



# Government Relations Update

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

July 2023

## Advocacy Update

FBA's advocacy in the past month has focused on the Fiscal Year 2024 appropriations process and the FBA Foundation Charter Amendments bill.

Within the appropriations process, FBA has focused on the overall funding level for the federal judiciary and on initial funding for implementation of the Daniel Anderl Judicial Security Act of 2022, which FBA members worked diligently to enact last year. Even in a difficult budget climate that has arisen in a time of substantial partisanship, FBA members should be pleased to know that the initial results on the House side have been fairly positive.

By way of context, in mid-June, the Republican-led House released topline numbers for the 12 spending bills, and with the exception of defense-related and homeland security spending, all the allocations, to a greater or lesser degree, are lower than FY 2023 enacted amounts.

## **Federal Judiciary Appropriations**

The FBA will continue to support fully funding the AO's request, as well as full funding for the Article I courts (Court of Appeals for the Armed Forces, Tax Court, and Veterans Court)

On June 22, the House Appropriations Subcommittee on Financial Services and General Government (FSGG) marked up its FY24 bill, which includes \$8.7 billion for the Judiciary, which is \$110.4 million above the FY23 enacted level, though less than the \$9.1 billion the President's Budget requested. The Senate followed suit on July 13, providing the full \$9.1 billion sought by the Judiciary. Of particular interest to the FBA and to judges, both bills stated under the Court Security allocation that these funds may be used "for purposes authorized by the Daniel Anderl Judicial Security and Privacy Act of 2022." A look at the budget request submitted by the judicial branch shows that within that \$782 million, there should be \$1.5 million available for Anderl Act activities that would enable federal judges and their families to remove personal information from the internet.

## **Department of Justice Appropriations – Daniel Anderl Act**

FBA has been tracking Department of Justice Appropriations because the Daniel Anderl Act authorized a new program for state and local grants as well as some funds for the Marshals Service.



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The House majority has proposed a 29% decrease in the overall allocation for the Commerce, Justice and Science (CJS) bill, which funds the Department of Justice. . Although the Senate Appropriations Committee provided a higher allocation overall for this bill, the Senate bill did not specifically allocate funds for Anderl Act implementation. We are still waiting to see details of the comparable House legislation.

It is important to note that the appropriations process involves multiple phases of negotiations, and the final numbers will be somewhere between the (lower) House and (higher) Senate allocations. Consequently, FBA advocacy in support of robust funding for Anderl Act implementation, as well as overall Judiciary funding, continues to be important.

As part of our appropriations advocacy, we asked House CSJ Appropriations Subcommittee Chairman Aderholt to make an inquiry of the Department of Justice about the agency's plans for Daniel Anderl Act implementation. He has not yet received a response from the Department of Justice's Office of Justice Programs, but FBA continues to be in touch with Rep. Aderholt's office to help ensure this important issue is not overlooked by the Department.

## **Legislative Update**

### **1. Article I Immigration Court Legislation**

Unfortunately, there is no progress to report at this time. Rep. Zoe Lofgren (D-CA) and Sen. Kirsten Gillibrand (D-NY) have not found Republican cosponsors yet, and they have not introduced their bills.

### **2. FY 2024 Appropriations for the Judiciary**

The Judicial Conference's March 2023 report recommends adding 2 seats to the 9th Circuit Court of Appeals, 66 new District Court judgeships, converting 7 temporary District Court judgeships to permanent, and extending 2 temporary District Court judgeships for 5 more years.

As of the date of this report, the House and Senate Members who sponsored bipartisan, bicameral legislation in the last Congress to add the federal district judgeships recommended by the Judicial Conference still have not reintroduced their bills, though a number of Members have introduced bills to add district court seats in their home states, including Colorado, Idaho and the Eastern District of California.

On June 8, five Republican Senators led by Dan Sullivan of Alaska introduced legislation to add the 66 district judgeships recommended by the Judicial Conference's March 2023 report, but that bill also would divide the 9th Circuit into two Circuits, a proposal which the FBA opposes.

### **3. Judgeships Legislation**

The search for a Senate Republican sponsor for the Foundation Charter Amendments bill continues. Stacy King and Dan Renberg met with a member of Senator John Kennedy's (R-LA) staff on June 30 as part of our continued efforts to have the legislation considered in the Senate.

## Judiciary Updates

Seventy-one of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are currently vacant. Twenty-three more judicial vacancies are expected through January of 2025, with one nominee named in advance.

### Current Article Vacancies – As of July 13, 2023

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

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	8	3
District Courts	60	24
U.S. Court of Federal Claims	1	1
U.S. Court of International Trade	2	2
<b>Total</b>	<b>71</b>	<b>30</b>

There are sixteen judicial vacancy emergencies, based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts, including one in the 5<sup>th</sup> Circuit.

**Judicial Confirmations:** The Senate has confirmed six nominees since June 14, 2023.

Nominee	Judicial/District Court	Nomination Date
Dale E. Ho	Southern District of NY	June 14, 2023
P. Casey Pitts	Northern District of CA	June 15, 2023
Nusrat Jahan Choudhury	Eastern District of NY	June 15, 2023
Julie Rikelman	1 <sup>st</sup> Circuit Court of Appeals	June 20, 2023
Natasha C. Merle	Eastern District of NY	June 21, 2023
Kymberly Kathryn Evanson	Western District of WA	July 11, 2023

**Judicial Nominations:** Since June 14, President Biden has [nominated](#) 5 candidates for judicial vacancies:

Nominee	Judicial/District Court	Nomination Date
Margaret Garnett	Southern District of NY	July 11, 2023
Brandy R. McMillion	Western District of LA	July 11, 2023
Karoline Mehalchick	Middle District of PA	July 11, 2023
Joseph Albert Laroski	Court of International Trade	July 11, 2023
Lisa W. Wang	Court of International Trade	July 11, 2023

