

STATEMENT OF JANE A. RESTANI  
Chief Judge  
UNITED STATES COURT OF INTERNATIONAL TRADE  
Before the Subcommittee On  
Financial Services and General Government  
Committee on Appropriations  
United States Senate

March 12, 2008

Mr. Chairman, Members of the Committee:

I would like to once again thank you for providing me the opportunity to submit this statement on behalf of the United States Court of International Trade, which is established under Article III of the Constitution with exclusive nationwide jurisdiction over civil actions pertaining to matters arising out of the administration and enforcement of the customs and international trade laws of the United States.

The Court's budget request for Fiscal Year 2009 is \$19,622,000. This represents an overall increase of \$2,990,000 or 18 percent over the Court's Fiscal Year 2008 enacted appropriation of \$16,632,000. The primary reason for this increase in the Fiscal Year 2009 budget request is a substantial increase in GSA rent charges. The total GSA rent estimate for Fiscal Year 2009 is \$7,527,041, which is an increase of \$2,336,000 over the Fiscal Year 2008 rent estimate. To put these charges in perspective, it is important to note that these Fiscal Year 2009 rent charges represent 78 percent of the Court's total requested increase and 38 percent of the Court's total requested budget. The rent rate increase reflects a 50 percent increase in the shell rate as a result of a new appraisal by GSA. While the shell rate is primarily responsible for the increase in GSA rent charges, those increase charges also include a new expenditure of \$803,012 for the amortized cost of the Court's Congressionally-approved security pavilion. The process for the construction of this security pavilion began in Fiscal Year 2002 when Congress authorized \$75,000 for an architectural analysis of the repairs and upgrades needed to ensure the health, security and effective operation of the Court. The results of this analysis eventually led to the construction of the security pavilion that will be completed toward the end of Fiscal Year 2008.

Despite the substantial increase in rent charges, which is outside of the Court's control, the Court continues, as it has done for the past 13 years, to budget conservatively and request only funds that will provide for mandatory increases in pay, benefits and other inflationary factors, as well as funds for the essential on-going operations and initiatives of the Court. These increases are in line and consistent with the Court's prior average budgetary requests of 4.8 percent. I note also that these modest increases include increases in costs paid to the Federal Protective Service for basic and building-specific security surcharges. The security surcharges provide for the Court's pro-rata share of installing, operating and maintaining systems for the critical and necessary security of the Federal Complex in lower Manhattan.

Through the use of its annual appropriation and the Judiciary Information Technology Fund (JITF), the Court continues to promote and implement the objectives set forth in its Long Range Plan. These objectives promote access to the Court through the effective and efficient delivery of services and information to litigants, the bar, public, judges and staff. As a national court, this access is critical in realizing the Court's mission to resolve disputes by (1) providing cost effective, courteous and timely service, (2) providing independent, consistent, fair and impartial interpretation and application of the customs and international trade laws and (3) fostering improvements in customs and international trade law and practice and improvement in the administration of justice.

The Court continues to aggressively implement its information technology and cyclical maintenance/replacement programs. In Fiscal Year 2007, the Court: (1) purchased, configured and tested 3 new replacement servers, 2 new file servers and 1 internet server; (2) tested the new 3.1 version of the Court's customized version of the Federal Judiciary's Case Management/Electronic Case Files (CM/ECF) System; (3) cyclically upgraded, replaced and supported desktop computers and printers throughout the Court; (4) upgraded the Court's photocopiers with new digital copiers with scanning and faxing capabilities; (5) installed the new version of Word Perfect; (6) supported and maintained all technical equipment and software applications; and (7) utilized an Administrative Office contract for professional consulting services for an evaluation of the needs of the Court in the design and implementation of a new video conferencing system. Additionally, in Fiscal Year 2007, the Court continued its cyclical maintenance program by: (1) refurbishing the finance/property/procurement and the technical development support sections of the Clerk's Office; and (2) refurbishing 2 case file rooms and the confidential storage room for better space utilization.

In Fiscal Year 2008, the Court plans to expend funds to: (1) review and subsequently implement the consultant's recommendations, mentioned in the above, for the purchase of a new video conferencing system; (2) install the file and internet servers and replace the Court's voice, fax and domain name servers; (3) replace desktop computer systems and VPN laptops in accordance with the Judiciary's cyclical replacement program; (4) upgrade and support existing software applications; (5) purchase new software applications to ensure the continued operational efficiency of the Court; and (7) support Court equipment by the purchase of yearly maintenance agreements. The Court will also continue to expand its developmental and educational programs for staff in the areas of job-related skills and technology.

In Fiscal Year 2009, the Court will not only remain committed to using its carryforward balances in the Judiciary Information Technology Fund to continue its information technology initiatives and to support the Court's short-term and long-term information technology needs, but will also continue its commitment to its cyclical replacement and maintenance program for equipment and furniture for the Courthouse. This latter program not only ensures the integrity of equipment and furnishings, but maximizes the use and functionality of the internal space of the courthouse. Additionally, the Fiscal Year 2009 request includes funds for the support and maintenance of the Court's upgraded security systems. Lastly, the Court will continue its efforts

to address the educational needs of the bar and Court staff.

As I have continually stated in previous years, the Court remains committed to maintaining its security systems to ensure the protection of those who work in and visit the Courthouse. The Court is looking forward to the completion of its security pavilion in the third quarter of Fiscal Year 2008. This pavilion is expected to be fully operational in Fiscal Year 2009. The Court has worked in partnership with GSA in the design, construction and completion of this entrance pavilion and is most gratified to see that everyone's efforts and hard work will finally be realized.

I would like to again emphasize that the Court will continue to conservatively manage its financial resources through sound fiscal, procurement and personnel practices. As a matter of internal operating principles, the Court routinely has engaged in cost containment strategies in keeping with the overall administrative policies and practices of the Judicial Conference. For over five years the Court has only requested funds to maintain current services. The extraordinary increase in the Fiscal Year 2009 projected rent charges has caused concerns regarding the Court's ability to maintain current services without additional funds to support the rent increase. In an effort to lessen the projected impact of this rent increase, at the end of Fiscal Year 2007 and continuing into Fiscal Year 2008, the Court began the initial review process of the Fiscal Year 2009 rent rate. Several meetings were held with high level regional GSA personnel responsible for the review and implementation of the rent pricing rates. Additionally, the Clerk of Court met with the Administrative Office. In order to proceed with the process and at the suggestion of the Administrative Office, the Court, in Fiscal Year 2008, will issue a work order for an independent appraisal analysis. Once the new appraisal is completed and reviewed, subsequent meetings will be held with GSA's high level regional and national office personnel in an effort to reduce the high rent increase.

Lastly, I would like to personally extend my deepest thanks and appreciation to Congress for recognizing the needs of the Court by providing, in Fiscal Years 2007 and 2008, adequate funding to maintain current services. I am confident that Congress, in Fiscal Year 2009, will provide the needed funds for the increase in rent costs, thereby enabling the Court to continue to operate in a cost effective and efficient manner.

The Court's "General Statement and Information" and "Justification of Changes," which provide more detailed descriptions of each line item adjustment, were submitted previously. If the Committee requires any additional information, we will be pleased to submit it.