



Federal Bar Association

GOVERNMENT RELATIONS UPDATE

The Latest on Public Policy and Advocacy Developments

NOVEMBER 2024

ADVOCACY UPDATE

Congress returned from recess on November 12 with five weeks of legislative session remaining in the 118th Congress. The highest FBA priority that is occupying the time of the FBA Government Relations Committee and members in key districts is getting the House to approve the Senate-passed JUDGES Act. We continue to work with the bill's lead sponsors to build support among House Members for passage of this legislation by the end of the year. President Glen McMurry wrote House and Senate leadership to urge enactment of this legislation, and FBA members and outside Government Relations counsel have contacted over 150 House Members from both parties to urge support. Despite the bill's having passed the Senate this summer by unanimous consent, it is hitting a rougher patch in the House presently. We are concerned that efforts by the sponsors to utilize expedited House floor procedures (which require a 2/3 majority and thus must be truly bipartisan) might not bear fruit given some concerns expressed on Nov. 12 by House Judiciary Committee Ranking Member Jerry Nadler, who told Bloomberg that the bill merits additional reflection now that the election has occurred. (Earlier in this Congress, some Republicans had some concerns about moving the bill but now we are hearing more misgivings on the Democratic side.) Accordingly, the House Republican majority is likely to pivot to trying to bring the bill to the floor next week or in early December under the regular process that requires a simple majority.

We also are making targeted contacts with key Members to secure Senate passage of the Charter Amendments Act ([S. 2694](#)) and, if we are successful, we will be working to expedite the bill's subsequent approval by the House.

LEGISLATIVE UPDATE

Appropriations for the Judiciary

The current Continuing Resolution expires on December 20, 2024. At this time, it is unclear whether Congress will pass some or all of the 12 Fiscal Year 2025 appropriations bills before that date. It is possible Congress will extend the time for appropriations negotiations into March of 2025 via another Continuing Resolution. Eyes are on President-elect Trump for a signal to House Speaker Mike Jordan as to whether Trump prefers that the FY 2025 appropriations legislation be finalized before or after his administration gets underway on January 20, 2025.

As a reminder, Continuing Resolutions typically do not provide for spending on new programs, and the current Continuing Resolution unfortunately does not authorize initial implementation of the Daniel Aderl Judicial Security Act program for state and local government grants.

Independent Immigration Court

There are no developments to report at this time regarding the Real Courts, Rule of Law Act ([H.R. 7724](#)).

JUDICIARY UPDATE

[Forty-five](#) 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 November 2025, with eleven nominees named in advance.

Current Judicial Vacancies as of Nov. 15, 2024

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

	Vacancies	Nominees Pending
Supreme Court	0	0
Courts of Appeal	2	2
District Courts	43	13
US Court of Federal Claims	0	0
US Court of International Trade	0	0
Total	44	15

There are [twenty-two 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](#) two nominees since Sept. 25, 2024.

Nominee	Judicial District/Circuit	Confirmation Date
April M. Perry	Northern District of Illinois	Nov. 12, 2024
Jonathan E. Hawley	Central District of Illinois	Nov. 13, 2024

Judicial Nominations: Since Sept. 10, 2024, President Biden has [nominated](#) 0 candidates for judicial vacancies.