

**District of Columbia Courts
FY 2013 Budget Justification
Appropriations Language and Legislative Proposals**

LANGUAGE

Appropriations Language

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, [\$232,841,000] \$349,181,000 to be allocated as follows: for the District of Columbia Court of Appeals, [\$12,830,000] \$13,185,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, [\$114,209,000] \$114,988,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, [\$66,712,000] \$67,618,000, of which not to exceed \$2,500 is for official reception and representation expenses; and [\$39,090,000] \$153,390,000, to remain available until September 30, [2013] 2014, for capital improvements for District of Columbia courthouse facilities: *Provided*, That funds made available for capital improvements shall be expended consistent with the District of Columbia Courts master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and the Senate, the District of Columbia Courts may reallocate not more than \$3,000,000 of the funds provided under this heading among the items and entities funded under this heading but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

[(INCLUDING TRANSFER OF FUNDS)]

For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments authorized under section 21-2060, D.C. Official Code (relating to services provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), [\$55,000,000] \$50,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of

Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies[: *Provided further*, That not more than \$10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading `Federal Payment to the District of Columbia Courts' for District of Columbia courthouse facilities].

Legislative Proposal¹

VOLUNTARY SEPARATION INCENTIVE PAYMENTS

Sec. __. District of Columbia Courts. The Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for individuals serving the District of Columbia Courts.

¹ Please note that the D.C. Courts have also submitted legislative proposals to the appropriate authorizing authority.

JUSTIFICATION

Account: FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS
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The request maintains the existing level of the D.C. Courts' funds for official reception and representation purposes, required to meet responsibilities such as to support legal education in the District (home to six law schools), to work with D.C. Bar committees of volunteers, and to host the high number of international guests who visit the D.C. Courts to learn about legal systems in democratic societies. This level is commensurate with small federal agencies, and is considerably less than the representation funds available to other District officials. For example, the Mayor, Council Chair, and several other District officials <i>each</i> have more than \$10,000 available for official reception and representation expenses.
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Account: DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS
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Proposed change	Deleted Language: “: <i>Provided further</i> , That not more than \$10,000,000 of the funds provided in this account may be transferred to, and merged with, funds made available under the heading `Federal Payment to the District of Columbia Courts' for District of Columbia courthouse facilities”
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Purpose	Deletes one-time language included in the FY 2012 appropriation permitting transfer of funds to the Courts' capital account.
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Justification	This language is no longer necessary
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Legislative Proposal: VOLUNTARY SEPARATION INCENTIVE PAYMENTS
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Proposed change	New Provision: <i>Sec. __. District of Columbia Courts. The Joint Committee on Judicial Administration in the District of Columbia may, by regulation, establish a program substantially similar to the program set forth in subchapter II of chapter 35 of title 5, United States Code, for individuals serving the District of Columbia Courts.</i>
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Purpose	Authorize the D.C. Courts to offer voluntary separation incentive payments (buyouts).
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Justification	The D.C. Courts operate in a dynamic environment; buyouts are a necessary tool to effectively administer justice in the District of Columbia while confronting budget cuts and adapting to a changing workforce and the evolving needs of the community.
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	Budget reductions caused by the difficult economic circumstances facing the Nation are expected to continue in the future. The Courts need the tools available to the Federal Government to address budget gaps while
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Legislative Proposal: VOLUNTARY SEPARATION INCENTIVE PAYMENTS

continuing to provide quality service to the public and to fulfill our mission.

The Courts are engaged in a strategic human resources initiative to manage change and address workforce planning. Approximately one-third of the Courts' workforce is eligible to retire in the next five years. Changes in technology and the needs of the public drive changes in employee skill requirements. Buyout authority is an essential tool for restructuring and reshaping the Courts' workforce without sacrificing service to the public and employee productivity and morale, which would be at risk with options such as RIF's or furloughs that might become necessary in the absence of this authority.

According to news reports, approximately 20 Federal agencies and the Federal courts offered buyouts during 2011, and more Federal buyouts are underway in 2012. The D.C. Courts are federally financed and D.C. Courts' employees are federal employees for purposes of retirement under the Revitalization Act (National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33). Therefore, like federal agencies and federal courts, the D.C. Courts should have the ability to utilize buyouts as a tool to help meet budget demands and reshape the workforce.

The Courts seek authority to establish a buyout program which is "substantially similar" to the federal program because the Courts have independent personnel authority and should not be subject to Office of Personnel Management approval of a Court plan to offer buyouts to employees. The suggested language is modeled on the buyout authority for the federal courts, which also have independent personnel authority. See Homeland Security Act of 2002, Pub. L. 107-296, sec. 1313(a), which created permanent authority for executive agencies and the Federal Judiciary to offer voluntary separation incentive payments ("The Director of the Administrative Office of the United States Courts may, by regulation, establish a program substantially similar to the [federal buyout] program . . . for individuals serving in the judicial branch.").