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Judiciary Budget Request, FY2023

Overview

The FY2023 judiciary budget request includes \$8.64 billion in discretionary funds (an increase of 8.2% over the FY2022 enacted level), and \$767.2 million in mandatory appropriations used, in part, to pay the salaries and benefits of certain types of judges and provide funds for judicial retirement accounts.

The judiciary also uses nonappropriated funds to offset its appropriations requirement. The majority of these nonappropriated funds are from the collection of fees, primarily court filing fees. The judiciary's annual appropriations request reflects the net needs of the judiciary after the use of nonappropriated funds.

As a coequal branch of government, the judiciary presents its budget to the President, who transmits it to Congress unaltered, as part of his annual budget request. Appropriations for the judiciary are typically included in the Financial Services and General Government Appropriations Act. Appropriations for the judiciary typically comprise approximately 0.2% of total federal budget authority.

Table 1 presents the FY2022 discretionary enacted level and the FY2023 discretionary request for each account. The enacted levels are based on amounts included in regular FY2022 appropriations, and do not include any supplemental appropriations subsequently provided.

Individual Accounts

Supreme Court

The total FY2023 discretionary request for the Supreme Court, \$140.7 million, is contained in two accounts: (1) Salaries and Expenses (\$107.2 million) and (2) Care of the Building and Grounds (\$33.5 million). The total represents a 24.8% increase over the FY2022 enacted level.

U.S. Court of Appeals for the Federal Circuit

This court, consisting of 12 judges, has jurisdiction over and review of certain lower court rulings on patents and trademarks, international trade, and federal claims cases. The FY2023 discretionary budget request is \$36.4 million, a 6.1% increase over the FY2022 enacted level.

U.S. Court of International Trade

This court has exclusive nationwide jurisdiction over civil actions against the United States, its agencies, and its officers, and certain civil actions brought by the United States arising out of import transactions and the administration and enforcement of federal customs and international trade laws. The FY2023 discretionary request of \$21.4 million is an increase of 3.9% over the FY2022 enacted level.

Table 1. FY2022 Discretionary Appropriations and FY2023 Discretionary Appropriations Request
(in millions of dollars)

Account	FY2022 Enacted	FY2023 Request
Supreme Court (total)	\$112.7	\$140.7
<i>Salaries and Expenses</i>	\$98.3	\$107.2
<i>Buildings and Grounds</i>	\$14.4	\$33.5
Court of Appeals for the Federal Circuit	\$34.3	\$36.4
Court of International Trade	\$20.6	\$21.4
Courts of Appeals, District Courts, and Other Judicial Services (total)	\$7,670.6	\$8,276.8
<i>Salaries and Expenses</i>	\$5,580.1	\$5,973.3
<i>Defender Services</i>	\$1,343.2	\$1,461.7
<i>Court Security</i>	\$704.8	\$785.6
<i>Fees of Jurors and Commissioners</i>	\$32.6	\$45.7
<i>Vaccine Injury Compensation Trust Fund</i>	\$9.9	\$10.5
Administrative Office of the U.S. Courts	\$98.5	\$111.3
Federal Judicial Center	\$29.9	\$33.5
Sentencing Commission	\$20.6	\$21.9
TOTAL	\$7,987.2	\$8,642.0

Sources: H.R. 2471, FY2022 Consolidated Appropriations Act (P.L. 117-103); FY2023 Judicial Branch Budget Justification.

Note: Columns may not sum due to rounding.

Courts of Appeals, District Courts, and Other Judicial Services

The total FY2023 discretionary funding request of \$8.28 billion covers 12 of the regional courts of appeals and 94 district 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, defender services, court security, the fees of jurors and commissioners, and the Vaccine Injury Compensation Trust Fund.

Salaries and Expenses

The FY2023 discretionary request for this account is \$5.97 billion, an increase of 7.0% over the FY2022 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 determined by the number and type of prosecutions brought by U.S. attorneys. The FY2023 request is \$1.46 billion, an increase of 8.8% over the FY2022 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 FY2023 request is \$785.6 million, an increase of 11.5% over the FY2022 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 FY2023 request is \$45.7 million, an increase of 40.2% over the FY2022 enacted level.

Vaccine Injury Compensation Trust Fund

The National 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 FY2023 request is \$10.5 million, a 6.1% increase over the FY2022 enacted level.

Administrative Office of the U.S. Courts (AO)

As the central support entity for the judiciary, the AO provides a wide range of administrative, management, program, and information technology services to the U.S. courts. The AO also provides support to the Judicial Conference of the United States, and implements conference policies and applicable federal statutes and regulations. The FY2023 request for AO is \$111.3 million, an increase of 13.0% over the FY2022 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, continuing education, and training. The center's FY2023 request is \$33.5 million, an increase of 12.0% over the FY2022 enacted level.

United States Sentencing Commission

The commission promulgates sentencing policies, practices, and guidelines for the federal criminal justice system. The FY2023 request is \$21.9 million, an increase of 6.3% over the FY2022 enacted level.

Mandatory Funding

Mandatory funding in the judiciary budget includes constitutionally required funding for the salaries and benefits of Article III judges, as well as statutory direct spending for the salaries and benefits of certain Article I judges. Mandatory appropriations also provide funding for judicial retirement accounts. **Table 2** presents the FY2022 enactment for each account and the FY2023 request.

Table 2. FY2022 Mandatory Appropriations and FY2023 Mandatory Budget Request

(in millions of dollars)

Account	FY2022 Enacted	FY2023 Request
Supreme Court	\$2.8	\$2.9
Court of Appeals for the Federal Circuit	\$3.2	\$3.4
Court of International Trade	\$2.2	\$2.3
Courts of Appeals, District Courts, and Other Judicial Services	\$480.5	\$506.8
Judicial Retirement Funds	\$272.6	\$251.8
TOTAL	\$761.3	\$767.2

Source: FY2023 Judicial Branch Budget Justification. Enacted column reflects FY2022 assumed levels provided in the FY2023 Budget Justification.

Note: Columns may not sum due to rounding.

FY2023 Funding Priorities

According to the federal judiciary, several of its funding priorities for FY2023 include providing the necessary resources to support the “substantial increase” in the confirmation of Article III judges over the past several years; providing for the appointment of four full-time magistrate judges and converting two part-time magistrate judge positions to full-time status; hiring additional court support staff and probation and pretrial services program staff to assist with anticipated increases in workload and caseloads; adding 18 FTE to federal public defender organizations to address an increase in projected federal defender workload; and continuing to provide for the hardening and security needs of federal courthouses.

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