



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 25, 2018

H.R. 6755 **Judiciary ROOM Act of 2018**

As ordered reported by House Committee on the Judiciary on September 13, 2018

SUMMARY

H.R. 6755 would authorize 60 district court judgeships—52 judgeships would be new and 8 temporary judgeships would become permanent. The bill also would authorize the construction of additional facilities within a federal courthouse in California and would direct the federal judiciary to carry out other activities. CBO estimates that implementing H.R. 6755 would cost \$134 million over the 2019-2023 period, assuming appropriation of the necessary amounts.

In addition, CBO estimates that enacting H.R. 6755 would increase direct spending by \$123 million over the 2019-2028 period for the salaries and benefits of the new judges; therefore, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 6755 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6755 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of H.R. 6755 is shown in the following table. The costs of the legislation fall within budget function 750 (administration of justice) and 800 (general government).

	By Fiscal Year, in Millions of Dollars											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019-2023	2019-2028
INCREASES IN DIRECT SPENDING												
Estimated Budget Authority	0	0	4	12	17	17	18	18	19	20	33	125
Estimated Outlays	0	0	3	11	17	17	18	18	19	20	31	123
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
District Court Administrative Costs												
Estimated Authorization Level	0	0	12	39	53	55	57	59	61	64	104	400
Estimated Outlays	0	0	11	36	52	55	57	59	61	64	99	395
Courthouse Modifications												
Estimated Authorization Level	20	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays	1	6	8	5	0	0	0	0	0	0	20	20
Other Provisions												
Estimated Authorization Level	3	3	3	3	3	3	3	3	3	3	15	30
Estimated Outlays	3	3	3	3	3	3	3	3	3	3	15	30
Total												
Estimated Authorization Level	23	3	15	42	56	58	60	62	64	67	139	450
Estimated Outlays	4	9	22	44	55	58	60	62	64	67	134	445

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted by the end of 2018 and that the necessary amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for the affected activities.

Direct Spending

CBO estimates that enacting H.R. 6755 would increase direct spending by \$123 million over the 2019-2028 period for additional district court judges appointed under Article III of the Constitution. The salaries and benefits for Article III judges are considered direct spending.

New Judgeships. H.R. 6755 would establish 52 new permanent district court judgeships, effective January 22, 2021. CBO expects that those judges would be confirmed over the 2021-2022 period.

According to the Administrative Office of the U.S. Courts (AOUSC), the salaries and benefits for a district court judge in 2018 totaled about \$250,000. Incorporating the

effects of anticipated inflation, CBO estimates that the salaries and benefits for those judges would increase direct spending by \$118 million over the 2019-2028 period.

Temporary Judgeships Converted to Permanent Judgeships. H.R. 6755 also would convert eight temporary district court judgeships into permanent judgeships. Under current law, those judgeships expire at different points in 2019. After 2019, all judges currently serving in the districts where those temporary judgeships are assigned could continue to serve until they retire or they die. If any judge currently serving in such a district vacates a seat after 2019, that vacancy would not be filled if the number of remaining judges in that district equals or exceeds the number of permanent judgeships authorized for that district. Under the bill, any vacancies after the date of enactment or after January 22, 2021, could be filled because those judgeships would be extended indefinitely.¹

Using information from the Federal Judicial Center about the age of the relevant judges and their length of service, CBO expects that two vacancies probably will occur at different points over the 2021-2028 period. CBO estimates that filling those vacancies under the bill would increase direct spending for salaries and benefits by \$5 million over the 2019-2028 period.

Spending Subject to Appropriation

CBO estimates that implementing H.R. 6755 would cost \$445 million over the 2019-2028 period, subject to the appropriation of the necessary amounts. Most of those costs would be for administrative support for the new judges.

District Court Administrative Costs. Implementing H.R. 6755 would result in new administrative expenses for each judge appointed. Such expenses include salaries and benefits for support staff, security costs, and court operations and maintenance. According to the AOUSC, the average administrative cost for a district court judge in 2018 was about \$800,000. Incorporating the effects of anticipated inflation, CBO estimates that the administrative costs associated with the additional judges would be \$395 million over the 2019-2028 period. In addition, using information from the AOUSC, CBO expects that the judiciary would accommodate those new judges in existing courthouses.

1. Section 101(b) of the bill states that the temporary judgeships would be converted as of the date of enactment. (For this estimate, CBO assumes the bill will be enacted in early fiscal year 2019.) However, section 101(e) states that section 101 would take effect on January 22, 2021. Accordingly, when those temporary judgeships would be converted into permanent judgeships is not clear and CBO cannot determine whether those judgeships would cease to exist under the bill if they were vacated before January 22, 2021. However, using information on the age of the relevant judges and their length of service, CBO expects that, under current law, none of the temporary judgeships would be vacated before January 22, 2021.

Courthouse Modifications. Section 104 would authorize the construction of two district courtrooms and four magistrate judge chambers in the James M. Carter and Judith N. Keep U.S. Courthouse in San Diego, California. Using information from the AOUSC, CBO expects that the additions would be accommodated by modifying existing space in the courthouse. Based on the costs for similar federal courthouse modification projects, CBO estimates that implementing section 105 would cost \$20 million.

Other Provisions. CBO estimates that implementing other provisions of the bill would cost about \$3 million annually, or \$30 million over the 2019-2028 period.

Video Recordings of Court Proceedings. Section 301 would require certain proceedings of the courts of appeals and the Supreme Court to be recorded and made available online as streaming videos. Based on the costs of a pilot program that operated between 2011 and 2015, CBO estimates that equipment costs would be about \$40,000 per court. In addition, CBO estimates that each court would require one additional employee for video operations and production. Finally, CBO expects that the AOUSC would incur annual costs for video-hosting services. CBO estimates that implementing section 301 would cost about \$2 million annually and \$20 million over the 2019-2028 period.

Medical Examinations for Judges and Justices. Section 203 would require roughly 1,300 federal judges and justices to undergo periodic medical examinations, at no expense to the judge or justice. CBO has no information on how the federal judiciary would implement the provision. However, judges and justices would probably use their existing health insurance policies to meet the requirement. Under the bill, CBO expects that the federal government would be responsible for any costs not covered by insurance. Using information on the national average cost of a primary care physician's visit in recent years, the estimated number of visits per year, and the likelihood that the federal government would pay additional costs, CBO estimates that implementing section 203 would cost about \$500,000 annually.

Other Costs. H.R. 6755 would direct the Judicial Conference to issue a code of conduct for judges and justices and develop a pilot program to increase public access to exhibits used in court proceedings. The bill also would establish an advisory committee to improve public access to court broadcasts and information. Using information from the AOUSC, and based on the costs of similar tasks, CBO estimates that those activities would cost less than \$500,000 annually.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in

outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO Estimate of Pay-As-You-Go Effects for H.R. 6755, the Judiciary ROOM Act of 2018, as Ordered Reported by the House Committee on the Judiciary on September 13, 2018

	By Fiscal Year, in Millions of Dollars											
	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2019-2023	2019-2028
NET INCREASE IN THE DEFICIT												
Statutory Pay-As-You-Go Effect	0	0	3	11	17	17	18	18	19	20	31	123

INCREASE IN LONG-TERM DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 6755 would not increase net direct spending or on-budget deficits by more than \$5 billion in any of the four consecutive 10-year periods beginning in 2029.

MANDATES

H.R. 6755 contains no intergovernmental or private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY

Federal Costs: Janani Shankaran
Mandates: Andrew Laughlin

ESTIMATE REVIEWED BY

Kim P. Cawley
Chief, Natural and Physical Resources Cost Estimates Unit

H. Samuel Papenfuss
Deputy Assistant Director for Budget Analysis