



# Government Relations Update

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

June 2022

## Advocacy Update

FBA advocates are continuing to press Senate leadership to pass the bipartisan Daniel A. L. Judicial Security and Privacy Act ([S. 2340](#)) in light of strong continuing concerns about judicial security, including the recent arrest of a would-be-attacker near Justice Brett Kavanaugh's home and the murder of a Wisconsin judge. The companion bill ([H.R. 4436](#)) is gaining support in the House, thanks to the efforts of FBA members and members of the Federal Judges Association.

## Legislative Update

### 1. Article I Immigration Courts Legislation Awaits House Vote, Senate Introduction

The Real Courts, Rule of Law Act ([H.R. 6577](#)) was approved by the House Judiciary Committee on May 11 and is now awaiting a vote by the full House. According to her staff, Senator Kirsten Gillibrand (D-NY) is preparing to introduce a Senate companion version soon.

### 2. Congress Begins FY 2023 Appropriations Process

Although the Senate and House leadership have not yet agreed to Fiscal Year 2023 budget top lines, the House Appropriations Subcommittees have begun marking up their FY 2023 spending bills. The Financial Services and General Government Subcommittee, which has jurisdiction over the Judiciary, is scheduled to mark up its bill on June 16, followed by full committee votes later this month and consideration of the 12 spending bills on the House Floor in July. At this time, the Senate is not expected to conduct formal legislative markups of any 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, in addition to a supplemental request for \$403 million, most of which would be used to address the courts' most pressing IT security and modernization requirements. FBA has submitted its annual letters to both House and Senate Appropriations leadership in support of the federal judiciary's Fiscal Year 2023 funding requests, including funding for the following Article I courts separately accounted for in the budget: U.S. Court of Appeals for the Armed Forces, U.S. Tax Court, and U.S. Court of Appeals for Veterans Claims.



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### 3. FBA Foundation Charter Legislation Still Awaiting Senate Passage

Thanks to recent assistance from Bruce Moyer, the FBA is continuing to identify, address, and alleviate concerns impeding Senate passage of the Foundation of the House-passed Federal Bar Association Charter Amendments Act of 2021 ([H.R. 2679](#)).

### 4. Judgeships Legislation Stalled in Both Houses

There is no change in the status of any of the pending legislation ([S. 2535](#), [H.R. 4885](#), [H.R. 4886](#)) 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, [seventy](#) of President Biden's judicial nominees have been confirmed, while [seventy-three](#) Article III vacancies remain. Here are the current vacancies:

#### **Current Article III Vacancies – As of June 15, 2022**

*[According to the Administrative Office of the U.S. Courts](#)*

Court	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	6	2
District Courts	65	15
US Ct of International Trade	2	0
<b>Total</b>	<b>73</b>	<b>17</b>

[Seventy-five](#) 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](#) through October of 2023, with eleven nominees named in advance.

[Twenty-six 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 11<sup>th</sup> Circuit, three are in the New York district courts, and twelve are in the California district courts.

**Judicial Confirmations:** Since May 15<sup>th</sup> the Senate has [confirmed](#) eight judicial nominees:

Nominee	Judicial/District Court	Nomination Date
Jennifer Louise Rochon	Southern District of NY	May 18, 2022
Sunshine Suzanne Sykes	9 <sup>th</sup> Circuit Court of Appeals	May 18, 2022
Trina L. Thompson	Northern District of CA	May 18, 2022
Stephanie Dawkins Davis	6 <sup>th</sup> Circuit Court of Appeals	May 24, 2022
Evelyn Padin	District of NJ	May 25, 2022
Charlotte N. Sweeney	District of CO	May 25, 2022
Nina Morrison	Eastern District of NY	June 8, 2022
Robert Steven Huie	Southern District of CA	June 9, 2022

**Judicial Nominations:** Since May 15<sup>th</sup> the President has made the following judicial nomination [announcements](#):

Nominee	Judicial/District Court	Confirmation Date
Rachel S. Bloomekatz	6 <sup>th</sup> Circuit Court of Appeals	May 25, 2022
Florence Y. Pan	DC Circuit Court of Appeals	May 25, 2022
Doris L. Pryor	7 <sup>th</sup> Circuit Court of Appeals	May 25, 2022
Roopali H. Desai	9 <sup>th</sup> Circuit Court of Appeals	June 15, 2022
Dana M. Douglas	5 <sup>th</sup> Circuit Court of Appeals	June 15, 2022
Bradley N. Garcia	DC Circuit	June 15, 2022
María del R. Antongiorgi-Jordán	District of PR	June 15, 2022
Jerry W. Blackwell	District of MN	June 15, 2022
Gina R. Méndez-Miró	District of PR	June 15, 2022
Camille L. Vélez-Rivé	District of PR	June 15, 2022