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Judiciary Appropriations FY2016

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Summary

Funds for the judicial branch are included annually in the Financial Services and General Government (FSGG) Appropriations bill. The bill provides funding for the Supreme Court; the U.S. Court of Appeals for the Federal Circuit; the U.S. Court of International Trade; the U.S. Courts of Appeals and District Courts; Defender Services; Court Security; Fees of Jurors and Commissioners; the Administrative Office of the U.S. Courts; the Federal Judicial Center; the U.S. Sentencing Commission; and Judicial Retirement Funds.

The judiciary's FY2016 budget request of $7.533 billion was submitted on February 2, 2015. By law, the President includes the requests submitted by the judiciary in the annual budget submission without change.

The House and Senate Appropriations Committees' Financial Services and General Government Subcommittees held hearings in February and March to consider the FY2016 judiciary request.

The FY2016 budget request represents a 3.7% increase over the FY2015 enacted level of $7.261 billion provided in the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235, Division E, Title III, enacted December 16, 2014).

Appropriations for the judiciary comprise approximately 0.2% of total budget authority.

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FY2016 Consideration: Overview of Actions

The first section of this report provides an overview of the consideration of FY2016 judiciary appropriations, with subsections covering each major action, including

- the initial submission of the request on February 2, 2015;
- hearings held by the House and Senate Financial Services Subcommittees; and
- the House subcommittee markup on June 10, 2015.

The status is summarized in **Table 1**. This overview is followed by a section on prior-year actions and funding. The report then provides an overview of judiciary accounts.

Status of FY2016 Appropriations: Dates of Action, Bill Numbers, and Reports

Table 1. Status of Judiciary Appropriations, FY2016

Committee Markup					Conference Report Approval		
House	Senate	House Passage	Senate Passage	Conference Report	House	Senate	Public Law

Source: Congressional Research Service examination of data from http://congress.gov/.

Note: In recent years, the House has held a subcommittee markup prior to the full committee markup. The House subcommittee held its markup on June 10, 2015.

Submission of FY2016 Budget Request on February 2, 2015

The *Budget for Fiscal Year 2016* was submitted on February 2, 2015. It contains a request for $7.533 billion in new budget authority for judicial branch activities.[1] By law, the judicial branch request is submitted to the President and included in the budget submission without change.[2]

Senate and House Hearings on the FY2016 Budget Request

Table 2 lists the dates of judiciary-related hearings of the financial services subcommittees in 2015. Prepared statements of witnesses were posted on the subcommittee websites.[3]

[1] Office of Management and Budget, *Appendix, Budget of the United States Government, FY2016* (Washington: GPO, 2014), pp. 13-44, available at https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/leg.pdf.

[2] Pursuant to 31 U.S.C. 1105, "Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget ... shall be submitted to the President ... and included in the budget by the President without change." Division C of the FY2012 Consolidated Appropriations Act (P.L. 112-74) added language to 31 U.S.C. 1107 relating to budget amendments, stating: "The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch."

[3] Witnesses included Justice Anthony Kennedy and Justice Stephen Breyer from the Supreme Court; Judge Julia Gibbons, chair of the Committee on the Budget of the Judicial Conference; and James Duff, Director of the (continued...)

Table 2. Dates of House and Senate Hearings on Judiciary Requests

	House of Representatives	Senate
Supreme Court	March 23, 2015	—
Judiciary	March 25, 2015	March 24, 2015

Source: Congressional Research Service examination of House and Senate Appropriations Committee websites.

The House subcommittee announced that it would accept programmatic and language submissions from Members through March 26, 2015.

House Appropriations Committee Subcommittee on Financial Services and General Government Markup

On June 10, 2015, the House Appropriations Committee Subcommittee on Financial Services and General Government held a markup of the FY2016 bill. The subcommittee recommended a total of $7.48 billion for the judiciary.

Funding in Recent Years: Brief Overview

FY2015

FY2015 judiciary funding was provided in Division E, Title 3, of the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235), which was enacted on December 16, 2014. The $7.261 billion provided by the act represented an increase of $221.9 million (3.2%) from FY2014 and was $37.9 million (-0.5%) less than the judiciary's request.

FY2014

Neither a Financial Services and General Government Appropriations bill, nor a continuing appropriations resolution (CR), containing FY2014 funding was enacted prior to the beginning of the fiscal year on October 1, 2013. A funding gap, which resulted in a partial government shutdown, ensued for 16 days.[4] The funding gap was terminated by the enactment of a CR (P.L. 113-46) on October 17, 2013. The CR provided funding through January 15, 2014. Following enactment of a temporary continuing resolution on January 15, 2014 (P.L. 113-73), a consolidated appropriations bill was enacted on January 17 (P.L. 113-76), providing $7.039 billion for the judiciary for FY2014.

(...continued)

Administrative Office of the U.S. Courts.

[4] The judiciary, however, did not experience a lapse in appropriations, as revenue from non-appropriated sources was available for use during the entirety of the shutdown. See CRS Report RL34680, *Shutdown of the Federal Government: Causes, Processes, and Effects*, coordinated by Clinton T. Brass.

The Judiciary Budget and Key Issues

Appropriations for the judiciary comprise approximately 0.2% of total budget authority.[5]

Two accounts that fund the Supreme Court (the salaries and expenses of the Court and the expenditures for the care of its building and grounds, which are the responsibility of the Architect of the Capitol) together total approximately 1% of the total judiciary budget. The rest of the judiciary's budget provides funding for the lower federal courts and related judicial services.

The largest account, approximately 73% of the total FY2015 enacted level, is the Salaries and Expenses account for the U.S. Courts of Appeals, District Courts, and Other Judicial Services. This covers the "salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the U.S. Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the federal judiciary not otherwise specifically provided for," and "necessary expenses of the courts." Two other large accounts provide funds for Defender Services (14.0%) and Court Security (7.1%).

The remaining judiciary budget is divided among the U.S. Court of Appeals for the Federal Circuit (0.5% of FY2015 enacted), U.S. Court of International Trade (0.3%), Fees of Jurors and Commissioners (0.7%), Administrative Office of the U.S. Courts (1.2%), Federal Judicial Center (0.4%), U.S. Sentencing Commission (0.2%), and Judicial Retirement Funds (2.0%).

Three specialized courts within the federal court system are not funded under the judiciary budget: the U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill), the U.S. Court of Appeals for Veterans Claims (funded in the Military Construction, Veterans Affairs, and Related Agencies appropriations bill), and the U.S. Tax Court (funded under Independent Agencies, Title V, of the Financial Services and General Government [FSGG] bill). Federal courthouse construction is funded within the General Services account under Independent Agencies, Title V, of the FSGG bill.

The judiciary uses non-appropriated funds to help offset its funding requirements. The majority of these non-appropriated funds are from fee collections, primarily court filing fees. These monies are used to offset expenses within the Salaries and Expenses account of Courts of Appeals, District Courts, and Other Judicial Services. Some of these funds may be carried forward from one year to the next. These funds are considered "unencumbered" because they result from savings from the judiciary's financial plan in areas where budgeted costs did not materialize. According to the judiciary, such savings are usually not under its control (e.g., the judiciary has no control over the confirmation rate of Article III judges and must make its best estimate on the needed funds to budget for judgeships, rent costs, and technology funding for certain programs). The budget request and appropriations figures presented here reflect the net resources for the judiciary, and do not include these offsetting non-appropriated funds.

[5] Calculations by CRS with data from *Historical Tables, Budget of the United States Government, FY2015*, Table 5.2—Budget Authority By Agency: 1976–2018; available at http://www.whitehouse.gov/omb/budget/Historicals.

The judiciary also has "encumbered" funds—no-year authority funds appropriated for specific purposes. These are used when planned expenses are delayed, from one year to the next (e.g., costs associated with space delivery, and certain technology needs and projects).

Cost Containment

In her written testimony submitted to the House Appropriations Financial Services and General Government Subcommittee on the judiciary's FY2016 budget request, Judge Julia S. Gibbons, chair of the Budget Committee of the Judicial Conference of the United States,[6] discussed the results and ongoing efforts of the judiciary's formal cost-containment initiatives, which began in 2004. According to Judge Gibbons, the judiciary has achieved a cost avoidance of "nearly $1.5 billion relative to [the] projected requirements" over the past 10 years. Current efforts focus on implementation of shared administrative services among various courts, as well as reducing the judiciary's space footprint. In 2013, the Judicial Conference set a goal of a 3% reduction in total space. According to Judge Gibbons, as of March 2015, 30% of that goal has been reached, resulting in $5.8 million in rent cost avoidance, and the judiciary "is on track to accomplish the full three percent reduction by the end of fiscal year 2018."[7]

Judicial Security[8]

The safe conduct of court proceedings and the security of judges in courtrooms and off-site has been a concern in recent years. Efforts to improve judicial security have been spurred by the double homicide of family members of a federal judge in Chicago in 2005; the Atlanta killings, in 2005, of a state judge, a court reporter, and a sheriff's deputy at a courthouse; the sniper shooting of a state judge in his Reno office in 2006; and the wounding of a deputy U.S. marshal and killing of a court security officer at the Lloyd D. George U.S. Courthouse and Federal Building in Las Vegas in 2010.[9] An FY2005 supplemental appropriations act[10] included a provision that provided intrusion detection systems for judges in their homes, and the Court Security Improvement Act of 2007[11] aimed to enhance security for judges and court personnel, as well as courtroom safety for the public.

The judiciary has been working closely with the U.S. Marshals Service (USMS) to ensure that adequate protective policies, procedures, and practices are in place. The FY2015 appropriation continues a pilot program for the USMS to assume responsibility for perimeter security at selected courthouses that were previously the responsibility of the Federal Protective Service

[6] The Judicial Conference of the United States is the principal policymaking body for the federal courts system. The Chief Justice of the Supreme Court is the presiding officer of the conference, which comprises the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade.

[7] Statement of Honorable Julia S. Gibbons, Chair, Committee on the Budget of the Judicial Conference of the United States, U.S. House, Committee on Appropriations Subcommittee on Financial Services and General Government, March 24, 2015, pp. 3-4.

[8] For an analysis of court security and federal building security in general, see CRS Report R41138, *Federal Building, Courthouse, and Facility Security*, by Lorraine H. Tong and Shawn Reese.

[9] Steve Friess, "Two Killed in Las Vegas Courthouse," *The New York Times*, January 4, 2010, available at http://www.nytimes.com/2010/01/05/us/05vegas.html.

[10] P.L. 109-13.

[11] P.L. 110-177.

(FPS). This pilot was first authorized in FY2009 as a result of the judiciary's stated concerns that FPS was not providing adequate perimeter security. After the initial planning phase, USMS implemented the pilot program on January 5, 2009, and assumed primary responsibility for security functions at seven courthouses located in Chicago, Detroit, Phoenix, New York, Tucson, and Baton Rouge (location of two of the seven courthouses). The judiciary and USMS have been evaluating the program and identifying areas for improvement. The judiciary reimburses USMS for the protective services.

Judgeships

Following its biennial evaluation and review of judgeship needs, the Judicial Conference of the United States, in March 2015, recommended Congress create 73 new federal judgeships: 5 in the courts of appeals and 68 in the district courts.[12] The Conference made a similar request in the 113th Congress, recommending a total of 91 new judgeships. Subsequent legislation was introduced in both the House and Senate to address this request, but no final action was taken before the 113th Congress adjourned.

Since the enactment of an omnibus judgeship bill in 1990 (P.L. 101-650), according to the Judicial Conference, the number of appellate judgeships has remained at 179 while appellate court case filings have increased by 28%. During this same time period, Congress enacted legislation that increased the number of district judgeships by 5% (from 645 to 677) while district court case filings increased by 41%.[13]

Judiciary Accounts and Funding

The FY2016 judiciary budget request totals $7.53 billion. **Table 3** lists the amounts enacted for FY2015 and the President's FY2016 request.

Table 3. The Judiciary Appropriations, FY2015-FY2016

(in millions of dollars)

	FY2015 Enacted	FY2016 Requested	FY2016 House	FY2016 Senate	FY2016 Enacted
Supreme Court (total)	89	88			
Salaries and Expenses	*77*	*78*			
Building and Grounds	*12*	*10*			
U.S. Court of Appeals for the Federal Circuit	33	34			
U.S. Court of International Trade	20	20			

[12] The Judicial Conference also recommended that nine additional temporary district court judgeships be made permanent. See http://www.uscourts.gov/file/361/download?token=qUtTrrrr for a list of the Conference's judgeship recommendations.

[13] See U.S. Courts, "Success Reported in Aggressive Space and Rent Reduction Initiative," Press Release, March 10, 2015, http://www.uscourts.gov/news/2015/03/10/successes-reported-aggressive-space-and-rent-reduction-initiative-0.

	FY2015 Enacted	FY2016 Requested	FY2016 House	FY2016 Senate	FY2016 Enacted
Courts of Appeals, District Courts, and Other Judicial Services (total)	6,847	7,103			
Salaries and Expenses	*5,259*	*5,445*			
Defender Services	*1,016*	*1,058*			
Fees of Jurors and Commissioners	*52*	*52*			
Court Security	*514*	*542*			
Vaccine Injury Trust Fund	*5*	*6*			
Administrative Office of the U.S. Courts	84	88			
Federal Judicial Center	27	28			
United States Sentencing Commission	17	18			
Judicial Retirement Funds	144	155			
Total: The Judiciary	**7,261**	**$7,533**			

Sources: P.L. 113-235, and the Budget for Fiscal Year 2016.

Notes: All figures are rounded, and column sums may not equal the total due to rounding.

Supreme Court

The total FY2016 request for the Supreme Court, $88.2 million, is contained in two accounts: (1) Salaries and Expenses of $78.2 million and (2) Care of the Building and Grounds of $10.0 million. The total represents a 0.9% decrease over the FY2015 enacted level.

U.S. Court of Appeals for the Federal Circuit

This court, consisting of 12 judges, has jurisdiction over and reviews, among other things, certain lower court rulings on patents and trademarks, international trade, and federal claims cases. The FY2016 budget request is $33.8 million, an increase of 2.0% over the FY2015 enacted level.

U.S. Court of International Trade

This court has exclusive jurisdiction nationwide over civil actions against the United States and its agencies and officers, certain civil actions brought by the United States arising out of import transactions, as well as the administration and enforcement of federal customs and international trade laws. The FY2016 request of $20.2 million is an increase of 1.8% over the FY2015 enacted level.

Courts of Appeals, District Courts, and Other Judicial Services

The total FY2016 funding request of $7,103.0 million covers 12 of the 13 courts of appeals and 94 district judicial courts located in the 50 states, District of Columbia, Commonwealth of Puerto Rico, Commonwealth of the Northern Mariana Islands, and the territories of Guam and the U.S. Virgin Islands. The account is divided among salaries and expenses, the Vaccine Injury Compensation Trust Fund, court security, defender services, and fees of jurors and commissioners.

Salaries and Expenses

The FY2016 request for this account is $5,444.6 million, an increase of 3.5% over the FY2015 enacted level.

Vaccine Injury Compensation Trust Fund

Established to address a perceived crisis in vaccine tort liability claims, the Vaccine Injury Compensation Program funds a federal no-fault program that protects the availability of vaccines in the nation by diverting a substantial number of claims from the tort arena. The FY2016 request is $6.0 million, an 11.5% increase over the FY2015 enacted level.

Court Security

This account provides for protective services, security systems, and equipment needs in courthouses and other federal facilities to ensure the safety of judicial officers, employees, and visitors. Under this account, the majority of funding for court security is transferred to the U.S. Marshals Service to pay for court security officers under the Judicial Facility Security Program. The FY2016 request is $542.4 million, an increase of 5.5% over the FY2015 enacted level.

Defender Services

This account funds the operations of the federal public defender and community defender organizations, and compensation, reimbursements, and expenses of private practice panel attorneys appointed by federal courts to serve as defense counsel to indigent individuals. The cost for this account is driven by the number and type of prosecutions brought by U.S. attorneys. The FY2016 request is $1,057.6 million, an increase of 4.0% over the FY2015 enacted level.

Fees of Jurors and Commissioners

This account funds the fees and allowances provided to grand and petit jurors, and compensation for jury and land commissioners. The FY2016 request is $52.4 million, an increase of 0.4% over the FY2015 enacted level.

Administrative Office of the U.S. Courts

As the central support entity for the judiciary, the AOUSC provides a wide range of administrative, management, program, and information technology services to the U.S. courts.

AOUSC also provides support to the Judicial Conference of the United States, and implements conference policies and applicable federal statutes and regulations. The FY2016 request for AOUSC is $87.6 million, an increase of 3.8% over the FY2015 enacted level.

Federal Judicial Center

As the judiciary's research and education entity, the Federal Judicial Center undertakes research and evaluation of judicial operations for the Judicial Conference committees and the courts. In addition, the center provides judges, court staff, and others with orientation and continuing education and training. The center's FY2016 request is $27.7 million, an increase of 2.7% over the FY2015 enacted level.

United States Sentencing Commission

The commission promulgates sentencing policies, practices, and guidelines for the federal criminal justice system. The FY2016 request is $17.5 million, an increase of 3.8% over the FY2015 enacted level.

Judiciary Retirement Funds

This mandatory account provides for three trust funds that finance payments to retired bankruptcy and magistrate judges, retired Court of Federal Claims judges, and the spouses and dependent children of deceased judicial officers. The FY2016 request is for $155.4 million. These funds are provided in Title VI (General Provisions) of the FSGG bill, rather than in Title III (the Judiciary).

Administrative Provisions

As in past years, the budget request contained a number of recurring general provisions, including those that would

- permit funds for salaries and expenses to be available for employment of experts and consultant services (as authorized by 5 U.S.C. §3109);
- permit up to 5% of any appropriation made available for FY2016 to be transferred between judiciary appropriations accounts, provided that no appropriation is decreased by more than 5% or increased by more than 10% by any such transfer, except in certain circumstances. In addition, the language would provide that any such transfer be treated as a reprogramming of funds under Sections 604 and 608 of the bill and would not be available for obligation or expenditure except in compliance with procedures set forth in those sections;
- authorize an amount not to exceed $11,000 to be used for official reception and representation expenses incurred by the Judicial Conference of the United States;
- enable the judiciary to contract for repairs under $10,000; and
- authorize a court security pilot program.

There is also one new provision that would increase the daily juror attendance fee by $10, from $40 to $50.

Appendix. Fiscal Year Information and Resources

Table A-1. Overview of Judiciary Appropriations: FY2008-FY2015

House, Senate, Conference, and CRS Reports and Related Legislative Vehicles

Fiscal Year	House	Senate	Conference	Enacted	Enactment Vehicle Title	CRS Report
2015	H.Rept. 113-508 (H.R. 5016)	___	explanatory materials inserted into the *Congressional Record* (H.R. 83)	12/16/2014 (P.L. 113-235)	Consolidated and Further Continuing Appropriations Act, 2015	___
2014	H.Rept. 113-172 (H.R. 2786)	S.Rept. 113-80 (S. 1371)	explanatory materials inserted into the *Congressional Record* (H.R. 3547)	1/17/2014 (P.L. 113-76)	Consolidated Appropriations Act, 2014	CRS Report R43352, *Financial Services and General Government (FSGG): FY2014 Appropriations*
2013	H.Rept. 112-550 (H.R. 6020)	S.Rept. 112-177 (S. 3301)	___	3/26/2013 (P.L. 113-6)	Consolidated and Further Continuing Appropriations Act, 2013	CRS Report R42730, *Financial Services and General Government: FY2013 Appropriations*
2012	H.Rept. 112-136 (H.R. 2434)	S.Rept. 112-79 (S. 1573)	H.Rept. 112-331 (H.R. 2055)	12/23/2011 (P.L. 112-74)	Consolidated Appropriations Act, 2012	CRS Report R42008, *Financial Services and General Government: FY2012 Appropriations*
2011	___	S.Rept. 111-238 (S. 3677)	___	4/15/2011 (P.L. 112-10)	Department of Defense and Full-Year Continuing Appropriations Act, 2011	CRS Report R41340, *Financial Services and General Government (FSGG): FY2011 Appropriations*
2010	H.Rept. 111-202 (H.R. 3170)	S.Rept. 111-43 (S. 1432)	H.Rept. 111-366 (H.R. 3288)	12/16/2009 (P.L. 111-117)	Consolidated Appropriations Act, 2010	CRS Report R40801, *Financial Services and General Government (FSGG): FY2010 Appropriations*
2009	H.Rept. 110-920 (H.R. 7323)	S.Rept. 110-417 (S. 3260)	explanatory materials inserted into the *Congressional Record* and issued in a committee print (H.R. 1105)	3/11/2009 (P.L. 111-8)	Omnibus Appropriations Act, 2009	CRS Report RL34523, *Financial Services and General Government (FSGG): FY2009 Appropriations*
2008	H.Rept. 110-207 (H.R. 2829)	S.Rept. 110-129 (H.R. 2829)	explanatory materials inserted into the *Congressional Record* (H.R. 2764)	12/26/2007 (P.L. 110-161)	Consolidated Appropriations Act, 2008	CRS Report RL33998, *Financial Services and General Government (FSGG): FY2008 Appropriations*

Source: Congressional Research Service examination of LIS.

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