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Courts, Programs, and Other Items Funded by Congressional Appropriations for the Federal Judiciary

Overview

Funds for the federal judiciary are included annually in the Financial Services and General Government (FSGG) appropriations bill. For FY2023, Congress enacted \$8.46 billion in discretionary funds and \$761.37 million in mandatory funds for the federal judiciary in the Consolidated Appropriations Act, 2023 (P.L. 117-328).

The judiciary also uses non-appropriated funds to offset its appropriations requirement. The majority of these non-appropriated funds are derived from the collection of fees, primarily court filing fees. The judiciary's annual appropriations request submitted to Congress reflects the net needs of the judiciary after the use of non-appropriated funds. For FY2024, the judiciary requested \$8.95 billion in discretionary funds and \$796.14 million in mandatory funds.

Described below are the courts, programs, and other items funded by the appropriations enacted by Congress for the federal judiciary.

Federal Courts

Supreme Court

The Supreme Court is the highest court in the federal judiciary. Justices are appointed by the President with the advice and consent of the Senate. At present, Congress has authorized nine judgeships for the Court.

U.S. Courts of Appeals

U.S. courts of appeals take appeals from district court decisions 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 over certain types of cases. At present, Congress has authorized 179 judgeships for the U.S. Courts of Appeals.

Cases presented to U.S. circuit courts are generally considered by judges sitting in three-member panels (circuit courts do not use juries).

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. At present, Congress has authorized nine judgeships for the court.

U.S. District Courts

District courts are the federal trial courts of general jurisdiction. These trial courts determine facts and apply legal principles to resolve civil disputes and criminal matters. At present, Congress has authorized 677 district court judgeships.

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).

U.S. Magistrate Judges

Certain types of trials and proceedings held by district courts can also be conducted by magistrate judges. Magistrate judges cannot preside over felony criminal cases (but can handle pretrial matters and preliminary proceedings in such cases).

The number of magistrate judge positions is determined by the Judicial Conference of the United States, the policymaking body for the federal courts. At present, the conference has authorized 562 full-time magistrate judge positions, 25 part-time positions, and 2 combination clerk/magistrate judge positions.

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. At present, Congress has authorized 345 bankruptcy judgeships.

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, dismissal of federal civilian employees, and other matters. At present, Congress has authorized 16 judgeships for the court.

Programs and Services

U.S. Probation and Pretrial Services System

Federal probation and pretrial services officers investigate and supervise defendants and offenders within the federal criminal justice system. Pretrial service officers work with defendants pretrial, while probation officers work with offenders postconviction.

Defender Services

The Sixth Amendment of the U.S. Constitution guarantees the right to representation by counsel in serious criminal proceedings. Federal defender organizations, funded by appropriations for the judiciary, are 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.

Funds are also used to reimburse the services of private appointed counsel (i.e., panel attorneys) in federal criminal proceedings. 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.

Court Security

Funds are used for protective guard services and security systems and equipment for U.S. courthouses and other facilities housing federal court operations.

The majority of funding for court security is transferred to the Judicial Security Division of the U.S. Marshals Service, which is responsible for ensuring the safety and security of judicial proceedings and personnel.

At present, the Marshals have protective responsibility for 94 federal district courts, more than 800 judicial facilities, approximately 2,700 federal judges, and approximately 30,300 federal prosecutors and court officials.

Fees and Allowances for Jurors

Funds are used to pay the fees and allowances provided to petit and grand jurors in federal judicial proceedings. Petit jurors serve on a trial jury, while grand jurors serve on a grand jury.

Jurors are paid a per diem allowance (a daily amount specified by statute) and may also be reimbursed for other reasonable expenses and fees.

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. 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.

An individual who believes he or she has been injured by a covered vaccine can seek compensation from the fund by filing a petition in the U.S. Court of Federal Claims and sending a copy to the Department of Health and Human Services. At present, total compensation paid over the life of VICP is approximately \$5.0 billion.

U.S. Sentencing Commission

The United States Sentencing Commission is a bipartisan, independent agency responsible for establishing and amending the sentencing guidelines used by the federal judiciary.

The commission, with seven members appointed by the President and confirmed by the Senate, has a staff of approximately 100 employees.

Administrative Office of U.S. Courts

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

A main responsibility of the Administrative Office of U.S. Courts is to provide staff support and counsel for the Judicial Conference of the United States and its committees.

Federal Judicial Center

The Federal Judicial Center is the judiciary's research and education entity. Its work includes analyzing how to improve the management and administration of the federal courts.

Federal Courts and Items Not Funded by the Judiciary Budget

Three specialized courts within the federal court system are *not* funded under the judiciary budget: the U.S. Court of Appeals for the Armed Forces (funded in the Department of Defense appropriations bill), the U.S. Court of Appeals for Veterans Claims (funded in the Military Construction, Veterans Affairs, and Related Agencies appropriations bill), and the U.S. Tax Court (funded under Independent Agencies, Title V of the FSGG bill).

Federal courthouse construction is funded within the General Services Administration account under Independent Agencies, Title V of the FSGG bill.

Offices of the United States Attorneys are funded within the Department of Justice in the Commerce, Justice, Science, and Related Agencies appropriations bill.

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