

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
April 14, 2011
10:00 am
Rayburn House Office Building, Room 2359

Chairwoman Emerson, and Members of the Subcommittee.

It is a privilege to appear before you with my colleague Justice Breyer.

We are here to discuss the budget requirements of the Supreme Court for the fiscal year 2012.

We are accompanied today by William Suter, Clerk of the Court; Pamela Talkin, Marshal of the Court; Jeffrey Minear, Counselor to the Chief Justice; Kathy Arberg, our Public Information Officer; and Kevin Cline, our Budget Manager.

We appreciate your recognition of the constitutional position the Supreme Court has in our system of separation of powers and checks and balances. That same system, of course, vests Congress with the duty and responsibility to make appropriations for the operations of the government. We are pleased to assist the Subcommittee in evaluating the needs of the Court.

As is customary, the Supreme Court's budget request consists of two parts. The first is for salaries and expenses of the Court. The second is for care of the building and grounds. Today, we will address the salary and expenses portion. The Architect of the Capitol will present a separate statement to the Subcommittee concerning the budget request for the care of building and grounds.

Before addressing the Court's salaries and expenses, we would like to provide a brief update on the progress of an ongoing construction project: the modernization of the Supreme Court building. We are pleased to report that this project, which began in the summer of 2004, is substantially complete. The contractor is finishing work in the basement mechanical rooms, parking garage, and miscellaneous remaining areas of the building as well as performing final testing and activation of life-safety systems, mechanical systems, and electrical systems. Site demobilization has begun and will be complete very soon. We will then turn to restoring the grounds, which have been used for staging the construction work.

The primary emphasis in this brief summary is the Court's budget request for the Court's salaries and expenses. We are mindful of the severe budget constraints that the federal government confronts and of your most difficult task in establishing funding priorities. The Court's own budget is quite small, even in comparison to the modest needs of the entire federal judiciary. Nevertheless, we always review our funding requirements with great care. It is our tradition to exercise this prudence and caution so that we limit budget requests to cover just what the Court requires to conduct its vital work, not more.

The budget request for fiscal 2012, then, reflects the Court's commitment to prudence and caution as it seeks to conserve funds from the taxpayers. The amount requested for fiscal year 2012, for salaries and expenses, is \$75,551,000.

If we use as a base for comparison the amount the Court requested for the last fiscal year, the request this year shows a decrease. This is a decrease of \$2,207,000 from the amount requested for fiscal year 2011. (That requested amount was \$77,758,000.)

If we use an assumed budget for fiscal 2011, then by this measure, too, the amount requested for fiscal 2011 is a reduction. The assumed budget for 2011 is \$76,257,000. Our current request is lower than this by \$706,000.

We were able to make these reductions even though the courts do not have the capacity to alter their mission or reduce their functions. The courts must hear criminal cases and civil cases in the regular course in order to protect the rights of the parties. We have no control over the number of cases that enter the judicial system. Within that framework, however, we can find, and have found, ways to make our operations more efficient.

The Chief Justice is committed to cost containment within the judiciary. He has instructed the Court's budget staff to investigate new methods of operating more efficiently and reducing costs. This has led to the prospect for additional savings through methods not previously considered by the Court. For example, the Court is evaluating the possible use of resources within the executive branch for payroll and financial operations. In the past year, the Court has begun study of the feasibility of processing the Court's payroll and financial tracking and reporting systems through government entities that perform those same functions for executive branch agencies. We are covering the costs of investigating this initiative through cost-reduction measures in other areas, including deferred filling of employee vacancies. If this initiative proves promising, we will request a modest increase in funding next year to realize long-term future savings in personnel, budget, and accounting costs. This initiative, if successful, has an additional attraction. It would allow us to reduce our reliance on contract employees by utilizing the services of existing federal employees already doing similar tasks within the government.

In fiscal year 2012, the Court will fund the increases for benefits costs and inflationary increases in fixed costs within the reduced funding amount. We also renew our request, made last year, for authority to hire an additional 12 police officers within this budget amount. As we explained in last year's hearing, these officers are required to perform needed functions and to give full coverage to each post. The additional positions will be possible as a result of our cost saving initiatives. . . and they are urgently needed. We need more staff in other areas, as well, but we will defer requesting them at this time.

Our budget is a small fraction of the overall federal budget, but we are confident that we are doing our part to address the financial constraints faced by our entire federal government.

This concludes a brief summary of our request. We will be pleased to respond to any questions about our budget request that the Members of the Subcommittee may have.