



Government Relations Update

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

November 2023

Advocacy Update

With strong encouragement and support from the FBA and outside counsel, Reps. Mikie Sherrill (D-NJ) and Fitzpatrick (R-PA) introduced a bipartisan amendment to the House Commerce-Justice-Science Appropriations bill that would provide \$1 million in initial funding for the grant program authorized by the Daniel Andler Judicial Privacy and Security Act. The amendment's cosponsors include Reps. Jackson Lee (D-TX), Williams (D-GA), Flood (R-NE), Armstrong (R-ND), Castro (D-TX), Allred (D-TX), Johnson (D-GA), Raskin (D-MD), and Crow (D-CO). FBA members and members of the Federal Judges Association mobilized to contact key House Members to urge their support for the amendment. The amendment was included in a tentative package of amendments deemed noncontroversial, which would have been considered en bloc and likely passed by voice vote on the House floor. However, before that package could be considered, the House failed to approve the "rule" for floor consideration of the entire Commerce-Justice-Science Appropriations bill, meaning that the body couldn't proceed to considering any amendments. Our hope is that after Thanksgiving, the new House Speaker, Mike Johnson (R-LA) can amass enough votes to proceed to consideration of the bill.

Since the October 18 Senate Judiciary Immigration, Citizenship, and Border Security Subcommittee hearing on the status of our immigration courts, FBA counsel and counsel for the National Association of Immigration Judges have renewed their engagement with staff in Senator Gillibrand's (D-NY) office, and have met with staff in Senator Murkowski's (R-AK) office, seeking to capitalize on the momentum for immigration courts reform generated by that hearing. We are continuing to try to build support for the Article I court proposal and to find Republican cosponsors in each Chamber.

Legislative Update



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1. Judgeships Legislation

The JUDGES Act, referenced above, introduced by Senators Todd Young (R-IN) and Chris Coons (D-DE), with cosponsors Alex Padilla (D-CA) and James Lankford (R-OK), would add 66 new federal district court seats as recommended in March by the Judicial Conference. FBA issued a statement strongly supporting the bill and urging Senate consideration of this legislation. Because of FBA members' first-hand knowledge of the need to relieve our overburdened courts, your advocacy in support of this bill is essential. FBA members have participated in a number of meetings seeking to build support for this legislation among Senators, and based on communications with Chairman Issa's staff, we are optimistic that Rep. Issa will introduce a House companion to the Senate bill next month.

2. Federal Judiciary and Justice Department Appropriations

Both the House and Senate have passed and President Biden has signed another Continuing Resolution (CR), which will expire for four of the 12 appropriations bills on January 19, 2024, and for the remaining eight on February 2, 2024. This new CR avoids a year-end omnibus spending bill and gives Congress more time to work toward agreements on each of the 12 bills. As this process plays out, the FBA will continue to advocate for fully funding the Judiciary's request for FY 2025, 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), and for directing specific funds for Anderl Act implementation.

As a reminder, 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. 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. However, on a positive note, both bills specifically provide that court security account funds may be used "for purposes authorized by the Daniel Anderl Judicial Security and Privacy Act of 2022."

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. 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. Although the Senate Appropriations Committee provided a higher



total allocation for the CJS, at this time neither bill provides specific funds for Anderl Act implementation.

Judiciary Update

[Sixty-four](#) of 890 active federal judicial positions, including the United States Court of Federal Claims and the United States territorial courts, are currently vacant. Thirty more judicial vacancies are [expected](#) through January of 2025, with four nominees named in advance.

Current Judicial Vacancies – As of November 16, 2023 [According to the Administrative Office of the U.S. Courts](#)

Court	Vacancies	Nominees Pending
U.S. Supreme Court	0	0
Courts of Appeal	6	4
District Courts	55	23
U.S. Court of Federal Claims	1	0
U.S. Court of International Trade	2	2
Total	64	29

There are [seventeen 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](#) nine nominees since October 16, 2023.



Nominee	Judicial District / Circuit	Confirmation Date
Jennifer L. Hall	District of DE	10/17/23
Julia Kathleen Munley	Middle District of PA	10/17/23
Matthew James Maddox	District of MD	10/31/23
Julia E. Kobick	District of MA	11/07/23
Kenly Kiya Kato	Central District of CA	11/07/23
Ramon Ernesto Reyes, Jr.	Eastern District of NY	11/08/23
Brandy R. McMillion	Eastern District of MI	11/09/23
Monica Ramirez Almadani	Central District of CA	11/09/23
Ana de Alba	9 th Circuit Court of Appeals	11/13/23

Judicial Nominations: Since October 16, President Biden has [nominated](#) 7 candidates for judicial vacancies:

Nominee	Judicial District / Circuit	Announcement Date
Sara E. Hill	Northern District of OK	10/24/23
John David Russell	Northern District of OK	10/24/23
Jacquelyn D. Austin	District of SC	11/06/23
Julie Simone Sneed	Middle District of FL	11/06/23
Jacqueline Becerra	Southern District of FL	11/06/23
Melissa Damian	Southern District of FL	11/06/23
David Seymour Leibowitz	Southern District of FL	11/06/23