



Government Relations Update

The Latest on Public Policy and Advocacy Developments from the Federal Bar Association

May 2022

Advocacy Update

Nearly 70 FBA members participated in Capitol Hill Day this year, tallying 60 meetings with Members of Congress or their staff across a variety of delegations.

Legislative Update

1. House Judiciary Committee Approves Article I Immigration Courts Legislation

After a marathon markup session that featured intense immigration policy debates, the House Judiciary Committee voted 24-12 to send the Real Courts, Rule of Law Act (H.R. 6577) to the full House for a vote. GRC leadership and outside counsel are in close contact with staff for Senator Kirsten Gillibrand (D-NY) about the Senator's plans to introduce a companion version soon.

2. Congress Begins FY 2023 Appropriations Process

The Senate and House leaders of the Appropriations Committees have begun negotiating the top lines of the Fiscal Year 2023 budget. The House reportedly plans to hold subcommittee markups from June 13 to 22, followed by full committee votes later that month and consideration of the 12 spending bills by the full House in July. At this time, the Senate is not expected to conduct formal legislative markups of the FY 2023 appropriations bills, but rather to negotiate using the House versions. For FY 2023, the Administrative Office of U.S. Courts has requested \$8.6 billion in discretionary appropriations and \$767.1 million in mandatory appropriations.

3. Judicial Security Legislation Attracts Attention After SCOTUS Leak

FBA advocates are continuing to press Congress to pass the bipartisan Daniel A. Elms Judicial Security and Privacy Act (S. 2340) as part of its heightened focus on court security in the wake of the Supreme Court draft opinion leak and resulting protests at justices' homes. On May 12, Senator Rand Paul (R-KY) blocked a Senate effort to pass the bill by unanimous consent, arguing that the same protections should be provided for members of Congress also. The companion bill (H.R. 4436) is gaining support, thanks to the efforts of FBA members who, working with members of the Federal Judges Association and staff for the bill's sponsor, Rep. Mikie Sherrill (D-NJ), have secured 10 new cosponsorship commitments from House members.



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4. Judiciary Financial Disclosures Bill Becomes Law

On Friday, May 13, President Biden signed into law the Courthouse Ethics and Transparency Act (S. 3059), which requires federal judicial officers, bankruptcy judges, and magistrate judges to file periodic transaction reports disclosing certain securities transactions and requires online publication of judicial financial disclosure reports.

5. FBA Foundation Charter Legislation Held in Senate

The FBA continues to work to identify and address roadblocks to passage of the Foundation of the House-passed Federal Bar Association Charter Amendments Act of 2021 (H.R. 2679).

6. Judgeships Legislation Stalled in Both Houses

There is no change in the status of any of the pending legislation to create additional judgeships. The FBA has not endorsed a particular bill or proposed solution but continues to urge members of both the Senate and the House Judiciary Committees to work in a bipartisan way to fashion a solution to this pressing problem.

Judiciary Developments

Overall, [sixty-two](#) of President Biden's judicial nominees have been confirmed, while [seventy-seven](#) Article III vacancies remain. Here are the current vacancies:

Current Article III Vacancies – As of May 16, 2022

According to the Administrative Office of the U.S. Courts

Court	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	5	1
District Courts	68	20
US Ct of International Trade	2	0
Total	75	21

[Seventy-seven](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are vacant. Forty-one more judicial vacancies are [expected](#) by mid-2022, with seven nominees named in advance.

Twenty-nine judicial emergencies in vacancies remain, based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts. One emergency is in the 11th Circuit, four are in the New York district courts, and fourteen are in the California district courts.

Judicial Nominations: Since April 15th the President has made the following judicial nomination announcements:

Nominee	Judicial/District Court	Nomination Date
Sarah A.L. Merriam	2 nd Circuit Court of Appeals	April 27, 2022
Lara E. Montecalvo	1 st Circuit Court of Appeals	April 27, 2022
Elizabeth Hanes	Eastern District of VA	April 27, 2022
Anne M. Nardacci	Northern District of NY	April 27, 2022
Anna C. Reyes	District Court for DC	April 27, 2022

Judicial Confirmations: On April 27th the Senate confirmed one judicial nominee:

Nominee	Judicial/District Court	Confirmation Date
Sherilyn Peace Garnett	9 th Circuit Court of Appeals	April 27, 2022