36,448,000.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

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

V. Summary of Obligations

United States Court of Appeals for the Federal Circuit			
Comparative Summary of Obligations by Category			
(\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	21,654	24,160	25,103
Rent, Communications and Utilities	6,773	6,821	6,972
Travel	22	50	100
Other	6,158	6,216	7,629
Total Obligations	34,607	37,247	39,804
Other Adjustments	1,996	-	-
Available Appropriation	36,603	37,247	39,804
Mandatory Appropriation	3,103	3,241	3,356
Discretionary Appropriation	33,500	34,006	36,448



United States Court of International Trade
Salaries and Expenses

FY 2023 Request						
	Mandatory		Discretionary		Total	
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2022 Assumed Appropriation	9	2,189	68	20,766	77	22,955
Adjustments to Base	-	122	-	639	-	761
Program Increases	-	-	-	-	-	-
FY 2023 Appropriation Request	9	2,311	68	21,405	77	23,716

The Court of International Trade requests \$23.7 million (\$2.3 million for mandatory expenses and \$21.4 million for discretionary expenses) in FY 2023.

The \$21.4 million request for discretionary appropriations represents a 3.1 percent increase over the FY 2022 assumed discretionary appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$20.8 million, which is the same as the FY 2022 current services level. This request reflects the necessary adjustments to base to maintain current services. The Court requests no program increases for FY 2023.

I. Mandatory Adjustments to Base

The FY 2023 request includes \$0.1 million for standard pay and benefits increases for judges.

II. Discretionary Adjustments to Base

The FY 2023 request includes a net increase of \$0.6 million for standard pay and benefits adjustments, other inflationary adjustments, and one less compensable day.

III. Appropriations Language

United States Court of International Trade
Salaries and Expenses

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, [~~\$20,766,000~~]*\$21,405,000*.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

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

IV. Summary of Obligations

United States Court of International Trade Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	10,296	11,647	12,158
Rent, Communications and Utilities	8,762	8,949	9,128
Travel	8	130	149
Other	2,598	2,229	2,281
Total Obligations	21,664	22,955	23,716
Other Adjustments	89	-	-
Available Appropriation	21,753	22,955	23,716
Mandatory Appropriation	1,753	2,189	2,311
Discretionary Appropriation	20,000	20,766	21,405



**Courts of Appeals, District Courts, and
Other Judicial Services
*Salaries and Expenses***

FY 2023 Request						
	Mandatory		Discretionary		Total	
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2022 Salaries and Expenses Assumed Appropriation	1,876	480,511	26,075	5,651,379	27,951	6,131,890
Vaccine Injury Compensation Trust Fund Enacted Appropriation	-	-	-	9,850	-	9,850
Total, FY 2022 Assumed Appropriation	1,876	480,511	26,075	5,661,229	27,951	6,141,740
Adjustments to Base	31	26,245	144	277,718	175	303,963
Adjustments to Base - Vaccine Injury Compensation Trust Fund	-	-	-	600	-	600
Total, Adjustments to Base	31	26,245	144	278,318	175	304,563
Program Changes	-	-	326	44,228	326	44,228
Total, Program Changes	-	-	326	44,228	326	44,228
FY 2023 Salaries and Expenses Appropriation	1,907	506,756	26,545	5,973,325	28,452	6,480,081
Vaccine Injury Compensation Trust Fund Appropriation	-	-	-	10,450	-	10,450
Total, FY 2023 Appropriation Request	1,907	506,756	26,545	5,983,775	28,452	6,490,531

The judiciary requests \$6,490.5 million for the Salaries and Expenses account in FY 2023, including \$506.8 million for mandatory expenses; \$5,973.3 million for discretionary expenses; and \$10.4 million for the Vaccine Injury Compensation Trust Fund. For this account, the FY 2022 discretionary appropriations assumption is \$5,661.2 million, which is the same as the FY 2022 Senate mark. The FY 2023 total discretionary request of \$5,983.8 million is a 5.7 percent increase over the FY 2022 assumed discretionary appropriation.

The request maintains base funding for operations of the courts and related offices at a current services level, as well as several program changes to address important staffing and information technology (IT) requirements. The program changes include four new full-time magistrate judge positions and the conversions of two part-time magistrate judges to full-time magistrate judge positions and associated support staff, increases in court support staff due to workload estimates, law clerk staffing increases, additional staffing related to IT programs, and other critical IT investments.

This account provides for the operating expenses of the 12 regional circuit courts of appeals, district courts, bankruptcy courts, and probation and pretrial services offices. This account utilizes other funding sources, including fee collections and prior year carryforward balances, to offset appropriated funds. The judiciary currently projects that these sources of non-appropriated funds will total \$365.1 million in FY 2022, \$37.2 million more than the FY 2022 estimated level of \$327.9 million.

I. Mandatory Adjustments to Base

The FY 2023 request includes \$26.2 million for mandatory increases for Article III, senior, and bankruptcy judges as follows:

1. Pay and benefit cost adjustment for Article III, senior, and bankruptcy judges: \$18.2 million

An increase of \$18.2 million will provide for expected changes in pay and benefits for Article III, senior, and bankruptcy judges, including the annualization of the January 2022 pay adjustment and an assumed January 2023 pay adjustment.

2. Increase in average number of filled Article III judgeships: \$3.6 million and 14 FTE

An increase of \$3.6 million will provide for an additional 14 filled Article III judgeship FTEs anticipated in FY 2023, based on a projected 45 confirmations in FY 2023, partially offset by active judges projected to take senior status or retire.

3. Increase in average number of senior judges: \$1.4 million and 6 FTE

An increase of \$1.4 million will provide for an additional 6 senior judges anticipated in FY 2023.

4. Increase in average number of bankruptcy judgeships: \$3.0 million and 11 FTE

An increase of \$3.0 million will provide for an additional 11 filled bankruptcy judgeships anticipated in FY 2023.

II. Discretionary Adjustments to Base

The FY 2023 request includes a net increase of \$278.3 million for discretionary adjustments to base. This consists of a net increase of \$220.6 million for standard pay and benefits increases, other inflationary adjustments, and one less compensable day; a net increase of \$42.4 million for space-related adjustments; and a net increase of \$52.5 million for information technology requirements. This is partially offset by a decrease of \$37.2 million due to an anticipated increase in non-appropriated funds.

1. Pay and benefit cost adjustment for magistrate and claims court judges: \$6.1 million

An increase of \$6.1 million will provide for expected changes in pay and benefits for magistrate and claims court judges including the annualization of the January 2022 pay adjustment and an assumed January 2023 pay adjustment.

2. Increase in the number of filled Article III judges' staff: \$9.1 million and 79 FTE

An increase of \$9.1 million will provide for an additional 79 staff FTE to support the additional 14 filled Article III judgeships anticipated in FY 2023 (noted above in the mandatory adjustments to base section).

3. Increase in the number of senior judges' staff: \$3.0 million and 28 FTE

An increase of \$3.0 million will provide for an additional 28 staff FTE to support the 6 additional senior judges anticipated in FY 2023 (noted above in the mandatory adjustments to base section).

4. Increase in average number of filled bankruptcy judgeships: \$4.2 million and 37 FTE

An increase of \$4.2 million will provide for an additional 37 staff FTE to support the 11 additional filled bankruptcy judgeships anticipated in FY 2023 (noted above in the mandatory adjustments to base section).

5. Pay and benefit adjustments for court personnel: net \$167.7 million

A net increase of \$167.7 million will provide for the annualization of the January 2022 pay adjustment, assumed January 2023 pay adjustment, within-grade increases, changes in benefits rates, and one less compensable day.

6. Funding necessary to maintain FY 2022 current service levels due to an anticipated increase in non-appropriated funds: (\$37.2 million)

In FY 2022, \$327.9 million in estimated non-appropriated funds were available to finance FY 2022 requirements. In FY 2023, the judiciary expects \$365.1 million in non-appropriated funds to be available, which is a net increase of \$37.2 million from FY 2022. Therefore, the judiciary requests a decrease of \$37.2 million in appropriations due to a higher amount of anticipated non-appropriated funds.

7. Non-pay inflationary and contractual increases: \$29.8 million

An increase of \$29.8 million is requested for a 2.0 percent general inflationary increase and other contractual and miscellaneous increases.

8. Vaccine Injury Compensation Trust Fund: \$0.6 million

The FY 2023 level reflects an increase of \$0.6 million for standard pay and non-pay inflationary adjustments for the Vaccine Injury program.

9. GSA space rental and related expenses: net \$42.4 million

The FY 2023 request includes a net increase of \$42.4 million for General Services Administration (GSA) space rental and related expenses consisting of:

- new space to be delivered in FY 2023 (+\$10.6 million),
- building operations and GSA rent costs (+\$22.5 million),
- tenant improvements (+\$54.2 million),
- space reduction savings (-\$1.0 million), and
- non-recurring space adjustments (-\$44.0 million).

10. Information technology (IT) requirements: net \$52.5 million

The FY 2023 request includes a net increase of \$52.5 million consisting of:

- Court Administration and Case Management Systems (+\$29.6 million)
- Administrative and Management Systems (+\$12.4 million),
- IT Court Support Reimbursable Program (+\$5.7 million),
- Telecommunications Program (+\$4.1 million),
- Infrastructure and Collaboration Tools (+\$1.2 million),
- Judicial Statistical and Reporting Systems (+\$0.4 million),
- Court IT allotments +(\$0.3 million), and
- Contractor insourcing savings (-\$1.2 million).

III. Program Changes

The FY 2023 request includes an increase of \$44.2 million for program changes. These changes include:

1. New FY 2023 full-time magistrate judges and staff: \$2.7 million and 21 FTE

The judiciary requests an additional \$2.7 million for four additional full-time magistrate judge positions, conversions of two part-time magistrate judge positions to full-time, a salary change for a current part-time magistrate judge position (5 FTE), 21 support staff (16 FTE), and associated operating costs for the following locations:

- District of Columbia (conversion of part-time to full-time)
- Eastern District of Oklahoma at Muskogee
- Middle District of Florida at Tampa
- 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 to full-time),
- District of Alaska at Fairbanks (salary increase from Level 2 to Level 1).

2. *FY 2023 court support staffing due to workload changes: net \$30.0 million and 282 FTE*

The judiciary requests a net increase of \$30.0 million for 564 new court support staff (282 FTE) in appellate, bankruptcy, district, and probation and pretrial services offices in FY 2023 based on projected changes in workload.

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

3. *Temporary bankruptcy law clerk program: \$0.3 million and 3 FTE*

The FY 2023 request reflects an increase of \$0.3 million and 3 FTE 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 or other workload challenges.

4. *National Court Law Clerk program: \$2.6 million and 20 FTE*

The judiciary requests \$2.6 million for a national court law clerk program. After multiple evaluations by the Federal Judicial Center and the AO confirming the success of a pilot court law clerk program, in 2021, the Judicial Conference approved establishing a national program. The program would allow district courts to apply for a court law clerk position under three eligibility tracks: (1) a high caseload per judgeship, (2) a low judge occupancy rate, or (3) a significant qualitative issue or circumstance (when potentially unquantifiable conditions create a burden for the district). Based on eligibility criteria, the judiciary projects needing funding for 20 additional law clerk positions in FY 2023.

5. *Internal Controls Evaluation System: \$3.8 million*

The judiciary requests \$3.8 million to 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.

6. *Additional IT positions: \$2.8 million*

The judiciary requests a program increase of \$2.8 million and 30 positions (15 FTE) to support additional requirements related to planned cybersecurity improvements (27 positions/13.5 FTE) and PACTS 360 development and deployment (3 positions/1.5 FTE). The positions will be AO staff that are reimbursable for the courts' Salaries and Expenses account.

7. *Information Technology (IT) Standardization: \$2.0 million*

The request reflects an 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 data applications, services, and security protocols.

IV. Appropriations 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.

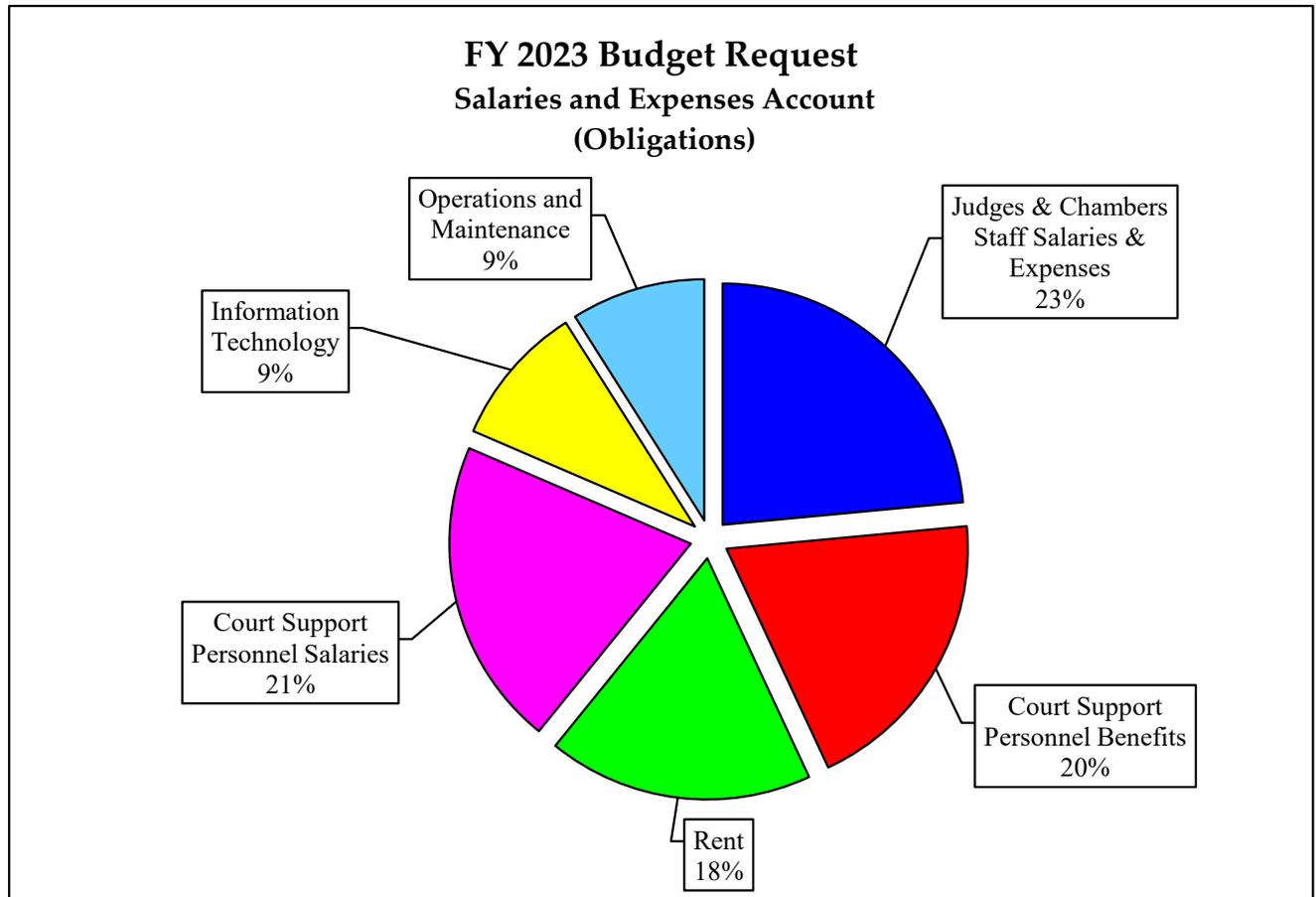
In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99-660), not to exceed [\$9,850,000] \$10,450,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

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

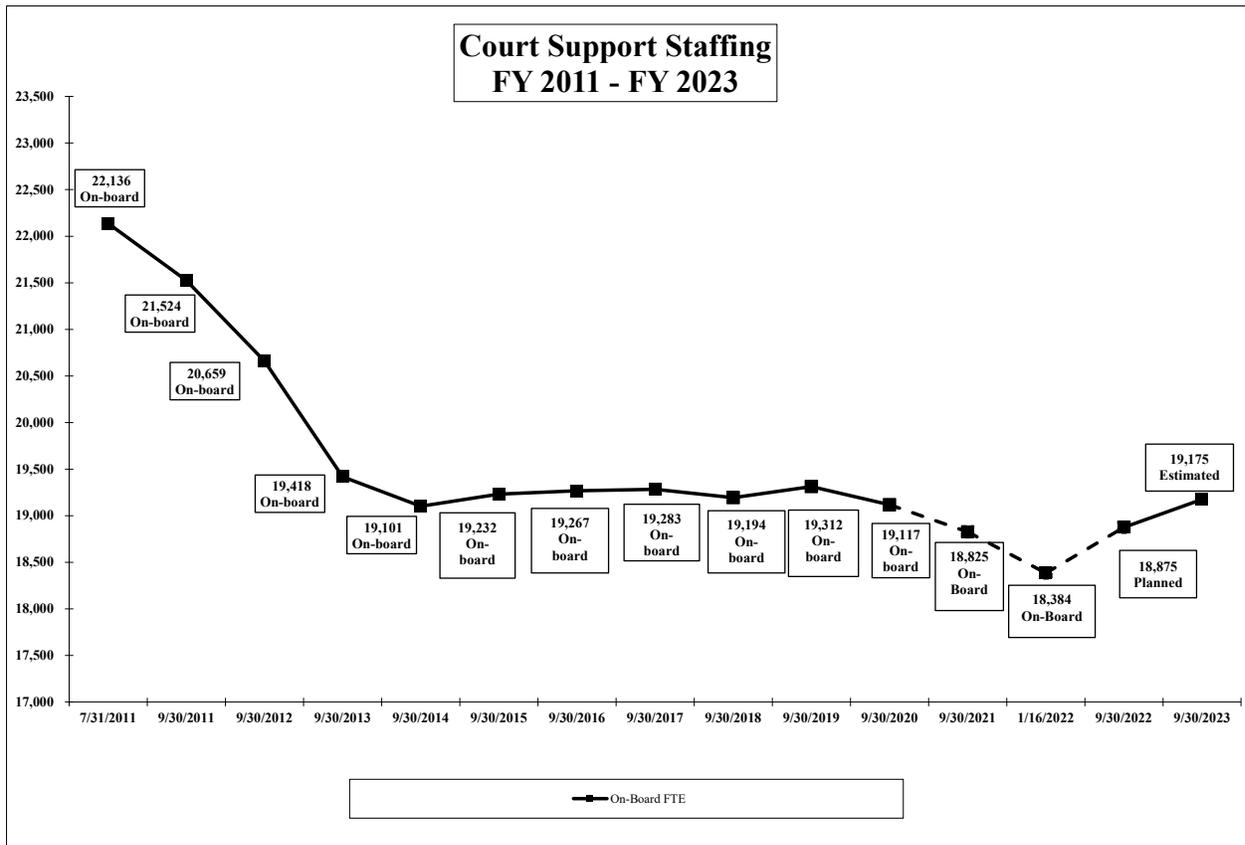
V. Summary of Obligations

Courts of Appeals, District Courts and Other Judicial Services Salaries and Expenses Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	3,928,815	4,116,537	4,357,880
Rent, Communications and Utilities	1,124,149	1,234,008	1,262,998
Travel	23,065	47,755	48,786
Other	955,917	1,227,463	1,185,943
Total Obligations	6,031,946	6,625,763	6,855,607
Other Adjustments	(193,212)	(493,873)	(375,526)
Available Appropriation (Direct)	5,838,734	6,131,890	6,480,081
Vaccine Injury Compensation Trust Fund	9,900	9,850	10,450
Total Available Appropriation	5,848,634	6,141,740	6,490,531
Mandatory Appropriation	445,033	480,511	500,756
Discretionary Appropriation - Salaries and Expenses Direct	5,393,701	5,651,379	5,979,325
Discretionary Appropriation - Vaccine Injury Compensation Trust Fund	9,900	9,850	10,450

VI. Budget Request by Category



VII. Court Support Staffing



VIII. 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.

IX. Other Sources of Funding for the Judiciary

Explanation of Other Funding Sources

In addition to appropriated funds, each year the judiciary uses other non-appropriated funds to offset its appropriation requirements. Fee collections, primarily from court filing fees, comprise the majority of these sources of funds. These funds are used to offset expenses within the Salaries and Expenses account, allowing the judiciary to request fewer appropriated dollars from Congress.

“Unencumbered” Funds

In addition to fee collections, in certain instances the judiciary may carry funds forward from one year to the next. These carryforward funds are considered “unencumbered” when they are generated by savings in the financial plan where budgeted costs did not materialize, such as slower than expected hiring or space delivery dates. These savings are usually unforeseen and uncontrollable by the judiciary.

Recognizing that savings in the financial plan tend to occur each year, but at unpredictable levels, the judiciary has tried to estimate the level of unencumbered funds that will be available to offset FY 2023 requirements. As the table below indicates, the judiciary has estimated that unencumbered funds will total \$365.1 million in FY 2023, including \$215.1 million in new fee collections and \$150.0 million in other unencumbered carryforward. This level of unencumbered funds represents a net increase of \$37.2 million from the \$327.9 million estimated in FY 2022 to help finance court operations. The judiciary requests a decrease of \$37.2 million in appropriations due to a 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 staffs on changes in non-appropriated funding levels during FY 2022.

Sources of Non-Appropriated Unencumbered Funds in Salaries and Expenses (\$000)

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

“Encumbered” Funds

Carryforward funds are considered “encumbered” when both the funds and the associated need for the funds shift, or slip, to the next year. The judiciary has no-year authority for specific purposes for multi-year IT investments and new space-related requirements. Further, in some cases, similar to unencumbered funds described above, carryforward of fee balances from the prior year includes savings where planned expenses did not occur. This authority is used when planned expenses are delayed, or slipped, from one year to the next. In FY 2022, \$188.5 million of financing and requirements were slipped from FY 2021.

“Encumbered” funds, while adding to the judiciary’s projected obligations in a given fiscal year, do not impact the judiciary’s appropriation requirements. Even if the total amount fluctuates from year to year, the funds associated with the specific project are brought forward from the prior year to fund the project, resulting in no additional appropriation requirements.



**Courts of Appeals, District Courts, and
Other Judicial Services
Defender Services**

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	3,383	1,343,338
Adjustments to Base	59	105,111
Program Increases	18	13,262
FY 2023 Appropriation Request	3,459	1,461,711

The judiciary requests \$1,461.7 million for Defender Services in FY 2023, an 8.8 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$1,343.3 million, which is the same as the FY 2022 fall re-estimate. This FY 2023 request reflects the necessary adjustments to base to maintain current services, as well as program changes for federal defender organization (FDO) staffing requirements related to workload adjustments; additional positions for the National Litigation Support Team, national information technology needs, workload arising from the Supreme Court's decision in *McGirt v. Oklahoma*, and the reimbursable program; and information technology requirements.

This funding supports the provision of constitutionally-mandated legal representation and other services to persons financially unable to obtain counsel in criminal and related matters in federal court. The Criminal Justice Act provides that courts shall appoint counsel from federal public and community defender organizations or from a panel of private attorneys established by the court.

I. Discretionary Adjustments to Base

A net increase of \$105.1 million is requested for adjustments to base for pay and benefits, other inflationary increases, and one less compensable day as well as for adjustments that will allow the judiciary to meet its constitutional obligation to provide defense counsel to all eligible persons in FY 2023. These increases include:

1. Pay and benefit adjustments: net \$37.1 million

A net increase of \$37.1 million will provide for the annualization of the January 2022 pay adjustment (including inflationary panel rate adjustments), an assumed January 2023 pay adjustment (including inflationary panel rate adjustments), within-grade increases, and changes in benefits rates, partially offset by one less compensable day.

2. *Other inflationary increases: \$8.1 million*

An increase of \$8.1 million is required for inflationary adjustments for non-pay categories, including space rental costs.

3. *Change in projected panel attorney workload: (\$19.5 million)*

Prior to the COVID-19 pandemic, panel attorney caseload and payments showed significant increases. However, the onset of the COVID-19 pandemic resulted in a large reduction in panel attorney payments, and the return to pre-pandemic levels in panel attorney caseload and payments has been slower than expected. Therefore, to adjust for these decreases, a base adjustment of \$19.5 million is requested. Even with this \$19.5 million base reduction, there are adequate funds in the FY 2023 Defender Services request to meet projected panel attorney payment and representation requirements.

4. *Annualization of FY 2022 positions: \$15.1 million and 59 FTE*

Funding is required to annualize positions assumed to be funded in FY 2022, including 62 federal public defender organization (FPDO) positions (31 FTE); 16 community defender organization (CDO) positions; 32 positions (16 FTE) related to the Supreme Court's decision in *McGirt v. Oklahoma*; 24 national positions (12 FTE); and 8 reimbursable positions that will support the Defender Services Office.

5. *Increase in appropriations needed to fund current services: \$64.3 million*

In FY 2022, \$94.3 million in balances from FY 2021 and prior years will be available to finance requirements. In FY 2023, the judiciary currently projects \$30.0 million in non-appropriated funds to be available, a decrease of \$64.3 million from FY 2022. Because the judiciary anticipates having \$64.3 million less in carryforward funding available in FY 2023, it requests \$64.3 million in funding to substitute direct appropriations for base expenses previously funded from carryforward balances. The judiciary will advise Congress if any savings materialize in FY 2022 that may reduce FY 2023 appropriations requirements for this account.

II. Program Changes

The FY 2023 request includes a net \$13.3 million for program changes. These changes include:

1. *Change in projected FDO workload: (\$2.4 million) and (9 FTE)*

The FY 2023 request includes a decrease of \$2.4 million and 9 FTE for 22 fewer FDO staff (18 FPDO positions/9 FTE and 4 CDO positions) due to projected workload adjustments. This decrease maintains authorized staffing levels at 98 percent of formula requirements.

2. National positions: \$1.0 million and 4.5 FTE

The requested increase supports nine national positions (4.5 FTE). Of the nine positions, one position (0.5 FTE) is related to IT and is necessary to ensure that Defender IT systems are secure and mission capable. The other eight positions (4 FTE) will support the National Litigation Support Team.

3. *McGirt v. Oklahoma* positions: \$4.9 million and 22 FTE

The requested increase supports 44 positions (22 FTE) to address the increase in caseload resulting from the Supreme Court's decision in *McGirt v. Oklahoma*.

4. Reimbursable positions: \$0.7 million

The requested increase supports eight additional reimbursable positions for the AO's Defender Services Office. These positions will support higher workload demands associated with data management, financial analysis, legal and policy support, program operations, training, and implementation of CJA-related policies approved by the Judicial Conference.

5. Information technology, cybersecurity, and IT modernization requirements: \$9.2 million

The requested increase will support three IT initiatives (\$1.1 million) as well as cybersecurity and IT modernization initiatives (\$8.0 million).

The requested \$1.1 million increase will support expanding capacity/licenses for existing systems related to three IT initiatives:

- an online document review platform used by FDOs and panel attorneys to organize, review, and analyze e-discovery;
- cloud content repositories and file sharing services used by defense teams; and
- cybersecurity software for national log and event management to ensure the safety of traffic on the virtual private network.

The requested \$8.0 million increase will support enhancements and modernization related to five cybersecurity and IT initiatives:

- the relocation of the Defender Services portion of one of the judiciary's two data centers;
- cybersecurity support to assist with designing and implementing state-of-the-art security mechanisms to combat cyberattacks;
- DSO networks, governance, and services modernization;
- data security management and improvements; and
- application upgrades.

III. Appropriations Language

Courts of Appeals, District Courts, and Other Judicial Services Defender Services

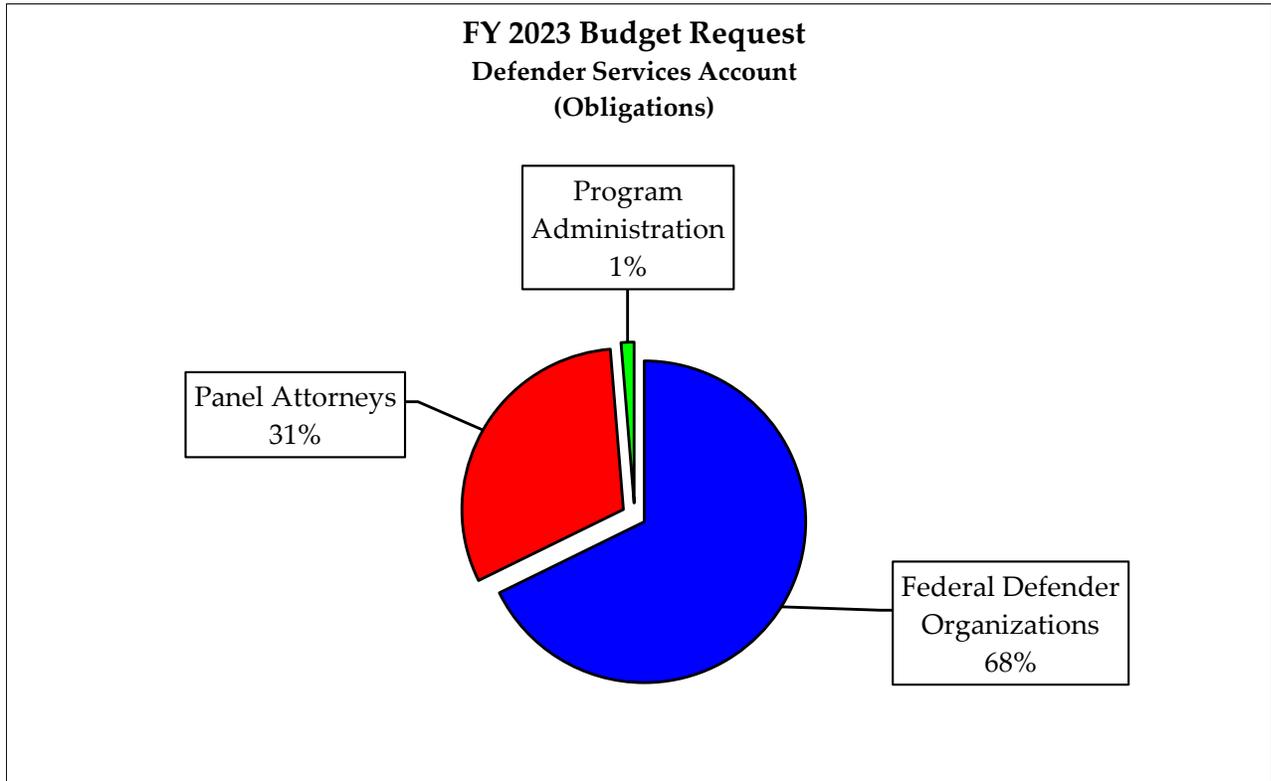
For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006(a) and 3599, and for the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services for such representations as authorized by law; the compensation (in accordance with the maximums under 18 U.S.C. 3006(a) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; the compensation and reimbursement of travel expenses of guardians ad litem appointed under 18 U.S.C. 4100(b); and for necessary training and general administrative expenses, [\$1,343,338,000] \$1,461,711,000, to remain available until expended.

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

IV. Summary of Obligations

Courts of Appeals, District Courts and Other Judicial Services Defender Services Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	527,137	588,268	626,180
Rent, Communications and Utilities	57,321	62,169	67,872
Travel	4,742	15,625	15,961
Contractual Services (includes panel attorney payments)	430,357	546,341	544,500
Other (includes grants to Community Defender Organizations)	199,618	225,253	237,198
Total Direct Obligations	1,219,175	1,437,656	1,491,711
Encumbered Carryforward	(370)	-	-
Total Obligations (Excluding Encumbered Carryforward)	1,218,805	1,437,656	1,491,711
Other Adjustments	97,435	(94,318)	(30,000)
Available Appropriation	1,316,240	1,343,338	1,461,711

V. Budget Request by Category



VI. Defender Services Workload Factors

Total Representations							
Workload Factor	2017 Actual	2018 Actual	2019 Actual	2020 Actual	2021 Actual	2022 Projected	2023 Projected
FDO weighted – non-capital representations	131,024	142,750	152,496	151,025	116,721	135,500	142,200
FDO weighted – capital prosecutions	2,752	2,101	1,174	1,019	663	800	900
Total FDO weighted Representations¹	133,776	144,851	153,670	152,044	117,384	136,300	143,100
Panel Attorneys	79,352	77,130	89,079	93,189	64,326	65,300	72,600
Total Representations²	213,128	221,981	242,749	245,233	181,710	201,600	215,700
Year-to-Year Change		4.2%	9.4%	1.0%	-25.9%	10.9%	7.0%

¹ FDO caseload actuals and projections are based on raw cases converted to weighted cases.

² Statistical data are for a 12-month period through March 31 of each year.

PAGE INTENTIONALLY LEFT BLANK



**Courts of Appeals, District Courts, and
Other Judicial Services
*Fees of Jurors and Commissioners***

FY 2023 Request	
	Discretionary FTE (\$000)
FY 2022 Assumed Appropriation	- 35,157
Adjustments to Base	- 10,520
Program Increases	- -
FY 2023 Appropriation Request	- 45,677

The judiciary requests \$45.7 million for Fees of Jurors and Commissioners in FY 2023, a 29.9 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$35.2 million, which is the same as the FY 2022 fall re-estimate. The large appropriations increase over FY 2022 reflects the significant use of unobligated balances available from FY 2021, mainly due to reduced juror activity related to the pandemic, to finance FY 2022 requirements. The FY 2023 request reflects the necessary adjustments to base to maintain current services, including \$15.8 million to replace the one-time carryforward balances with appropriated funds, partially offset by a \$5.3 million net decrease for inflationary adjustments and changes in projected program requirements.

Costs associated with this account may vary and are driven by the number of jury trials, the length of those trials, and statutory rates for reimbursement paid to jurors.

I. Discretionary Adjustments to Base

The FY 2023 request includes a net increase of \$10.5 million in adjustments to base associated with inflationary adjustments, projected changes in juror days, and other adjustments to maintain current services. This increase will allow the account to continue to pay for the statutory fees and expenses of grand and petit jurors and compensation of land commissioners in FY 2023. These adjustments include:

1. Inflationary adjustments: \$0.5 million

In addition to attendance fees, jurors also are reimbursed for certain expenses, including meals and lodging for sequestered jurors and transportation of juries to view evidence or crime scenes. Inflationary increases associated with these expenses are expected to total \$0.2 million for grand jurors and \$0.3 million for petit jurors in FY 2023.

2. Projected change in juror days: (\$5.7 million)

Overall expenses for grand and petit jurors are expected to decrease by \$5.7 million in FY 2023 based on the projected number of available grand and petit jurors.

3. Increase in appropriations needed to fund current services: \$15.8 million

In FY 2022, \$15.8 million in balances from FY 2021 and prior years is available to finance FY 2022 requirements. The judiciary expects to obligate all of this funding in FY 2022. Because the judiciary anticipates having \$15.8 million less in carryforward funding in FY 2023, it requests \$15.8 million more to maintain current services.

II. Appropriations Language

**Courts of Appeals, District Courts, and Other Judicial Services
Fees of Jurors and Commissioners**

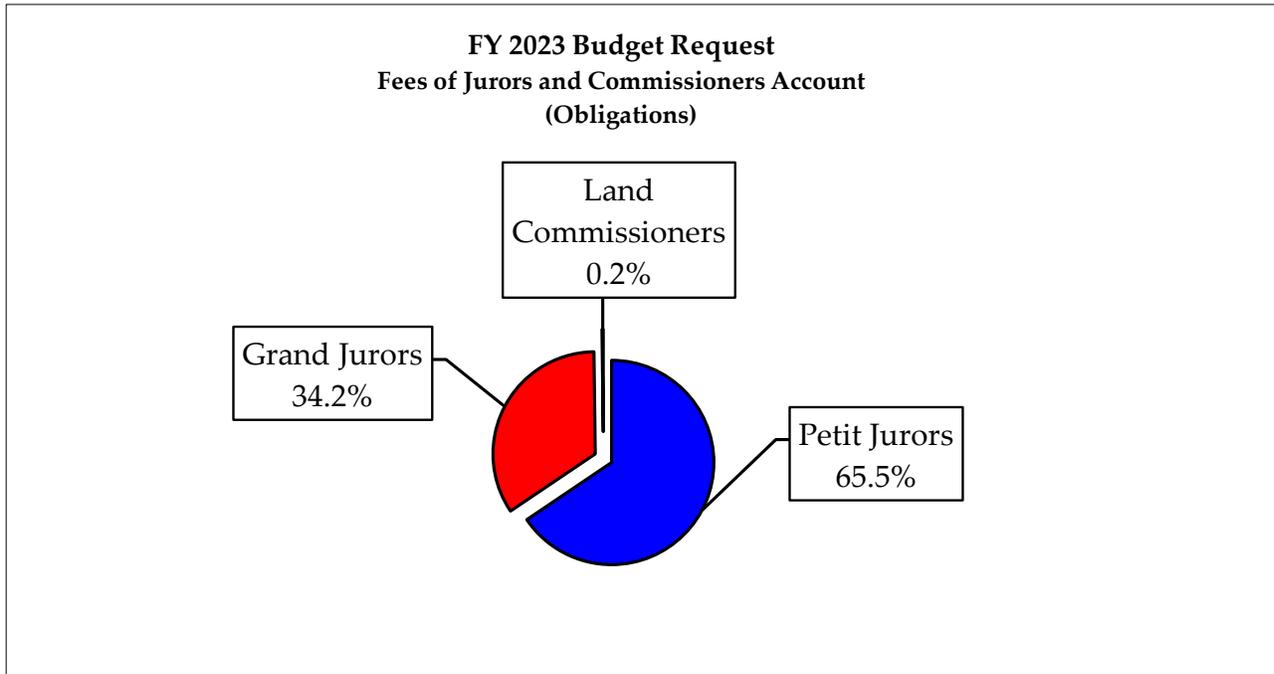
For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), [\$35,157,000] \$45,677,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

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

III. Summary of Obligations

Courts of Appeals, District Courts and Other Judicial Services Fees of Jurors and Commissioners Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	16,609	25,368	22,972
Rent, Communications and Utilities	1,880	2,825	2,881
Travel	13,527	22,914	19,916
Other	1,347	2,850	2,908
Total Direct Obligations	33,363	53,957	48,677
Other Adjustments	(846)	(18,800)	(3,000)
Available Appropriation	32,517	35,157	45,677

IV. Budget Request by Category



PAGE INTENTIONALLY LEFT BLANK



**Courts of Appeals, District Courts, and
Other Judicial Services
Court Security**

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	84	704,824
Adjustments to Base	4	32,559
Program Increases	8	48,206
FY 2023 Appropriation Request	96	785,589

The judiciary requests \$785.6 million for Court Security in FY 2023, an 11.5 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$704.8 million, which is the same as the FY 2022 fall re-estimate. This FY 2023 request reflects the necessary adjustments to base to maintain current services. The request also includes several program increases related to the court security officer (CSO) program, security systems and equipment needs, and additional U.S. Marshals Service (USMS) staffing requirements. The majority of the funding in this account is transferred to the USMS, which is responsible for administering the Judicial Facility Security Program.

I. Discretionary Adjustments to Base

The Court Security request includes \$32.6 million for adjustments to base for pay and benefits, other inflationary increases, one less compensable day, and other adjustments to maintain current services in FY 2023. These adjustments include:

1. Pay and benefits adjustments: net (\$1.3 million)

A net decrease of \$1.3 million will provide for the annualization of the January 2022 pay adjustment, an assumed January 2023 pay adjustment, within-grade increases, changes in benefit rates, partially offset by one less compensable day.

2. Annualization of CSO positions (28.5): \$1.3 million

Funding is required to annualize costs for 28.5 additional CSO positions needed to staff new courthouse construction projects in FY 2022.

3. Annualization of USMS positions: \$0.9 million and 4 FTE

Funding is required to annualize costs for four new USMS positions (2 FTE) to support the equipment modernization and cyclical replacement strategy, three new USMS

positions (1 FTE) in the CSO Applications and Qualification branch, and two new USMS positions (1 FTE) for the CSO radio communications program.

4. Annualization for Judiciary Vulnerability Management Program: \$2.6 million

The full-year cost to support this program is \$10.5 million for 19 positions and 33 contractors. In FY 2022, Congress approved a reprogramming to use prior-year balances to provide initial funding for a new Judiciary Vulnerability Management Program. The requested increase provides for the annualized costs for the program. In FY 2023, the judiciary requests a total of \$10.5 million to maintain the program going forward, which includes \$2.6 million for annualization along with the \$7.9 million funding adjustment on page 53.

5. FY 2023 CSO contract and wage rate adjustments: \$14.3 million

This increase provides for an average 3.0 percent wage adjustment for contract CSOs, as established by the U.S. Department of Labor and based on collective bargaining agreements.

6. Non-pay inflationary increase: \$0.4 million

An increase of \$0.4 million is requested for a 2.0 percent general inflationary increase for travel, supplies, equipment, and other contractual services (exclusive of CSO contracts).

7. Changes in Federal Protective Service security charges: \$4.1 million

The requested increase of \$4.1 million will fund basic and building-specific security expenses based on anticipated billings from the Department of Homeland Security Federal Protective Service (FPS). The total request for FPS charges is \$84.3 million in FY 2023, which is a 5.2 percent increase from the \$80.1 million projected for FY 2022.

(\$000)	FY 2022	FY 2023	Difference
Basic	24,338	27,500	3,162
Building-Specific	55,794	56,776	982
Total FPS	80,132	84,276	4,144

8. Adjustments to base for security systems and equipment: \$2.4 million

The requested amount reflects an increase of \$2.4 million in the court security systems and equipment acquisition plan (excluding proposed program increases). This increase is primarily for physical access control systems (PACS) and video management systems (VMS), other additional and replacement equipment, the nationwide maintenance contract for existing security systems and equipment, the nationwide vehicle barrier maintenance contract, and miscellaneous systems and equipment.

9. Funding adjustment due to a decrease in non-appropriated sources of funds: \$7.9 million

In FY 2022, \$22.9 million in balances from FY 2021 and prior years is available to finance FY 2022 requirements. In FY 2023, the judiciary expects \$15.0 million in non-appropriated funds to be available, a decrease of \$7.9 million from FY 2022. Because the judiciary anticipates having \$7.9 million less in carryforward funding available in FY 2023, it requests \$7.9 million more in funding to maintain current services.

II. Program Changes

The FY 2023 request includes \$48.2 million for program increases. These increases include:

1. New courthouse construction projects

a. Security infrastructure for new courthouses: \$2.7 million

In FY 2022, \$2.1 million is included for security systems requirements for new courthouse construction projects, and \$4.8 million is required in FY 2023 for the courthouse projects in Fort Lauderdale, FL (\$4.2 million) and Toledo, OH (\$0.6 million). Thus, an increase of \$2.7 million is associated with one-time security requirements in FY 2023.

b. Additional CSOs (7) for new courthouses: \$0.5 million

The FY 2023 request includes \$0.5 million for an additional 7 CSO positions for new courthouses or annexes nearing completion in Charlotte, NC (2 CSOs) and Savannah, GA (5 CSOs). These positions are needed to adequately staff these new courthouse construction projects that are projected to be open in FY 2023 or early FY 2024.

2. CSO staffing for McGirt requirements (16 CSOs): \$1.0 million

In FY 2023, the judiciary requests an increase of \$1.0 million for 16 CSO positions related to increased requirements to provide additional staffing at court facilities in the Districts of Northern and Eastern Oklahoma as a result of the decision in *McGirt v. Oklahoma*.

3. Court unit emergency management program: \$1.1 million

The FY 2023 request includes an increase of \$1.1 million to fund local security and emergency preparedness initiatives, such as shelter-in-place supplies, active shooter training, two-way radios, building evacuation supplies, and first aid kits.

4. Courthouse hardening: \$20.0 million

The judiciary is working with the USMS, FPS, and GSA and taking a risk-based approach to implement security measures needed to harden courthouses against attempts to breach court facilities and disrupt the judicial process. In FY 2022, the judiciary included \$15.0 million in recurring funding for courthouse hardening in its fall re-estimate. For FY 2023, the judiciary requests an additional \$20.0 million in recurring funding along with the \$15.0 million assumed in the FY 2022 base, for a total of \$35.0 million for courthouse hardening in FY 2023.

5. Equipment modernization and cyclical replacement strategy

a. Video management systems (VMS): \$10.5 million

The FY 2023 request includes an additional \$10.5 million for modernization and cyclical replacement of aging VMS. With the \$15.3 million in base funding available in FY 2022, there will be a total of \$25.8 million in annual funding for VMS in FY 2023. At this funding level, the judiciary will be able to replace all VMS over a ten-year period and cyclically replace them going forward.

b. USMS staffing for VMS: \$0.6 million and 2 FTE

The FY 2023 request includes \$0.6 million for four new physical security specialist (PSS) positions (2 FTE) at the USMS to support the equipment modernization and cyclical replacement strategy. This request will complete the 12 additional PSS positions requested for FY 2021, FY 2022, and FY 2023 to support the equipment modernization and cyclical replacement strategy.

6. Phased implementation of the revised CSO staffing standards: \$5.4 million

The FY 2023 request includes \$5.4 million for an additional 86 CSOs. With this request, the phased implementation of the revised CSO staffing standards will be complete.

7. CSO hours restoration: \$2.5 million

The judiciary requests \$2.5 million to restore 10 hours per CSO position in FY 2023. Previously, the judiciary and the USMS decided to temporarily decrease CSO hours and associated funding – 25 hours in FY 2016 and 23 hours in FY 2017 – as a cost-containment measure. At the time, the USMS was experiencing challenges using all the available CSO funding, which resulted in significant funding surpluses. Since 2017, the USMS has implemented processes and procedures to better manage the CSO contracts, more effectively use CSO resources, and ensure adequate security is provided at court facilities. The requested funds will be used to gradually increase CSO hours and provide more guard coverage at courthouses.

8. USMS positions for Judicial Facility Security Program: \$2.1 million and 6 FTE

The judiciary requests \$2.1 million for 12 new USMS positions for the Judicial Facility Security Program in FY 2023. The request consists of six positions (3 FTE) for operational and administrative support to district judicial security inspectors, four positions (2 FTE) for contract support, one position (0.5 FTE) and three contractors for ensuring contract compliance, and one position (0.5 FTE) for supporting the CSO radio communications program. This will bring the total number of judiciary-funded positions at the USMS to 104.

9. Active vehicle barrier (AVB) preventive maintenance: \$1.8 million

For FY 2023, the judiciary requests \$1.8 million to increase the frequency of preventive AVB maintenance to mitigate breakdowns.

III. Appropriations Language

**Courts of Appeals, District Courts, and Other Judicial Services
Court Security
(Including Transfers of Funds)**

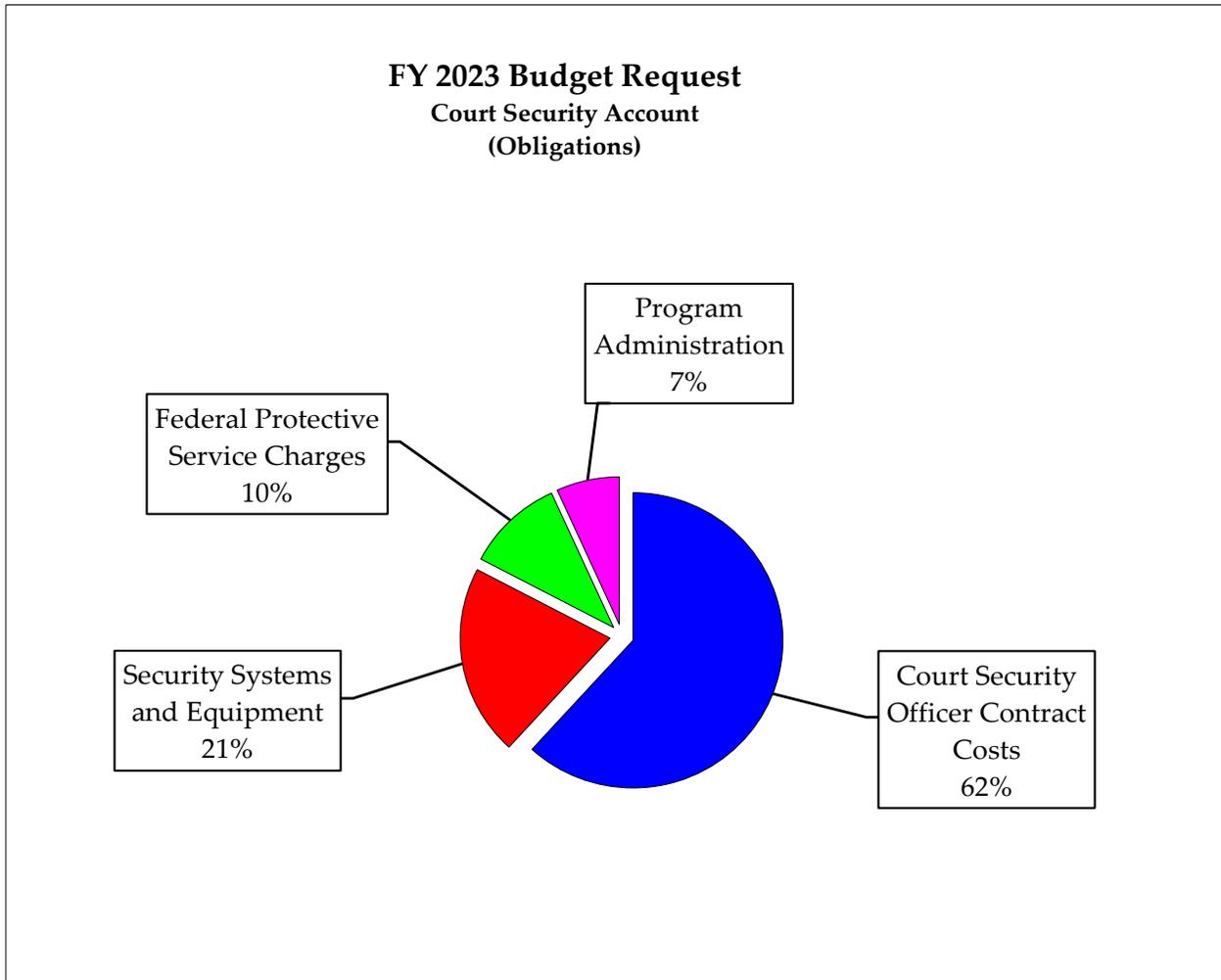
For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations *or Administrative Office of the U.S. Courts operations*, [and]the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations *or Administrative Office of the U.S. Courts*, [including]building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100-702), [\$704,824,000]~~\$785,589,000~~, of which not to exceed \$20,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General: *Provided, That, notwithstanding any other provision of law, funds may be used for identifying, redacting and reducing personally identifiable information on the internet of judges and other persons who live at the judge's domicile; and managing a Judiciary-wide program to facilitate security and emergency management services among the Judiciary, United States Marshals Service, Federal Protective Service, General Services Administration, other federal agencies, state and local governments and the public.*

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

IV. Summary of Obligations

Courts of Appeals, District Courts and Other Judicial Services			
Court Security			
Comparative Summary of Obligations by Category			
(\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	11,034	13,374	17,413
Rent, Communications and Utilities	7,890	9,475	9,560
Travel	1,452	639	652
Court Security Officers Contract	430,158	471,885	494,429
Federal Protective Service Charges	82,368	80,132	84,276
Other	128,376	164,180	194,259
Total Direct Obligations	661,278	739,685	800,589
Other Adjustments	2,733	(34,861)	(15,000)
Available Appropriation	664,011	704,824	785,589

V. Budget Request by Category





Administrative Office of the U.S. Courts
Salaries and Expenses

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	643	104,128
Adjustments to Base	4	6,827
Program Increases	2	306
FY 2023 Appropriation Request	648	111,261

The Administrative Office of the U.S. Courts (AO) requests \$111.3 million in FY 2023, a 6.9 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$104.1 million, which is the same as the FY 2022 fall re-estimate. The FY 2023 request reflects the necessary adjustments to base to maintain current services and program increases to add contractor suitability staff in the AO Human Resources Office and to expand the staff in the Office of Compliance and Risk.

In addition to the appropriation provided by Congress, the AO receives non-appropriated funds from sources such as fee collections and carryover balances to offset its appropriation requirements. The AO also receives reimbursements from other judiciary accounts for information technology development and other services that are in direct support of the courts, the court security program, and defender services.

I. Discretionary Adjustments to Base

The AO requests a net increase of \$6.8 million in adjustments to base in FY 2023 for standard pay and benefits adjustments, inflationary increases, one less compensable day, and other adjustments to maintain current services in FY 2023.

II. Program Increases

The FY 2023 request includes \$0.3 million for program increases. These increases include:

1. Contractor suitability: \$0.2 million and 1 FTE

The judiciary requests \$0.2 million and 2 positions (1 FTE) for the Contractor Suitability/Background Investigation Program Office in the AO’s Human Resources Office. The AO currently only has sufficient staff to support conducting suitability and background investigations for federal employees, not contractors. These positions will

provide the necessary staff support to expand future suitability and background investigation reviews to encompass contract staff as well.

2. Office of Compliance and Risk: \$0.1 million and 0.5 FTE

The AO established a Compliance and Risk Officer position in FY 2020 to assess risk across the agency and remediate critical findings from audits and reviews. The office added two positions, one each in FY 2021 and FY 2022, to focus on oversight of corrective actions and risk management. For FY 2023, a fourth position (0.5 FTE) is requested to further support the efforts of this office.

III. Appropriations Language

**Administrative Office of the United States Courts
Salaries and Expenses**

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, [\$104,128,000] \$111,261,000, of which not to exceed \$8,500 is authorized for official reception and representation expenses.

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

IV. Summary of Obligations

Administrative Office of the U.S. Courts Comparative Summary of Obligations by Category (\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	222,608	245,220	267,654
Rent, Communications and Utilities	513	585	599
Travel	44	1,382	1,415
Other	6,373	7,774	7,959
Total Direct Obligations	229,538	254,961	277,627
Other Adjustments	(19,192)	(17,260)	(16,003)
Reimbursable Program	(114,671)	(133,573)	(150,363)
Available Appropriation	95,675	104,128	111,261



Federal Judicial Center
Salaries and Expenses

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	128	32,151
Adjustments to Base	-	1,304
Program Increases	-	-
FY 2023 Appropriation Request	128	33,455

The Federal Judicial Center (FJC) requests \$33.5 million in FY 2023, a 4.1 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$32.2 million, which is the same as the FY 2022 fall re-estimate. This request reflects the necessary adjustments to base to maintain current services. The FJC requests no program increases for FY 2023.

The FJC, which is the research and education arm of the Third Branch, provides judges and other judiciary personnel with education and training on legal developments and efficient litigation management and court administration. As such, its workload is derived in large part from the population of the courts.

I. Discretionary Adjustments to Base

The Federal Judicial Center requests \$1.3 million in adjustments to base for standard pay and benefits increases, other inflationary adjustments, and one less compensable day.

II. Appropriations Language

Federal Judicial Center
Salaries and Expenses

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, [\$32,151,000]\$33,455,000; of which \$1,800,000 shall remain available until September 30, [2023]2024, to provide education and training to Federal court personnel; and of which not to exceed \$1,500 is authorized for official reception and representation expenses.

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

III. Summary of Obligations

Federal Judicial Center			
Comparative Summary of Obligations by Category			
(\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	22,517	23,578	24,708
Rent, Communications and Utilities	373	542	553
Travel	458	5,887	6,099
Other	2,610	2,299	2,345
Total Direct Obligations	25,958	32,306	33,705
Other Adjustments	3,057	(155)	(250)
Available Appropriation	29,015	32,151	33,455



United States Sentencing Commission
Salaries and Expenses

FY 2023 Request		
	Discretionary	
	FTE	(\$000)
FY 2022 Assumed Appropriation	95	20,829
Adjustments to Base	-	1,063
Program Increases	-	-
FY 2023 Appropriation Request	95	21,892

The United States Sentencing Commission (the Commission) requests \$21.9 million in FY 2023, a 5.1 percent increase over the FY 2022 assumed appropriation. For this account, the FY 2022 discretionary appropriations assumption is \$20.8 million, which is the same as the FY 2022 current services level. The FY 2023 request reflects the necessary adjustments to base to maintain current services. The Commission requests no program increases for FY 2023.

The Commission’s duties are to review and revise the sentencing guidelines regularly, collect data from federal sentencing courts, analyze these data to provide meaningful information on federal sentencing practices, and provide extensive training to guideline users.

I. Discretionary Adjustments to Base

The Commission requests \$1.1 million in adjustments to base for standard pay and benefits increases, other inflationary adjustments, and one less compensable day.

II. Appropriations Language

United States Sentencing Commission
Salaries and Expenses

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [~~\$20,829,000~~]*\$21,892,000*, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

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

III. Summary of Obligations

United States Sentencing Commission			
Comparative Summary of Obligations by Category			
(\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Compensation and Benefits	15,187	17,582	18,587
Rent, Communications and Utilities	23	26	25
Travel	76	157	400
Other	4,566	3,064	2,880
Total Direct Obligations	19,852	20,829	21,892
Other Adjustments	113	-	-
Available Appropriation	19,965	20,829	21,892

Title III Administrative Provisions – The Judiciary

Note: In the absence of enacted FY 2022 full year appropriations, the judiciary built its FY 2023 language requests using the House-passed version of the FY 2022 Financial Services and General Government (FSGG) bill. Therefore, the bracketed and italicized changes reflected below are being made to FY 2022 language as it appears in H.R. 4502.

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except “Courts of Appeals, District Courts, and Other Judicial Services, Defender Services” and “Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners”, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for “Courts of Appeals, District Courts, and Other Judicial Services” shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed \$11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Section 3315(a) of title 40, United States Code, shall be applied by substituting “Federal” for “executive” each place it appears.

SEC. 305. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 306. (a) Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended [in the matter following paragraph 12–]

[~~(1)~~] in the second sentence (relating to the District of Kansas) *following paragraph (12)*, by striking “[~~30~~]~~31~~ years and 6 months” and inserting “[~~31~~]~~32~~ years and 6 months”. [; and]

[(2) in the sixth sentence (relating to the District of Hawaii), by striking “27 years and 6 months” and inserting “28 years and 6 months”.]

(b) Section 406 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2470; 28 U.S.C. 133 note) is amended in the second sentence (relating to the eastern District of Missouri) by striking “[28]29 years and 6 months” and inserting “[29]30 years and 6 months”.

(c) Section 312(c)(2) of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 28 U.S.C. 133 note), is amended—

- (1) in the first sentence by striking “[19]20 years” and inserting “[20]21 years”;
- (2) in the second sentence (relating to the central District of California), by striking “[18]19 years and 6 months” and inserting “[19]20 years and 6 months”; and
- (3) in the third sentence (relating to the western district of North Carolina), by striking “[17]18 years” and inserting “[18]19 years”.

This title may be cited as the “Judiciary Appropriations Act, [2022]2023”.

Explanation of Changes

- The above language extends nine temporary district judgeships for 12 months each: Alabama-Northern, Arizona, California-Central, Florida-Southern, Kansas, Missouri-Eastern, New Mexico, North Carolina-Western, and Texas-Eastern.



Judicial Retirement Funds
Payment to Judiciary Trust Funds

FY 2023 Request	
	Mandatory
	FTE (\$000)
FY 2022 Assumed Appropriation	- 272,600
Adjustments to Base	- (20,800)
FY 2023 Appropriation Request	- 251,800

The judiciary requests \$251.8 million in mandatory appropriations for the Judicial Retirement Funds in FY 2023, a 7.6 percent decrease below the FY 2022 assumed level.

The Payment to the Judiciary Trust Funds is a mandatory account and is divided among three trust funds that finance payments to (1) retired bankruptcy and magistrate judges, (2) retired Court of Federal Claims judges, and (3) spouses and dependent children of deceased judicial officers. The appropriation requirements are calculated annually by an enrolled actuary pursuant to 31 U.S.C. 9503.

I. Mandatory Adjustments to Base

Based on independent actuarial calculations, a decrease of \$20.8 million is required for this account for FY 2023.

II. Appropriations Language

Sec. [617]__. (a) There are appropriated for the following activities the amounts required under current law:

(1) Compensation of the President (3 U.S.C. 102).

(2) Payments to--

- (A) the Judicial Officers' Retirement Fund (28 U.S.C. 377(o));
- (B) the Judicial Survivors' Annuities Fund (28 U.S.C. 376(c)); and
- (C) the United States Court of Federal Claims Judges' Retirement Fund (28 U.S.C. 178(l)).

(3) Payment of Government contributions--

(A) with respect to the health benefits of retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849); and

(B) with respect to the life insurance benefits for employees retiring after December 31, 1989 (5 U.S.C. ch. 87).

(4) Payment to finance the unfunded liability of new and increased annuity benefits under the Civil Service Retirement and Disability Fund (5 U.S.C. 8348).

(5) Payment of annuities authorized to be paid from the Civil Service Retirement and Disability Fund by statutory provisions other than subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

(b) Nothing in this section may be construed to exempt any amount appropriated by this section from any otherwise applicable limitation on the use of funds contained in this Act.

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

III. Summary of Obligations

Judicial Retirement Funds			
Comparative Summary of Obligations by Category			
(\$000)			
Category	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Other - Judicial Officers' Retirement Fund	229,400	238,100	222,500
Other - Judicial Survivors' Annuities Fund	29,100	30,400	26,200
Other - United States Court of Federal Claims Judges' Retirement Fund	3,800	4,100	3,100
Total Obligations/Appropriations	262,300	272,600	251,800

Judiciary Space Priorities
for the
Fiscal Year 2023 Budget Request

PAGE INTENTIONALLY LEFT BLANK

Courthouse Construction

The federal courthouse construction program is administered jointly by the judiciary and General Services Administration (GSA). The judiciary establishes priorities for courthouse construction projects and sets the housing requirements for each project to ensure that completed facilities meet the needs of the courts. GSA, as the holder of real property authority, secures the funding for courthouse construction, acquires the building site, and completes design and construction work on the facilities themselves.

The judiciary sets forth its priorities for courthouse construction funding on its *Federal Judiciary Courthouse Project Priorities (CPP)* list. The *CPP* is divided into two parts. Part I consists of the judiciary's highest courthouse construction funding priorities for the budget year. Part II identifies out-year courthouse construction priorities.

Management of Prior Year Courthouse Construction Funding

In FY 2016, Congress provided \$948 million to GSA for the construction of courthouses on the judiciary's *CPP* list, as approved by the Judicial Conference in September 2015. Consistent with congressional intent, this FY 2016 courthouse construction funding has been used to fully fund eight projects: Nashville, TN; Toledo, OH; Charlotte, NC; Des Moines, IA; Greenville, SC; Anniston, AL; Savannah, GA; and San Antonio, TX. Partial funding was also provided for Harrisburg, PA. In addition, Congress provided \$53 million for GSA for new construction and acquisition of federal buildings that jointly house U.S. courthouses and other federal agencies in Greenville, MS, and Rutland, VT. Joint courthouse/federal building projects are prioritized by GSA and do not appear on the judiciary's *CPP*. All the courthouse projects have been authorized by both the House Committee on Transportation and Infrastructure and the Senate Committee on the Environment and Public Works.

In FY 2018, Congress provided the remainder of funding needed to complete the project in Harrisburg, PA (\$137.2 million), as well as complete construction funding for two additional projects: Huntsville, AL (\$110.0 million), and Fort Lauderdale, FL (\$190.1 million). Both the Huntsville and Fort Lauderdale projects have received authorization and are underway.

In FY 2021, Congress provided partial funding of \$135.5 million for the Hartford, CT, courthouse, and partial funding of \$94.5 million for the Chattanooga, TN, courthouse. Both projects are awaiting congressional authorization and remaining funds in FY 2022.

Since receiving funding in FY 2016, the Rutland courthouse acquisition was completed in October 2018, and the Charlotte Annex, Savannah Annex, and the Greenville, SC projects were completed in FY 2021. The San Antonio new courthouse project was completed in December

2021, and the Nashville, Anniston and Harrisburg 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) is in a different stage of development. The AO continues to engage with GSA, USMS, and other Executive Branch stakeholders to ensure that additional milestones are reached, and projects remain on track. These activities include regular coordination and project status meetings; development of a communications and program management plan; establishment of a National Courthouse Change Management Board to provide key oversight of the changes impacting scope, schedule, and budget; and deployment of a program management dashboard to track progress. Coordination continues among judiciary stakeholders to address issues impacting the portfolio including risks, policies, and best practices.

Update to the *CPP*

In September 2021, the Judicial Conference of the United States approved an updated *CPP* list for FY 2023. For FY 2023, the approved *CPP* reflects the continuing judicial space emergency in San Juan, Puerto Rico, which makes that project the de facto top courthouse construction priority of the judiciary.

Judicial Space Emergency of the *CPP* as listed below:

- San Juan, PR - \$262.2 million for design and construction (site is federally owned)

Part I of the *CPP* includes two projects:

- Hartford, CT – \$199.5 million for construction (\$135.5 million previously funded in FY 2021 for site, design, and construction)
- Chattanooga, TN – \$123.9 million for construction (\$94.5 million previously funded in FY 2021 for site, design, and construction)

Part II of the *CPP* includes five projects:

- Bowling Green, KY
- Anchorage, AK
- McAllen, TX
- Greensboro/Winston Salem, NC
- Norfolk, VA

Judiciary Capital Security Program

FY 2023 Request	
U.S. Courthouse Project	(\$000)
U.S. Courthouse, Augusta, Georgia	18,700
Ross Adair Federal Building and U.S. Courthouse, Fort Wayne, Indiana	17,200
FY 2023 Request	35,900

The Capital Security Program (CSP) is funded as a Special Emphasis Program within GSA’s Federal Buildings Fund. The CSP provides funding to address serious security deficiencies in existing courthouse buildings where physical renovations are viable in lieu of constructing a new courthouse.

Fiscal Year 2023 Projects

The judiciary’s FY 2023 request for the CSP is \$35.9 million for its two highest priorities. Actual projects funded, and the amounts associated with them, may change depending on the final amount appropriated for the CSP and the most recent project cost estimates available at the time of appropriation. If funding is limited or costs change, requested projects that cannot be accommodated within the available appropriation will be reduced in scope or deferred to the following fiscal year.

1. *U.S. Courthouse, Augusta, GA (construction only): \$18.7 million*

The U.S. Courthouse in Augusta was constructed in 1916 and expanded in 1930. It is listed on the National Register of Historic Places. The 28,321 useable square feet, three-story plus basement structure houses two courtrooms, one hearing room, and three chambers. Its Asset Management Planning (AMP) process Facility Benefit Assessment (FBA) Security score is 26.4.¹ Security deficiencies at this courthouse will be addressed by replacing an existing open air carport with an enclosed U.S. Marshals Service (USMS) sally port and separate judges’ parking area, enlarging and reconfiguring the existing security screening queuing area, providing a dedicated judges’ elevator and a dedicated prisoner elevator, reconfiguring the first floor to provide secure and restricted circulation paths for prisoners and judges, and constructing a new prisoner movement circulation corridor over the first-floor roof to provide secure circulation on the second floor. This project was requested in FYs 2019 through 2022, but no program funding was provided.

¹ An FBA Security score of 100 represents an “ideal courthouse” and a score below 60 represents a “poor courthouse.”

This project received \$2 million for design in FY 2021 from the canceled Raleigh, NC, CSP project.

2. *Ross Adair Federal Building and U.S. Courthouse, Fort Wayne, IN (construction only): \$17.2 million*

This location was approved for a CSP study in June 2016 and currently has an AMP process FBA Security Score of 29.9. The study was completed in Fall 2018 and approved by the district and circuit courts. Security deficiencies at this courthouse will be addressed by adding a new judges' parking garage, new USMS sally port and secured parking for USMS staff, two new prisoner elevators, a new security screening station, new fire egress stairs, a new jury room, and a new holding cell. Also, two dedicated judges' elevators will be provided (one is repurposed from an existing shared elevator and the other is a new elevator that will provide restricted circulation to the second floor, including courtrooms). This project received \$2 million for design in FY 2021 from the canceled Raleigh, NC CSP project.