

**UNITED STATES COURT OF INTERNATIONAL TRADE**  
*Salaries and Expenses*  
**SUMMARY STATEMENT OF ACCOUNT REQUIREMENTS**

	<b>Mandatory</b>	<b>Discretionary</b>	<b>Total</b>
<b>Total Fiscal Year 2022 Assumed Appropriation</b>	<b>\$2,189,000</b>	<b>\$20,766,000</b>	<b>\$22,955,000</b>
<b>Total Fiscal Year 2023 Appropriation Request</b>	<b>\$2,311,000</b>	<b>\$21,405,000</b>	<b>\$23,716,000</b>
<b>Total Requested Increase from Fiscal Year 2022 Assumed Appropriation</b>	<b>\$122,000</b>	<b>\$639,000</b>	<b>\$761,000</b>

**APPROPRIATION LANGUAGE**

**UNITED STATES COURT OF INTERNATIONAL TRADE**

**SALARIES AND EXPENSES**

For salaries of officers and employees of the court, services, and necessary expenses of the court, as authorized by law, [~~\$20,766,000~~]*\$21,405,000*.

In addition, there are appropriated such sums as may be necessary under current law for the salaries of the chief judge and judges of the court.

(H.R 4502 - Financial Services and General Government Appropriations Act, 2022)

**SUMMARY OF REQUEST  
UNITED STATES COURT OF INTERNATIONAL TRADE  
SALARIES AND EXPENSES  
FISCAL YEAR 2023  
(Dollar amounts in thousands)**

**Fiscal Year 2023 Resource Requirements:**

	Mandatory		Discretionary		Total	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
<b>Fiscal Year 2022 Assumed Obligations .....</b>	<b>9</b>	<b>2,189</b>	<b>68</b>	<b>21,681</b>	<b>77</b>	<b>23,870</b>
Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund Balances ...	-	-	-	<b>(915)</b>	-	<b>(915)</b>
<b>Fiscal Year 2022 Assumed Appropriation</b>	<b>9</b>	<b>2,189</b>	<b>68</b>	<b>20,766</b>	<b>77</b>	<b>22,955</b>

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**No. Adjustments to Base to Maintain Current Services:**

**A. Judges**

Pay and Benefit Adjustments

3.10	1. Proposed 2023 pay adjustment (4.1% for nine months) .....	-	95	-	-	-	95
3.10	2. Annualization of 2022 pay adjustment (2.2% for three months) .....	-	16	-	-	-	16
3.10	3. Benefits increases						
	a. Health benefits.....	-	8	-	-	-	8
	b. FICA adjustment.....	-	3	-	-	-	3

**B. Personnel**

Pay and Benefit Adjustments

3.11	4. Proposed 2023 pay adjustment (4.6% for nine months) .....	-	-	-	254	-	254
3.11	5. Annualization of 2022 pay adjustment (2.7% for three months) .....	-	-	-	49	-	49
3.11	6. Promotions and within-grade increases.....	-	-	-	55	-	55
3.11	7. Benefits increases						
	a. Health benefits.....	-	-	-	64	-	64
	b. FICA adjustment.....	-	-	-	3	-	3
3.12	8. One less compensable day.....	-	-	-	(36)	-	(36)

**SUMMARY OF REQUEST  
UNITED STATES COURT OF INTERNATIONAL TRADE  
SALARIES AND EXPENSES**

**FISCAL YEAR 2023**

**(Dollar amounts in thousands)**

	Mandatory		Discretionary		Total	
	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>	<u>FTE</u>	<u>Amount</u>
<b>C. Other Adjustments</b>						
General Inflationary Adjustments						
3.12	9.	Inflationary increases in charges for contracts, services, supplies, and equipment.....	-	-	-	63
3.12	10.	Increase in GSA space rental costs.....	-	-	-	178
3.13	11.	Increase in FPS basic/building specific security surcharges.....	-	-	-	9
<b>Subtotal, Adjustments to Base to Maintain Current Services.....</b>			<b>-</b>	<b>122</b>	<b>-</b>	<b>639</b>
<b>Total Fiscal Year 2023 Appropriation Required.....</b>			<b>9</b>	<b>2,311</b>	<b>68</b>	<b>21,405</b>

**Financing the Fiscal Year 2023 Request:**

<b>Total Appropriation Required, Fiscal Year 2023.....</b>			<b>9</b>	<b>2,311</b>	<b>68</b>	<b>21,405</b>	<b>77</b>	<b>23,716</b>
3.13	Utilization of Electronic Public Access Receipts and Judiciary Information Technology Fund.....		-	-	-	233	-	233
<b>Total Estimated Obligations, Fiscal Year 2023.....</b>			<b>9</b>	<b>2,311</b>	<b>68</b>	<b>21,638</b>	<b>77</b>	<b>23,949</b>

**UNITED STATES COURT OF INTERNATIONAL TRADE  
SALARIES AND EXPENSES**

**Obligations by Activity (\$000)**

Activity	FY 2021 Actual	FY 2022 Assumed	FY 2023 Request
Total Obligations	22,277	23,870	23,949
Unobligated Balance, Start of Year:			
Judiciary Information Technology Fund	(1,191)	(1,082)	(200)
Deposits and Other Adjustments:			
Judiciary Information Technology Fund	(455)	(33)	(33)
Prior Year Recoveries	(49)		
Unobligated Balance, End of Year:			
Judiciary Information Technology Fund	1,082	200	0
<i>Subtotal, Other Obligations</i>	<i>(613)</i>	<i>(915)</i>	<i>(233)</i>
<b>Direct Obligations</b>	<b>21,664</b>	<b>22,955</b>	<b>23,716</b>
Unobligated Balance, End of Year	89	0	0
Offsetting Collections		0	0
<b>Appropriation Total</b>	<b>21,753</b>	<b>22,955</b>	<b>23,716</b>
Appropriation - Mandatory	1,753	2,189	2,311
Appropriation - Discretionary	20,000	20,766	21,405

**Obligations by Budget Object Class (\$000)**

Description	FY 2021 Actual	FY 2022 Assumed Obligations	FY 2023 Request
11 Personnel compensation	7,952	9,300	9,733
12 Personnel benefits	2,344	2,347	2,425
21 Travel	8	130	149
22 Transportation of things	28	50	51
23 Rent, communications and utilities			
<i>Rental payments to GSA</i>	8,737	8,919	9,097
<i>Communications utilities &amp; misc. charges</i>	25	30	31
24 Printing and reproduction	3	4	4
25 Other services	1,989	1,907	1,949
26 Supplies and materials	26	46	47
31 Equipment	97	222	230
91 Undefined Disbursements (JITF Deposit)	455	0	0
<b>Direct Obligations</b>	<b>21,664</b>	<b>22,955</b>	<b>23,716</b>
Other Obligations (JITF Obligations)	613	915	233
Total Obligations	22,277	23,870	23,949

**UNITED STATES COURT OF INTERNATIONAL TRADE**  
**Salaries & Expenses**  
**Relation of Obligations to Outlays (\$000)**

	FY 2021 Actual	FY 2022 Assumed Obligations	FY 2023 Request	Difference (+) or (-)
Direct obligations incurred	21,664	22,955	23,716	655
Obligated balance, start of year	3,955	4,349	4,608	259
Adjustments of prior year activity	(1,370)	(1,452)	(1,500)	(41)
Obligated balance, end of year	<u>(4,349)</u>	<u>(4,608)</u>	<u>(4,761)</u>	<u>(132)</u>
<b>Total Outlays</b>	<b>19,900</b>	<b>21,244</b>	<b>22,063</b>	<b>741</b>
Less Offsets	<u>(34)</u>	<u>(34)</u>	<u>(34)</u>	<u>0</u>
Net Outlays	19,866	21,210	21,951	741

**Personnel Summary**

	FY 2021 Actual	FY 2022 Estimate	FY 2023 Request	Difference (+) or (-)
<b>Total compensable workyears:</b>				
<b>Full-time equivalent employment</b>	65	77	77	0

**UNITED STATES COURT OF INTERNATIONAL TRADE**

**SALARIES AND EXPENSES**

**Summary of Mandatory Costs**

	<u>Fiscal Year 2022</u>		<u>Fiscal Year 2023</u>		<u>Increase</u> <u>(\$000)</u>
	<u>No. of Judgeships</u>	<u>Compensation and</u> <u>Benefits</u> <u>(\$000)</u>	<u>No. of Judgeships</u>	<u>Compensation and</u> <u>Benefits</u> <u>(\$000)</u>	
Article III Judges	9	2,189	9	2,311	122

## GENERAL STATEMENT AND INFORMATION

The United States Court of International Trade, with nine authorized Article III judgeships, has exclusive nationwide jurisdiction of civil actions against the United States, its agencies and officers, and certain civil actions brought by the United States, arising out of import transactions and the administration and enforcement of the federal customs and international trade laws. In keeping with its national jurisdiction, sessions of the Court may be held throughout the country.

The estimates under this title are to provide for the salaries of the judges and supporting personnel of the Court of International Trade, located in Manhattan, New York, and the necessary operating expenses of the Court. These operating expenses include internal courthouse security, Federal Protective Service (FPS) surcharges for building-specific security services, GSA rent charges, travel, equipment maintenance contracts, cyclical maintenance of and upgrades to facilities, printing and binding, general office supplies, purchase of new/replacement office equipment and furniture, repair of existing equipment and furniture, access to legal research databases, and acquisition and maintenance of legal reference materials.

The fiscal year (FY) 2023 request for the Court of International Trade totals \$23,716,000 to support the operations of the Court at current service levels. The request includes \$2,311,000 for mandatory appropriations and \$21,405,000 for discretionary appropriations.

The COVID-19 pandemic caused significant disruptions to courthouse operations. The Court revised its business practices to allow the Bar and litigants to appear by video and judges and staff to work remotely. The Court continues to use videoconferencing to hold hybrid hearings and conduct court business. To ensure the success of these remote operations, the Court engaged with key stakeholders to determine how best to handle proceedings via videoconference.

During FY 2021, the Court received 781 new case filings – the second highest recorded since FY 2003. As in FY 2020, when there were 3,670 new case filings, this unusually high volume reflects the filing of novel challenges to recent applications of federal trade laws. Based on commonalities in the claims of many of these new cases, the Court plans to utilize current and innovative case management approaches to preside over these additional cases with existing resources. The Court does not plan to seek significant additional funding to manage the increased workload.

## **FISCAL YEAR 2022 APPROPRIATIONS**

In the absence of an enacted FY 2022 appropriation, the judiciary built the FY 2023 discretionary budget request for the U.S. Court of International Trade on an assumed FY 2022 appropriation of \$20,766,000, which is the current services level.

For bill language for this account, the judiciary used the relevant language from H.R. 4502, which includes the House-passed version of the Financial Services and General Government Appropriations Act, 2022, as the closest approximation of eventual enacted FY 2022 appropriations language, updated with the assumed funding level as described above.

After full year FY 2022 appropriations are enacted, the judiciary will re-estimate its FY 2023 budget request and transmit to the Appropriations Committees any changes to FY 2023 appropriation requirements and bill language.



The table below provides caseload data of the Court for FY 2017 through FY 2021.

**Civil Action Cases**

Fiscal Year	Pending Beginning of Year	Received	Decided	Pending End of Year
2017	1,812	313	448	1,677
2018	1,677	242	428	1,491
2019	1,491	223	631	1,083
2020	1,083	3,670	482	4,271
2021	4,271	781	362	4,690

## **JUSTIFICATION OF CHANGES**

The FY 2023 budget request for the Court includes \$2,311,000 for mandatory appropriations and \$21,405,000 for discretionary appropriations. The discretionary request is a 3.1 percent increase over the FY 2022 assumed appropriation of \$20,766,000. The total increase reflects only the necessary adjustments to base to maintain current services. The Court requests no program increases in FY 2023.

## **ADJUSTMENTS TO BASE TO MAINTAIN CURRENT SERVICES**

The following narrative provides information and justification for each of the adjustments to base for the Court.

### **A. JUDGES**

#### ***Pay and Benefit Adjustments***

##### **1. Proposed 2023 pay adjustment**

#### **Mandatory Increase: \$95,000**

The judiciary is assuming federal pay rates will increase by 4.1 percent for judges in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President's FY 2023 budget request

is different from this 4.1 percent guidance, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

##### **2. Annualization of 2022 pay adjustment**

#### **Mandatory Increase: \$16,000**

The requested increase provides for the annualized costs of the 2022 pay adjustment of 2.2 percent for judges associated with the Employment Cost Index (ECI), effective as of January 2022. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

##### **3. Benefits increases**

###### **a. Health benefits**

#### **Mandatory Increase: \$8,000**

Based on information from the Office of Personnel Management, agency health benefit premium contributions are projected to increase by an average of 3.0 percent both in January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

**b. FICA adjustment**

**Mandatory Increase: \$3,000**

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2022. The salary cap for OASDI increased from \$142,800 to \$147,000 in January 2022. The requested amount is needed to pay the agency's contribution in FY 2023.

**B. PERSONNEL**

*Pay and Benefit Adjustments*

**4. Proposed 2023 pay adjustment**

**Requested Increase: \$254,000**

The judiciary is assuming federal pay rates will increase by 4.6 percent in January 2023. The requested increase provides for the cost of nine months of the anticipated pay raise in FY 2023, from January 2023 to September 2023. (If the pay adjustment included in the President's FY 2023 budget request is different from this 4.6 percent, the judiciary will revise this line item in its FY 2023 budget re-estimate.)

**5. Annualization of 2022 pay adjustment**

**Requested Increase: \$49,000**

The requested increase provides for the annualized costs of a 2022 pay adjustment for Employment Cost Index (ECI) and locality pay. As a result of an ECI and locality adjustment, federal pay rates increased by an average of 2.7 percent, effective as of January 2022. The requested increase provides for the cost of three months (from October 2022 to December 2022) of the 2022 pay increase in FY 2023.

**6. Promotions and within-grade increases**

**Requested Increase: \$55,000**

The requested increase provides for promotions and within-grade increases for personnel. The salary plan for judicial support personnel provides for periodic within-grade increases for staff who receive at least a satisfactory performance rating.

**7. Benefits increases**

**a. Health benefits**

**Requested Increase: \$64,000**

Based on information from the Office of Personnel Management, health benefit premium contributions are

projected to increase by an average of 3.0 percent in both January 2022 and January 2023. The requested increase annualizes the 2022 premium increase and includes a nine-month provision for the increase anticipated for FY 2023.

**b. FICA adjustment**

**Requested Increase: \$3,000**

Based on information from the Social Security Administration, employer contributions to the Old Age, Survivor, and Disability Insurance (OASDI) portion of the FICA tax will increase in 2022. The salary cap for OASDI increased from \$142,800 to \$147,000 in January 2022. The requested amount is needed to pay the Court's contribution in FY 2023.

**8. One less compensable day**

**Requested Decrease: (\$36,000)**

There is one less compensable day in FY 2023 than in FY 2022. The requested amount decreases personnel compensation and benefits associated with one less compensable day for biweekly paid employees.

**C. OTHER ADJUSTMENTS**

***General Inflationary Adjustments***

**9. Inflationary increases in charges for contracts, services, supplies, and equipment**

**Requested Increase: \$63,000**

Consistent with guidance from the Office of Management and Budget, this requested increase is required to fund inflationary adjustments of 2.0 percent for operating expenses such as travel, communications, printing, contractual services, supplies and materials, furniture, and equipment.

**10. Increase in GSA space rental costs**

**Requested Increase: \$178,000**

This request represents a 2.0 percent inflationary increase and adjustments in the cost of GSA space rental charges for space for FY 2023.

**11. Increase in Federal Protective Service (FPS) basic/  
building specific security surcharges**

**Requested Increase: \$9,000**

Based on the Department of Homeland Security's FPS's estimate, this requested increase is required in basic and building specific security surcharge costs expected in FY 2023. The building specific security surcharges provide for the Court's pro rata share of installing, operating, and maintaining the enhanced security for the Federal Complex in lower Manhattan.

**FINANCING THE FISCAL YEAR 2023 REQUEST**

**Utilization of Electronic Public Access Receipts and the  
Judiciary Information Technology Fund**

**Estimated Obligations: \$233,000**

At the beginning of FY 2022, \$1,115,000 was available in carryforward balances from the Judiciary Information Technology Fund, including \$33,000 from Electronic Public Access receipts. Of this amount, the Court is planning to use \$915,000 during FY 2022 to:

- purchase additional audio/video technology for use in Courtrooms;
- purchase mobile audio/video carts to enhance videoconferencing capabilities;

- license and maintain the court's IT hardware and software applications;
- maintain and support digital recording systems, data network and voice connections, Virtual Private Network System (VPN), Voice Over Internet Protocol (VOIP), and Judiciary Data Communications Network (DCN); and
- purchase computer desktop systems, monitors, laptops, mobile devices, and printers, according to the judiciary's cyclical replacement program and to facilitate videoconferencing needs.

At the beginning of FY 2023, the Court anticipates that \$233,000 will be available in carryforward balances into the Judiciary Information Technology Fund, including \$33,000 of EPA receipts. These funds will be used to continue the Court's information technology initiatives as described above and to support its short-term and long-term IT needs.