

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
Salaries and Expenses
SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS

Fiscal Year 2023 Enacted Appropriation	\$102,673,000
Fiscal Year 2024 Appropriation	\$112,974,000
Requested Increase from Fiscal Year 2023 Enacted Appropriation	\$10,301,000

APPROPRIATION LANGUAGE

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administration Office of the United States Courts as authorized by law, including travel as authorized by 31 U S C 1345, hire of a passenger motor vehicle as authorized by 31 U S C 1343(b), advertising and rent in the District of Columbia and elsewhere [*\$102,673,000*] *\$112,974,000*, of which not to exceed \$8,500 is authorized for official reception and representation expenses

P L 117- 328, Financial Services and General Government Appropriations Act, 2023

**SUMMARY OF REQUEST
ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS
FISCAL YEAR 2024
(Dollar amounts in thousands)**

Fiscal Year 2024 Resource Requirements:

	<u>FTEs</u>	<u>Amount</u>
Fiscal Year 2023 Obligations	1,473	\$290,336
Estimated FY 2023 fee collections	-	(8,204)
Fee carryforward from FY 2022 into FY 2023	-	(9,977)
Carryforward from Judiciary Information Technology Fund	-	(4,465)
Reimbursable Programs	(824)	(165,017)
Fiscal Year 2023 Enacted Appropriation	649	\$102,673

Page No. Adjustments to Base to Maintain Current Services:

A. Personnel

Pay and benefit adjustments

8.18	1. Proposed January 2024 pay adjustment	-	4,821
8.18	2. Annualization of January 2023 pay adjustment	-	1,062
8.18	3. Promotions and within-grade increases	-	973
8.18	4. One additional compensable day	-	541
	5. Benefits increases		
8.19	a. Health benefits	-	134
8.19	b. FICA adjustment	-	100

<u>Page</u>		<u>FTEs</u>	<u>Amount</u>
B. Other Adjustments			
8.19	6. Inflationary increases in charges for contracts, services, supplies, and equipment.	-	116
8.19	7. Increase in requirements to maintain FY 2023 service levels due to anticipated decrease in non-appropriated funds.	-	1,318
	8. Annualization of new positions requested in FY 2023		
8.20	a. Contractor Suitability (annualization of 2 pos).	1.0	204
8.20	b. Office of Compliance and Risk (annualization of 1 pos).	0.5	102
8.20	c. Office of Fair Employment Practices (annualization of 1 pos).....	0.5	72
	Subtotal, Adjustments to Base to Maintain Current Services	2.0	9,443
	Total Current Services Appropriation Required	651	112,116
<u>C. Program Increases:</u>			
8.20	9. Office of Judicial Integrity (2 pos).	1.0	186
8.21	10. IT Oversight Support Staff (1 pos)	0.5	110
8.21	11. Project Management Staff (4 pos)	2.0	389
8.21	12. DTS Judicial Conference and Advisory Council support (2 pos)	1.0	172
	Total Fiscal Year 2024 Appropriation Required	656	112,974
	Total Appropriation Increase, Fiscal Year 2023 to Fiscal Year 2024.	7	10,301
<u>Financing the Fiscal Year 2024 Request:</u>			
	Total Appropriation Required.	656	112,974
8.22	Estimated FY 2024 fee collections	-	8,968
8.22	Estimated fee carryforward from FY 2023 into FY 2024.	-	7,895
8.22	Reimbursable programs	884	185,540
	Estimated Obligations, Fiscal Year 2024	1,540	315,377

ADMINISTRATIVE OFFICE
Salaries and Expenses
Obligations by Activity (\$000)

Activity	FY 2022 Actual	FY 2023 Plan	FY 2024 Request
Program Direction and Policy Formulation	98,666	101,340	112,624
Program Services	44,618	54,087	57,293
Administrative Services	55,093	71,374	76,285
Technology Services	49,031	63,535	69,174
Total Obligations	247,407	290,336	315,376
Unobligated Balance, Start of Year: Judiciary Information Technology Fund	(2,002)	(4,465)	-
Deposits and Other Adjustments: Judiciary Information Technology Fund	(4,159)		-
Unobligated Balance, End of Year: Judiciary Information Technology Fund	4,465	-	-
<i>Subtotal, Other Obligations</i>	<i>(1,696)</i>	<i>(4,465)</i>	-
Direct Obligations	245,711	285,871	315,376
Offsetting Collections			
Federal Funds	(16,197)	(18,181)	(16,863)
Reimbursable Programs	(130,970)	(165,017)	(185,539)
<i>Salaries and Expenses</i>	<i>(102,911)</i>	<i>(121,321)</i>	<i>(138,466)</i>
<i>Electronic Public Access</i>	<i>(17,155)</i>	<i>(27,033)</i>	<i>(27,540)</i>
<i>Defender Services</i>	<i>(8,052)</i>	<i>(10,513)</i>	<i>(12,104)</i>
<i>Court Security</i>	<i>(2,851)</i>	<i>(6,150)</i>	<i>(7,429)</i>
Available Appropriation	\$98,545	\$102,673	\$112,974

ADMINISTRATIVE OFFICE
Salaries and Expenses
Obligations by Budget Object Class (\$000)

Description	FY 2024 Request		
	Total Obligations	Total Obligations	Total Obligations
1100 Personnel compensation	172,036	212,954	238,398
1200 Personnel benefits	62,621	62,556	66,349
1300 Benefits for former personnel	20	23	23
2100 Travel	685	1,370	1,406
2200 Transportation of things	108	144	148
2330 Communications, utilities, & misc	470	604	620
2400 Printing and reproduction	88	160	164
2500 Other services	3,963	4,881	5,007
2600 Supplies and materials	257	1,478	1,516
3100 Equipment	1,388	1,701	1,745
4200 Claims	-	-	-
9100 Undefined Disbursements (JITF Deposits)	4,074	-	-
Direct Obligations	245,711	285,871	315,376
Other Obligations (JITF Obligations)	1,696	4,465	-
Total Obligations	247,407	290,336	315,376

ADMINISTRATIVE OFFICE
Salaries and Expenses
Full-time Equivalents by Activity

Activity	FY 2022 Actual	FY 2023 Plan	FY 2024 Request
Program Direction and Policy			
Formulation	208	243	258
Program Services	314	354	354
Administrative Services	371	475	479
Technology Services	332	401	449
Total, Full-Time Equivalents	1,225	1,473	1,540
Less: Reimbursable Positions	(640)	(824)	(884)
<i>Salaries and Expenses</i>	<i>512</i>	<i>630</i>	<i>680</i>
<i>Electronic Public Access</i>	<i>74</i>	<i>107</i>	<i>107</i>
<i>Defender Services</i>	<i>41</i>	<i>58</i>	<i>64</i>
<i>Court Security</i>	<i>13</i>	<i>29</i>	<i>33</i>
Total, Direct Full-Time Equivalents	585	649	656

ADMINISTRATIVE OFFICE
Salaries and Expenses
Relation of Obligations to Outlays (\$000)

	FY 2022 Actual	FY 2023 Plan	FY 2024 Request
Direct obligations incurred	245,711	285,871	315,376
Obligated balance, unpaid obligations, start of year	(16,160)	(10,463)	(12,173)
Adjustments of prior year activity	5,830	2,080	2,169
Obligated balance, unpaid obligations, end of year	<u>10,463</u>	<u>12,173</u>	<u>13,430</u>
Total Outlays	245,844	289,661	318,801
Less Offsets	<u>(147,292)</u>	<u>(183,198)</u>	<u>(202,402)</u>
Net Outlays	98,552	106,463	116,399

GENERAL STATEMENT AND INFORMATION

This appropriation is for the necessary expenses of the Administrative Office of the United States Courts (AO), pursuant to 28 U.S.C. §§ 601-613. Created by an Act of Congress in 1939, the AO is the central support entity for the judicial branch. It supports and serves the federal judiciary in carrying out its constitutional mission to provide equal justice under the law. The fiscal year (FY) 2024 request for the AO account totals \$112,974,000 to support staff and operating expenses at a current services level and program increases to: 1) increase staff in the Office of Judicial Integrity to further support circuits and courts; 2) increase staff in the Department of Technology Services to support both the Judicial Conference Committee on Information Technology (IT) and the IT Advisory Council (ITAC); 3) add positions to address IT oversight and guidance across the judiciary; and 4) add positions that will be responsible for implementing best practices for IT project management across the AO.

The AO provides administrative, legal, financial, management, program, security, and information technology services to the federal courts and court units and federal defender offices. It provides support and staff counsel to the Judicial Conference of the United States and its committees, and it implements Judicial Conference policies as well as applicable federal statutes and regulations. The AO has central responsibility for communication and coordination within the judiciary and with Congress, the executive branch, and the public on behalf of the judiciary. The AO's lawyers, court administrators, accountants, systems engineers, analysts, architects, statisticians, security experts, and other staff provide professional services to meet the needs of judges and staff working in the federal courts and federal defender offices nationwide. These services include:

- ▶ performing central payroll, personnel, accounting, and procurement functions;
- ▶ developing and executing the judiciary's budget and guiding local court and federal defender budget execution;
- ▶ collecting and analyzing statistics on court, probation and pretrial services, and federal defender workload;
- ▶ auditing judiciary financial operations;
- ▶ monitoring and reviewing program performance and use of resources;
- ▶ developing and supporting automated systems and technologies used throughout the courts and federal defender offices;
- ▶ coordinating construction and management of judiciary facilities with the General Services Administration (GSA);
- ▶ monitoring U.S. Marshals Service (USMS) implementation of the Judicial Facility Security Program;
- ▶ defining court and federal defender resource needs through caseload forecasts and work measurement analyses;
- ▶ providing program leadership and support for circuit executives, clerks of court, probation and pretrial services officers, federal defenders, and other managers; and
- ▶ developing and conducting education and training programs focused on improving court administration and operations.

The updated *Strategic Direction for the Administrative Office of the United States Courts (Strategic Direction)*, published in 2022, complements the *Strategic Plan for the Federal Judiciary*, approved by the Judicial Conference in September 2020. Taken together, these two documents define the mission, values, and strategic intent of the federal judiciary and its supporting administrative office, as “OneJudiciary”. The *Strategic Direction* reinforces the AO’s focus on delivering excellent service to the courts, court units, probation and pretrial services offices, and federal defender organizations, effectively and efficiently, by the AO’s most valued asset – a talented, dedicated, diverse, and engaged workforce. At the same time the *Strategic Direction* underlines the AO’s imperative to maintain an exemplary workplace; continually strengthen its security posture; maintain effective communication channels and tools; and to foster collaboration and partnerships that strengthen understanding, trust, and confidence in the AO and the judiciary. Responding to the challenging COVID-19 operating environment, and heightened awareness of racial fairness and justice issues, the AO’s *Strategic Direction* also highlights some more immediate AO actions that affect employee engagement and inclusion. One way the AO works at achieving its mission is through measuring and responding to employee feedback. In November 2021 the AO conducted its fourth employee viewpoint survey, administered by the Office of Personnel Management. As was done for previous surveys (2015, 2017, 2019), an AO-wide Employee Engagement Task Force assessed the results and shared its observations for continuous improvement.

A table of selected workload indicators for the AO follows:

Table 8.1 Selected AO Fiscal Year 2023 Projected Workload Indicators

Indicators	Number
Active and senior judges (Article III, bankruptcy, magistrate, and Court of Federal Claims)	2,508
Court staff (Appellate, district, bankruptcy, probation, and pretrial services) and public defender staff	28,223
Court units (Appellate, district, bankruptcy, probation and pretrial services)	357
Federal defender organizations (Districts)	91
Court facilities (GSA- and U. S. Postal Service-owned federal buildings and leased facilities)	760
Judicial Conference committees	25
Court appropriations and fees (Salaries and Expenses, Defender Services, Fees of Jurors, Court Security, and Judicial Retirement Funds)	\$8.8 billion

FY 2023 APPROPRIATIONS

The judiciary built the FY 2024 AO budget request of \$112,974,000 on the FY 2023 enacted appropriation, which is \$102,673,000. For bill language, the judiciary used the language from P.L. 117-328, Financial Services and General Government Appropriations Act, 2023.

SIGNIFICANT ISSUES

Compliance and Risk Improvements

The AO continues to assess risks and enhance the response to recommendations from audits, internal control reviews, and other studies. An Enterprise Risk Management (ERM) program provides the AO Director and AO executives with greater visibility into efforts to improve oversight and address internal control weaknesses. The AO's Office of Compliance and Risk has conducted a series of internal management reviews of various functions with a focus on efficiency and effectiveness. Additional reviews are planned in FY 2024.

The AO is improving processes for tracking and monitoring compliance with laws and regulations. This effort includes the monitoring of changes in legislation and regulations requiring implementation, maintaining inventories of legal and regulatory requirements, and developing corrective action plans to improve compliance where necessary.

Fostering an Exemplary Workplace Across the Judiciary

Reporting Requirement. The explanatory statement accompanying the Financial Services and General Government Appropriations Act, 2023 (P.L. 117-328) adopts by reference language in House Report 117-393 under the AO appropriations heading requiring the Judiciary “to continue to inform Congress in [its] annual Congressional budget on the challenges remaining to provide an exemplary workplace for every judge and every court employee.”

The judiciary is committed to providing an exemplary workplace. Over the last several years, the Federal Judiciary Workplace Conduct Working Group (Working Group) has led efforts to improve the judiciary's workplace policies, processes, and systems. Employees have long had express protections against discrimination, harassment, and retaliation, and now have improved informal and formal processes through which assistance and remedies can be obtained, as well as confidential points of contact both within and outside their employing court who can provide guidance and advice.

In addition to long-standing prohibitions against workplace discrimination and harassment, the judiciary further enhanced workplace conduct policies to include express protections against abusive conduct, addressing harassing behavior even when it is not discriminatory. Confidentiality policies were clarified to remove potential barriers and encourage reporting, and the Codes of Conduct and Judicial Conduct and Disability Rules were revised to emphasize that judges and judiciary employees have a responsibility to take appropriate action if they learn of potential workplace misconduct, even if they are bystanders.

A new Model Federal Public Defender Organization employment dispute resolution (EDR) Plan was developed and approved by the Judicial Conference, designed to address issues unique to federal public defender organizations, including the distinct employment relationship between the federal public defenders and their employees, their role as legal representatives with ethical obligations to clients on whose behalf they appear in court, and the need to mitigate concerns regarding access to sensitive information.

Central to the judiciary's improved system is the network of professionals at the circuit and national level who are experts in matters of workplace conduct and provide options outside of the traditional court chain of command for employees to obtain support and guidance. The AO's national Office of Judicial Integrity (OJI) and Directors of Workplace Relations (DWRs) in each circuit work in partnership to support EDR coordinators designated in every court and employing office across the judiciary. Together, the OJI, DWRs, and EDR coordinators form a national network of trained, experienced professionals who provide confidential advice and guidance to employees, managers, and judges; support and facilitate EDR processes; coordinate training programs; propose and assist in the implementation of various policy initiatives; and collaborate on best practices to foster consistency across the circuits and courts. The judiciary has also taken steps to establish clear and trusted lines of communication with law schools to ensure they are aware of the judiciary's workplace protections and available processes for addressing concerns, highlighting the OJI and DWRs as confidential avenues for law school administrators to seek guidance and/or report concerns of which they become aware. The judiciary continues to engage internal and external stakeholders to garner feedback on how to further improve its protections and processes and inform future initiatives.

The Working Group has remained active and, in collaboration with Judicial Conference committees and AO advisory groups, continues to evaluate and assess existing policies, procedures, and practices to ensure an exemplary workplace. The Working Group issued its third report in March 2022, which emphasized the success of these systemic improvements and included nine additional recommendations for further progress.

The first of those recommendations was for a nationwide workplace survey disseminated to all current judiciary employees. In September 2022, the Judicial Conference approved a recommendation to have the Federal Judicial Center (FJC), the judiciary's independent education and research arm, conduct periodic national workplace surveys of court and federal public defender employees.

The FJC administered and disseminated the first such survey in January 2023. Information will be collected confidentially and anonymously. The survey results will allow the Working Group to obtain a national overview of the judiciary's workplace environment, including the nature and extent of any inappropriate conduct and how judiciary workplace policies and procedures are working. The Working Group will use that information to assess remaining challenges and determine what additional recommendations may be appropriate, building on the considerable progress achieved to date.

Courthouse Ethics and Transparency Act (CETA)

The Courthouse Ethics and Transparency Act (Pub. L. No. 117-125), signed into law in May 2022, mandates that judges file periodic financial transaction reports starting August 11, 2022, and requires the AO to establish an online database by November 9, 2022, that gives the public access to any judge's financial disclosure reports. The Judicial Conference Committee on Financial Disclosure has issued interim guidance on the new statutory requirement that the judicial branch report periodic transactions of stocks, bonds, commodity futures, and other securities, as the other branches of government do. The committee also began implementing the Judicial Conference's March 2022 authorization for immediate online release of judges' certified financial disclosure reports in a way that does not endanger them or their families. The online database is live and it is accessible to the public via uscourts.gov. The FY 2023 enacted appropriation will allow the AO to hire additional staff in the Office of General Counsel to support additional workload for CETA implementation. The AO will provide judges with further guidance as it becomes available.

Contractor Insourcing

Since 2012, the AO has continually analyzed the functions performed by AO contractors in keeping with the same goal to improve project/program management by adjusting the ratio of federal employees to contractors, ensuring appropriate supervision of contract operations, and reducing costs by converting more expensive contractor positions to less expensive government employees. Work formerly performed by contractors has been insourced in successive rounds, with individual rounds sometimes occurring over the course of multiple fiscal years.

In FY 2019, the AO began analyzing insourcing the work performed by 112 contractor positions. This effort has almost reached completion and is expected to result in a cumulative annual net savings of \$3.8 million in the Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses (S&E) account (savings accrue in S&E because the contractor services being replaced were funded by the S&E appropriation).

Another review of contractor insourcing began in late FY 2021. The functions of an additional 97 contractors will be insourced over a three-year period. At the conclusion of this round of contractor insourcing, the estimated cumulative savings in the S&E account will be \$5.2

million.

Materials Concerning Pending Legislation

Reporting Requirement. The explanatory statement accompanying the Financial Services and General Government Appropriations Act, 2023 (P.L. 117-328) adopts by reference language in House Report 117-393 under the AO appropriations heading requiring the Judiciary “to include in their annual budget justification a report on the steps the AO is taking to ensure materials concerning pending legislation are consistent with both the Code of Conduct for United States Judges and the Code of Conduct for Judicial Employees.”

The ethics regarding the preparation, distribution, and use of materials concerning pending legislation are within the larger ethical framework governing judges’ and employees’ communications with Congress, generally.

Organizations within the Judicial branch – most notably the Judicial Conference of the United States, which guides the actions of the AO – communicate with Congress about pending bills concerning the administration of justice that are expected to have an impact on the Judiciary’s policies, operations, and/or budget. These communications may take the form of proactive outreach to educate Members of Congress on Judiciary priorities and equities or occur in response to a request from a committee of Congress or an individual Member for the views of the Judiciary on potential legislation, and they may be made by judges and/or Judicial branch employees authorized to carry out the task. Such communications with Congress fall squarely within the activities allowed under 18 U.S.C. § 1913, which explicitly permits “officers or employees of the United States” to communicate to Congress or a Member of Congress, “through the proper official channels, requests for any legislation, law, ratification, policy, or appropriations which they deem necessary for the efficient conduct of the public business.”

Judges’ participation in educating Members of Congress on the impact of legislation is explicitly addressed and permitted by the Code of Conduct for United States Judges (whether or not such judges were specifically designated as judiciary spokespersons). Canon 4 of the Code authorizes judges to engage in extrajudicial activities consistent with the obligations of judicial office, including matters affecting the administration of justice. Specifically, Canon 4(A)(2) provides that a judge “may consult with or appear at a public hearing before an executive or legislative body or official: (a) on matters concerning the law, the legal system, or the administration of justice; (b) to the extent that it would generally be perceived that a judges’ judicial experience provides special expertise in the area; or (c) when the judge is acting pro se in a matter involving the judge or the judge’s interest.” The Judicial Conference’s Committee on Codes of Conduct has elaborated on the appropriateness of these activities via its Advisory Opinion No. 50, *Appearance Before a Legislative or Executive Body or Official*, which provides:

Under Canon 4, a judge properly may appear before a legislative or executive body or official, at a public hearing or in private

consultation, with respect to matters concerning the administration of justice. Examples would be matters relating to court personnel, budget, equipment, housing, and procedures. These matters are all vital to the judiciary's housekeeping functions and the smooth operation of the dispensation of justice generally.

Analogous guidance is provided in Canon 4A of the Code of Conduct for Judicial Employees, which permits employees to engage in outside activities that concern the law, the legal system, or the administration of justice, but requires employees to consult with their supervisors to determine whether their proposed activities are consistent with the Code.

Typically, the AO requests that employees and judges specify whether they are presenting Judiciary policy or their own views when communicating with Congress. When a judge or judicial employee speaks on behalf of the Judiciary, that activity is not, in the terms of the Code, “extrajudicial.” In other words, Canon 4 (of either Code) does not address or limit communications about legislation made by judges or employees when those communications are authorized by the Judiciary.

In furtherance of its responsibilities, the AO sometimes generates written materials to help prepare and inform judges and Judiciary employees authorized to communicate with Congress. Such materials are typically created by AO subject-matter experts working with AO staff assigned to congressional relations duties, who are conversant in the legal and ethical limitations on these matters.

The AO routinely encourages Judiciary officials to inform the AO when they communicate with Congress. Doing so offers, among other things, an additional opportunity for the AO to advise regarding any ethical concerns that may be specific to the occasion.

Allegations that a judge contravened Canon 4 are governed by the processes set forth in the Judicial Conduct and Disability Act (JC&D Act), 28 U.S.C. §§ 351–364, and the Rules for Judicial-Conduct and Judicial-Disability Proceedings (JC&D Rules). Allegations against employees of unethical conduct or actions that violate 18 U.S.C. § 1913 may be referred to their supervisor, agency, or court unit head for appropriate action.

AO SUPPORT OF THE JUDICIARY (INCLUDING COST CONTAINMENT)

The AO supports numerous key national initiatives in the federal courts to strengthen accountability, improve the delivery of justice, increase efficiency, and reduce costs. Many of the initiatives recently completed and currently underway reflect the application of information technology solutions to court operations and system enhancements to improve services. Cost containment continues to be a priority of the judiciary, and AO staff supporting the Judicial Conference and its committees are heavily involved in these efforts. The AO's work to support the judiciary is summarized below.

Modernizing and Securing the Judiciary's IT Infrastructure

Judiciary IT Security Task Force. The Judiciary IT Security Task Force was formed in 2021 by the AO Director to examine the judiciary's security posture. Its efforts have already led to significant recommendations, including implementing zero trust architecture (ZTA) judiciary-wide and expanding the use of multi-factor authentication (MFA). ZTA requires users to verify their identity to be granted access to an organization's network, systems, and data. MFA requires multiple factors to verify a user's identity before granting access to a network, system, or data. Such factors could include: (1) something the user knows, such as a password; (2) something the user has, such as a security token (e.g., two-factor authentication); or (3) something inherent to the user (e.g., a physical feature such as a fingerprint or other biometric data). Many other initiatives, including standards, security policies, and governance will be discussed by the Judiciary IT Security Task Force and implemented throughout the judiciary as appropriate.

Judiciary IT Modernization and Cybersecurity Strategy

In 2022, the Committee on Information Technology developed a multi-year strategy for modernizing and better securing the judiciary's systems, networks, and data. The *Judiciary IT Modernization Strategy (Strategy)* highlights the urgency of modernization in the judiciary's IT culture, processes, and technologies and has been used to guide several significant recent funding requests, including the multi-year cybersecurity and IT modernization plan submitted to the Committees on Appropriations in June 2022. IT modernization is a transformative process of moving away from aging software and hardware solutions and often involves consolidating, sunsetting, or replacing technologies in favor of more automated, user-centric, and innovative solutions. Modernization provides the judiciary the foundation needed for a current, secure, and dynamic IT environment to meet the rapidly changing needs of the judiciary and the public. The *Strategy* includes five key pillars:

- 1) secure the judiciary from cyber threats,
- 2) modernize infrastructure and access,
- 3) transform business applications,
- 4) institute modern technical standards and governance, and
- 5) evolve the workforce to meet the future.

Diversity, Equity, and Inclusion Initiatives Across the Judiciary

The judiciary has taken increased steps to cultivate a workplace of diversity, equity, and inclusion (DEI). One major step has been to make internships, fellowships, and other work-based learning experiences more available using judiciary pipeline programs that are designed to prompt more students and professionals to explore Third Branch career options and to equip them with the skills needed to be competitive applicants for joining the workforce. Increased recruitment and outreach efforts among a variety of schools and organizations are additional steps used to recruit, develop, and retain diverse talent throughout the judiciary. Another important step has been to engage the workforce

with DEI-related conversations and training to strengthen senior leadership commitment to DEI goals. Further, the judiciary has taken DEI-related steps to improve its service and public accountability through Probation and Pretrial Services Chiefs Advisory Groups (CAG) such as the *CAG Data Group*, which reviews judiciary data to identify any issues with respect to bias or disparity in field-level activities. In addition, the *CAG Reporting Officer Misconduct Group* has developed an officer misconduct tracking report that districts can use to promote consistency and transparency while preserving integrity and trust in the federal probation and pretrial services system.

Modernizing the CJA eVoucher System

The AO is modernizing the judiciary’s national electronic Criminal Justice Act (CJA) eVoucher system that is used to process panel attorney vouchers. These refinements will deliver new capabilities, enhance financial compliance, strengthen application security, and increase user productivity. The updated system will use a scalable state-of-the-art architecture hosted on a cost-effective, resilient cloud platform. Initial efforts seek to develop an updated vendor management system that provides a unified national record of CJA panel attorneys and service providers. Once a new vendor management module is released next year, the core eVoucher application will be updated.

PACTS 360 Development and National Rollout

The AO has completed several phases in its ongoing project to replace the Probation and Pretrial Case Tracking System (PACTS) and related applications with new software configured on a Microsoft platform in a high-security cloud environment. PACTS 360 will provide mission-critical capabilities for client and case management, pretrial investigation, presentence investigations, offense and drug calculators, and automated intake. Initially, the new system will focus on supervision capabilities, risk assessment, clinical services, and external integrations. The application’s national rollout is expected to start in FY 2024.

GOVERNMENT ACCOUNTABILITY OFFICE RECOMMENDATIONS

The narrative found here satisfies the 31 U.S.C. § 720(b)(2) requirement to inform the House and Senate Appropriations Committee on actions taken in response to Government Accountability Office (GAO) recommendations.

GAO Study on Judiciary IT Management

Report. On July 28, 2022, GAO issued [*U.S. Courts: Action Needed to Improve IT Management and Establish a Chief Information Officer \(GAO-22-105068\)*](#). The study was requested by Representative Henry C. “Hank” Johnson Jr., and Representative Gerald E. Connolly.

Issues Examined. The report focuses on the Judiciary’s information technology (IT) management and the Electronic Public Access (EPA) program. Specifically, GAO evaluated the extent to which the Administrative Office (1) implemented selected leading IT workforce

planning and management practices, (2) implemented selected best practices for planning and managing IT projects, and (3) has a CIO with the authority to exercise enterprise control and oversight of the Office's IT workforce and project portfolio.

Recommendation. GAO made 18 recommendations in its report, including that the Administrative Office assess risks and controls over Electronic Public Access (EPA) funds, improve its IT workforce planning and management, enhance its IT project management practices, and establish a CIO position with enterprise-wide authority.

Administrative Office Action: Since the publication of the report, the Administrative Office began a risk assessment of the EPA funds, which will result in enhanced controls over obligations and periodic future assessments. The Administrative Office plans to select a CIO in the spring of 2023 who will prioritize and assess the recommendations on workforce planning and performance management, while considering the costs and benefits of implementing the recommendations. In addition, the CIO will ensure that Administrative Office departments follow the standards provided in the Administrative Office's project management guidance.

JUSTIFICATION OF CHANGES

The Administrative Office appropriation request for FY 2024 totals \$112,974,000. This represents an increase of \$10,301,000 or 10.0 percent over the FY 2023 enacted appropriation of \$102,673,000. The FY 2024 budget request includes funds needed to maintain current services, and program increases to expand staff in the Office of Judicial Integrity, the Department of Technology Services, and agency project management teams.

Adjustments to base to maintain current services include funding for salaries and benefits increases for staff and increased costs for recurring requirements, such as travel, communications, service agreements, and supplies.

A. PERSONNEL

Pay and Benefit Adjustments

1. Proposed 2024 pay adjustment

Requested Increase: \$4,821,000

Consistent with guidance from the Office of Management and Budget, the judiciary is assuming federal pay rates will increase by 5.2 percent in January 2024. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2024, from January 2024 to September 2024. (If the pay adjustment included in the President's FY 2024 budget request is different from this 5.2 percent, the judiciary will revise this line item in its FY 2024 budget re-estimate.)

2. Annualization of 2023 pay adjustment

Requested Increase: \$1,062,000

The requested increase provides for the annualized costs of a 2023 pay adjustment for Employment Cost Index (ECI) and locality pay. As a result of the ECI and locality adjustments, federal pay rates increased by an average of 4.6 percent, effective as of January 2023. The requested increase provides for the cost of three months (from October 2023 to December 2023) of the 2023 pay increase in FY 2024.

3. Promotions and within-grade increases

Requested Increase: \$973,000

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. One more compensable day

Requested Increase: \$541,000

There is one more compensable day in FY 2024 than in FY 2023. The requested amount increases personnel compensation and benefits associated with one more compensable day for biweekly paid employees.

5. Benefits increases

a. Health benefits

Requested Increase: \$134,000

Based on information from the Office of Personnel Management, health benefit premium contributions are projected to increase by an average of 6.6 percent in both January 2023 and January 2024. The requested increase annualizes the 2023 premium increase and includes a nine-month provision for the increase anticipated for FY 2024.

b. FICA adjustment

Requested Increase: \$100,000

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 2023. The salary cap for OASDI increased from \$147,000 to \$160,200 in January 2023. The requested amount is needed to pay the AO's contribution in FY 2024.

B. OTHER ADJUSTMENTS

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

Requested Increase: \$116,000

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary adjustments of 2.4 percent for operating expenses such as travel, communications, printing, contractual services, supplies and

materials, and furniture and equipment.

7. Increase in requirements to maintain FY 2023 service levels due to anticipated decrease in non-appropriated funds

Requested Increase: \$1,318,000

In addition to appropriations from Congress, the judiciary relies on other funding sources to finance its requirements. These non-appropriated funds include current year fee collections and carryforward of fee balances from the prior year. The use of these funds allows the AO appropriations request to be reduced on a dollar-for-dollar basis.

The AO FY 2024 appropriation request of \$112,974,000 reflects a projected availability of \$16.9 million in non-appropriated funds. The FY 2023 obligation level assumes new fee collections and prior-year carryforward from FY 2022 totaling \$18.1 million. The AO request for appropriated funds for FY 2024 therefore includes a funding increase to offset the reduction in these non-appropriated funds and maintain the same level of services as provided in FY2023. The judiciary's estimates for non-appropriated funds typically fluctuate during the fiscal year. AO staff will update appropriations subcommittee staff on changes in non-appropriated funding levels.

annualization cost for salaries, benefits, and expenses.

8. Annualization of FY 2023 Positions

a. Contractor Suitability

Requested Increase: \$204,000 **FTE: 1.0**

The AO's Office of Human Resources (AOHR) identified requirements for two new positions for the Contractor Suitability/Background Investigation Program. The AO currently only has sufficient staff to support conducting suitability and background investigations for federal employees. These positions provide the necessary staff support to expand future contractor suitability and background investigation reviews to encompass contract staff as well.

This request supports the annualization of the two positions requested in FY 2023 that support the improvement of the AO's procurement and contract management processes. The amount of \$204,000 represents a six-month annualization cost.

b. Office of Compliance and Risk

Requested Increase: \$102,000 **FTE: 0.5**

The AO established a Compliance and Risk Officer in FY 2020 to assess risk across the agency and remediate critical findings from audits and reviews.

This request supports the annualization of a fourth position (0.5 FTE) requested in FY 2023 to further support the efforts of tracking compliance with laws and regulations to which the AO is subject. The amount of \$102,000 represents a six-month

c. Fair Employment Practice Specialist

Requested Increase: \$72,000 **FTE: 0.5**

The Fair Employment Practices Office provides advice and guidance to foster and maintain a diversified judiciary workforce. To further support these efforts, the Office identified requirements for a Fair Employment Practices Specialist that will assist and collaborate with both the Fair Employment Practices Officer and Special Emphasis Program Manager (SEPM) on a multitude of AO- and judiciary-supported programs, committees and Diversity, Equity, Inclusion, and Accessibility (DEIA)-related working groups.

This request supports the annualization of this position requested in FY 2023 and \$72,000 represents a six-month annualization cost.

C. PROGRAM INCREASES

9. Office of Judicial Integrity (OJI) (2 positions)

Requested Increase: \$186,329 **FTE: 1.0**

Court units have requested investigative support for workplace conduct matters, to include conducting investigations, consultative support, and investigations training. Since the OJI often also provides confidential informal advice to employees and employing offices regarding workplace conduct matters, having dedicated staff to both conduct investigations and/or

provide consultative investigations support both provides the necessary staffing and helps avoid potential conflicts of interest within the OJI. This staff will also develop requested investigations-related training and programming for the courts. This additional investigative staffing capacity can also be shared with other AO offices with investigative responsibilities—such as the Office of Fair Employment Practices and the staff who address Fraud, Waste, and Abuse allegations —when capacity issues arise.

10. IT Oversight support staff (1 position)

Requested Increase: \$109,987 FTE: 0.5

The July 2022 GAO study and other reviews support the need for a strengthened role for IT leadership at the AO, including the establishment of a Chief Information Officer (CIO). This position will staff the incoming CIO's efforts to review recommendations and assess the AO's organizational structure and authority. On a continual basis, the position will assess the extent to which the AO's IT program meets or exceeds best practices for the planning and management of IT projects. (See page 8.16 for more information.)

11. Project Management staff (4 positions)

Requested Increase: \$389,481 FTE: 2.0

These four positions will be responsible for implementing best practices for IT project management across the AO. A GAO study completed in July 2022 identified

opportunities for improvement in IT project management. Rather than the current department-level approach, GAO recommended that all departments comply with agency-wide guidance and standard processes for IT project management. The new positions will support new IT project management guidance, including the development of comprehensive cost estimates and improved project schedules. This will help ensure that projects meet user needs and are delivered on schedule and within budget. (See page 8.16 for more information.)

12. Department of Technology Services (2 positions)

Requested Increase: \$171,624 FTE: 1.0

The Department of Technology Services (DTS) provides staff support to the Judicial Conference Committee on Information Technology (IT Committee) and other stakeholder groups that provide advice on IT policies and their implementation. There are two full-time staff who support these functions, as well as support for updating and maintaining judiciary guidance. Given the additional IT security policies that are being implemented throughout the judiciary as a result of the Judiciary IT Security Task Force work, and as identified in the *Judiciary IT Modernization and Cybersecurity Strategy*, additional staff resources are required. (See page 8.8 for more information.)

Two additional staff resources are requested to support policy development and coordination responsibilities, including IT Committee support, working with stakeholders to consider proposed changes, updating policies and other guidance, and communicating changes to stakeholders from court units and federal public defender organizations.

FINANCING THE FISCAL YEAR 2024 REQUEST

Estimated Fiscal Year 2024 Fee Collections

Estimated Funds Available: \$8,968,000

The judiciary has authority to collect fees for various services such as bankruptcy filing, civil filing, bankruptcy noticing, and registry administration. These fees are used to reimburse judiciary appropriations and are available without fiscal year limitation. The judiciary estimates that \$8.9 million of new fee collections will be available to offset the AO's FY 2024 budget request. The judiciary will continue to monitor filings and other collections throughout FY 2023 and will advise appropriations subcommittee staffs of any changes to these estimates.

Estimated fee carryforward from Fiscal Year 2023 into Fiscal Year 2024

Estimated funds available: \$7,895,000

In addition to receiving a portion of new fee collections, the AO account receives a portion of the fee balances carried over from prior years. This request reflects funds from existing carryforward balances in the judiciary fee accounts that the judiciary estimates will be available to offset the AO's FY 2024 budget request. The judiciary will advise appropriations subcommittee staffs of any changes to this estimate.

Reimbursable Programs

Funds Available: \$185,540,000 FTE: 884

Requested Increase: \$20,523,000

Beginning in 1990, Congress authorized reimbursable funds for the AO to carry out specific support functions for the courts. These functions include background checks/investigations, case management improvement, Central Violations Bureau, court automation, court financial administration, court financial systems, court investment services, court security, defender services audit and assessment, defender services training, Electronic Public Access services, the Federal Probation and Pretrial Services Training Academy, financial disclosure, judiciary benefits, and work measurement.

The request for the AO reimbursable programs includes funding for 884 FTE from the Salaries and Expenses (680 FTE), Defender Services (64 FTE), and Court Security (33 FTE) appropriations under the Courts of Appeals, District Courts, and Other Judicial Services heading, as well as 107 FTE reimbursed from Electronic Public Access fees. These positions are necessary to maintain a sufficient staffing level to fulfill core court and defender support responsibilities, oversee the court security program, and continue to develop, implement, and support automated systems and technologies in the courts. These systems include network and telephone systems; case management/electronic case files systems that support appellate, district, and bankruptcy courts and probation and pretrial services offices; and financial management systems

that ensure sound financial practices and internal controls.

The FY 2024 obligation level requested for the AO's reimbursable program totals \$185,540,000, a net increase of \$20,523,000 from the projected FY 2023 obligation level of \$165,017,000.

The FY 2024 request includes \$13,614,000 in net adjustments to base for inflationary increases in salaries, benefits, and other expenses. The request also includes 15 FTE and \$2,878,000 to support the annualization of 30 IT positions as included in the FY 2023 re-estimate. The request also includes 5 FTE and \$297,000 to support the annualization of 10 Financial Disclosure Courthouse Ethics and Transparency Act (CETA) positions.

This request includes program increases totaling \$5,717,000 for IT infrastructure/modernization and web development. The request includes fifty-eight positions (29 FTE) for IT infrastructure/modernization and two positions (1 FTE) for web development. The IT infrastructure/modernization positions will be divided between cybersecurity improvements; judiciary networks, governance, and services modernization; data security, management, and modernization; and application modernization. The FY 2024 budget request includes the continuation of integrating critical IT infrastructure/modernization requirements. Acquiring additional funding for IT infrastructure/modernization efforts without also obtaining additional positions to provide proper management and oversight would result in slow or little progress.

Additionally, each year the role of web delivery in AO communications strategy has expanded to support the growing

need to share information efficiently throughout the judiciary. A review of the scope and nature of the Web Teams work identified functions that should be performed by government employees due to sensitivity and risk. The web development positions will reside in the AO's Office of Public Affairs and support the expansion of scope and reliance of information throughout the judiciary.

Within the Defender Services account, the FY 2024 request includes \$669,000 for the annualization of eight additional positions (4 FTE) funded in FY 2023. The Defender's request also includes \$316,000 for program increases (1.5 FTE) in the Program Operations Division to support program reviews, audit preparation, financial management, internal controls, procurement, and accountable officer liability.

The FY 2024 request includes a program increase within Court Security to include \$1,000,000 for four Court Security Emergency Management (EM) positions (4 FTE). These positions will provide subject-matter expertise in EM for preparedness, response, recovery, and mitigation; programmatic policy; education; and training for the AO and the judiciary.