



Government Relations Update

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

August 2023

Advocacy Update

Since the House and Senate are in recess this month, the FBA is using the opportunity to engage in some grassroots advocacy with Members of Congress while they are in their home states and districts. Efforts are primarily focused on adding bipartisan cosponsors to S. 2694, the FBA Foundation Charter Amendments bill, which was introduced on July 27 with the bipartisan support of Senators John Kennedy (R-LA) and Sheldon Whitehouse (D-RI).

Federal Judiciary Appropriations

The FY 2024 Financial Services and General Government (FSGG) appropriations bill, approved by the House panel on July 13 (H.R. 4664), provides \$454 million less than the \$9.14 billion requested by the Judiciary. The Senate's version of the bill (S. 2309), also approved on July 13, would provide \$571 million less than the Judiciary's request. Both bills specifically noted that court security account funds may be used "for purposes authorized by the Daniel Anderl Judicial Security and Privacy Act of 2022."

On August 1, the Judicial Conference released a letter warning that these amounts would not provide adequate funding for the Judiciary and such significant shortfalls would have serious adverse impacts on both the federal courts and on the public.

The FBA will continue its advocacy in support of fully funding the AO's request, as well as full funding for the Article I courts (U.S. Court of Appeals for the Armed Forces, U.S. Tax Court, and U.S. Court of Appeals for Veterans Claims)

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. 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 total allocation for the CJS bill, it does not appear that either the House or Senate bill directs funding toward Anderl Act implementation. Nevertheless, we are continuing our advocacy in support of this funding.



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As we have noted before, the appropriations process involves multiple phases of negotiations, and the final numbers will be somewhere between the House and Senate allocations. Consequently, FBA advocacy in support of robust funding for Anderl Act implementation, as well as overall Judiciary funding, continues to be important.

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. Judgeships Legislation

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.

Judiciary Update

[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 more judicial vacancies are [expected](#) through January of 2025, with one nominee named in advance.

Current Article Vacancies – As of August 14, 2023

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

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	7	4
District Courts	61	23

U.S. Court of Federal Claims	1	1
U.S. Court of International Trade	2	2
Total	71	30

There are [eighteen 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 5th Circuit.

Judicial Confirmations: The Senate has [confirmed](#) three nominees since July 12, 2023.

Nominee	Judicial/District Court	Nomination Date
Myong J. Joun	District of MA	July 12, 2023
Tiffany M. Cartwright	Western District of WA	July 12, 2023
Rachel Bloomekatz	6 th Circuit Court of Appeals	July 18, 2023

Judicial Nominations: Since July 11, President Biden has [nominated](#) 3 candidates for judicial vacancies:

Nominee	Judicial/District Court	Nomination Date
Joshua Paul Kolar	7 th Circuit Court of Appeals	July 27, 2023
Eumi K. Lee	Northern District of CA	July 27, 2023
Richard E.N. Federico	10 th Circuit Court of Appeals	July 27, 2023