



Federal Bar Association

May 4, 2020

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy
Ranking Member
Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable John Kennedy
Chairman
Appropriations Subcommittee on
Financial Services and General Government
United States Senate
Washington, DC 20510

The Honorable Chris Coons
Ranking Member
Appropriations Subcommittee on
Financial Services and General Government
United States Senate
Washington, DC 20510

Re: Support for the Federal Judiciary's FY 2021 and Supplemental Funding Requests

Dear Senate Appropriations Leaders:

We write to express our strong support for the Federal Judiciary's FY 2021 budget request and COVID-19 supplemental funding request. These requested funds are critical to assure the federal courts are able to fulfill their constitutional and statutory responsibilities in these unprecedented times. We urge your support.

The Federal Bar Association's national membership of nearly 20,000 attorneys represents a major constituency of the federal court system. Our members witness the daily need for an adequately funded court system that dispenses justice in prompt fashion in all criminal and civil matters. The federal legal community is knowledgeable and appreciative of your past support for the Federal Judiciary's funding requests, and we are confident that once again you will take into account the important needs of the Third Branch.

The Federal Judiciary's FY 2021 discretionary budget request of \$7.8 billion will maintain FY2020-funded services across the courts and sustain investment in important new or upgraded program initiatives to support judicial operations. The Judiciary's request represents a 4.4 percent increase over its FY 2020 enacted appropriation of \$7.5 billion. We note that a significant share of the requested increase in discretionary appropriations is dedicated toward necessary pay adjustments, inflation and other adjustments to maintain current services throughout the federal court system, including the Supreme Court, the regional circuit courts of appeals, district and bankruptcy courts, as well as probation and pretrial services offices.

In addition, we urge the Appropriations Committee to set a higher 302(b) budget allocation for the Financial Services and General Government Appropriations Subcommittee, whose jurisdiction includes, among others, the Judiciary and General Services Administration and its revolving Federal Buildings Fund (FBF). The Judiciary rents space in nearly 800 courthouses and pays \$1.1 billion in rent annually into the FBF; however, an increasing number of courthouse repair projects remain unfunded due to FBF funding shortfalls. During most of the past decade, Congress appropriated an average of \$1 billion per year less than FBF rents collected, leading to FBF funding shortfalls and major deferred maintenance problems. Many Federal courthouses are suffering from water intrusion issues, mold, broken elevators, broken HVAC systems, deteriorating exterior façades and seismic retrofit issues. A higher 302(b) budget allocation for the Financial Services and General Government Subcommittee will permit courthouse repairs and renovations to proceed and better assure the safety of the public and courthouse employees and the judicial process.

We also express our strong support for the Federal Judiciary's recent request for \$36.6 million in supplemental appropriations to satisfy additional operational costs in response to the COVID-19 pandemic. This includes \$25.0 million for the Salaries & Expenses account, \$9.4 million for Defender Services, and \$2.2 million for Court Security. During the past two months the Federal Judiciary has responded admirably and swiftly to the challenges of administering justice in the midst of the COVID-19 pandemic. Although courthouses have been closed to the public, the federal courts have remained open for the electronic filing of cases and the issuance of orders and decisions. In addition, federal circuit, district, and bankruptcy courts have utilized audio and video conferencing technologies to host oral arguments, initial appearances, preliminary hearings, arraignments, misdemeanor sentencings, and other procedures remotely. Recently the Administrative Office of the U.S. Courts issued guidelines for the gradual restoration of court operations in a manner consistent with public health and safety and state and local conditions.

In conclusion, the Federal Bar Association remains committed to doing all we can to support the Federal Judiciary's stewardship of the finest judicial system in the world. We ask you to take into account the indispensable role the Federal Judiciary plays to assure adherence to the Constitution and our laws and the preservation of a just and healthy society.

Thank you for your consideration of our comments.

Sincerely yours,



Christian K. Adams
President

cc: Members of the Senate Appropriations Subcommittee on Financial Services and General
Government
The Honorable James Duff, Director, Administrative Office of the U.S. Courts