

**Statement of Justice Anthony Kennedy
Associate Justice of the Supreme Court of the United States
Before the
Subcommittee on Financial Services and General Government
of the
House Committee on Appropriations
March 23, 2015
3:00 p.m.
Rayburn House Office Building, Room 2359**

Chairman Crenshaw, Ranking Member Serrano, and Members of the Subcommittee. Thank you for giving Justice Breyer and me this opportunity to appear before your Committee to discuss the budget requirements of the Supreme Court for fiscal year 2016. We are pleased to convey greetings to all of you from the Chief Justice and our colleagues.

We have with us today Jeffrey Minear, Counselor to the Chief Justice; Pamela Talkin, Marshal of the Court; Scott Harris, Clerk of the Court; Kathy Arberg, our Public Information Officer; and Kevin Cline, our Budget Manager.

As is customary, the Supreme Court's budget request consists of two parts. We will present today the first part of the request, which addresses salaries and expenses of the Court. The Architect of the Capitol will provide a separate statement on the second part of the request, which addresses the care of the building and grounds.

Before presenting our fiscal year 2016 request, we would like to express our appreciation for Congress's approval of our funding request for fiscal year 2015. We recognize that Congress and this Subcommittee face a difficult task in allocating a limited pool of available funds among a variety of government components engaged in a wide spectrum of worthwhile activities. The Judiciary's entire budget request is small

compared to the overall federal budget, representing less than two-tenths of one-percent of federal expenditures. The Supreme Court's request, in turn, represents only 1 percent of the Judiciary's budget. Although our request is small considering the requests you receive from other agencies and departments, we appreciate the funding we receive. We are also grateful for the Subcommittee's confidence in our ability to manage those funds efficiently. We assure you that we remain fully committed to prudent fiscal practices.

For fiscal year 2016, the Court is again requesting a minor increase over the previous funding level. The fiscal year 2016 request amount is 78.274 million dollars, consisting of 2.55 million dollars in mandatory expenditures and 75.72 million dollars in discretionary expenditures. This increase is just 780,000 dollars — or slightly more than 1 percent— over the fiscal year 2015 funding level of 77.494 million dollars. The Court's request reflects an increase of 1.32 million dollars in required salary and benefit costs, a 332,000 dollar inflationary increase in fixed costs, and a reduction of 869,000 dollars in Court-initiated cost savings.

We hope that, when you examine our request, you again recognize our own rigorous self-policing of expenses. Our request in fiscal year 2016 is only 0.7 percent more than our fiscal year 2011 request of five years ago. We have not requested a programmatic increase since fiscal year 2012, other than the 500,000 dollar increase requested in fiscal year 2014 to restore the voluntary one-year technology fund reduction we proposed the previous fiscal year. Since fiscal year 2012, our requests have reflected almost 6 million dollars in reductions realized through Court-initiated cost savings, not including the 500,000 dollar one-year technology fund reduction.

We are proud of our self-enforced austerity. Our practice of requesting only essential funding gives us little latitude, however, to absorb budget cuts without impairing critical operations. We do not have the capacity to alter our mission or reduce our functions. We have no control over the number of petitions for review that are filed each year. Nevertheless, we continuously seek out ways to make our operations more efficient.

We would like to give the Subcommittee advance notice that we may need to seek a programmatic increase in our fiscal year 2017 budget request. As the Chief Justice noted in his year-end report, we are currently in the early stages of developing an electronic case-filing system. We expect that the fiscal year 2016 technology funds will be adequate to complete the development and initial implementation of the system. We may need to seek additional funds in fiscal year 2017, however, for two full-time employee positions to assist in the operation, maintenance, and improvement of the system. We are not yet sure whether those positions will be necessary, and we will request additional funding only if and when we are convinced they are needed. Whether the need materializes or not, you can be confident that we will continue to exercise sound management of taxpayer funds.

Perhaps this should be noted in closing. A judiciary cannot function without adequate supporting resources. When judges, legislators, and many other observers from foreign nations study our judicial system, they see at once the results of a long and wise Congressional commitment to provide federal judges with the substantial resources they must have to perform the judicial function. Courthouses, libraries, and technical equipment, including hardware and software for the information age are all provided and

kept up-to-date. And then, of course, the judges must and do rely on the impressive human resources Congress provides them, included devoted staff with a high degree of technical expertise and training. The result is that these observers see a tangible, powerful example of a Nation committed to the Rule of Law. This is an inspiring and necessary lesson for our times. In appearing here today it is our honor and privilege to take express note of this longstanding Congressional commitment to our law and our legal heritage.

This concludes a brief summary of our request. Although we cannot comment on Court decisions or pending cases, we would be pleased to respond to any budget-related questions that the Members of the Subcommittee may have.