

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL
SERVICES PROGRAM, *et al.*,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action No. 16-745 ESH

NOTICE OF FILING

In accordance with the Court's March 5, 2018 email instruction, Defendant hereby provides notice to the Court and Plaintiffs of the filing of the attached documents (and authenticating declaration) that address the Court's five questions, as reflected below:

1. The Taylor Decl. Ex. L sets forth [] how PACER fees were spent from 2010-2016. How were PACER fees spent for the 10 years before that? If there are any documents which provide this information in the same manner as Exhibit L, please file them with the Court.

RESPONSE: See Tabs 30, 31, 32, 33, 34, 35, 36.

2. Were there "Congressional priorities" prior to 2010? If so, what were they? How much was spent each year?

RESPONSE: The "Congressional Priorities" label was first used in 2007 under the "Resources Available for S&E Utilization" label. Prior to 2007, this line was titled "S&E Utilization" under the "Resources Available for S&E Utilization" label. See Tabs 30 - 36, reflecting:

2000 total was \$10,018,792 (Tab 30 Subtotal-Expanded Services)
2001 total was \$19,705,652 (Tab 31 Subtotal-Expanded Services)
2002 total was \$11,489,928 (Tab 32 Subtotal-Expanded Services)
2003 total was \$17,526,439 (Tab 33 line 39-Subtotal, S&E Util.)

2004 total was \$23,813,663 (Tab 33 line 39-Subtotal, S&E Util.)
2005 total was \$31,828,090 (Tab 33 line 39-Subtotal, S&E Util.)
2006 total was \$32,916,235 (Tab 34 Subtotal, S&E Util.)
2007 total was \$37,332,930 (Tab 35 Subtotal, Congressional Priorities)
2008 total was \$57,670,579 (Tab 35 Subtotal, Congressional Priorities)
2009 total was \$25,122,664 (Tab 36 line 51-Total Congressional Priorities)

3. Identify any evidence of Congressional directives, mandates, or approvals for any item designated as a Congressional priority after 2002 (other than the House and Senate Committee approvals of the 2007 Financial Plan, see Skidgel Decl. Exs. L & M)?

RESPONSE: Tabs 1 - 8 contain sections of the Judiciary's budget requests to Congress relating to the Judiciary's Electronic Public Access Program for fiscal years 2002 - 2009.

Tabs 9 – 13 contain sections of the Judiciary's spending plans submitted to Congress relating to the Judiciary's Electronic Public Access Program for fiscal years 2006 -2009 and fiscal year 2012.

Tabs 14 – 29 contain letters and emails from Congress approving the Judiciary's submitted spending plans.¹

Tab 37 contains a compilation of expenditures that appeared under the heading "Congressional Priorities", the year the expenditure was listed under that heading, and the Congressional directive/approval associated with that expenditure.

4. Where can the Court find a copy of S. Rep. No. 109-293, at 176 (cited in response to Pls' Facts ¶ 36 for the proposition that "Congress did 'urge[] the judiciary to undertake a study of whether sharing such technology, including electronic billing processes, is a viable option.'")?

RESPONSE: A copy is available from the Government Publishing Office ("GPO") Federal Digital System

at <https://www.gpo.gov/fdsys/search/citation2.result.CRPT.action?congressionalReports.doctyp>

¹ Information identifying individual staff members was redacted from the documents found at Tabs 16-17 and 20-28.

[e=SRPT&congressionalReports.congressnum=109&congressionalReports.docnumber=293&publication=CRPT&action%3Acitation2.result.CRPT=Retrieve+Document](https://www.gpo.gov/fdsys/search/citation2.result.CRPT.action?congressionalReports.congressnum=109&congressionalReports.docnumber=293&publication=CRPT&action%3Acitation2.result.CRPT=Retrieve+Document)

A copy of the sections pertaining to the Federal Judiciary is attached at Tab 38.

5. Where can the Court find copies of the documents cited in Def.'s Resp. to Pls.' Facts ¶ 23 ("Defendant's 2012 spending plan, and Plaintiff's 2012 House and Senate Appropriations Reports")?

RESPONSE: Tab 13 contains the section of the Judiciary's spending plan submitted to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2012.

A copy of 2012 House Appropriations Report is available from the GPO's Federal Digital System at

<https://www.gpo.gov/fdsys/search/citation2.result.CRPT.action?congressionalReports.doctype=HRPT&congressionalReports.congressnum=112&congressionalReports.docnumber=136&publication=CRPT&action%3Acitation2.result.CRPT=Retrieve+Document>

A copy of the sections pertaining to the Federal Judiciary is attached at Tab 39.

A copy of 2012 Senate Appropriations Report is available from the GPO's Federal Digital System at

<https://www.gpo.gov/fdsys/search/citation2.result.CRPT.action?congressionalReports.doctype=SRPT&congressionalReports.congressnum=112&congressionalReports.docnumber=79&publication=CRPT&action%3Acitation2.result.CRPT=Retrieve+Document>

A copy of the sections pertaining to the Federal Judiciary is attached at Tab 40.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Notice of Filing and attachments has been made through the Court's electronic transmission facilities on this 15th day of March, 2018.

/s/

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