



# Government Relations Update

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

March 2024

## Advocacy Update

After two years of advocacy, FBA had a major victory on March 11 when the President's Budget Request was released and included a Justice Department request for \$10 million for Fiscal Year 2025 to implement the DOJ state and local government grant program authorized by the Daniel Aderl Judicial Security and Privacy Act. DOJ had not previously expressly sought funds for Aderl Act implementation and FBA has worked alongside many judges to pursue this kind of tangible support. FBA members will be urging Congress to honor the DOJ request when we are lobbying on Capitol Hill Day.

The FY25 good news followed on the heels of another Aderl Act success in the context of FY24 Justice Department Appropriations legislation. On March 9, President Biden signed legislation comprising six of the twelve spending bills for Fiscal Year 2024, including the Commerce, Justice & Science (CJS) bill, which funds the Department of Justice. FBA, with members of the Federal Judges Association, have pressed hard for Congress to provide specific support for the implementation of the Daniel Aderl Judicial Security and Privacy Act, and were encouraged to see that House and Senate negotiators did include, in the Statement of Managers, language directing DOJ to start implementing the state and local grant program authorized by the Act during this fiscal year:

"Daniel Aderl Act.-The agreement directs OJP to begin the implementation of the grant program described in section 5934( c) of the Daniel Aderl Judicial Security and Privacy Act of 2022 (Public Law 117-263). The agreement further directs OJP to submit a report, within 180 days of the enactment of this act, on its progress in implementing this program."

Essentially, Congress is telling DOJ to use existing resources to begin developing the grant program and to submit to Congress a report on the progress of implementation six months from enactment of the CJS bill.

The Explanatory Statement accompanying the CJS bill also includes the below language in the U.S. Marshals' section:

"Judicial Security and Protective Operations.-The agreement acknowledges USMS' important responsibility to protect the life and safety of Federal judges, their families, and Federal 39 judiciary employees. The agreement directs the USMS to fully enforce all applicable laws to provide for the appropriate protection of the Federal judiciary. Within the funds provided, the agreement expects the USMS to dedicate the requisite resources for this protection mission. The agreement further supports USMS implementation of its responsibilities described in section 5936(b) of the Daniel Aderl Judicial Security and Privacy Act of 2022 (Public Law 117-263 ), within funds provided."

The Financial Services and General Government (FSGG) bill, which funds the federal Judiciary, is expected in the next package of spending bills for which the current deadline is March 22. We are monitoring the negotiations to confirm that the language in the final bill includes the language FBA's and FJA's efforts produced in both the House and Senate FSGG bills, which states that Court Security Account funds may be used "for purposes authorized by the Daniel Aderl Judicial Security and Privacy Act of 2022."

As adequate funding for the federal courts is of the FBA's top priorities, the FBA will continue to advocate for fully funding the Judiciary's request for FY 2024 and FY 2025, including probation and pretrial services, 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).

In the next update, we will recap the FBA's activities during Capitol Hill Day 2024, scheduled for March 21. We are looking forward to an inspiring start to the day with remarks at the kickoff breakfast from Rep. Darrell Issa, (R-CA), Chair of the House Judiciary Subcommittee on Courts, Intellectual Property & the Internet.

## **Legislative Update**

### **Judgeships Legislation**

On March 8, Rep. Issa and Rep. Hank Johnson (D-GA) introduced the bipartisan Federal Judgeship Act of 2024 ([H.R. 7597](#)), which would add 66 federal district court seats, plus two 9th Circuit seats, as recommended by the Judicial Conference in March of 2023. Similar to the plan set forth in the JUDGES Act ([S. 2759](#)) pending in the Senate, the seats would be added in the future, but the timing would be slightly different. The Senate bill would add half the new seats in 2025 and half in 2029. The House bill would add the seats in four roughly equal groups, in 2025, 2027, 2029, and 2031. The FBA does not take a position on which manner of implementation is preferred, but urges Members of Congress to work together toward a solution that addresses the needs identified by the Judicial Conference.

### **Independent Immigration Court**

We expect Rep. Zoe Lofgren (D-CA) to re-introduce the Real Courts, Rule of Law Act before the end of the month, and we hope this step will prompt the introduction of a Senate companion bill soon, as well. The Real Courts, Rule of Law Act would use Congress' Article I power to establish independent immigration courts, as Congress did in creating the U.S. Tax Court and the U.S. Court of Veterans Appeals. FBA members will seek to build support for Rep. Lofgren's bill and build awareness of an anticipated Senate bill as part of their Capitol Hill Day advocacy.

## **Judiciary Update**

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

**Current Judicial Vacancies – As of March 18, 2024**  
According to the Administrative Office of the U.S. Courts

Court	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	3	3
District Courts	46	13
US Court of Federal Claims	1	1
US Ct of International Trade	0	0
<b>Total</b>	<b>50</b>	<b>17</b>

There are [fifteen judicial vacancy emergencies](#), based on caseload and/or the length of the vacancy, according to the Administrative Office of the U.S. Courts.

**Judicial Confirmations:** The Senate has [confirmed](#) eight nominees since February 15, 2024.

Nominee	Judicial/District Court	Confirmation Date
Jacqueline Becerra	Southern District of Florida	February 27, 2024
David Seymour Leibowitz	Southern District of Florida	February 27, 2024
Julie Simone Sneed	Middle District of Florida	February 28, 2024
Melissa Damian	Southern District of Florida	February 28, 2024
Kelly Harrison Rankin	District of Wyoming	March 7, 2024
Melissa R. DuBose	District of Rhode Island	March 12, 2024
Jasmine Hyejung Yoon	Western District of Virginia	March 12, 2024
Sunil R. Harjani	Northern District of Illinois	March 12, 2024

**Judicial Nominations:** Since February 15, 2024, President Biden has [nominated](#) 1 candidate for a judicial vacancy:

Nominee	Judicial/District Court	Announcement Date
Sparkle L. Sooknanan	District of DC	February 27, 2024