



**Congressional
Research Service**

Informing the legislative debate since 1914

Judiciary Appropriations, FY2024

May 29, 2024

Congressional Research Service

<https://crsreports.congress.gov>

R48077



R48077

May 29, 2024

Barry J. McMillion
Analyst in American
National Government

Judiciary Appropriations, FY2024

Funds for the judicial branch are included annually in the Financial Services and General Government (FSGG) appropriations bill. The bill provides funding for the U.S. Supreme Court; the U.S. Court of Appeals for the Federal Circuit; the U.S. Court of International Trade; U.S. courts of appeals and district courts; the Administrative Office of the U.S. Courts; the Federal Judicial Center; the U.S. Sentencing Commission; the federal defender organizations that provide legal representation to defendants financially unable to retain counsel in federal criminal proceedings; security and protective services for courthouses, judicial officers, and judicial employees; and fees and allowances paid to jurors.

The federal judiciary's FY2024 budget request was submitted to Congress on March 9, 2023. By law, the President includes without change the judiciary's appropriations request in the annual budget submission to Congress. The judiciary requested \$9.14 billion in discretionary funds for FY2024, an 8.0% increase over the FY2023 enacted level of \$8.46 billion in such funds. The judiciary updated its FY2024 request to Congress on November 8, 2023. The revised request was for \$8.95 billion in discretionary funds, a 5.8% increase over the FY2023 enacted level. The FY2024 amounts reported and discussed throughout this report reflect the reestimated discretionary funding request submitted by the judiciary on November 8, 2023.

The judiciary's FY2024 budget request also included \$796.1 million in mandatory funds to pay the salaries and benefits of certain types of federal judges and to provide for judicial retirement accounts (this amount was not affected by the updated discretionary funding request submitted in November 2023).

The House Appropriations Committee held a markup (H.R. 4664) on July 13, 2023, and recommended the judiciary receive \$8.68 billion in discretionary funds.

The Senate Appropriations Committee held a markup (S. 2443) on July 13, 2023, and recommended the judiciary receive \$8.57 billion in discretionary funds.

The FSGG appropriations bill was not enacted prior to the beginning of FY2024 on October 1, 2023. Subsequently, the judiciary was funded through November 17, 2023, by the FY2024 Continuing Appropriations and Other Extensions Act (P.L. 118-15). The judiciary was additionally funded through February 2, 2024, by the FY2024 Further Continuing Appropriations and Other Extensions Act (P.L. 118-22), through March 8, 2024, by the FY2024 Further Additional Continuing Appropriations and Other Extensions Act (P.L. 118-35), and through March 22, 2024, by the FY2024 Extension of Continuing Appropriations and Other Matters Act (P.L. 118-40).

Regular appropriations for FY2024 were enacted by the FY2024 Further Consolidated Appropriations Act (P.L. 118-47, March 23, 2024).

In recent years, appropriations for the judiciary have comprised 0.1% to 0.2% of the federal government's total budget authority.

Contents

| | |
|--|----|
| Introduction | 1 |
| Congressional Consideration of the Judiciary’s FY2024 Budget Request: Overview of Actions | 1 |
| Submission of FY2024 Budget Request | 1 |
| House Appropriations Subcommittee on Financial Services and General Government Markup | 2 |
| House Appropriations Committee Markup | 2 |
| Senate Appropriations Committee Markup | 3 |
| Submission of Updated FY2024 Budget Request | 4 |
| Enactment of Continuing Appropriations | 4 |
| Enactment of FY2024 Regular Appropriations for the Judiciary | 4 |
| The Judiciary’s FY2024 Budget Request | 4 |
| Discretionary Appropriations | 4 |
| Percentage of Judiciary’s FY2024 Request Enacted by Congress | 5 |
| Three Largest Discretionary Accounts for FY2024 | 7 |
| Three Largest Percentage Increases from FY2023 Enacted Amounts | 8 |
| Comparison to Requested Amounts for FY2024 | 8 |
| Comparison to Enacted Amounts for FY2024 | 8 |
| Use of Nonappropriated Funds | 8 |
| Mandatory Appropriations | 9 |
| Administrative Provisions | 10 |
| Courts, Programs, and Other Items Funded by the Judiciary Budget | 10 |
| U.S. Supreme Court | 10 |
| U.S. Courts of Appeals | 11 |
| U.S. Court of Appeals for the Federal Circuit | 11 |
| U.S. Court of International Trade | 12 |
| U.S. District Courts (Including Territorial Courts) | 12 |
| U.S. Magistrate Judges | 13 |
| U.S. Bankruptcy Courts | 14 |
| U.S. Court of Federal Claims | 14 |
| Pretrial Services and Probation | 14 |
| Defender Services | 15 |
| Court Security | 16 |
| Fees of Jurors and Commissioners | 16 |
| Vaccine Injury Compensation Trust Fund | 17 |
| Administrative Office of the U.S. Courts | 18 |
| Federal Judicial Center | 18 |
| United States Sentencing Commission | 18 |
| Federal Courts Not Funded by the Judiciary Budget | 19 |

Figures

| | |
|--|---|
| Figure 1. Discretionary Appropriations Enacted for the Federal Judiciary | 6 |
| Figure 2. Enacted Discretionary Appropriations, Percentage by Account | 7 |

Tables

| | |
|--|---|
| Table 1. Judiciary Discretionary Appropriations, FY2023-FY2024 | 5 |
| Table 2. Judiciary Mandatory Funding, FY2023-FY2024 | 9 |

Contacts

| | |
|-------------------------|----|
| Author Information..... | 19 |
|-------------------------|----|

Introduction

This report provides an overview of the federal judiciary’s FY2024 budget request, as well as information about Congress’s consideration of the request.

The first section of the report provides information about each major action involving congressional consideration of the judiciary’s FY2024 budget request

The second section of the report provides information about the specific discretionary appropriations requested by the judiciary for FY2024, as well as information about the mandatory appropriations and administrative provisions included in the appropriations process.

The third section provides information about the various courts, judicial entities, and judicial services covered by appropriations for the judiciary. The report also identifies some of the courts and judicial services that are not covered by such appropriations (but which are covered by other appropriations bills).

Finally, the report provides information about some of the policy issues affecting the judiciary during FY2024.

Congressional Consideration of the Judiciary’s FY2024 Budget Request: Overview of Actions

This section provides a chronological overview of the major actions involving the submission of the federal judiciary’s FY2024 budget request and congressional consideration of the judiciary’s request.

Submission of FY2024 Budget Request

The President’s FY2024 budget request was submitted on March 9, 2023. It included \$9.14 billion in discretionary funds for judicial branch activities and \$796.1 million in mandatory funding for judges’ salaries and judicial retirement accounts.¹ By law, the judicial branch appropriations request is submitted to the President and included in the budget submission without change.²

In recent years, appropriations for the judiciary have comprised 0.1% to 0.2% of the federal government’s total budget authority.³

¹ Office of Management and Budget, *Budget of the U.S. Government, Fiscal Year 2024, Appendix*, “Detailed Budget Estimates by Agency,” Judicial Branch, https://www.whitehouse.gov/wp-content/uploads/2023/03/jud_fy2024.pdf. The distinction between discretionary and mandatory appropriations is discussed further in the text of this report.

² Pursuant to 31 U.S.C. §1105, “Estimated expenditures and proposed appropriations for the legislative branch and the judicial branch to be included in each budget ... shall be submitted to the President ... and included in the budget by the President without change.” Furthermore, Division C of the FY2012 Consolidated Appropriations Act (P.L. 112-74) added language to 31 U.S.C. §1107 relating to budget amendments, stating: “The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.”

³ Calculations by CRS with data from Office of Management and Budget, *Historical Tables*, Table 5.2—Budget Authority By Agency: 1976–2028, <https://www.whitehouse.gov/omb/budget/historical-tables>.

House Appropriations Subcommittee on Financial Services and General Government Markup

On June 22, 2023, the House Appropriations Subcommittee on Financial Services and General Government held a markup of the FY2024 Financial Services and General Government (FSGG) bill. The subcommittee, by voice vote, recommended a total of \$8.68 billion in discretionary funds for the judiciary.

House Appropriations Committee Markup

On July 13, 2023, the House Appropriations Committee held a markup of the FY2024 FSGG bill.⁴ The committee recommended \$8.68 billion in discretionary funds for the judiciary.⁵

The \$8.68 billion in discretionary funding recommended for the judiciary represents 34.3% of the total \$25.32 billion in discretionary funding included in the FSGG appropriations bill reported by the committee (which also funds such entities as the Department of the Treasury, the Executive Office of the President, the Consumer Product Safety Commission, the Federal Trade Commission, the Securities and Exchange Commission, and the Small Business Administration).

The FY2024 FSGG bill was ordered reported by a roll call vote of 34-26 (H.R. 4664, H.Rept. 118-145).

No hearings were held by either the House FSGG subcommittee or the House Appropriations Committee on the judiciary's FY2024 budget request. Additionally, no amendments related to the judiciary were offered during the committee markup.

The report accompanying the House committee's markup addressed several issues of interest to the committee. Specifically, the committee's report, in part

- expressed that the committee “looks forward” to receiving a GAO review of workplace misconduct in the federal judiciary, as well as recommendations related to fostering a better workplace environment for judicial employees;⁶
- expressed its expectation that the judiciary and Federal Judicial Center “provide regular and appropriate access to all necessary information requested by GAO and the National Academy of Public Administration so that their work can be completed in a timely manner”;⁷
- recognized the importance of national security considerations in the review of bankruptcy and investment transactions, and directed the Federal Judicial Center to brief the committee on its plan to incorporate national security considerations into bankruptcy judge educational activities;⁸ and
- encouraged the Federal Judicial Center to educate judges “on the rise in third-party funded patent litigation and the importance of ensuring that there is

⁴ U.S. Congress, House Appropriations Committee, “Committee Approves FY24 Financial Services and General Government Bill,” press release, July 13, 2023, <https://appropriations.house.gov/news/press-releases/committee-approves-fy24-financial-services-and-general-government-bill>.

⁵ This amount does not include mandatory funds for salaries and benefits of certain types of judgeships. See **Table 2** and accompanying text for additional information.

⁶ U.S. Congress, House Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2024*, report to accompany H.R. 4664, 118th Cong., 1st sess., July 17, 2023, H.Rept. 118-145, p. 34.

⁷ *Ibid.*

⁸ *Ibid.*

disclosure of interested parties including all beneficial owners and investors involved in litigation.”⁹

Senate Appropriations Committee Markup

On July 13, 2023, the Senate Appropriations Committee held a markup of the FY2024 FSGG bill.¹⁰ The committee recommended \$8.57 billion in discretionary funds for the judiciary.¹¹

The \$8.57 billion in discretionary funding recommended for the judiciary represents 21.9% of the total \$39.11 billion in discretionary funding included in the FSGG appropriations bill reported by the committee.

The FY2024 FSGG bill was ordered reported by a roll call vote of 29-0 (S. 2309, S.Rept. 118-61).

No hearings were held by either the Senate FSGG subcommittee or the Senate Appropriations Committee on the judiciary’s FY2024 budget request. Additionally, no amendments related to the judiciary were offered during the committee markup.

The report accompanying the Senate committee’s markup addressed several issues of interest to the committee. Specifically, the committee’s report, in part

- recognized the importance of the judiciary’s need to improve cybersecurity and modernize information technology;¹²
- stated that the judiciary “should continue collaborating with GAO and other stakeholders on various workplace studies” and expressed its expectation that the Administrative Office of the U.S. Courts and Federal Judicial Center “be responsive to requests for information from GAO and the National Academy of Public Administration and to provide access to necessary data requested in order for their reviews to be completed in a timely manner”;¹³
- urged the Administrative Office of U.S. Courts to ensure that sufficient resources are available to staff so that judges’ financial disclosure reports can be reviewed and certified, as well as posted online, in a timely manner;¹⁴ and
- expressed its concern that the judiciary’s “method of providing recommendations for filling or leaving open potential judicial vacancies can discriminate against courts located in more rural, geographically vast areas” and encouraged the judiciary to consider “other factors—such as geography, demographics, and other mitigating factors” when it makes recommendations on whether to fill certain judgeships.¹⁵

⁹ Ibid.

¹⁰ U.S. Congress, House Appropriations Committee, “Committee Approves FY24 Financial Services and General Government Bill,” press release, July 13, 2023, <https://appropriations.house.gov/news/press-releases/committee-approves-fy24-financial-services-and-general-government-bill>.

¹¹ This amount does not include mandatory funds for salaries and benefits of certain types of judgeships. See **Table 2** and accompanying text for additional information.

¹² U.S. Congress, Senate Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2024*, report to accompany S. 2309, 118th Cong., 1st sess., July 13, 2023, S.Rept. 118-61, p. 46.

¹³ Ibid., p. 49.

¹⁴ Ibid., p. 50.

¹⁵ Ibid., p.50.

Submission of Updated FY2024 Budget Request

On November 8, 2023, the judiciary submitted a revised FY2024 budget request to Congress.¹⁶ The revised request for \$8.95 billion in discretionary funds was approximately \$184 million less than the judiciary’s initial FY2024 budget request of \$9.14 billion. The revised request represented a 5.8% increase from the amount enacted in FY2023 and reflected savings from scaled-back hiring and investments that offset the judiciary’s FY2024 needs.¹⁷

The FY2024 amounts discussed in the sections below are the reestimated amounts included in the judiciary’s revised request for \$8.95 billion in discretionary funds.

Enactment of Continuing Appropriations

Final enactment of the judiciary’s budget did not occur prior to the beginning of FY2024 on October 1, 2023. Consequently, the judiciary was funded through November 17, 2023, by the FY2024 Continuing Appropriations and Other Extensions Act (P.L. 118-15, September 30, 2023).

Congress enacted three additional stopgap funding measures prior to the enactment of FY2024 regular appropriations for the federal judiciary. These included

- the FY2024 Further Continuing Appropriations and Other Extensions Act (P.L. 118-22, November 16, 2023), which extended funding through February 2, 2024;
- the FY2024 Further Additional Continuing Appropriations and Other Extensions Act (P.L. 118-35, January 19, 2024), which extended funding through March 8, 2024; and
- the FY2024 Extension of Continuing Appropriations and Other Matters Act (P.L. 118-40, March 1, 2024), which extended funding through March 22, 2024.

Enactment of FY2024 Regular Appropriations for the Judiciary

Enactment of the judiciary’s budget for FY2024 was included in the FY2024 Further Consolidated Appropriations Act.¹⁸ The total amount in discretionary funds appropriated for the judiciary was \$7.99 billion, while the amount in mandatory funds provided for the judiciary was \$761.3 million. The act passed the House on March 22, 2024, and passed the Senate on March 23, 2024. It was signed by the President on March 23, 2024.

The Judiciary’s FY2024 Budget Request

Discretionary Appropriations

The judiciary’s FY2024 discretionary budget request totaled \$8.95 billion and represented a 5.8% increase from the \$8.46 billion in discretionary appropriations enacted by Congress for FY2023.

Table 1 lists, for each account included in the judiciary’s discretionary budget, (1) the amount enacted by Congress for FY2023, (2) the judiciary’s FY2024 request, (3) the FY2024 amount

¹⁶ “Judicial Branch Updates FY 2024 Funding Request, But Remains Concerned About Budget Shortfall,” Administrative Office of U.S. Courts, December 1, 2023, <https://www.uscourts.gov/news/2023/12/01/judicial-branch-updates-fy-2024-funding-request-remains-concerned-about-budget>.

¹⁷ Ibid.

¹⁸ P.L. 118-47 (March 23, 2024).

from the House Appropriations Committee markup, (4) the FY2024 amount from the Senate Appropriations Committee markup, and (5) the FY2024 enacted amount.

Table I. Judiciary Discretionary Appropriations, FY2023-FY2024
(in millions of dollars)

| | FY2023 Enacted | FY2024 Requested | FY2024 House Comm. Markup | FY2024 Senate Comm. Markup | FY2024 Enacted |
|--|---------------------------|-----------------------------|--------------------------------------|---------------------------------------|---------------------------|
| Supreme Court (total) | \$138.8 | \$161.3 | \$144.6 | \$140.1 | \$150.0 |
| <i>Salaries and Expenses</i> | \$109.6 | \$140.6 | \$124.2 | \$119.4 | \$129.3 |
| <i>Building and Grounds</i> | \$29.3 | \$20.7 | \$20.4 | \$20.7 | \$20.7 |
| U.S. Court of Appeals for the Federal Circuit | \$36.7 | \$39.7 | \$39.0 | \$36.7 | \$36.7 |
| U.S. Court of International Trade | \$21.3 | \$22.4 | \$22.1 | \$21.3 | \$21.3 |
| Courts of Appeals, District Courts, and Other Judicial Services (total) | \$8,106.1 | \$8,567.7 | \$8,314.7 | \$8,211.1 | \$8,264.1 |
| <i>Salaries and Expenses</i> | \$5,905.1 | \$6,217.3 | \$6,051.0 | \$6,010.1 | \$5,995.1 |
| <i>Defender Services</i> | \$1,382.7 | \$1,505.8 | \$1,411.1 | \$1,382.7 | \$1,450.7 |
| <i>Court Security</i> | \$750.2 | \$783.2 | \$782.7 | \$750.2 | \$750.2 |
| <i>Fees of Jurors and Commissioners</i> | \$58.2 | \$50.6 | \$59.9 | \$58.2 | \$58.4 |
| <i>Vaccine Injury Comp. Trust Fund</i> | \$10.0 | \$10.9 | \$10.0 | \$10.0 | \$10.0 |
| Administrative Office of the U.S. Courts | \$102.7 | \$105.5 | \$107.3 | \$102.7 | \$102.7 |
| Federal Judicial Center | \$34.3 | \$35.1 | \$34.2 | \$34.3 | \$34.3 |
| U.S. Sentencing Commission | \$21.7 | \$23.2 | \$22.5 | \$21.6 | \$21.6 |
| TOTAL (Judiciary) | \$8,461.5 | \$8,954.9 | \$8,684.4 | \$8,567.8 | \$8,630.7 |

Sources: Congressional Research Service examination of data from (1) FY2023 Consolidated Appropriations Act (P.L. 117-328); (2) Enclosure 1 of Judicial Conference letter to Reps. Kay Granger, Steve Womack, Rosa DeLauro, and Steny Hoyer, November 8, 2023; (3) H.R. 4664; (4) S. 2309; and (5) Further Consolidated Appropriations Act, 2024 (P.L. 118-47).

Notes: All figures are rounded, and column sums may not equal the total due to rounding. The FY2024 requested amounts reported in **Table I** reflect the amounts included in the judiciary's reestimated discretionary funding request submitted on November 8, 2023.

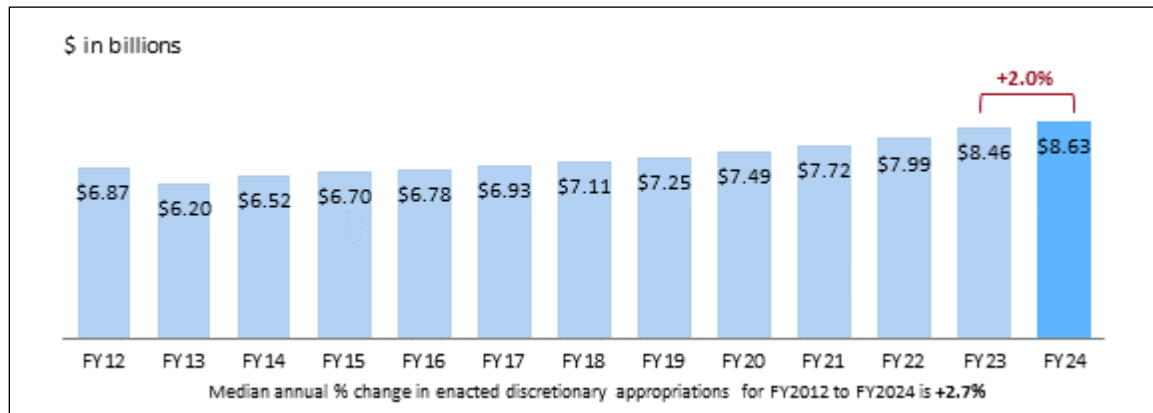
Percentage of Judiciary's FY2024 Request Enacted by Congress

Overall, Congress enacted \$8.63 billion, or 96.4%, of the judiciary's FY2024 discretionary budget request of \$8.95 billion.¹⁹ As shown by **Figure 1**, the enacted amount for FY2024

¹⁹ This was a decrease from the percentage of the judiciary's budget request that Congress enacted for FY2023, when Congress enacted \$8.46 billion, or 97.9%, of the judiciary's FY2023 budget request of \$8.64 billion.

represents approximately a 2.0% increase over the regular appropriations amount enacted by Congress for FY2023. As shown by the figure, the 2.0% increase was less than the median annual percentage change in enacted discretionary appropriations from FY2012 to FY2023 (which was an increase of 2.7%).²⁰

Figure 1. Discretionary Appropriations Enacted for the Federal Judiciary
(FY2012 to FY2024)



Source: Congressional Research Service compilation of data provided by the Administrative Office of the U.S. Courts.

Notes: The amounts reported in the figure do not include any supplemental appropriations for the judiciary that may have been enacted during a fiscal year.

The enacted FY2024 amount for 8 of the 12 accounts was, in each case, at least 95% of the judiciary’s FY2024 request for that account.²¹ For example, for the *U.S. Court of International Trade* account, Congress provided \$21.3 million—representing 95.1% of the judiciary’s FY2024 request of \$22.4 million.

Altogether, for 10 accounts, Congress appropriated less than the amount requested by the judiciary in its FY2024 budget request.²² For one account, Congress passed the same amount as

²⁰ The amounts included in **Figure 1** do not include supplemental appropriations provided to the judiciary by Congress. For example, the amount reported for FY2020 does not include supplemental appropriations provided to assist the judiciary in responding to Coronavirus Disease 2019 (COVID-19). On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) to address the nationwide impact of COVID-19. The act, in part, provided \$7.5 million in funding for the federal judiciary to respond to the pandemic. Specifically, the CARES Act made appropriations to the federal judiciary “to prevent, prepare for, and respond to coronavirus, domestically or internationally.” By law, Congress designated such appropriations to be for an emergency requirement. Three judiciary accounts received funds under the act: the *Supreme Court of the United States—Salaries and Expenses* account (\$500,000); the *Courts of Appeals, District Courts, And Other Judicial Services—Salaries and Expenses* account (\$6 million); and the *Defender Services* account (\$1 million).

²¹ The four accounts for which Congress appropriated less than 95% of the amounts included in the judiciary’s FY2024 request were the *Supreme Court—Salaries and Expenses*, *U.S. Court of Appeals for the Federal Circuit*, *Vaccine Injury Compensation Trust Fund*, and *U.S. Sentencing Commission* accounts. For these accounts, Congress enacted 92.0%, 92.4%, 91.7%, and 93.1%, respectively, of the judiciary’s FY2024 request.

²² In addition to the four accounts identified in the footnote above, the six accounts for which Congress enacted less than the amounts included in judiciary’s FY2024 request were the *U.S. Court of International Trade*; *Courts of Appeals, District Courts, and Other Judicial Services—Salaries and Expenses*; *Defender Services*; *Court Security*; *Administrative Office of U.S. Courts*; and the *Federal Judicial Center* accounts. For these accounts, Congress enacted 95.1%, 96.4%, 96.3%, 95.8%, 97.3%, and 97.7%, respectively, of the judiciary’s FY2024 request.

requested by the judiciary.²³ For another account, Congress appropriated more than the amount requested by the judiciary for FY2024.²⁴

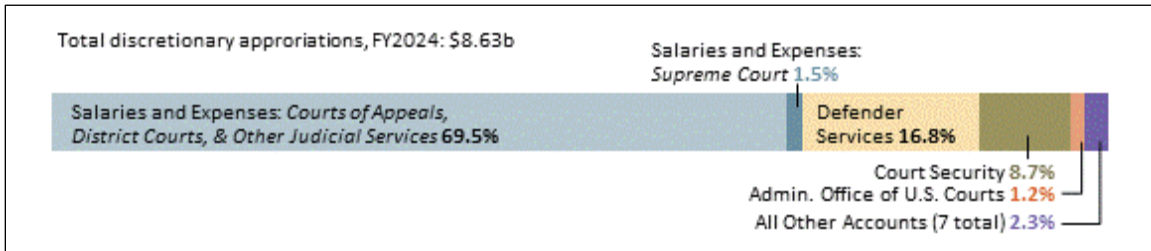
The federal courts, judicial entities, and judicial programs funded by the various accounts listed in **Table 1** are discussed below in greater detail in the section of the report titled “Courts, Programs, and Other Items Funded by the Judiciary Budget.”

Three Largest Discretionary Accounts for FY2024

Of the judiciary’s FY2024 request for \$8.95 billion in discretionary funds (see the second column in **Table 1**), the greatest percentage was for the *Salaries and Expenses—Courts of Appeals, District Courts, and Other Judicial Services* account—representing 69.4% of the request. The second-greatest percentage was for the *Defender Services* account, representing 16.8% of the total discretionary request. The third-greatest percentage was for the *Court Security* account, representing 8.7% of the request.²⁵ The remaining 5.0% of the FY2024 discretionary request was for the other accounts listed in the table.²⁶

Figure 2 shows, for the total appropriation amount enacted by Congress for FY2024, the percentage breakdown of the total by the enacted amounts for the 12 judiciary accounts listed in **Table 1**. The percentage breakdown of the enacted amounts for each account tracked closely to the breakdown of the judiciary’s request (described in the paragraph above).

Figure 2. Enacted Discretionary Appropriations, Percentage by Account (FY2024)



Source: Congressional Research Service compilation of data provided by the Administrative Office of the U.S. Courts.

Of the \$8.63 billion enacted by Congress for the judiciary’s FY2024 budget, the greatest percentage was for the *Salaries and Expenses—Courts of Appeals, District Courts, and Other Judicial Services* account (see the final column in **Table 1**)—representing 69.5% of the enacted amount. The second-greatest percentage was for the *Defender Services* account, representing 16.8% of the total enacted amount. The third-greatest percentage was for the *Court Security* account, representing 8.7% of the enacted amount.²⁷ The amounts appropriated for the *Salaries*

²³ Congress enacted the full amount requested by the judiciary for the *Supreme Court—Buildings and Grounds* account.

²⁴ Congress enacted more than the amount requested by the judiciary for the *Fees of Jurors and Commissioners* account.

²⁵ Altogether, these three accounts represented 95.0% of the judiciary’s discretionary budget request for FY2024.

²⁶ The remaining nine accounts are listed here in descending order from the greatest percentage to smallest percentage of the judiciary’s FY2024 discretionary budget request: *Supreme Court—Salaries and Expenses* (1.6%); *Administrative Office of the U.S. Courts* (1.2%); *Fees of Jurors and Commissioners* (0.6%); *U.S. Court of Appeals for the Federal Circuit* (0.4%); *Federal Judicial Center* (0.4%); *U.S. Court of International Trade* (0.3%); *U.S. Sentencing Commission* (0.3%); *Supreme Court—Building and Grounds* (0.2%); and the *Vaccine Injury Trust Fund* (0.1%).

²⁷ Altogether, these three accounts represent 95.0% of the judiciary’s enacted FY2024 budget.

and Expenses—Supreme Court and Administrative Office of the U.S. Courts accounts represent 1.5% and 1.2%, respectively, of the total enacted amount of FY2024 discretionary appropriations for the judiciary. The remaining 2.3% of the FY2024 enacted amount was for the other seven accounts listed in the table.²⁸

Three Largest Percentage Increases from FY2023 Enacted Amounts

Comparison to Requested Amounts for FY2024

Of the accounts listed in **Table 1**, the largest percentage increase between the amount enacted in FY2023 and the amount requested by the judiciary for FY2024 was for the *Supreme Court—Salaries and Expenses* account—a 28.3% increase. The next-greatest percentage increase was for the *Vaccine Injury Compensation Trust Fund* account, a 9.2% increase, followed by the increase for the *Defender Services* account, an 8.9% increase.²⁹

Comparison to Enacted Amounts for FY2024

Of the accounts listed in **Table 1**, the largest percentage increase between the amount enacted in FY2023 and the amount enacted by Congress for FY2024 was for the *Supreme Court—Salaries and Expenses* account, an increase of 18.0%. The second-greatest percentage increase was for the *Defender Services* account—a 4.9% increase from the FY2023 enacted amount. The third greatest increase was for the *Courts of Appeals, District Courts, and Other Judicial Services—Salaries and Expenses* account, a 1.5% increase.³⁰

Two of the three accounts with the greatest percentage increases between the FY2023 enacted amount and the amount *requested* by the judiciary for FY2024 were also among the three accounts with the greatest percentage increases between the FY2023 enacted amount and amount *enacted* by Congress in FY2024 (the *Supreme Court—Salaries and Expenses* and *Defender Services* accounts).

Use of Nonappropriated Funds

The judiciary also uses nonappropriated funds to help offset its funding requirements. The majority of these nonappropriated funds are from the collection of fees, primarily court filing fees and fees associated with obtaining case and docket information online from various federal courts.³¹ These monies are used to offset expenses that would otherwise be covered by the

²⁸ The remaining seven accounts are listed in descending order from the greatest percentage to smallest percentage of the enacted FY2024 discretionary budget for the judiciary: *Fees of Jurors and Commissioners* (0.7%); *U.S. Court of Appeals for the Federal Circuit* (0.4%); *Federal Judicial Center* (0.4%); *U.S. Sentencing Commission* (0.3%); *Supreme Court—Building and Grounds* (0.2%); *U.S. Court of International Trade* (0.2%); and the *Vaccine Injury Trust Fund* (0.1%).

²⁹ Of all the accounts listed in **Table 1**, the percentage change between the amount enacted in FY2023 and the amount requested for FY2024 ranged from a low of -29.2% (for the *Supreme Court—Building and Grounds* account) to a high of 28.3% for the *Supreme Court—Salaries and Expenses* account.

³⁰ Of all the accounts listed in **Table 1**, the percentage change between the amount enacted in FY2023 and the amount enacted in FY2024 ranged from close to no change in the amounts appropriated for the *Court Security* and *Administrative Office of U.S. Courts* accounts to a high of 18.0% for the *Supreme Court—Salaries and Expenses* account.

³¹ Each type of federal court, and other federal judicial services, publishes a list of fees that are charged for services provided by the specific court. For a list of these fees, see “Fees,” Administrative Office of the U.S. Courts, (continued...)

discretionary *Salaries and Expenses* account for the courts of appeals, district courts, and other judicial services. The amounts presented in this report reflect the net resources for the judiciary, and do not include nonappropriated funds used to offset expenses.

Mandatory Appropriations

Mandatory appropriations are used to meet the constitutional and statutory obligations associated with the salaries and expenses of certain types of judgeships (and, consequently, are not considered *discretionary* appropriations).

Such appropriations fall into two categories: (1) funds used to pay the salaries of Article III judges (Supreme Court Justices, U.S. courts of appeals judges, etc.) and certain other types of federal judges (e.g., bankruptcy judges); and (2) funds used for several judicial retirement accounts—specifically, the Judicial Officers’ Retirement Fund (28 U.S.C. §377(o)); the Judicial Survivors’ Annuities Fund (28 U.S.C. §376(c)); and the U.S. Court of Federal Claims Judges’ Retirement Fund (28 U.S.C. §178(1)).

Table 2 shows, by account, the enacted mandatory appropriations for FY2023 and the estimated mandatory appropriations for FY2024.

Table 2. Judiciary Mandatory Funding, FY2023-FY2024
(in millions of dollars)

| Account | FY2023 Enacted | FY2024 Estimated |
|---|-------------------|---------------------|
| Supreme Court | \$2.9 | \$3.1 |
| Court of Appeals for the Federal Circuit | \$3.4 | \$3.5 |
| Court of International Trade | \$2.2 | \$2.4 |
| Courts of Appeals, District Courts, and Other Judicial Services | \$501.2 | \$535.3 |
| Judicial Retirement Funds | \$251.8 | \$251.9 |
| Total (Judiciary) | \$761.4 | \$796.1 |

Source: Congressional Research Service examination of data from *The Judiciary Fiscal Year 2023 Congressional Budget Summary*.

<https://www.uscourts.gov/services-forms/fees>.

The Public Access to Court Electronic Records, or PACER, is a fee-generating service that allows users to obtain case and docket information online from federal appellate, district, and bankruptcy courts, and the PACER Case Locator. Many users are charged a fee to obtain such information (although there are some circumstances for which there is no fee charged for accessing court records—see, e.g., “Options to Access Records if you Cannot Afford PACER Fees,” PACER, <https://pacer.uscourts.gov/my-account-billing/billing/options-access-records-if-you-cannot-afford-pacer-fees>). According to the federal judiciary, PACER is provided “in keeping with its commitment to providing public access to court information via a centralized service.” See <https://www.pacer.gov>.

Congressional authorization for the judiciary to collect fees was granted in the Judiciary Appropriations Act of 1991, P.L. 101-515 (November 5, 1990). Specifically, the act states that “the Judicial Conference shall prescribe reasonable fees ... for collection by the courts under those sections for access to information available through automatic data processing equipment.... The Director, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.” Title IV, §404(a); 104 Stat. 2132-2133.

Note: The column for FY2024 reflects assumed financial plan levels. All figures are rounded, and column sums may not equal the total due to rounding.

The mandatory appropriations estimated for FY2024 totaled \$796.1 million. Of the FY2024 mandatory amount, \$544.2 million, or 68.4%, is for salaries and expenses associated with judgeships that the judiciary is constitutionally (or statutorily) required to pay. The remaining \$251.9 million (or 31.6% of FY2024 assumed mandatory appropriations) is to provide for judicial retirement funds.

There was a similar breakdown in the use of mandatory funds for FY2023. Of the \$761.4 million in mandatory appropriations provided for FY2023, \$509.6 million (or 66.9%) was to fund the salaries and expenses associated with Article III judges and certain other types of federal judges. The remaining \$251.8 million (or 33.1% of FY2023 mandatory appropriations) was to provide for judicial retirement funds.

Administrative Provisions

The enacted FY2024 appropriations for the judiciary also include the following administrative provisions:³²

1. makes funds appropriated for salaries and expenses available for services authorized by 5 U.S.C. 3109;
2. provides transfer authority of appropriated amounts, with certain limitations, among judiciary accounts;
3. permits not more than \$11,000 to be used for official reception and representation expenses of the Judicial Conference;
4. extends through FY2024 the delegation authority to the judiciary for contracts for repairs of less than \$100,000;
5. continues a pilot program where the U.S. Marshals Service provides perimeter security services at selected courthouses;
6. extends 10 temporary U.S. district court judgeships; and
7. reduces the administrative burdens associated with private panel attorney payments.³³

Courts, Programs, and Other Items Funded by the Judiciary Budget

U.S. Supreme Court

The U.S. Supreme Court is the final arbiter in the federal court system. Congress has authorized nine judgeships for the Court. Justices, including the Chief Justice of the United States, are appointed by the President with the advice and consent of the Senate.

³² “Administrative provisions” or “general provisions” provides restrictions, conditions, or requirements that may apply to an entire act or a specific department, agency, or account. Such provisions may be of a policy or operational character and are typically listed at the end of an act.

³³ Joint Explanatory Statement, Division B—Financial Services and General Government Appropriations Act 2024, p. H1745, <https://www.congress.gov/118/crec/2024/03/22/170/51/CREC-2024-03-22-bk2.pdf>.

U.S. Courts of Appeals

U.S. courts of appeals, or circuit courts, take appeals from U.S. district courts and are also empowered to review the decisions of many administrative agencies. The nation is divided into 12 geographic circuits, each with a U.S. court of appeals. There is also one circuit court, the U.S. Court of Appeals for the Federal Circuit, with nationwide jurisdiction (this court is discussed in the text below).

When hearing a challenge to a decision from a district court located within its geographic circuit, the task of a court of appeals is to determine whether or not the law was applied correctly by the district court.³⁴ Cases presented to U.S. circuit courts are generally considered by judges sitting in three-member panels (circuit courts do not use juries).

Altogether, 167 judgeships for the 12 regional circuit courts are currently authorized by law. The First Circuit (comprised of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico) has the fewest number of authorized judgeships, 6, while the Ninth Circuit (comprised of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington) has the most, 29.³⁵

U.S. circuit court judges are appointed by the President with the advice and consent of the Senate. Such appointments are generally considered to be effective for life (under Article III of the U.S. Constitution),³⁶ meaning judges remain in office until they die, assume senior status, resign, retire, or are removed by Congress through the process of impeachment.

U.S. Court of Appeals for the Federal Circuit

The U.S. Court of Appeals for the Federal Circuit has nationwide jurisdiction over certain types of cases, including international trade, government contracts, patents, trademarks, certain money claims against the United States government, federal personnel, veterans' benefits, and public safety officers' benefits claims. Consequently, the court takes appeals from all district courts, the U.S. Court of Federal Claims, the U.S. Court of International Trade, and the U.S. Court of Appeals for Veterans Claims.³⁷

The court also reviews certain administrative agency decisions, including decisions by the U.S. Trademark Trial and Appeal Board, the U.S. Patent Trial and Appeal Board, the Boards of Contract Appeals, the U.S. Merit Systems Protection Board, the Office of Congressional Workplace Rights, the Government Accountability Office Personnel Appeals Board, and the U.S. International Trade Commission.³⁸

There are 12 judgeships authorized for the U.S. Court of Appeals for the Federal Circuit. Judges serving on the Federal Circuit are appointed by the President with the advice and consent of the Senate. Such appointments are also considered to be effective for life (under Article III of the

³⁴ "Court Role and Structure," Administrative Office of the U.S. Courts, <https://www.uscourts.gov/about-federal-courts/court-role-and-structure>.

³⁵ The Ninth Circuit also includes two U.S. territories, Guam and the Northern Mariana Islands.

³⁶ Throughout the text of the report, the term "effective for life" reflects the constitutional prerogative of a judge appointed to an Article III court to remain in office "during good Behavior."

³⁷ "Court Jurisdiction," United States Court of Appeals for the Federal Circuit, <https://cafc.uscourts.gov/home/the-court/about-the-court/court-jurisdiction>. Despite its nationwide jurisdiction, the court does not hear appeals from other U.S. courts of appeals (the appeals from those courts are directed to the U.S. Supreme Court).

³⁸ *Ibid.*

U.S. Constitution), meaning judges remain in office until they die, assume senior status, resign, retire, or are removed by Congress through the process of impeachment.

U.S. Court of International Trade

The U.S. Court of International Trade has nationwide jurisdiction over civil actions related to the customs and international trade laws of the United States. Most of the cases heard by the court “involve antidumping and countervailing duties, the classification and valuation of imported merchandise, actions to recover unpaid customs duties and civil penalties, and various actions arising generally under the tariff laws.”³⁹

There are nine judgeships authorized for the U.S. Court of International Trade. Judges serving on the Court of International Trade are appointed by the President with the advice and consent of the Senate. Such appointments are also considered to be effective for life (under Article III of the U.S. Constitution), meaning judges remain in office until they die, assume senior status, resign, retire, or are removed by Congress through the process of impeachment.

U.S. District Courts (Including Territorial Courts)

District courts are the federal trial courts of general jurisdiction. These trial courts determine facts and apply legal principles to resolve disputes.⁴⁰ Trials are conducted by a district court judge or, in some cases, a magistrate judge.

Each state has at least one U.S. district court (there is also one district court in each of the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands). States with more than one U.S. district court are divided into judicial districts, with each district having one district court. For example, California is divided into four judicial districts—each with its own U.S. district court. Altogether there are 94 district courts.⁴¹

At present, there are 677 district court judgeships authorized by law.⁴² Congress has authorized between 1 and 28 judgeships for each U.S. district court, with district courts serving more populous areas generally having more authorized judgeships. Among judicial districts with Article III judgeships, the Eastern District of Oklahoma (Muskogee) has the fewest number (with 1 authorized judgeship), while the district courts located in the Southern District of New York

³⁹ “U.S. Court of International Trade—Judicial Business 2021,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/us-court-international-trade-judicial-business-2021>.

⁴⁰ “Court Role and Structure,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/about-federal-courts/court-role-and-structure>.

⁴¹ These include three district courts located in several U.S. territories. Specifically, there is one district court each in Guam, the Northern Mariana Islands, and the U.S. Virgin Islands. These courts were established by Congress under its authority to govern the territories granted by Article IV of the Constitution. Judges confirmed to these courts serve 10-year terms (unlike Article III U.S. district court judges, who are appointed for life unless they voluntarily leave office or are removed from office by Congress). As with Article III courts, territorial courts hear cases arising out of federal law, their decisions may be appealed to a U.S. circuit court of appeals, and their judicial nominations are referred to the Senate Judiciary Committee.

⁴² This total includes 4 permanent territorial district court judgeships and 10 temporary U.S. district court judgeships. See “Judges and Judgeships,” Administrative Office of the U.S. Courts, <http://www.uscourts.gov/JudgesAndJudgeships/AuthorizedJudgeships.aspx>.

(Manhattan) and the Central District of California (Los Angeles) have the greatest number (each with 28 authorized judgeships).⁴³

U.S. district court judges are appointed by the President with the advice and consent of the Senate. Such appointments are considered to be effective for life (under Article III of the U.S. Constitution), meaning judges remain in office until they die, assume senior status, resign, retire, or are removed by Congress through the process of impeachment.

Territorial district court judges, serving the U.S. Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands, are also appointed by the President with the advice and consent of the Senate (under Article IV of the U.S. Constitution).⁴⁴ These appointments, however, are not effective for life but are for a fixed 10-year term in office.

U.S. Magistrate Judges

Certain types of trials and proceedings held by district courts can also be conducted by magistrate judges.⁴⁵ A district court judge may refer certain matters to a magistrate judge (e.g., a magistrate judge may be assigned to hold a pretrial conference or an evidentiary hearing). A magistrate judge may also conduct any type of civil trial as long as the parties consent (i.e., there is *consent jurisdiction*), and they may also preside over all misdemeanor criminal trials as long as a defendant has waived his right to a trial before a district judge.⁴⁶ Magistrate judges cannot preside over felony criminal cases (but can handle pretrial matters and preliminary proceedings in such cases).⁴⁷

The number of magistrate judge positions is determined by the Judicial Conference of the United States. For the 12-month period ending September 30, 2023, the Judicial Conference authorized 562 full-time magistrate judge positions, 25 part-time positions, and 2 combination clerk/magistrate judge positions.⁴⁸

Magistrate judges are non-Article III judges and are appointed by majority vote of the active district court judges serving on the court on which the magistrate would serve. Full-time magistrate judges serve a term of eight years and may be reappointed.⁴⁹ During FY2023, there were 92 appointments of full-time magistrate judges, including 44 new appointments and 48 reappointments.⁵⁰

⁴³ The 28 judgeships authorized for the Central District of California includes 27 permanent judgeships and 1 temporary judgeship.

⁴⁴ Judges appointed to U.S. district courts for the District of Columbia and the Commonwealth of Puerto Rico are appointed as Article III judges (and not as territorial district court judges).

⁴⁵ The office of magistrate judge was created by the Federal Magistrates Act of 1968, in part, to provide relief to district court judges in handling their caseloads. “Magistrate Judges,” Federal Judicial Center, <https://www.fjc.gov/history/judges/magistrate-judgeships>.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ “Status of Magistrate Judge Positions and Appointments—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/status-magistrate-judge-positions-and-appointments-judicial-business-2023>.

⁴⁹ 28 U.S.C. §631(d).

⁵⁰ “Status of Magistrate Judge Positions and Appointments—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/status-magistrate-judge-positions-and-appointments-judicial-business-2023>. According to the Administrative Office of the U.S. Courts, “the average age of new appointees to full-time magistrate judge positions was 49 years....New full-time appointees had been members of the bar for an average (continued...)”

U.S. Bankruptcy Courts

Federal courts have exclusive jurisdiction over bankruptcy matters (i.e., a bankruptcy case cannot be filed in state court). Bankruptcy courts are units of the federal district courts and exercise jurisdiction over bankruptcy matters as granted by statute and referred to them by their respective district courts.⁵¹

Congress, by legislative action, determines the number of bankruptcy judgeships. As of September 30, 2023, there were a total of 345 bankruptcy judgeships authorized by Congress.⁵²

Bankruptcy judges are non-Article III judges appointed by the court of appeals for the circuit where the bankruptcy court is located. Judges are appointed for a term of 14 years and may be reappointed.

U.S. Court of Federal Claims

The U.S. Court of Federal Claims has nationwide jurisdiction over various

monetary claims against the federal government, including those involving tax refunds, federal taking of private property for public use, pay and dismissal of federal civilian employees, pay and dismissal of military personnel, land claims brought by Native Americans and/or their tribe(s), contract disputes, bid protests, patents and copyright, congressional reference, and the National Vaccine Injury Compensation Act.⁵³

Each January, pursuant to 28 U.S.C. §791(c), the clerk of the Court of Federal Claims submits to Congress a statement of all the judgments rendered by the court. The statement “notes the names of the claimants, the amounts, the dates of entry and nature of the claims, and the disposition for all judgments rendered the previous fiscal year.”⁵⁴

The court consists of 16 non-Article III judges who are appointed for a term of 15 years by the President with the advice and consent of the Senate (i.e., with Senate confirmation). A judge may be reappointed by a President to serve an additional 15-year term if his or her nomination is confirmed by the Senate.⁵⁵

Pretrial Services and Probation

Federal pretrial services and probation officers investigate and supervise defendants and offenders within the federal criminal justice system. Pretrial services officers “prepare reports for judges to use in determining whether to order the release or detention of defendants.”⁵⁶ For example, for the

of 22 years at the time of appointment.” Of the new full-time magistrate judges in FY2023, the most common types of position or employment at the time of appointment included assistant U.S. attorneys (16 appointees), attorneys in private practice (12), state court judges (3), and assistant federal public defenders (3).

⁵¹ “U.S. Bankruptcy Courts,” Federal Judicial Center, <https://www.fjc.gov/history/courts/u.s.-bankruptcy-courts>.

⁵² “Status of Bankruptcy Judgeships—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/status-bankruptcy-judgeships-judicial-business-2023>.

⁵³ “U.S. Courts of Federal Claims—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/us-court-federal-claims-judicial-business-2023>.

⁵⁴ *Ibid.*

⁵⁵ 28 U.S.C. §178.

⁵⁶ “Pretrial Services—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/pretrial-services-judicial-business-2023>.

12-month period ending September 30, 2023, pretrial services officers prepared 67,799 pretrial services reports for judges.⁵⁷

Pretrial service officers also supervise those defendants released by judges pending adjudication of their criminal cases.⁵⁸ For the 12-month period ending September 30, 2023, officers provided pretrial services supervision for approximately 21,508 defendants. Such supervision included providing various support services (e.g., substance abuse treatment and location monitoring) and informing the courts and U.S. attorneys of any apparent violations of release conditions.⁵⁹

Probation officers provide courts “with reliable information concerning the offender, the victim, and the offense committed, as well as an impartial application of the sentencing guidelines.”⁶⁰ Probation officers also “supervise offenders sentenced to probation, as well as offenders coming out of federal prison who are required to serve a term of supervised release.”⁶¹ On September 30, 2023, a total of 122,824 individuals were under postconviction supervision by probation officers.⁶²

Defender Services

The Sixth Amendment of the U.S. Constitution guarantees the right to representation by counsel in serious criminal proceedings. The federal judiciary has, historically, exercised “responsibility for appointing counsel in federal criminal proceedings for those unable to bear the cost of representation.”⁶³ As such, this account in the judiciary budget funds the operations of federal defender organizations responsible for providing representation to defendants financially unable to retain counsel in federal criminal proceedings.

At present, there are 82 authorized federal defender organizations that employ more than 3,700 lawyers, investigators, paralegals, and support personnel.⁶⁴

This account also provides funds to reimburse the services of private appointed counsel (i.e., panel attorneys) in federal criminal proceedings. The rates paid to panel attorneys cover both

⁵⁷ Ibid.

⁵⁸ Administrative Office of the U.S. Courts, *The Judiciary Fiscal Year 2023 Congressional Budget Summary*, “Overview of the Judiciary,” p. 3, <https://www.uscourts.gov/sites/default/files/FY%202023%20Congressional%20Budget%20Summary.pdf>.

⁵⁹ “Pretrial Services—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/pretrial-services-judicial-business-2023>.

⁶⁰ Administrative Office of the U.S. Courts, *The Judiciary Fiscal Year 2023 Congressional Budget Summary*, “Overview of the Judiciary,” p. 3, <https://www.uscourts.gov/sites/default/files/FY%202023%20Congressional%20Budget%20Summary.pdf>.

⁶¹ Ibid.

⁶² “Post-Conviction Supervision—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/post-conviction-supervision-judicial-business-2023>.

⁶³ “Defender Services,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/services-forms/defender-services>.

⁶⁴ Ibid. There are two types of federal defender organizations. The first type, federal public defender organizations, are federal entities and their staffs are federal employees. The *chief federal public defender* is appointed to a four-year term by the court of appeals of the circuit where the federal public defender organization is located. The second type, community defender organizations, are nonprofit defense counsel organizations incorporated under state laws. These nonprofit organizations operate under the supervision of a board of directors and can, when included in a judicial district’s plan to provide legal representation to indigent defendants, receive initial and sustaining grants from the federal judiciary to fund their operations. At present, there are 65 federal public defender organizations and 17 community defender organizations. “Criminal Justice Act—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/criminal-justice-act-judicial-business-2023>.

attorney compensation and office overhead.⁶⁵ There are case maximum amounts that limit the compensation paid to a panel attorney based on the type of case to which he or she is appointed.⁶⁶ Consequently, the costs associated with this account are driven, in part, by the number and type of prosecutions brought by U.S. attorneys' offices.

For the 12-month period ending September 30, 2023, there were a total of 145,781 representations by counsel affiliated with federal defender organizations or who served as panel attorneys under the Criminal Justice Act (CJA).⁶⁷ The number of private attorneys who were paid during this period through the CJA as panel attorneys was 8,327.⁶⁸

Court Security

This account provides for protective guard services and security systems and equipment for federal courthouses and other facilities housing federal court operations.

The majority of funding for court security is transferred to the Judicial Security Division (JSD) of the U.S. Marshals Service (USMS), which is responsible for ensuring “the safe and secure conduct of judicial proceedings” and for “protecting federal judges, jurors, and other members of the federal judiciary.”⁶⁹

At present, the Marshals protect 94 federal district courts, 800 judicial facilities, and approximately 2,700 federal judges.⁷⁰ The Marshals also have protective responsibility for approximately 30,300 federal prosecutors and court officials.⁷¹ In FY2023, the Marshals investigated 1,061 threats and potential threats to protected persons in the judiciary.⁷²

Fees of Jurors and Commissioners

This account funds the fees and allowances provided to petit and grand jurors and compensation for jury and land commissioners.⁷³ Petit jurors serve on a trial jury, while grand jurors serve on a

⁶⁵ Panel attorneys are paid an hourly rate of \$172 for noncapital cases, and, for capital cases, a maximum hourly rate of \$220. “Defender Services,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/services-forms/defender-services>.

⁶⁶ Ibid. For example, \$13,400 is the maximum attorney compensation for felony cases; \$3,800 is the maximum for misdemeanors; and \$9,600 is the maximum for appeals.

⁶⁷ “Criminal Justice Act—Judicial Business 2023,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/statistics-reports/criminal-justice-act-judicial-business-2023>.

⁶⁸ Ibid.

⁶⁹ U.S. Marshals Service, *Fact Sheet—Judicial Security 2024*, <https://www.usmarshals.gov/sites/default/files/media/document/2024-Judicial-Security.pdf>.

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Land commissioners are appointed in certain types of cases to “determine the issue of just compensation arising from the deprivation of private property for public use,” including cases where a district court has ordered that “compensation for condemned property be determined by a commission of three persons appointed by the court.” U.S. Congress, House Committee on Appropriations, hearings before the Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, February 23, 1988. Land commissioners are paid based on the daily equivalent of the highest rate payable under 5 U.S.C. §5332. Administrative Office of the U.S. Courts, *The Judiciary Fiscal Year 2022 Congressional Budget Summary*, “Courts Of Appeals, District Courts, And Other Judicial Services—Fees of Jurors and Commissioners,” p. 44, https://www.uscourts.gov/sites/default/files/fy_2022_congressional_budget_summary_fy_2022.pdf.

grand jury.⁷⁴ Petit jurors are paid \$50 per day but can, after serving 10 days on a jury, receive up to \$60 per day.⁷⁵ Grand jurors are also paid \$50 per day but can, after serving 45 days on a grand jury, receive up to \$60 per day.⁷⁶

Petit and grand jurors are also reimbursed for reasonable transportation expenses and parking fees.⁷⁷ Jurors can receive a subsistence allowance that covers their meals and lodging, if they are sequestered during their service.⁷⁸

A jury commissioner is appointed in some cases to work with the clerk of court to manage the random selection of petit and grand jurors.⁷⁹ The compensation paid to a jury commissioner is \$50 per day (plus the reimbursement of reasonable expenses related to his or her service).⁸⁰

According to the Administrative Office of the U.S. Courts, “costs associated with this account may vary and are driven by the number of jury trials, the length of those trials, and statutory rates for reimbursement paid to jurors.”⁸¹

Vaccine Injury Compensation Trust Fund

The National Childhood Vaccine Injury Act of 1986 created the National Vaccine Injury Compensation Program (VICP), to provide compensation to people found to be injured by certain vaccines.⁸² The VICP “was established after lawsuits against vaccine manufacturers and healthcare providers threatened to cause vaccine shortages and reduce vaccination rates.”⁸³ Additionally, the program “is designed to encourage vaccination by providing a streamlined system for compensation in rare instances where an injury results from vaccination”⁸⁴ and provides “an alternative to traditional products liability and medical malpractice litigation for persons injured by their receipt or one or more of the standard childhood vaccines.”⁸⁵

The VICP, according to the Department of Justice, “has succeeded in providing a less adversarial, less expensive, and less time-consuming system of recovery than the traditional tort system that governs medical malpractice, personal injury, and product liability cases.”⁸⁶

⁷⁴ A trial jury decides “whether the defendant committed the crime as charged in a criminal case, or whether the defendant injured the plaintiff in a civil case.” A grand jury “is presented with evidence from the U.S. attorney, the prosecutor in federal criminal cases. The grand jury determines whether there is ‘probable cause’ to believe the individual has committed a crime and should be put on trial. If the grand jury determines there is enough evidence, an indictment will be issued against the defendant.” “Types of Juries,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/services-forms/jury-service/types-juries>.

⁷⁵ “Juror Pay,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/services-forms/jury-service/juror-pay>.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

⁷⁹ 28 U.S.C. §1863.

⁸⁰ 28 U.S.C. §1863(b)(1).

⁸¹ Administrative Office of the U.S. Courts, *The Judiciary Fiscal Year 2024 Congressional Budget Summary*, p. 49, <https://www.uscourts.gov/sites/default/files/FY%202024%20Congressional%20Budget%20Summary.pdf>.

⁸² 42 U.S.C. §§300aa-1 to 300aa-34.

⁸³ “About the National Vaccine Injury Compensation Program,” U.S. Department of Health and Human Services, Health Resources and Service Administration, <https://www.hrsa.gov/vaccine-compensation/about/index.html>.

⁸⁴ “Vaccine Injury Compensation Program,” U.S. Department of Justice, <https://www.justice.gov/civil/vicp>.

⁸⁵ Ibid.

⁸⁶ Ibid.

The Vaccine Injury Compensation Trust Fund provides funding for VICP, covering claims related to vaccine-related injuries or deaths for covered vaccines administered on or after October 1, 1988.⁸⁷ An individual who believes he or she has been injured by a covered vaccine can seek compensation from the fund by filing a claim against the Secretary of the Department of Health and Human Services in the U.S. Court of Federal Claims.⁸⁸

Total compensation paid over the life of VICP, as of this writing, is approximately \$5 billion.⁸⁹

Administrative Office of the U.S. Courts

The Administrative Office of the U.S. Courts (AO), with a staff of over 1,000 employees, “is the agency within the judicial branch that provides a broad range of legislative, legal, financial, technology, management, administrative, and program support services to federal courts.”⁹⁰

A main responsibility of AO is to provide staff support and counsel for the Judicial Conference and the conference’s committees. The Judicial Conference committees also advise AO as it develops the annual judiciary budget request for submission by the President and approval by Congress.

Federal Judicial Center

As the federal judiciary’s research and education entity, the Federal Judicial Center (FJC) “develops orientation and continuing education programs for judges and other court personnel. It also studies judiciary operations and recommends to the Judicial Conference how to improve the management and administration of the federal courts.”⁹¹

The operations of the FJC are “overseen by a board of directors whose members are the Chief Justice, the director of the Administrative Office, and seven judges chosen by the Judicial Conference.”⁹²

United States Sentencing Commission

The United States Sentencing Commission is a bipartisan, independent agency that is located within the federal judiciary. It was created by Congress in 1984 “to reduce sentencing disparities and promote transparency and proportionality in sentencing.”⁹³ As such, the commission is responsible for establishing and amending the sentencing guidelines used by the federal judiciary.⁹⁴

⁸⁷ The Department of the Treasury manages the fund’s investments. “About the National Vaccine Injury Compensation Program,” U.S. Department of Health and Human Services, Health Resources & Services Administration, <https://www.hrsa.gov/vaccine-compensation/about/index.html>.

⁸⁸ “Vaccine Injury Compensation Program,” U.S. Department of Justice, <https://www.justice.gov/civil/vicp>.

⁸⁹ U.S. Department of Health and Human Services, Health Resources & Services Administration, *National Vaccine Injury Compensation Program Data Report*, updated May 1, 2024, <https://www.hrsa.gov/vaccine-compensation/data>.

⁹⁰ “Judicial Administration,” Administrative Office of the U.S. Courts, <https://www.uscourts.gov/about-federal-courts/judicial-administration>.

⁹¹ Ibid.

⁹² Ibid.

⁹³ “About the Commission,” United States Sentencing Commission, <https://www.ussc.gov>.

⁹⁴ Ibid.

The commission consists of seven voting members appointed by the President and confirmed by the Senate, with members serving staggered six-year terms.⁹⁵ No more than four members of the commission can be members of the same political party, and at least three members must be federal judges.⁹⁶ For a sentencing guideline to be amended, the amendment must receive the affirmative votes of four members of the commission.⁹⁷

The commission has a staff of approximately 100 employees.⁹⁸ The commission is also advised by “four standing advisory groups representing the views of practitioners, probation officers, victims, and tribal lands.”⁹⁹

Federal Courts Not Funded by the Judiciary Budget

Three specialized courts within the federal court system are not funded under the judiciary’s budget:

1. U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill);
2. U.S. Court of Appeals for Veterans Claims (funded in the Military Construction, Veterans Affairs, and Related Agencies appropriations bill); and
3. U.S. Tax Court (funded under Independent Agencies, Title V of the FSGG bill).

Additionally, the judiciary’s courthouse construction and capital security projects are funded by the budget for the General Services Administration (GSA).

Author Information

Barry J. McMillion
Analyst in American National Government

⁹⁵ “Organization,” United States Sentencing Commission, <https://www.ussc.gov/about/who-we-are/organization>.

⁹⁶ Ibid. Additionally, the Attorney General, or the Attorney General’s designee, and the chair of the U.S. Parole Commission are each *ex officio*, nonvoting members of the commission.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ “About,” United States Sentencing Commission, <https://www.ussc.gov/about-page>. The purpose, in part, of the advisory group representing the views of tribal lands is to provide the commission “its views on federal sentencing issues related to American Indian defendants and victims and to offenses committed in Indian Country.” See “Advisory Groups,” United States Sentencing Commission, <https://www.ussc.gov/about/who-we-are/advisory-groups>.

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.