January 8, 2014

The Honorable Barbara Mikulski  
Chair, Committee on Appropriations  
United States Senate  
Washington, DC  20510

The Honorable Richard Shelby  
Ranking Member  
Committee on Appropriations  
United States Senate  
Washington, DC  20510

The Honorable Harold Rogers  
Chair, Committee on Appropriations  
United States House of Representatives  
Washington, DC  20515

The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
United States House of Representatives  
Washington, DC  20515

Re: FY 2014 Funding for the Federal Judiciary

Dear Senator Mikulski, Senator Shelby, Representative Rogers, and Representative Lowey:

I am writing on behalf of the American Bar Association to express our sincere appreciation for your demonstrated commitment to provide the federal judiciary with the financial resources it needs to carry out its many critical constitutional and statutory duties. Specifically, the ABA strongly supports the Judicial Conference’s FY 2014 appropriation request of $7.042 billion -- $6.518 billion for discretionary spending and $ 523.5 million for mandatory spending. The total request is $13 million more than the funding approved last summer by the House Appropriations Committee and substantially less than the funding approved by the Senate Appropriations Committee.

The request for an additional $13 million over the House mark is due to the recalculation of the funds that will be required to cover mandatory expenses in 2014. The House and Senate FY 2014 funding bills included $486.5 million for the judiciary’s mandatory expenses, a shortfall of $37 million in what is actually needed.

Acutely aware that it is subject to the same funding constraints as the rest of the government and of its responsibility to contain costs, the judiciary has attempted to offset this shortfall by supporting discretionary spending levels that are lower than the amounts approved by the House and Senate committees. The proposed spending levels will enable the judiciary to restore some, but certainly not all, of the staffing positions and services sacrificed to sequestration last year. We believe that the judiciary’s budget appeal proposes a bare-bones budget that truly represents the minimum needed to do its work without unduly jeopardizing the administration of justice. In
January 8, 2014

fact, were deficit reduction not such an urgent priority, we would urge you to increase funds for discretionary spending, especially with regard to defender services, irrespective of the judiciary’s request.

We commend the judiciary for heeding your concerns succinctly stated in the reports accompanying the 2014 Financial Services and General Government appropriations bills over the rising costs associated with space occupancy and the need to devote its FY 2014 resources to the retention of staff and restoration of vital services and functions. Of special note is the judiciary’s recent adoption of two policies that will help control the cost of future mandatory spending on rent: its “NO Net New” policy for courthouse space, which Chief Justice John Roberts explained in his year-end report means that “any increase in square footage within a circuit must be offset by an equivalent reduction,” and its articulated commitment to achieve a three percent reduction in space occupancy by the end of FY 2018.

Again, thank you for recognizing that the federal judiciary is a critical component of our government and that adequate funding is needed to enable it to resolve disputes in a fair, efficient, and timely manner.

Sincerely,

James R. Silkenat

cc: The Honorable Harry Reid, Senate Majority Leader
The Honorable Mitch McConnell, Senate Minority Leader
The Honorable John Boehner, Speaker of the House
The Honorable Nancy Pelosi, House Minority Leader
The Honorable Tom Udall, Chair, Subcommittee on Financial Services and General Government, Committee on Appropriations
The Honorable Mike Johanns, Ranking Member, Subcommittee on Financial Services and General Government, Committee on Appropriations
The Honorable Ander Crenshaw, Chair, Subcommittee on Financial Services and General Government, Committee on Appropriations
The Honorable José Serrano, Ranking Member, Subcommittee on Financial Services and General Government, Committee on Appropriations