

**UNITED STATES SENTENCING COMMISSION**  
*Salaries and Expenses*  
**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

|   |                     |
|---|---------------------|
| <b>Fiscal Year 2020 Enacted Appropriation</b>                         | <b>\$19,670,000</b> |
| <b>Fiscal Year 2021 Requested Appropriation</b>                       | <b>\$20,256,000</b> |
| <b>Requested Increase from Fiscal Year 2020 Enacted Appropriation</b> | <b>\$586,000</b>    |

**APPROPRIATION LANGUAGE**

**UNITED STATES SENTENCING COMMISSION**

**SALARIES AND EXPENSES**

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, [\$19,670,000]\$20,256,000, of which not to exceed \$1,000 is authorized for official reception and representation expenses.

(P.L. 116-93 - Financial Services and General Government Appropriations Act, 2020)

**SUMMARY OF REQUEST  
 UNITED STATES SENTENCING COMMISSION  
 SALARIES AND EXPENSES  
 FISCAL YEAR 2021  
 (Dollar amounts in thousands)**

**Fiscal Year 2021 Resource Requirements:**

|  | <u>FTEs</u> | <u>Amount</u> |
|--|-------------|---------------|
| <b>Fiscal Year 2020 Assumed Obligations.....</b>                         | <b>95</b>   | <b>21,339</b> |
| Carryforward balance from the Judiciary Information Technology Fund..... | -           | (1,669)       |
| <b>Fiscal Year 2020 Enacted Appropriation.....</b>                       | <b>95</b>   | <b>19,670</b> |

**Page Adjustments to Base to Maintain Current Services:  
 No.**

**A. PERSONNEL**

*Pay and Benefit Adjustments*

|       |  |   |      |
|-------|--|---|------|
| 10.14 | 1. Proposed 2021 pay adjustment.....   | - | 128  |
| 10.14 | 2. Annualization of January 2020 pay adjustment (3.1% for three months)..... | - | 109  |
| 10.14 | 3. Promotions and within-grade increases.....                                | - | 132  |
| 10.14 | 4. Benefits increases  |   |      |
|       | a. Health benefits.....  | - | 31   |
|       | b. FICA adjustment.....  | - | 22   |
|       | c. FERS adjustment.....  | - | 149  |
| 10.15 | 5. One less compensable day.....   | - | (67) |

**SUMMARY OF REQUEST  
 UNITED STATES SENTENCING COMMISSION  
 SALARIES AND EXPENSES  
 FISCAL YEAR 2021  
 (Dollar amounts in thousands)**

|  |  | <u>FTEs</u>   | <u>Amount</u>     |
|--|--|---------------|-------------------|
| <b>B. OTHER ADJUSTMENTS</b>  |  |               |                   |
| <i>General Inflationary Adjustments</i>                                |  |               |                   |
| 10.15  | 6. Inflationary increases in charges for contracts, services, supplies, and equipment..... | -             | 82                |
| <b>Subtotal, Adjustments to Base to Maintain Current Services.....</b> |  | <b>-</b>      | <b>586</b>        |
| <b>Total Current Services Appropriation Required .....</b>             |  | <b>95</b>     | <b>20,256</b>     |
| <br><b>Total Fiscal Year 2021 Appropriation Required.....</b>          |  | <br><b>95</b> | <br><b>20,256</b> |
| <b>Total Appropriation Increase.....</b>                               |  | <b>-</b>      | <b>586</b>        |
| <br><b>Total Estimated Obligations, Fiscal Year 2021.....</b>          |  | <br><b>95</b> | <br><b>20,256</b> |

**UNITED STATES SENTENCING COMMISSION  
SALARIES AND EXPENSES**

**Obligations by Activity (\$000)**

| Activity                              | FY 2019<br>Actual | FY 2020<br>Assumed | FY 2021<br>Request |
|---------------------------------------|-------------------|--------------------|--------------------|
| Total Obligations                     | 18,724            | 21,339             | 20,256             |
| Unobligated Balance, Start of Year:   |                   |                    |                    |
| Judiciary Information Technology Fund | (1,669)           | (1,669)            | 0                  |
| Deposits and Other Adjustments:       |                   |                    |                    |
| Judiciary Information Technology Fund | 0                 | 0                  | 0                  |
| Unobligated Balance, End of Year:     |                   |                    |                    |
| Judiciary Information Technology Fund | 1,669             | 0                  | 0                  |
| <i>Subtotal, Other Obligations</i>    | <i>0</i>          | <i>(1,669)</i>     | <i>0</i>           |
| <b>Direct Obligations</b>             | <b>18,724</b>     | <b>19,670</b>      | <b>20,256</b>      |
| Unobligated Balance, End of Year      | 229               | 0                  | 0                  |
| Less Offsetting Collections           | 0                 | 0                  | 0                  |
| <b>Appropriation Total</b>            | <b>18,953</b>     | <b>19,670</b>      | <b>20,256</b>      |

**Obligations by Budget Object Class (\$000)**

| Description                           | FY 2019<br>Actual | FY 2020<br>Assumed<br>Obligations | FY 2021<br>Request |
|---------------------------------------|-------------------|-----------------------------------|--------------------|
| 11 Personnel compensation             | 10,259            | 11,762                            | 12,305             |
| 12 Personnel benefits                 | 3,538             | 3,583                             | 3,694              |
| 21 Travel                             | 219               | 349                               | 308                |
| 22 Transportation of things           | 6                 | 5                                 | 6                  |
| 23 Rent, communications and utilities | 29                | 23                                | 30                 |
| 24 Printing and reproduction          | 164               | 175                               | 149                |
| 25 Other services                     | 2,788             | 2,335                             | 2,319              |
| 26 Supplies and materials             | 151               | 155                               | 127                |
| 31 Equipment                          | 1,570             | 1,283                             | 1,318              |
| <b>Direct Obligations</b>             | <b>18,724</b>     | <b>19,670</b>                     | <b>20,256</b>      |
| Other Obligations (JITF Obligations)  | 0                 | 1,669                             | 0                  |
| Total Obligations                     | 18,724            | 21,339                            | 20,256             |

**UNITED STATES SENTENCING COMMISSION**  
**Salaries & Expenses**  
**Relation of Direct Obligations to Outlays (\$000)**

|                                    | FY 2019<br>Actual | FY 2020<br>Assumed<br>Obligations | FY 2021<br>Request |
|------------------------------------|-------------------|-----------------------------------|--------------------|
| Direct obligations incurred        | 18,724            | 19,670                            | 20,256             |
| Obligated balance, start of year   | 3,753             | 4,030                             | 3,652              |
| Adjustments of prior year activity | (130)             | (137)                             | (141)              |
| Obligated balance, end of year     | <u>(4,030)</u>    | <u>(3,652)</u>                    | <u>(3,025)</u>     |
| <b>Total Outlays</b>               | <b>18,317</b>     | <b>19,911</b>                     | <b>20,742</b>      |
| Less Offsets                       | <u>0</u>          | <u>0</u>                          | <u>0</u>           |
| Net Outlays                        | 18,317            | 19,911                            | 20,742             |

**Personnel Summary**

|                                 | FY 2019<br>Actual | FY 2020<br>Assumed | FY 2021<br>Request |
|---------------------------------|-------------------|--------------------|--------------------|
| Total compensable workyears:    |                   |                    |                    |
| Full-time equivalent employment | 92                | 95                 | 95                 |

## GENERAL STATEMENT AND INFORMATION

The Sentencing Reform Act of 1984 Act created the United States Sentencing Commission (Commission) as an expert independent agency within the judicial branch, whose seven voting members, including the Chair, are nominated by the President and confirmed by the Senate. By statute, no more than four Commissioners can be from the same political party, and at least three must be federal judges, thereby ensuring a bipartisan Commission of diverse backgrounds.

The statutory duties of the United States Sentencing Commission include:

- promulgating federal sentencing guidelines to be considered by sentencing judges in all federal criminal cases;
- collecting, analyzing, and reporting sentencing data systematically to detect criminal trends, assess federal sentencing policies, and serve as a clearinghouse for federal sentencing statistics;
- conducting research on sentencing issues and serving as an information center for the collection, preparation, and dissemination of information on federal sentencing practices; and
- providing specialized training to judges, probation officers, staff attorneys, law clerks, prosecutors, defense attorneys, and other members of the federal criminal justice community concerning application of the federal sentencing guidelines and federal sentencing generally.

The Commission continues its core mission to promulgate new guidelines and guideline amendments in response to legislation, sentencing data, and feedback from sentencing courts, Congress, the executive branch, federal defenders, and others in the federal criminal justice community. In fiscal years (FY) 2020 and 2021, the Commission will continue working to enhance the fairness and effectiveness of sentencing and improve recidivism outcomes, thereby saving federal resources and protecting public safety. The Commission will also continue to analyze and disseminate extensive sentencing information, thereby fulfilling its statutory duties to monitor operation of the guidelines, advise Congress, and act as a clearinghouse of information on federal sentencing.

Demand for Commission work-products, information, and services continues to grow, as evidenced by both an increase of over 20 percent in the Commission's website traffic, and a sustained high volume of data inquiries from Congress in FY 2019. Data requests from Chairmen and Ranking Members of the Judiciary Committees of the Senate and the House of Representatives, as well as interested congressional offices, increased throughout FY 2019 and into FY 2020 as Congress enacted and then began oversight hearings regarding implementation of the First Step Act of 2018 (Pub. L. No. 115-391). The Commission expects this heightened congressional interest in, and use of, its reliable and timely sentencing data to extend through FY 2021 and beyond.

In addition, consistent with the priorities of the Judicial Branch and in coordination with the Administrative Office of the United States Courts, the Commission is continually auditing and updating its cybersecurity measures and technological capacity and expects to continue investing significantly in these areas for the foreseeable future.

The FY 2021 request for the Commission totals \$20,256,000 to maintain current services. The Commission is not requesting any program increases. The Commission strives to maximize available resources and minimize costs in fulfilling its statutory duties under the Sentencing Reform Act of 1984.

## ONGOING ACTIVITIES

### **Policy Priorities**

Throughout much of FY 2019 and into FY 2020, the Commission has operated with only two voting commissioners—Chief Judge Danny C. Reeves (E.D. Kentucky) and Senior Judge Charles R. Breyer (N.D. California). As a result, the Commission has lacked the minimum four affirmative votes required to promulgate amendments to the federal sentencing guidelines. The Commission, however, continues to work on several important policy priorities while it awaits appointment of at least two new voting commissioners.

Chief among the Commission’s policy priorities is full implementation of the First Step Act of 2018, the landmark bipartisan sentencing and prison reform legislation enacted at the end of the 115<sup>th</sup> Congress. The First Step Act is consistent with several recommendations first set forth in the Commission’s 2011 *Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, and further informed by numerous sentencing and prison impact analyses requested by Members of Congress.

While most of the First Step Act is directed at the Federal Bureau of Prisons and the Attorney General, full implementation of the Act requires action by the Commission in two important areas. First, a newly constituted Commission will need to amend the *United States Sentencing Commission Guidelines Manual* at §1B1.13 to reflect the new authority for a defendant to file a motion for compassionate release under 18 U.S.C. § 3582(c)(1)(A).

Second, the Commission will need to amend the *Guidelines Manual* to respond to the broadened eligibility criteria for the statutory safety valve set forth in 18 U.S.C. § 3553(f), which relieves certain drug trafficking defendants from otherwise applicable drug mandatory minimum penalties. The safety valve criteria are incorporated into the *Guidelines Manual* in two ways, in the drug trafficking guideline at §2D1.1 and the guideline instructing the court regarding the statutory safety valve at §5C1.2. Achieving the full sentencing impact contemplated by the First Step Act will require the Commission to amend both guideline provisions.

In the meantime, the Commission already has begun to collect data on implementation of another important section of the First Step Act, the retroactive application of the statutory reductions in crack cocaine penalties previously enacted in the Fair Sentencing Act of 2010. The Fair Sentencing Act increased the threshold for the 5- and 10-year mandatory minimum penalties for crack cocaine offenses from 5 and 50 grams, respectively, to 28 and 280 grams. Although the Commission made the *guideline* amendment implementing the Fair Sentencing Act reductions retroactive, Congress did not make the *statutory* reductions retroactive until now. Under the newly enacted law, the defendant, the Director of the Federal Bureau of Prisons, the attorney for the government, or the court itself may make a motion to retroactively apply the statutory reductions for crack cocaine offenses provided in the Fair Sentencing Act of 2010.

In its most recent retroactivity report, *First Step Act of 2018 Resentencing Provisions Retroactivity Data Report* (October 2019), the Commission reported that 1,987 defendants were granted a reduced sentence as a result of retroactive application of the Fair Sentencing Act, with their average sentences reduced by 70 months (26.2%) from 253 to 183 months. In FY 2020 and FY 2021, collecting data on the implementation of the First Step Act will continue to be one of the Commission's top priorities.

In addition to the First Step Act, several published proposed amendments await action by a newly constituted Commission. The most significant of these policy initiatives concerns application of the categorical approach to the guideline definition of "crime of violence," which has overwhelmed the federal courts in litigation over whether an offense qualifies as such under the guidelines.

After the Supreme Court's decision in *Johnson v. United States*, the Commission published an analysis of career offenders and made statutory recommendations in its 2016 *Report to the Congress: Career Offender Sentencing Enhancements* and amended the guideline definition of "crime of violence" to delete the residual clause and revise the list of enumerated offenses. The Commission's goal with the revision was to establish a more precise definition that would be easier to apply and reduce litigation. To some extent, this goal was achieved. However, the Department of Justice has raised to the Commission both discrete application issues, such as ambiguities over the meaning of "robbery" and "extortion," and broader policy concerns about the "categorical approach" in its entirety. The complexities and odd results stemming at times from the categorical approach is of pressing concern given the risk to public safety posed by this category of offenders. As a result, in FYs 2020 and 2021, the Commission expects to continue studying and considering different approaches to simplify this determination and to ensure more logical and uniform sentencing outcomes.

Another top priority that will continue for the foreseeable future is the Commission's ongoing examination of the overall structure and operation of the guidelines post-*United States v. Booker*, the Supreme Court decision that rendered the guidelines advisory in nature. In FY 2018, the Commission reported on persistent demographic disparities in sentencing, and in FY 2019, the Commission released its second in this series, *Intra-City Differences in Federal Sentencing Practices*. In this report, the Commission analyzed the sentencing practices of federal district judges in 30 major cities throughout the country to determine the extent of the judges' variations in imposing sentences in relation to their particular city's average.



In FYs 2020 and 2021, the Commission expects to study geographical differences in sentencing, and assess the usage and influence of the guidelines over the last decade.

## **Conducting Research**

Research is a critical part of the Commission's mission. The Commission regularly analyzes data to monitor how courts are sentencing offenders and using the guidelines, and the agency routinely uses these analyses when considering proposed changes to the guidelines. The Commission publishes many of its analyses as a resource for policy-makers and the criminal justice community.

In FY 2019, the Commission issued the final installment of its most recent series of reports to Congress on mandatory minimum penalties on the federal criminal justice system. In these six reports, the Commission updated Congress on the sentencing, prison population and demographic impact of mandatory minimum penalties, including the enhanced penalties at 21 U.S.C. § 851, on federal drug trafficking, firearms, identity theft, and sex offenders.

These data reports are important for policy-makers because nearly one-quarter (24.7%) of all offenders in FY 2018 were convicted of an offense carrying a mandatory minimum penalty, and more than half (58.3%) of inmates in custody of the Federal Bureau of Prisons as of May 30, 2019, were convicted of such an offense. These reports, as well as our ongoing Quick Facts series, which is updated every fiscal year, are valuable sources of information as Congress continues to assess federal mandatory minimum penalties.

The Commission also continues to focus its research on recidivism, drawing upon partnerships across the federal criminal justice system with the goal of improving recidivism outcomes and public safety. The Commission's ongoing series examines 25,431 U.S. citizen federal offenders released from prison or placed on probation in 2005 and studies their recidivism over an eight-year follow-up period. In FY 2019, the Commission released two additional reports regarding recidivism, *Recidivism Among Federal Firearms Offenders* and *Recidivism Among Federal Violent Offenders*.

In FY 2020, the Commission plans to release additional recidivism research publications that it believes will be of particular interest to policy-makers. The first is a publication examining the relationship between sentence length and recidivism. The second is a publication studying the recidivism of offenders sentenced under the Armed Career Criminal Act.

The third is a study of the impact of the Commission's 2014 "drugs minus two" amendment, which reduced by two the offense levels assigned to each drug quantity in the drug trafficking guideline. Over 31,000 federal offenders received retroactive application of the Commission's "drugs minus two" amendment, with the average sentence reduced by 25 months (or 17.2%) from 145 months to 120 months.

The Commission believes studying the recidivism results of its “drugs minus two” amendment may help inform Congress and others in much the same way as its 2018 report, *Recidivism Among Federal Offenders Receiving Retroactive Sentence Reductions: The 2011 Fair Sentencing Act Guideline Amendment*, assisted consideration of the First Step Act. That report compared the recidivism rate of crack cocaine offenders whose sentences were reduced pursuant to retroactive application of the guideline amendment implementing the Fair Sentencing Act of 2011 with a comparable group of offenders who had served their full sentence, and it found no difference in their recidivism rates.

Resources permitting, in FYs 2020 and 2021 the Commission plans to continue its recidivism research with a cohort of more recently released federal offenders. This will enable the Commission to examine the impact, if any, on recidivism of both the Supreme Court’s *Booker* decision in 2005 and more recent implementation of evidence-based practices in supervision by federal probation officers.

The Commission also plans to continue studying the urgent problem of fentanyl offenders. From FY 2016 to 2018, federal drug trafficking offenses involving fentanyl increased 733% with no sign of abating. In FY 2019, the Commission adopted an amendment effectively raising the guideline penalties for fentanyl analogues to a level more consistent with the current statutory penalty structure. In FY 2020, the Commission plans to issue a publication providing the most recent available data on federal fentanyl offenses. The Commission will continue responding to the increasing concerns regarding fentanyl in FY 2021 and beyond.

### **Collecting, Analyzing, and Reporting Sentencing Data**

Each year the Commission collects and analyzes data regarding every felony and Class A misdemeanor offense sentenced during that year. Sentencing courts are statutorily required to submit five sentencing documents to the Commission within 30 days of entry of judgment in a criminal case: the charging document, the plea agreement, the Presentence Report, the Judgment and Commitment Order, and the Statement of Reasons form. The Commission analyzes these documents to report information of interest and importance to policy-makers and the federal criminal justice community.

In FY 2019, the Commission received approximately 340,000 documents for more than 74,000 original sentencings. Since FY 2017, the Department of Justice has announced several enhanced enforcement initiatives in areas such as immigration, firearms, and violent offenses. As a result, the Commission has already experienced an increase of over ten percent in its caseload and is preparing for the trend to continue in FYs 2020 and 2021 as more cases work through the federal courts and proceed to sentencing.

The Commission is able to process its large caseload by continuously developing means to automatically extract certain data and information from court documents. These efforts not only improve efficiency and reduce costs, but also expand the type of information the Commission can collect and analyze on a routine basis. For example, the Commission has enhanced its collection of

information regarding the nature of offenders' criminal history events. Previously, the Commission was able to collect only the number of criminal history points and Criminal History Category as determined under the guidelines.

Technological investments have now enabled the Commission to collect complete information on the number of convictions and types of offenses in the criminal histories of federal offenders. Using this new capability, in FY 2018 the Commission published *The Criminal History of Federal Offenders*, which for the first time analyzes the complete criminal history of 61,946 federal offenders sentenced in a fiscal year. The Commission plans to make its criminal history datasets for future fiscal years publicly available, which will be a valuable resource for both researchers and policy-makers.

The Commission's data extraction capability has enabled it to collect and report, for the first time, complete information regarding the use of 21 U.S.C. § 851, which significantly increases penalties for certain recidivist drug offenders and has been the subject of significant recent congressional interest, as evidenced in key provisions of the above-referenced First Step Act.

In FYs 2020 and 2021, the Commission intends to explore different ways to leverage its data extraction capabilities even further so that it can redirect existing human resources to collect and analyze additional information of interest, particularly in the area of offender characteristics.

The Commission continues to focus on making its data and research more accessible and easily understood. Each year, the Commission issues its annual *Sourcebook of Federal Sentencing Statistics*, which provides comprehensive federal sentencing data and is available in print and online. In FY 2019, for the first time in over 20 years, the Commission comprehensively updated and redesigned the *Sourcebook*. The new *Sourcebook* provides more detailed information with the addition of ten-year trend analyses, new sections on firearms and economic crime, and more complete information about the most frequently-occurring federal crimes.

The Commission is now incorporating these updates into an improved and enhanced interactive *Sourcebook* that will be relaunched as a new *Interactive Data Analyzer* in FY 2020. The new interactive tool will present printed *Sourcebook* data as well as analyses not found elsewhere, including sentence length by the guideline used at sentencing, amount of loss in fraud cases, and age of offenders in drug cases for each major drug type. The *Interactive Data Analyzer* will significantly expand users' ability to analyze sentencing data and customize tables and figures in a manner more reflective of current best practices in data visualization. Furthermore, it will utilize technology that will enable the Commission to easily add features and new data information in years to come.

The Commission continuously updates and expands its Quick Facts series, which contains dozens of easy-to-read, two-page synopses that provide concise facts and data about a single area of federal crime. The series includes overviews of offenders in the Federal Bureau of Prisons, women in the federal offender population, offenders convicted of mandatory minimum penalties, career offenders,

“white-collar” offenders, drug trafficking offenders by drug type, non-U.S. citizen offenders, and many more. In early FY 2020, two new Quick Facts were added relating to child pornography offenders and sexual abuse crimes.

### **Congressional Data Inquiries and Briefings**

Each year, the Commission receives frequent inquiries from Congress to complete prison and sentencing impact assessments of proposed legislation using real-time sentencing data. These assessments are often complex, time-sensitive, and require highly specialized, scarce Commission resources.

The Commission has experienced a surge in such inquiries, particularly from the Chairmen and Ranking Members of relevant Committees as well as interested congressional offices as Congress reviewed implementation of bipartisan sentencing legislation. In FYs 2019 and 2020, the Commission responded to dozens of time-sensitive data inquiries from the U.S. House and Senate Judiciary Committees as well as more general data requests from Congress on issues such as opioids, national security, firearms, violent crimes, and others. The Commission also provides circuit, district, and state-wide data analyses to House and Senate Judiciary Committee members and, on an as-requested basis, to other members of Congress.

Commission staff routinely hold briefings for congressional staff on Capitol Hill to present data and findings from the Commission’s recent reports. In addition, Commission staff provide basic guidelines training to congressional offices at their request.

### **Specialized Training**

The Commission continues to fulfill its statutory duty to provide specialized seminars, workshops, and training programs for judges, probation officers, law clerks, prosecutors and defense attorneys on application of the guidelines and federal sentencing generally. In FYs 2018 and 2019, Commissioners and staff conducted training programs in nearly all 94 federal districts, each program specifically tailored to the needs of the particular audience.

The Commission also conducts training exclusively for federal judges as they have unique training needs. Approximately 100 judges attended the Commission’s 2019 Annual National Seminar for Judges in Chicago, Illinois, and similar participation is expected at its 2020 seminar in Boston, Massachusetts. The Commission intends to meet the training needs of judges on an annual basis.

Each year the Commission also holds a national training seminar for a broader array of members of the federal criminal justice system. More than 850 federal probation officers, prosecutors, defense attorneys, and judges attended its 2019 national training seminar in New Orleans, Louisiana, and the Commission is planning a 2020 annual seminar in Chicago, Illinois, with an expected attendance of similar size.

The Commission also relies on distance and online learning in order to expand the reach of its training and contain costs. In FY 2019, the Commission expanded significantly its podcast series on frequently recurring sentencing issues, including a ten-episode miniseries on the categorical approach—one of the most commonly requested training topics and a source of extensive litigation. The Commission will continue to produce podcasts and update its glossary and case law summaries in FYs 2020 and 2021.

In FY 2020, the Commission launched an interactive quarterly newsletter as another means of providing sentencing training. The newsletter will be available online and distributed electronically to interested constituents. These updates contain guideline application pointers, case law updates, and answers to frequently asked questions.

In addition to these newer resources, the Commission continues to staff a helpline that responds to dozens of questions each day from judges, practitioners, and probation officers regarding proper guideline application.

### **Public Interface**

The Commission continues to expand and improve its public outreach efforts in a cost-efficient manner. In FY 2019, the Commission's website received over 1.5 million hits and averaged approximately 34,000 visitors per month. These numbers reflect an impressive increase in visitors (+22%), sessions (+24%), and pages viewed (+16%) from the previous fiscal year. The Commission also leverages social media to disseminate information broadly and efficiently by using its social media accounts and cloud communications tools to provide frequent electronic public updates on its policy work and research.

The Commission also has prioritized improving access to the *Guidelines Manual*, its most widely used and essential work product. In FY 2018, the Commission launched a mobile application that enables users to conveniently access the *Guidelines Manual* on a smartphone. This Guidelines App has been well received by practitioners and enhanced features will be added in FY 2020. Building on the success of the app, the Commission unveiled the *Guidelines Manual Annotated*—an enhancement to the online version of the *Manual* that provides the amendment history of each guideline provision. The product provides more accessibility to, and transparent understanding of, the policy rationale and sentencing data underlying each guideline provision. An increasing number of guideline users have accessed the *Guidelines Manual* using this new online resource since its launch in July 2019.

### **FISCAL YEAR 2020 APPROPRIATIONS**

The judiciary built the fiscal year (FY) 2021 discretionary budget request for the United States Sentencing Commission on the FY 2020 enacted appropriation, which is \$19,670,000. This amount maintains current services in FY 2020. For bill language, the judiciary used the language from P.L. 116-93, Financial Services and General Government Appropriations Act, 2020.

## JUSTIFICATION OF CHANGES

The FY 2021 budget request of \$20,256,000 represents an overall increase of \$586,000, or 3.0 percent, over the FY 2020 enacted appropriation of \$19,670,000. The Commission's request reflects an increase over FY 2020 to account for inflationary increases and adjustments for personnel costs to maintain current services. The Commission requests no program increases for FY 2021.

Adjustments to maintain current services include funds for pay and benefits, cost increases for current staff, and adjustments for on-going activities, such as inflationary increases in contract rates and charges for services, supplies, equipment, and other Commission needs.

### **ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES**

#### **A. COMMISSION PERSONNEL**

##### ***Pay and Benefit Adjustments***

#### **1. Proposed 2021 pay adjustment**

**Requested Increase: \$128,000**

The judiciary is assuming federal pay rates will increase by 1.0 percent in January 2021. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2021, from January 2021 to September 2021. (If the pay adjustment included in the President's FY 2021 budget request is different than 1.0 percent, the judiciary will revise this line item in its FY 2021 budget re-estimate.)

#### **2. Annualization of 2020 pay adjustment**

**Requested Increase: \$109,000**

The requested increase provides for the annualized costs of the 2020 pay adjustment for the Employment Cost Index (ECI) and locality pay. Based on the FY 2020 enacted appropriation, federal pay rates in Washington DC increased by 3.1 percent, effective as of January 2020. The requested increase provides for the cost of three months (from October 2020 to December 2020) of the assumed 2020 pay increase in FY 2021.

#### **3. Promotions and within-grade increases**

**Requested Increase: \$132,000**

The requested increase provides for promotions and within-grade increases for personnel. The salary plan for judicial support personnel provides for periodic within-grade increases for staff who receive at least a satisfactory performance rating.

#### **4. Benefits increases**

##### **a. Health benefits**

**Requested Increase: \$31,000**

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.2 percent both in January 2020 and January 2021. The requested increase annualizes the 2020 premium increase and includes a nine-month provision for an estimated 3.2 percent increase the increase anticipated for FY 2021.

**b. FICA adjustment**

**Requested Increase: \$22,000**

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2020. The salary cap for OASDI increased from \$132,900 to \$137,700 in January 2020. The requested amount is needed to pay the agency contribution in FY 2021.

**c. FERS adjustment**

**Requested Increase: \$149,000**

Consistent with guidance from the Office of Management and Budget, funds are requested for an increase in the agency contribution rate to Federal Employees Retirement System (FERS) plans for FY 2021. For most employees, the agency contribution rate will increase from 16.0 percent to 17.3 percent. Any FERS increase is in accordance with revised estimates of the cost of providing benefits by the Board of Actuaries of the Civil Service Retirement and Disability System.

**5. One less compensable day**

**Requested Decrease: (\$67,000)**

There is one less compensable day in FY 2021 than in FY 2020. The requested amount decreases personnel compensation and benefits associated with one less compensable day for biweekly paid employees.

**C. OTHER ADJUSTMENTS**

*General Inflationary Adjustments*

**6. Inflationary increases in charges for contracts, services, supplies, and equipment**

**Requested Increase: \$82,000**

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary adjustments of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, and furniture and equipment.