IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

NATIONAL VETERANS LEGAL SERVICES PROGRAM, NATIONAL CONSUMER LAW CENTER, and ALLIANCE FOR JUSTICE, for themselves and all others similarly situated,
Plaintiffs,

v.

UNITED STATES OF AMERICA,
Defendant.

Case No. 16-745-ESH

DECLARATION OF Wendell A. Skidgel Jr.

I, Wendell A. Skidgel Jr., declare as follows:

1. I have Bachelor's Degrees in Mathematics and Computer Science from Eastern Nazarene College and a Juris Doctorate with a concentration in Intellectual Property from Boston University School of Law. In addition to serving as an attorney at the Administrative Office of the United States Courts for the past eleven years, I served as the Systems Manager at a Federal Appellate Court for more than five years and served as an IT Director at a Federal Bankruptcy Court for six years. Based on my personal experiences and knowledge gained through my official duties, I make the following declarations.

Budget Requests to Congress

2. Tab 1 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2002.

3. Tab 2 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2003.

4. Tab 3 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2004.

5. Tab 4 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2005.

6. Tab 5 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2006.

7. Tab 6 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2007.

8. Tab 7 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2008.

9. Tab 8 is a true and correct copy of the portion of the Judiciary's budget request to Congress relating to the Judiciary's Electronic Public Access Program for fiscal year 2009.

Spending Plans Submitted to Congress

10. Tab 9 is a true and correct copy of the portion of the spending plan submitted to Congress that relates to the Judiciary's Electronic Public Access Program for fiscal year 2006.

11. Tab 10 is a true and correct copy of the portion of the spending plan submitted to Congress that relates to the Judiciary's Electronic Public Access Program for fiscal year 2007.

12. Tab 11 is a true and correct copy of the portion of the spending plan

submitted to Congress that relates to the Judiciary's Electronic Public Access Program for fiscal year 2008.

13. Tab 12 is a true and correct copy of the portion of the spending plan submitted to Congress that relates to the Judiciary's Electronic Public Access Program for fiscal year 2009.

14. Tab 13 is a true and correct copy of the portion of the spending plan submitted to Congress that relates to the Judiciary's Electronic Public Access Program for fiscal year 2012.

Congressional Approval of Spending Plans

15. Tab 14 is a true and correct copy of a letter from Senator Richard J. Durbin and Senator Susan M. Collins approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2009 spending plan. (July 13, 2009).

16. Tab 15 is a true and correct copy of a letter from Senator Richard J. Durbin and Senator Susan M. Collins approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2010 spending plan. (March 26, 2010).

17. Tab 16 is a true and correct redacted-copy of an email approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2011 spending plan. (07/11/2011 at 12:35 PM).

18. Tab 17 is a true and correct redacted-copy of an email describing verbal approval, on behalf of the Senate Committee on Appropriations, of the Judiciary's Fiscal year 2011 spending plan. (8/11/2011 at 2:34 PM).

19. Tab 18 is a true and correct copy of a letter from Congresswoman Jo Ann Emerson approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2012 spending plan. (March 12, 2012).

20. Tab 19 is a true and correct copy of a letter from Senator Richard J. Durbin approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2012 spending plan. (April 16, 2012).

21. Tab 20 is a true and correct redacted-copy of an email approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2013 spending plan. (07/31/2013 at 1:47 PM).

22. Tab 21 is a true and correct redacted-copy of an email approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2013 spending plan. (06/12/2013 at 3:56 PM).

23. Tab 22 is a true and correct redacted-copy of an email approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2014 spending plan. (04/25/2014 at 12:07 PM).

24. Tab 23 is a true and correct redacted-copy of an email approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2014 spending plan. (04/08/2014 at 4:56 PM).

25. Tab 24 is a true and correct redacted-copy of an email approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2015 spending plan. (03/17/2015 at 11:25 AM).

26. Tab 25 is a true and correct redacted-copy of an email approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2015 spending plan. (03/16/2015 at 5:04 PM).

27. Tab 26 is a true and correct redacted-copy of an email approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2016 spending plan. (05/09/2016 at 11:52 AM).

28. Tab 27 is a true and correct redacted-copy of an email approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2016 spending plan. (05/09/2016 at 12:24 PM).

29. Tab 28 is a true and correct redacted-copy of an email approving, on behalf of the Senate Committee on Appropriations, the Judiciary's Fiscal year 2017 spending plan. (08/07/2017 at 4:07 PM).

30. Tab 29 is a true and correct copy of a letter from Congressman Tom Graves approving, on behalf of the House Committee on Appropriations, the Judiciary's Fiscal year 2017 spending plan. (July 25, 2017).

Electronic Public Access Program Expenditures

31. Tab 30 is a true and correct copy of expenditures relating to the Judiciary's Electronic Public Access Program for fiscal year 2000.

32. Tab 31 is a true and correct copy of expenditures by the Judiciary's Electronic Public Access Program for fiscal year 2001.

33. Tab 32 is a true and correct copy of expenditures by the Judiciary's Electronic Public Access Program for fiscal year 2002.

34. Tab 33 is a true and correct copy of expenditures by the Judiciary's Electronic Public Access Program for fiscal years 2003, 2004, and 2005.

35. Tab 34 is a true and correct copy of preliminary numbers on expenditures by the Judiciary's Electronic Public Access Program for fiscal year 2006.

36. Tab 35 is a true and correct copy of expenditures by the Judiciary's Electronic Public Access Program for fiscal years 2007 and 2008.

37. Tab 36 is a true and correct copy of expenditures by the Judiciary's Electronic Public Access Program for fiscal year 2009.

Other Requested Documents

38. Tab 37 is a true and correct compilation of the expenditures that were listed under the heading "Congressional Priorities" at any time between 2002 and 2016, along with years the item was listed under "Congressional Priorities", and the "Congressional Directive/mandate/approval" for that expenditure.

39. Tab 38 is a true and correct copy of page 1 and pages 173 thru 183 of Senate Report 109-293 regarding the 2007 Judiciary Appropriations Bill.

40. Tab 39 is a true and correct copy of page 1 and pages 30 thru 36 of House Report 112-136 on the 2012 Judiciary Appropriations Bill.

41. Tab 40 is a true and correct copy of page 1 and pages 45 thru 52 of Senate Report 112-79 on the 2012 Judiciary Appropriations Bill.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Executed on March 14, 2018.

/s/ Wendell A. Skidgel Jr.

Wendell A. Skidgel, Jr.

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Tab 1

In fiscal year 2000 there were 29,660 post-conviction offenders and 5,455 pretrial defendants who received substance abuse treatment services at an average cost of $820 and $1,285, respectively. The projected increase in cases would result in 4,152 additional offenders and 764 additional defendants requiring funded treatment, for a total additional cost of $4,380,000.

Mental Health Treatment Services: $862,000

Statistical forecasts indicate that in fiscal year 2002, mental health treatment cases are estimated to increase by 14.3 percent over fiscal year 2000 levels. These individuals face chronic problems and require close monitoring, medication, and professional intervention during most of the supervision period. Failure to approve this increase may result in the inadequate treatment of the projected additional individuals with psychiatric disorders and those who have committed sexual offenses, placing the community at grave risk.
In fiscal year 2000, 6,148 post conviction offenders and 861 pretrial defendants received mental health treatment services, at an average cost of $915 and $620, respectively. The projected increase in cases would result in 861 additional offenders and 121 defendants requiring treatment, for a total additional cost of $862,000.

FINANCING THE FISCAL YEAR 2002 REQUEST

Fiscal Year 2002 fee collections

Estimated funds available: $152,673,000

The judiciary has the authority to collect fees for various services such as bankruptcy filing, civil filing, bankruptcy noticing, and registry administration. These fees are used to reimburse judiciary appropriations and are available without fiscal year limitations. The judiciary estimates that $152.7 million in fee revenue will be collected in fiscal year 2002, an increase of $5.5 million over estimated fiscal year 2001 collections.

Fee carryforward from fiscal year 2001

Estimated funds available: $70,421,000

The judiciary estimates that $74.0 million in fiscal year 2001 fee balances will be available through anticipated savings achieved during the fiscal year 2001 to carry forward into fiscal year 2002. Up to five percent of this fee carryforward will be allocated to the Administrative Office of the United States Courts (AO) account. The request currently assumes that $3.579 million will be allocated to the AO and the remaining $70.421 million will be allocated to the S&E account. This anticipated carryforward from fiscal year 2001 into fiscal year 2002 is a decline of $59.9 million from the $130.3 million carried forward from fiscal year 2000 into fiscal year 2001.

Electronic Public Access receipts

Estimated funds available: $2,568,000

28 USCA § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are

available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. The judiciary estimates that $2.6 million of these collections will be used to offset the cost of judiciary automation projects in fiscal year 2002, a decrease of $10.3 million from the $12.9 million available in the fiscal year 2001 financial plan.

Commission on Federal Appellate Courts Balances

Funds Available: $400,000

In fiscal year 1998, $900,000 was appropriated and made available until expended in the Courts of Appeals, District Courts and Other Judicial Services Salaries and Expenses account to be transferred to the Commission on Structural Alternatives for Federal Courts of Appeals (the Commission). The Commission has completed its work and funding remains unobligated. In Section 305 of the General Provisions, the judiciary has requested authority to utilize $400,000 of the remaining unobligated balances in fiscal year 2002 for other operating costs within the Salaries and Expenses account.

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Tab 2

The judiciary anticipates that $14.2 million of savings in the JITF will be available to carry forward from fiscal year 2002 into fiscal year 2003 to offset appropriation requirements. This amount will be monitored throughout the fiscal year, and the appropriations subcommittee staffs will be advised of changes to this estimate.

22. Utilization of Electronic Public Access receipts

Estimated funds available: $2,415,000

Section 303(a) of the judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

28 USCA § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public.

The judiciary estimates that $2.4 million of these collections will be available in fiscal year 2003 to partially offset development and implementation costs for the case management/electronic case filing (CM/ECF) system for appellate, district, and bankruptcy courts. This system, described on page 5.28, provides the ability to receive and file court documents over the Internet. Twenty-five percent of the bankruptcy courts and 15 percent of the district courts are already using CM/ECF for their live operations. By the end of fiscal year 2003, nearly all bankruptcy courts and half of the district courts will be operating live with CM/ECF. Full nationwide implementation in the appellate, district and bankruptcy courts is expected to be completed by the end of fiscal year 2005.

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Tab 3

20. Utilization of Electronic Public Access Receipts

Estimated funds available: $12,639,000

Section 303(a) of the judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

28 USCA § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public.

The judiciary estimates that $12.6 million of these collections will be available in fiscal year 2004 to partially offset development and implementation costs for the case management/electronic case filing (CM/ECF) system for appellate, district, and bankruptcy courts. This system, described on page 5.32, provides the ability to receive and file court documents over the Internet. Implementation of CM/ECF is already well underway. Almost half of the bankruptcy courts and nearly 20 percent of district courts are already using the system for some portion of their live operations. By the end of fiscal year 2004, nearly all bankruptcy and district courts will be operating live with CM/ECF. Full nationwide implementation in the appellate, district, and bankruptcy courts is expected to be completed by the end of fiscal year 2005.

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Tab 4

nearly 400 court units throughout the judiciary. Up to 5 percent of the fee carryforward may be allocated to the Administrative Office (AO) of the United States Courts account. The request currently assumes that $1.4 million will be allocated to the AO (4.4 percent of the total projected carryforward) and the remaining $30 million will be allocated to the S&E account. This amount will be monitored throughout fiscal year 2004, and the appropriations subcommittee staffs will be advised of changes to this estimate.

20. Utilization of Electronic Public Access Receipts

Estimated funds available: $20,101,000

Section 303(a) of the judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.

28 U.S.C. § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. Fiscal year 2004 appropriations report language authorized the judiciary to use these fees for system enhancement and operational costs associated with the judiciary's case management/electronic case filing (CM/ECF) system, which provides the ability to receive and file court documents over the Internet.

The judiciary estimates that $20.1 million of these collections will be available in fiscal year 2005 to partially offset development and implementation costs for CM/ECF system for appellate, district, and bankruptcy courts. This system is described in more detail in section 13 of this submission. Implementation of CM/ECF is already well underway. Seventy percent of the bankruptcy courts and 40 percent of district courts are already using the system for some portion of their live operations. By the end of fiscal year 2004, all bankruptcy courts will be operating with CM/ECF. Full nationwide implementation in the appellate and district courts is expected to be completed by the end of calendar year 2005.

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Tab 5

year 2006 and offset the fiscal year 2006 appropriation request. Savings generally are available due to fewer than projected Article III judicial confirmations, resulting in salary and benefit savings for vacant judgeships and associated staff; slippages in GSA space delivery schedules that reduce space rental and furniture expenses, and unobligated funds returned from the nearly 400 court units throughout the judiciary. Up to 5 percent of the fee carryforward may be allocated to the Administrative Office (AO) of the United States Courts account. The request currently assumes that $1.1 million will be allocated to the AO and the remaining $20 million will be allocated to the S&E account. This amount will be monitored throughout fiscal year 2005, and the judiciary will advise appropriations subcommittee staffs of changes to this estimate.

19. Utilization of Electronic Public Access Receipts

Estimated funds available: $35,886,000

Section 303(a) of the judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. §612(c)(1)(A) to reimburse expenses incurred in providing these services. At its September 2004 session the Judicial Conference increased the fee for users obtaining information through a federal judiciary Internet site from $0.07 to $0.08 per page. This change went into effect on January 1, 2005.

28 U.S.C. § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. Fiscal year 2004 appropriations report language authorized the judiciary to use these fees for system enhancement and operational costs associated with the judiciary's case management/electronic case filing (CM/ECF) system, which provides the ability to receive and file court documents over the Internet.

The judiciary estimates that $35.9 million of these collections will be available in fiscal year 2006 to offset the full development, implementation, and maintenance costs for CM/ECF system for appellate, district, and bankruptcy courts. This system is described in more detail in section 13 of this submission. Implementation of CM/ECF is well underway in the bankruptcy and district courts. It began in the appellate courts in January 2005. Eighty-five percent of the bankruptcy courts and over 70 percent of the district courts are already using the system for some portion or all of their live operations. By the end of fiscal year 2005, all bankruptcy and most district courts will be operating with CM/ECF. Full nationwide implementation in the appellate courts is expected to be completed during fiscal year 2006.

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Tab 6

judgeships and associated staff; slippages in GSA space delivery schedules that reduce space rental and furniture expenses, and unobligated funds returned from the nearly 400 court units throughout the judiciary. This estimated carry forward includes $30.1 million in unallocated resources from fiscal year 2005.

The judiciary will monitor fee carry forward estimates throughout fiscal year 2006, and will advise appropriations subcommittee staffs of changes to this estimate.

19. Utilization of Electronic Public Access receipts

Estimated funds available: $34,854,000

Section 303(a) of the judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. §612(c)(1)(A) to reimburse expenses incurred in providing these services. At its September 2004 session, the Judicial Conference increased the fee for users obtaining information through a federal judiciary Internet site from $0.07 to $0.08 per page. This change went into effect on January 1, 2005.

28 U.S.C. § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. Fiscal year 2004 appropriations report language authorized the judiciary to use these fees for system enhancement and operational costs associated with the judiciary's case management/electronic case filing (CM/ECF) system, which provides the ability to receive and file court documents over the Internet.

The judiciary estimates that $27.5 million of these collections will be available in fiscal year 2007 to offset the full development, implementation, and maintenance costs for CM/ECF system for appellate, district, and bankruptcy courts. Implementation of CM/ECF is well underway in the bankruptcy and district courts. It began in the appellate courts in January 2005. Ninety-eight percent of the bankruptcy courts and over 95 percent of the district courts are already using the system for some portion or all of their live operations. By the end of fiscal year 2006, almost all bankruptcy and all district courts will be operating with CM/ECF. Full nationwide implementation in the appellate courts is expected to be completed during fiscal year 2007.

The remaining $7.4 million will be used to offset the costs for Electronic Bankruptcy Noticing and Internet Gateway costs as consistent with previous years' House and Senate Appropriation reports on appropriate uses of EPA fee revenue.

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Tab 7

confirmations, resulting in salary and benefit savings for vacant judgeships and associated staff; slippages in GSA space delivery schedules that reduce space rental and furniture expenses; and unobligated funds returned from the nearly 400 court units throughout the Judiciary.

The Judiciary will monitor fee carry forward estimates throughout fiscal year 2007, and will advise appropriations subcommittee staffs of changes to this estimate.

19. Encumbered Judiciary Information Technology Fund carryforward associated with the service delivery alternative initiative

Estimated funds available: $33,000,000

The Judiciary estimates that $33.0 million will be available to carry forward into fiscal year 2008 to support the service delivery alternative initiative. This initiative will allow the most cost-effective service delivery models to be implemented and reduce the number of servers required nationwide for the courts.

20. Utilization of Electronic Public Access receipts

Estimated funds available: $34,531,000

Section 303(a) of the Judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. §612(c)(1)(A) to reimburse expenses incurred in providing these services.

28 U.S.C. § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The Judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the Judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. Fiscal year 2004 appropriations report language authorized the Judiciary to use these fees for system enhancement and operational costs associated with the Judiciary's case management/electronic case filing (CM/ECF) system, which provides the ability to receive and file court documents over the Internet.

The Judiciary estimates that $34.5 million of these collections will be available in fiscal year 2008 to offset the Electronic Public Access requirements. These requirements include the full development, implementation, and maintenance costs for CM/ECF systems for appellate, district, and bankruptcy courts, as well as the costs for Electronic Bankruptcy Noticing and Internet Gateways.

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Tab 8

16. Anticipated unencumbered carryforward from fiscal year 2007 and fiscal year 2008 into fiscal year 2009

Estimated funds available: $110,000,000

The Judiciary estimates that $110 million will be available through anticipated savings to carry forward into fiscal year 2009 and offset the fiscal year 2009 appropriation request for the Salaries and Expenses account. An estimated $40 million of this amount is from fiscal year 2007 carry forward, assuming that these funds are not needed to fund any legislative initiative in fiscal year 2008. Savings generally are available due to fewer than projected Article III judicial confirmations, resulting in salary and benefit savings for vacant judgeships and associated staff; slippages in GSA space delivery schedules that reduce space rental and furniture expenses; and unobligated funds returned from the nearly 400 court units throughout the Judiciary.

The Judiciary will advise appropriations subcommittee staffs of changes to this estimate.

17. Utilization of Electronic Public Access receipts

Estimated funds available: $67,874,000

Section 303(a) of the Judiciary's 1992 Appropriations Act authorizes the Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, to "prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public." These fees will be deposited as "offsetting collections" to the Judiciary Information Technology Fund pursuant to 28 U.S.C. §612(c)(1)(A) to reimburse expenses incurred in providing these services.

28 U.S.C. § 612 provides that fees collected for electronic public access to information be deposited into the Judiciary Information Technology Fund, and that these funds are available without fiscal year limitations. The Judiciary is authorized to use these fees to offset the costs of providing the information to the public electronically. Fiscal year 1997 appropriations report language expanded the Judiciary's authority to use these funds to finance automation enhancements that improve the availability of electronic information to the public. Fiscal year 2004 appropriations report language authorized the Judiciary to use these fees for system enhancement and operational costs associated with the Judiciary's case management/electronic case filing (CM/ECF) system, which provides the ability to receive and file court documents over the Internet. In fiscal year 2007, the Judiciary received authority from Congress to expand the use of Electronic Public Access receipts to support courtroom technology allotments for installation, cyclical replacement of equipment, and infrastructure maintenance.

The Judiciary estimates that $67.9 million of these collections will be available in fiscal year 2009 to offset the Electronic Public Access requirements. These requirements include the full development, implementation, and maintenance costs for CM/ECF systems for appellate, district, and bankruptcy courts, courtroom technology, as well as the costs for Electronic Bankruptcy Noticing, courtroom technology and Internet Gateways. These resources will be used to continue public access to court electronic records service centers and to fund other information technology expenses related to public access.

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Tab 9

ELECTRONIC PUBLIC ACCESS (EPA)

Financing ($000)

	FY 2005 Financial Plan	FY 2005 Actual	FY 2006 Financial Plan	Percent Change over FY 2005 Plan
Collections	$ 44,157	$ 45,660	$ 49,151	11.3%
Prior-year Carryforward	$ 10,064	$ 10,064	$ 14,377	42.9%
Total	**$ $54,221**	**$ 55,724**	**$ 63,528**	**17.2%**

SPENDING

($000s)	FY 2005 Financial Plan	FY 2005 Actual	FY 2006 Financial Plan	Percent Change over FY 2005 Plan
EPA Program Operations	$ 14,298	$ 9,397	$ 16,721	16.9%
Program Enhancements	$ 1,750	$ 49	$ 2,675	52.9%
Available to Offset Approved Public Access initiatives (e.g. CM/ECF)	$ 31,901	$ 31,901	$ 36,807	15.4%
Reserve for 1st Quarter	$ 597	-	$ 757	26.8%
Planned Carryforward	$5,675	-	$ 6,568	15.7%
Total	**$ 54,221**	**$ 41,347**	**$ 63,528**	**17.2%**

The judiciary's Electronic Public Access (EPA) program provides for the development, implementation and enhancement of electronic public access systems in the federal judiciary. The EPA program provides centralized billing, registration and technical support services for PACER (Public Access to Court Electronic Records), which facilitates Internet access to data from case files in all court types, in accordance with policies set by the Judicial Conference. The increase in fiscal year 2006 EPA program operations includes one-time costs associated with renegotiation of the Federal Telephone System (FTS) 2001 telecommunications contract.

Pursuant to congressional directives, the program is self-funded and collections are used to fund information technology initiatives in the judiciary related to public access. Fee revenue from electronic access is deposited into the Judiciary Information Technology Fund. Funds are used first to pay the expenses of the PACER program. Funds collected above the level needed for the PACER program are then used to fund other initiatives related to public access. The development and implementation costs for the CM/ECF project have been funded through EPA collections. Beginning last year, in accordance with congressional direction, EPA collections were used to support CM/ECF operations and maintenance as well. In fiscal year 2005, the judiciary plans to use EPA collections to continue PACER operations, complete CM/ECF development and implementation, and operate and maintain the installed CM/ECF systems in the various courts across the country.

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Tab 10

ELECTRONIC PUBLIC ACCESS (EPA)

Financing ($000)

	FY 2006 Financial Plan	FY 2006 Actual	FY 2007 Financial Plan	Percent Change over FY 2006 Plan
Collections	$ 49,152	$ 62,300	$ 62,120	26.4%
Prior-year Carryforward	$ 14,376	$ 14,376	$ 32,200	124.0%
Total	**$ 63,528**	**$ 76,676**	**$ 94,320**	**48.5%**

SPENDING

($000s)	FY 2006 Financial Plan	FY 2006 Actual	FY 2007 Financial Plan	Percent Change over FY 2006 Plan
EPA Program Operations	$ 19,346	$ 11,560	$ 27,229	40.7%
Available to Offset Approved Public Access initiatives (e.g. CM/ECF)	$ 36,807	$ 32,916	$ 41,372	12.4%
Planned Carryforward	$ 7,325	$ 32,200	$ 25,719	251.1%
Total	**$ 63,528**	**$ 76,676**	**$ 94,320**	**48.5%**

The judiciary's Electronic Public Access (EPA) program provides for the development, implementation and enhancement of electronic public access systems in the federal judiciary. The EPA program provides centralized billing, registration and technical support services for PACER (Public Access to Court Electronic Records), which facilitates Internet access to data from case files in all court types, in accordance with policies set by the Judicial Conference. The increase in fiscal year 2007 EPA program operations includes one-time costs associated with renegotiation of the Federal Telephone System (FTS) 2001 telecommunications contract.

Pursuant to congressional directives, the program is self-funded and collections are used to fund information technology initiatives in the judiciary related to public access. Fee revenue from electronic access is deposited into the Judiciary Information Technology Fund. Funds are used first to pay the expenses of the PACER program. Funds collected above the level needed for the PACER program are then used to fund other initiatives related to public access. The development, implementation, and maintenance costs for the CM/ECF project have been funded through EPA collections. In fiscal year 2007, the judiciary plans to use $41.4 million in EPA collections to fund public access initiatives within the Salaries and Expenses financial plan including:

- CM/ECF Infrastructure and Allotments $20.6 million
- Electronic Bankruptcy Noticing $5.0 million
- Internet Gateways $8.8 million
- Courtroom Technology Allotments for Maintenance/Technology Refreshment $7.0 million (New authority requested for this item on page 46)

The fiscal year 2007 financial plan for courtroom technologies includes $7.0 million for court allotments to be funded EPA receipts to provide cyclical replacement of equipment and infrastructure maintenance.

Via this financial plan submission, the Judiciary seeks authority to expand use of Electronic Public Access (EPA) receipts to support courtroom technology allotments for installation, cyclical replacement of equipment, and infrastructure maintenance. The Judiciary seeks this expanded authority as an appropriate use of EPA receipts to improve the ability to share case evidence with the public in the courtroom during proceedings and to share case evidence electronically through electronic public access services when it is presented electronically and becomes an electronic court record.

COURT OF INTERNATIONAL TRADE

The following table details the beginning balances, deposits, obligations, and carryforward balances in the JITF for the Court of International Trade for fiscal years 2006 and 2007.

Judiciary Information Technology Fund	FY 2006 Financial Plan	FY 2006 Actual	FY 2007 Financial Plan	Percent Change over FY 2006 plan
Balance, Start of Year	$ 598	$ 605	$ 657	9.9%
Current-year Deposits	$ 0	$ 200	$ 0	0.0%
Obligations	$ (313)	$ (148)	$ (357)	14.1%
Balance, End of Year	**$ 285**	**$ 657**	**$ 300**	**5.3%**

The Court has been using the Judiciary Information Technology Fund to upgrade and enhance its information technology needs and infrastructure. Of the $0.7 million that carried forward into fiscal year 2007 in the Judiciary Information Technology Fund, $0.4 million is planned for obligation in the fiscal year 2007 financial plan, the remaining $0.3 million will carry forward into fiscal year 2008.

These funds will be used to continue the Court's information technology initiatives, in accordance with its long-range plan, and to support the Court's recent and future information technology growth. The Court is planning to use these funds to continue the support of its newly upgraded data network and voice connections; to pay for the recurring Virtual Private Network System (VPN) phone and cable line charges; replace the Court's CM/ECF file server; purchase computer desktop systems and laptops for the Court's new digital recording system; replace computer desktop systems, printers and laptops in accordance with the judiciary's cyclical replacement program; and upgrade and support existing software applications.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 11

ELECTRONIC PUBLIC ACCESS (EPA)

Financing ($000s)

Funding Sources	FY 2007 Financial Plan	FY 2007 Actuals	FY 2008 Financial Plan
Collections	$ 62,120	$ 65,157	$ 70,130
Prior-year Carryforward	$ 32,200	$ 32,200	$ 44,503
Total	**$ 94,320**	**$ 97,357**	**$ 114,633**

SPENDING

Category ($000s)	FY 2007 Financial Plan	FY 2007 Actuals	FY 2008 Financial Plan
EPA Program Operations	$ 27,229	$ 15,521	$ 27,065
Available to Offset Approved Public Access initiatives (e.g. CM/ECF)	$ 41,372	$ 37,333	$ 67,662
Planned Carryforward	$ 25,719	$ 44,503	$ 19,906
Total Obligations	**$ 94,320**	**$ 97,357**	**$ 114,633**

The Judiciary's Electronic Public Access Program (EPA) encompasses systems and services that provide the public with electronic access to federal case and court information and that provide centralized billing, registration, and technical support services through the Public Access to Court Electronic Records (PACER) Service Center. This results in internet access to data from case files in all court types, in accordance with policies set by the Judicial Conference and congressional directives.

Pursuant to congressional directives, the EPA program is self-funded and revenues are used to fund IT projects related to public access, including costs for the Case Management /Electronic Case Files system (CM/ECF). CM/ECF is operational in 93 bankruptcy courts, 94 district courts, 4 appellate courts, the Court of International Trade and the Court of Federal Claims. CM/ECF should be fully implemented in all courts in calendar year 2008.

In fiscal year 2007, the Judiciary received authority from Congress to expand the use of Electronic Public Access (EPA) receipts to support courtroom technology allotments for installation, cyclical replacement of equipment, and infrastructure maintenance. For the first time, this category includes full funding ($24.8 million) for a courtroom technology formula that was implemented in fiscal year 2007.

In fiscal year 2008, the Judiciary plans to use $67.7 million in EPA collections to fund public access initiatives within the Salaries and Expenses financial plan including:

- CM/ECF Infrastructure and Allotments $30.0 million;
- Courtroom Technology Allotments for Maintenance/Technology Refreshment $24.8 million;
- Infrastructure Allotments to Courts $7.1 million;
- Electronic Bankruptcy Noticing $2.7 million;
- Jury Management System Web Page Front End $2.0 million; and
- Violent Crime Control Act Notification $1.1 million.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 12

ELECTRONIC PUBLIC ACCESS (EPA)

Financing ($000s)

Funding Sources	FY 2008 Financial Plan	FY 2008 Actuals	FY 2009 Financial Plan
Collections	$ 70,130	$ 76,803	$ 87,135
Prior-year Carryforward	$ 44,503	$ 44,503	$ 40,344
Total	**$ 114,633**	**$ 121,306**	**$ 127,479**

SPENDING

Category ($000s)	FY 2008 Financial Plan	FY 2008 Actuals	FY 2009 Financial Plan
Obligations	$ 94,727	$ 80,962	$ 106,788
Planned Carryforward	$ 19,906	$ 40,344	$ 20,691

The judiciary's Electronic Public Access Program (EPA) encompasses systems and services that provide the public with electronic access to federal case and court information and that provide centralized billing, registration, and technical support services through the Public Access to Court Electronic Records (PACER) Service Center. The program provides internet access to data from case files in all court types, in accordance with policies set by the Judicial Conference and congressional directives.

Pursuant to congressional directives, the EPA program is self-funded and revenues are used to fund IT projects related to public access, including costs for the Case Management /Electronic Case Files system (CM/ECF). CM/ECF is operational in 93 bankruptcy courts, 94 district courts, 10 appellate courts, the Court of International Trade and the Court of Federal Claims. CM/ECF should be fully implemented in all courts in calendar year 2009.

In fiscal year 2009, the judiciary plans to use $106.8 million in EPA collections and prior-year carryforward to fund public access initiatives including the following:

- Public Access Services and Applications $17.7 million;
- Telecommunications $8.7 million;
- EPA Equipment $1.3 million;
- CM/ECF Development, Operations and Maintenance $33.4 million;
- Courtroom Technology Allotments for Maintenance/Technology Refreshment $25.8 million;
- Electronic Bankruptcy Noticing $9.7 million;
- CM/ECF Allotments to Courts $7.5 million;
- CM/ECF state feasibility study $1.4 million;
- Violent Crime Control Act Notification $1.0 million; and
- Jury Management System Public Web Page $0.2 million.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 13

ELECTRONIC PUBLIC ACCESS (EPA)

Financing

Funding Sources ($000s)	FY 2011 Financial Plan	FY 2011 Actuals	FY 2012 Financial Plan
Collections	$ 107,890	$ 113,959	$ 130,190
Prior-year Carryforward	$ 26,611	$ 26,611	$ 31,905
Total Financing	**$ 134,501**	**$ 140,570**	**$ 162,095**

Spending

Category ($000s)	FY 2011 Financial Plan	FY 2011 Actuals	FY 2012 Financial Plan
Obligations	$ 121,750	$ 108,665	$ 137,043
Planned Carryforward	$ 12,751	$ 31,905	$ 25,052

The Electronic Public Access program provides electronic public access to court information in accordance with policies set by the Judicial Conference, congressional directives, and user needs. PACER (Public Access to Court Electronic Records) was established in 1988 as a dial-up service. In the last decade, through the implementation of the Case Management/Electronic Case Files (CM/ECF) system, PACER has evolved into an Internet-based service, which provides the courts, litigants, and public with access to court dockets, case reports, and over 500 million documents filed with the courts through CM/ECF. Centralized user support services are provided by the Public Access to Court Electronic Records (PACER) Service Center. During fiscal year 2011, PACER Service Center support staff established 160,000 new PACER accounts and responded to more than 205,000 telephone and email requests.

Pursuant to congressional directives, the EPA program is self-funded and revenues are used to fund IT projects related to public access, including costs for the Case Management /Electronic Case Files system (CM/ECF). CM/ECF is currently operational in all bankruptcy and district courts, 12 appellate courts, 5 bankruptcy appellate panels, the Court of International Trade and the Court of Federal Claims.

In fiscal year 2012, the judiciary plans to use $137.0 million in EPA collections and prior-year carryforward to fund public access initiatives including the following:

- CM/ECF Development, Operations and Maintenance $34.1 million;
- Courtroom Technology Allotments for Maintenance/Technology Refreshment $26.8 million;
- Telecommunications $26.6 million;
- Public Access Services and Applications $17.1 million;
- Electronic Bankruptcy Noticing $13.8 million;
- Allotments to the Courts $12.2 million;
- Prospectus Courtroom Technology Projects $4.5 million;
- Violent Crime Control Act Notification $1.0 million; and
- Web-Based eJuror Services $0.9 million.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 14

FY 2009 House

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510–6025
http://appropriations.senate.gov

July 13, 2009

Mr. James C. Duff
Director
Administrative Office of the U.S. Courts
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Mr. Duff:

This letter is in response to the request for approval of the Judiciary's Fiscal Year 2009 Financial Plan, dated May 28, 2009, in accordance with section 304, Division D, of Public Law 111-8. We have reviewed the information included and have no objections to the financial plan, including the following proposals:

- the hiring of 12 new law clerks and the cost of the lease and build-out of five chambers in off-site space for senior judges for the U.S. Court of Appeals for the Federal Circuit;
- a new non-salary tenant alteration formula for the courts, salaries and expense account;
- panel attorney rate of $175 per hour for capital cases;
- one new reimbursable FTE - 3 positions for the Defender Services program;
- 17 new reimbursable positions at United States Marshall Service (USMS), including a criminal investigator to help ensure national standards are maintained for court security officer training and compliance; and
- a consolidated display of Electronic Public Access (EPA) revenue and program expenditures within the Judiciary Information Technology Fund.

Any changes to what is detailed in the May 28, 2009 Financial Plan document would be subject to prior notification of the Senate Committee on Appropriations.

Sincerely,

Richard J. Durbin
Chairman
Subcommittee on Financial Services
and General Government

Susan M. Collins
Ranking Member
Subcommittee on Financial Services
and General Government

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 15

FY 2010 Senate

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510–6025
http://appropriations.senate.gov

March 26, 2010

Mr. James C. Duff
Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, DC 20544

Dear Mr. Duff:

This letter responds to the request for approval for the Judiciary's Fiscal Year 2010 Financial Plan, dated January 28, 2010, in accordance with Section 304 of Division C of Public Law 111-117.

We have reviewed the information included and have no objection to the plan.

Any alteration to or deviation from the 2010 Financial Plan would be subject to prior approval of the Senate Committee on Appropriations.

Sincerely,

Richard J. Durbin
Chairman
Subcommittee on Financial Services
and General Government

Susan M. Collins
Ranking Member
Subcommittee on Financial Services
and General Government

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 16

FY 2011 House Approval

Fw: Financial Plan

Edward O'Kane	to: George Schafer, Michael Milby, Penny Fleming, Dorothy Seder, Sheila Kerner, Jim Baugher, Lisa Lavery, Carrie Branger, Alex Gutierrez	07/11/2011 12:43 PM

Below is the House approval of the FY 2011 financial plan. We briefed the House and Senate majority staff [redacted] on Friday. We owe them a few getbacks that I will work with Budget staff on

Ed

----- Forwarded by Edward O'Kane/DCA/AO/USCOURTS on 07/11/2011 12:39 PM -----

From: [redacted]@mail.house.gov>
To: "Edward_O'Kane@ao.uscourts.gov" <Edward_O'Kane@ao.uscourts.gov>, "Penny_Fleming@ao.uscourts.gov" <Penny_Fleming@ao.uscourts.gov>
Cc: [redacted]@mail.house.gov>
Date: 07/11/2011 12:35 PM
Subject: Financial Plan

The Committee has no objection to the FY 2011 Financial Plan.

[redacted]

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 17

FY 2011 Senate Approval

Senate Approval of FY 2011 Financial Plan

Lisa Lavery to: Elena Simms, Jimmie Bratvold-Boyd, Wee Chin, Janetta Curtis, Alex Gutierrez, Timothy Mattock, Eric Mitchell, Kristen Rutledge, David Torrence, Ian

08/11/2011 03:17 PM

Cc: Carrie Branger

From: Lisa Lavery/DCA/AO/USCOURTS

To: Elena Simms/DCA/AO/USCOURTS@USCOURTS, Jimmie Bratvold-Boyd/DCA/AO/USCOURTS, Wee Chin/DCA/AO/USCOURTS, Janetta Curtis/DCA/AO/USCOURTS, Alex Gutierrez/DCA/AO/USCOURTS@USCOURTS, Timothy

Cc: Carrie Branger/DCA/AO/USCOURTS@USCOURTS

Lisa Lavery

----- Original Message -----
From: Lisa Lavery
Sent: 08/11/2011 03:16 PM EDT
To: Edward O'Kane; Jim Baugher
Cc: Penny Fleming; Dorothy Seder; Sheila Kerner; Carrie Branger
Subject: Re: Senate Approval of FY 2011 Financial Plan

Thanks for the email Ed - the auditors always ask us for something in writing

Edward O'Kane

----- Original Message -----
From: Edward O'Kane
Sent: 08/11/2011 02:34 PM EDT
To: Jim Baugher
Cc: Penny Fleming; Dorothy Seder; Sheila Kerner; Lisa Lavery; Carrie Branger
Subject: Senate Approval of FY 2011 Financial Plan

Jim,

During a meeting with Penny yesterday(8/10/2011), [redacted] our Senate Appropriations Committee staffer, approved the Judiciary's FY 2011 financial plan. [redacted] said she would not be sending anything written and that her verbal approval serves as the Senate Appropriations Committees approval of the financial plan.

Ed

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 18

FY 2012 House

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515–6015

March 12, 2012

Judge Thomas F. Hogan
Director, Administrative Office
of the United States Courts
Washington, DC 20544

Dear Judge Hogan,

Thank you for the submission of your Fiscal Year 2012 Financial Plan. The Committee has no objection to the plan including the creation of a Federal Defender Office in the Western District of Arkansas. However, the Committee notes that any deviations from the plan require the notification and approval of the Committee including funding for the Supreme Court Building and Grounds account.

The Committee also notes that the Court of Appeals for the Federal Circuit plans to hire additional court staff instead of filling vacant security positions. The Committee expects the Court to provide the necessary level of security for its employees, litigants and the public, and encourages the Court to reallocate its funding if additional security resources are required.

The Committee also notes that while staffing in the Courts of Appeals, District Courts and Other Judicial Services Salaries and Expenses appropriation has declined since fiscal year 2010 the amount of square feet occupied by the courts has increased. The Committee recognizes that for more than a decade the Judiciary has been working to manage its space growth. However, the Committee would like to see more done to reduce the amount of square feet the courts occupy.

The Committee also notes that the costs for the Defender Services appropriation are estimated to grow by $30 million while the number of representations is estimated to decline. The Committee expects that Judiciary to do more to manage the costs of this program to ensure in the future the program can provide effective representations in a time of declining resources.

Thank you for your efforts to keep the Committee informed of your operations.

Sincerely,

Jo Ann Emerson
Chairwoman
Financial Services and General Government
Subcommittee

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 19

FY 2012 Senate

United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
http://appropriations.senate.gov

April 16, 2012

The Honorable Thomas F. Hogan
Director
Administrative Office of the United States Courts
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Washington, D.C. 20544

Dear Judge Hogan:

The Committee is in receipt of the Judiciary's FY 2012 financial plan, and in recognition of the economic hardships that federal agencies are facing as well as the Judicial Conference's cost-containment efforts, the Committee includes the following comments regarding the plan.

The Committee notes that any deviations from the financial plan require notification and approval of the Committee, including funding for the Supreme Court Building and Grounds account.

The Committee also notes that the Court of Appeals for the Federal Circuit plans to hire new staff in FY12 for an increase in caseload that has barely begun to materialize and for which funds were not requested. The Committee cautions that those funds may be better used to fund security needs in FY12 -- which the Financial Plan proposes to cut -- as well as for one-time expenses that would better position the Court for potential budget shortfalls in FY13. In that regard, the Court should not incur any personnel costs that will result in ongoing annual costs that may not be affordable in FY13 with expected budget constraints.

The Committee also notes that for Defender Services an increase of more than 100 FTEs above current on-board staffing levels is proposed. As has been acknowledged, this is unrealistic given the fact that the fiscal year is halfway over. Therefore, the Committee expects to see the savings from FY12 applied to carryover in FY13, and appropriate funding adjustments made in FY13 as a result of the lower staffing levels in FY12. Regarding the decision to establish a separate defender organization for the Western District of Arkansas, the Committee believes the proposal to offset any additional costs resulting from the establishment of this new office by making adjustments to funding allocated to other Defender Services requirements, has merit.

This Committee faced extremely difficult funding decisions in FY12 that, unfortunately, resulted in buyouts, staffing reductions, and other resource reductions across government agencies. Fiscal Year 2013 will be another difficult year, if not worse. The Court of Appeals for the Federal Circuit and the Defender Services program should weigh carefully how FY12 funding is allocated. The Committee approves the FY12 financial plan, but encourages reconsideration of the issues raised in this letter and requests continued updates of these matters.

Sincerely,

Richard J. Durbin
Chairman
Subcommittee on Financial Services
and General Government

cc: Senator Jerry Moran

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 20

FY 2013 Senate Approval of Fin Plan

RE: FY 2013 Financial Plan
[redacted](Appropriations)
07/31/2013 01:47 PM
To:
'Edward_O'Kane@ao.uscourts.gov'
Cc:
"Dorothy_Seder@ao.uscourts.gov", [redacted](Appropriations)"
Hide Details
From: [redacted](Appropriations)"[redacted]@appro.senate.gov>

To: "'Edward_O'Kane@ao.uscourts.gov'" <Edward_O'Kane@ao.uscourts.gov>

Cc: "Dorothy_Seder@ao.uscourts.gov" <Dorothy_Seder@ao.uscourts.gov>, [redacted]
[redacted](Appropriations)"[redacted]@appro.senate.gov>

History: This message has been replied to and forwarded.

Sorry about that and thanks for the reminder. We have no objection.

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Wednesday, July 31, 2013 1:02 PM
To: [redacted](Appropriations)
Cc: Dorothy_Seder@ao.uscourts.gov
Subject: FY 2013 Financial Plan

[redacted]

In looking through our records we don't seem to have Senate approval of our FY 2013 financial plan. Would you be able to send us an email or something approving the plan? The auditors ask for it so we like to have the House and Senate approvals on file. Thanks.

Ed

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 21

FY 2013 House Approval of Financial Plan

RE: Judiciary's FY 2013 Financial Plan

[redacted]

to:
'Edward_O'Kane@ao.uscourts.gov'
06/12/2013 03:56 PM
Hide Details
From: [redacted]@mail.house.gov>

To: "'Edward_O'Kane@ao.uscourts.gov'" <Edward_O'Kane@ao.uscourts.gov>

History: This message has been replied to and forwarded.

Hi Ed,

The Committee has reviewed the Judiciary's FY 2013 financial plan and has no objections. Accordingly, the Judiciary's request has been approved.

[redacted]
Committee on Appropriations
Subcommittee on Financial Services and General Government
[redacted]
www.appropriations.house.gov

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Thursday, April 25, 2013 5:04 PM
To: [redacted]@appro.senate.gov[redacted](Appropriations);[redacted]
Cc: Dorothy_Seder@ao.uscourts.gov; Sheila_Kerner@ao.uscourts.gov
Subject: Judiciary's FY 2013 Financial Plan

All,

Attached is the Judiciary's FY 2013 financial plan. We would like to schedule a briefing for next week to go over the plan with you. The best times for us are Wednesday afternoon (May 1) or Thursday morning (May 2). This document is at the printer so we will bring bound copies with us to the briefing. Please let us know your availability.

Ed

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 22

FY 2014 Senate Approval 4/25/14

Judiciary financial plan for FY14

[redacted](Appropriations) 04/25/2014 12:07 PM

To: 'Ed O'Kane (Edward_O'Kane@ao.uscourts.gov)'

Cc: [redacted](Appropriations)"

From: [redacted](Appropriations)"[redacted]@appro.senate.gov>

To: "'Ed O'Kane (Edward_O'Kane@ao.uscourts.gov)'" <Edward_O'Kane@ao.uscourts.gov>

Cc: [redacted](Appropriations)"[redacted]@appro.senate.gov>

History: This message has been replied to and forwarded.

We have reviewed and been briefed on the plan, thank you. We have no objections.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 23

FY 2014 House Approval 4/8/14

RE: Judiciary's FY 2014 Financial Plan
[redacted]
to:
'Edward_O'Kane@ao.uscourts.gov'
04/08/2014 04:56 PM
Hide Details
From: [redacted]@mail.house.gov>
To: "'Edward_O'Kane@ao.uscourts.gov'" <Edward_O'Kane@ao.uscourts.gov>
History: This message has been replied to and forwarded.

Hi Ed,

The Committee has reviewed the Judiciary's FY 2014 financial plan and has no objections. Accordingly, the Judiciary's request has been approved.

[redacted]
Committee on Appropriations
Subcommittee on Financial Services and General Government
[redacted]
www.appropriations.house.gov

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Tuesday, March 18, 2014 3:57 PM
To: [redacted]@appro.senate.gov; [redacted]@appro.senate.gov
Cc: Dorothy_Seder@ao.uscourts.gov
Subject: Judiciary's FY 2014 Financial Plan

I am going to drop off the Judiciary's FY 2014 financial plan at your offices this afternoon. We would like to brief you on the plan. This week Dorothy and I are available to meet on Thursday (morning or early afternoon). Our House appropriations hearing is next Wednesday the 26th and we will have Judge Gibbons in town Monday-Wednesday so we are unavailable those days. We are available the afternoon of Thursday the 27th. Please let us know if either of these Thursdays work for a financial plan briefing. If not, we will be looking at sometime the week of March 31.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 24

FY 2015 Senate

{In Archive} RE: FY 2015 Judiciary Financial Plan
[redacted] (Appropriations)
03/17/2015 11:25 AM
To:
Edward_O'Kane@ao.uscourts.gov
Cc:
[redacted] (Appropriations)"
Hide Details
From: [redacted]@appro.senate.gov>
To: "Edward_O'Kane@ao.uscourts.gov" <Edward_O'Kane@ao.uscourts.gov>
Cc: [redacted]@appro.senate.gov>
History: This message has been replied to and forwarded.
Archive: This message is being viewed in an archive.

We have reviewed and been briefed on the plan, thank you. We have no objections.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 25

FY 2015 House

{In Archive} RE: Judiciary's FY 2015 Financial Plan
[redacted]
to:
Diana Simpson (Diana_Simpson@ao.uscourts.gov)
03/16/2015 05:04 PM
Cc:
"Ed O'Kane (Edward_O'Kane@ao.uscourts.gov)"
Hide Details
From: [redacted]@mail.house.gov>
To: "Diana Simpson (Diana_Simpson@ao.uscourts.gov)"
<Diana_Simpson@ao.uscourts.gov>
Cc: "Ed O'Kane (Edward_O'Kane@ao.uscourts.gov)" <Edward_O'Kane@ao.uscourts.gov>
History: This message has been forwarded.
Archive: This message is being viewed in an archive.

Hi Diana,

The Committee has reviewed the Judiciary's FY 2015 financial plan and has no objections. Accordingly, the Judiciary's request has been approved.

[redacted]
Committee on Appropriations
Subcommittee on Financial Services and General Government
[redacted]
www.appropriations.house.gov

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Friday, February 13, 2015 4:48 PM
To: [redacted]@appro.senate.gov; [redacted](Appropriations)
Cc: Diana_Simpson@ao.uscourts.gov
Subject: Judiciary's FY 2015 Financial Plan

All,

Attached is the Judiciary's FY 2015 financial plan. Let us know if you would like to meet and walk through the plan. The best time for us to meet would be early the week of Feb. 23. Karin, Diana, and I could come up the morning of Feb 23rd if that works for you all.

Ed
502-2130

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 26

FY 2016 Senate Approval

RE: Judiciary Financial Plan
[redacted] (Appropriations) 05/09/2016 11:52 AM
To: Edward_O'Kane@ao.uscourts.gov,[redacted](Appropriations)

From: [redacted](Appropriations)"[redacted]@appro.senate.gov>
To: "Edward_O'Kane@ao.uscourts.gov" <Edward_O'Kane@ao.uscourts.gov>,[redacted]
(Appropriations)"[redacted]@appro.senate.gov>

History: This message has been replied to and forwarded.

The Committee has reviewed the Judiciary's FY 2016 financial plan and has no objections.

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Wednesday, March 09, 2016 4:20 PM
To: [redacted] (Appropriations);[redacted] (Appropriations)
Subject: Judiciary Financial Plan

We are set for a meeting on the Judiciary's FY 2016 financial plan this Friday, March 11th at 2 pm in SD-138. [redacted] is going to reserve the room. See you Friday.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 27

FY 2016 House

House FY 16 financial plan approval

Diana Simpson to: Jim Baugher, Karin O'Leary, Sheila Kerner, Elena Simms, Carrie Branger, Alex Gutierrez, Michael Milby 05/09/2016 12:24 PM

Cc: Edward O'Kane

From: Diana Simpson/DCA/AO/USCOURTS

To: Jim Baugher/DCA/AO/USCOURTS@uscourts, Karin O'Leary/DCA/AO/USCOURTS@uscourts, Sheila Kerner/DCA/AO/USCOURTS@uscourts, Elena Simms/DCA/AO/USCOURTS@uscourts, Carrie Branger/DCA/AO/USCOURTS@uscourts, Alex

Cc: Edward O'Kane/DCA/AO/USCOURTS@uscourts

Sent from my iPhone

Begin forwarded message:

From: [redacted]@mail.house.gov>
Date: May 9, 2016 at 10:32:15 AM EDT
To: "'Diana_Simpson@ao.uscourts.gov'" <Diana_Simpson@ao.uscourts.gov>
Subject: RE: FY 16 financial plan

Hi Diana,

The Committee has reviewed the Judiciary's FY 2016 financial plan and has no objections. Accordingly, the Judiciary's request has been approved.

Thanks.

From: Diana Simpson/DCA/AO/USCOURTS
To: [redacted]@mail.house.gov [redacted]@mail.house.gov
Date: 02/16/2016 05:45 PM
Subject: FY 16 financial plan

Just squeaking in before today's COB deadline, attached is the Judiciary's FY 16 financial plan.

We're all set to come talk to you about it on March 1 at 10:30. It won't be a heavy discussion, but there are a few policy-related things to bring to your attention, including the reprogramming that I alluded to last week.

Thanks!

Diana

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 28

FY 2017 Senate

RE: Judiciary's FY 2017 Financial Plan
[redacted] (Appropriations) 08/07/2017 04:07 PM
To: 'Edward_O'Kane@ao.uscourts.gov'

From: [redacted]@appro.senate.gov>
To: "'Edward_O'Kane@ao.uscourts.gov'" <Edward_O'Kane@ao.uscourts.gov>
History: This message has been replied to and forwarded.

The Committee has reviewed the Judiciary's FY 2017 financial plan and has no objections.

From: Edward_O'Kane@ao.uscourts.gov [mailto:Edward_O'Kane@ao.uscourts.gov]
Sent: Monday, July 3, 2017 4:47 PM
To: [redacted]@appro.senate.gov>; [redacted] (Appropriations)[redacted]@appro.senate.gov>
Subject: Judiciary's FY 2017 Financial Plan

[redacted]

Attached is the Judiciary's FY 2017 financial plan. For briefing you on the plan, we are available this Thurs p.m., Fri a.m, Monday the 10th, or during the week of the 17th? (We have all day meetings Tues-Thurs the 11th-13th and Fri the 14th doesn't work.) Please let me know what day/time works on your end.

Ed

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 29

FY 2017 House

Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515–6015

July 25, 2017

Honorable James C. Duff
Director
Administrative Office of the U.S. Courts
One Columbus Circle, NE
Washington, DC 20544

Dear Director Duff:

The House Appropriations Subcommittee on Financial Services and General Government has reviewed the Judiciary's Fiscal Year 2017 Financial Plan and has no objection. Accordingly, your request is approved.

Sincerely,

Tom

Tom Graves
Chairman
Subcommittee on Financial Services and
General Government

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 30

ELECTRONIC PUBLIC ACCESS PROGRAM
EXPENDITURES BY PROGRAM AREA

6-Mar-18

	Original FY 2000 PLAN	Reprogramming out of Program	Obligations to Date	Remaining Balance	Projected Additional Obligations	Surplus/ Deficit
Operations and Maintenance						
PACER Service Center	1,211,367		782,034	429,333	139,281	290,052
Telecommunications	4,984,590	2,666,555	372,197	1,945,838	1,947,660	-1,822
EPA Equipment	4,056,752		1,614,245	2,442,507	1,872,292	570,215
Staff	601,099		432,671	168,429	0	168,429
Miscellaneous Operations	571,932		253,022	318,910	6,532	312,378
Subtotal -- Operations and Maintenance	**11,425,741**	**2,666,555**	**3,454,169**	**5,305,017**	**3,965,765**	**1,339,251**
Program Enhancement and R&D Experiments						
Program Enhancements						
Kiosk	500,000			500,000	0	500,000
EPA Grants	200,000			200,000	0	200,000
Hold for new positions (1100 & 1200)	183,981			183,981	0	183,981
Subtotal - Program Enhancements	**883,981**	**0**	**0**	**883,981**	**0**	**883,981**
R&D Experiments	890,819	58,910		831,909	0	831,909
Subtotal -- Program Enhancements and R&D	**1,774,800**	**58,910**	**0**	**1,715,890**	**0**	**1,715,890**
Total Operations and Maintenance, Program Enhancements and R&D Experiments	**13,200,541**	**2,725,465**	**3,454,169**	**7,020,907**	**3,965,765**	**3,055,141**
Amount Identified for Expanded Services						
Internet	1,624,000		1,624,000	0		0
Case Management/Electronic Case Files	5,850,000		5,850,000	0		0
Infastructure	2,544,792		2,544,792	0		0
Electronic Bankruptcy Noticing	500,000			500,000	0	500,000
Subtotal -- Expanded Services	**10,518,792**	**0**	**10,018,792**	**500,000**	**0**	**500,000**

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Tab 31

ELECTRONIC PUBLIC ACCESS PROGRAM
EXPENDITURES BY PROGRAM AREA

6-Mar-18

	Original FY 2001 PLAN	Reprogramming within/out of Program	Obligations to Date	Remaining Balance	Projected Additional Obligations	Surplus/ Deficit
Operations and Maintenance						
PACER Service Center	809,912	0	709,649	100,263	0	100,263
Telecommunications	7,071,439	-5,180,772	386,380	1,504,287	0	1,504,287
EPA Equipment	4,285,786	-600,000	3,165,852	1,719,934	204,000	1,515,934
Staff	627,582	3,400	577,367	46,815	0	46,815
Miscellaneous Operations	512,065	202,203	242,992	471,276	0	471,276
Subtotal -- Operations and Maintenance	**13,306,784**	**-5,575,169**	**5,082,241**	**3,842,574**	**204,000**	**3,638,574**
Program Enhancement and R&D Experiments						
Program Enhancements						
Kiosk	500,000		117,425	382,575	0	382,575
EPA Grants				0	0	0
Subtotal - Program Enhancements	**500,000**	**0**	**117,425**	**382,575**	**0**	**382,575**
R&D Experiments	1,058,994	-323,028		735,966	200,000	535,966
Subtotal -- Program Enhancements and R&D	**1,558,994**	**-323,028**	**117,425**	**1,118,541**	**200,000**	**918,541**
Total Operations and Maintenance, Program Enhancements and R&D Experiments	**14,865,778**	**-5,898,197**	**5,199,666**	**4,961,116**	**404,000**	**4,557,115**
Amount Identified for Expanded Services						
Case Management/Electronic Case Files	13,924,880	-5,780,772	19,705,652	0		0
Subtotal -- Expanded Services	**13,924,880**	**-5,780,772**	**19,705,652**	**0**	**0**	**0**

Projected Revenue:	$11,500,000.00
Total Dial-in Usage October - September:	$5,139,858.00
Total Internet Usage October - September:	$7,859,925.64
Total Collections as of September:	$12,381,684.83
Total Collections Less Refunds as of September:	$12,171,443.05

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 32

ELECTRONIC PUBLIC ACCESS PROGRAM
EXPENDITURES BY PROGRAM AREA

6-Mar-18

	Original FY 2002 PLAN	Reprogramming within/out of Program	Obligations to Date	Remaining Balance	Projected Additional Obligations	Surplus/ Deficit	Carry Forward to FY 2003
Operations and Maintenance							
PACER Service Center	871,256	0	778,690	92,565	0	92,565	
Telecommunications	3,218,735	454,890	3,108,066	565,559	366,328	199,231	
EPA Equipment	4,190,656	-384,281	1,957,061	1,849,314	0	1,849,314	254,200
Staff	660,124	0	609,499	50,625	0	50,625	
EPA Program Operations	818,000	328,493	1,146,493	0	0	0	
Subtotal -- Operations and Maintenance	**9,758,770**	**399,102**	**7,599,809**	**2,558,063**	**366,328**	**2,191,734**	**254,200**
Program Enhancement and R&D Experiments							
Program Enhancements							
EPA Grants	200,000	0	81,300	118,700	0	118,700	
Subtotal - Program Enhancements	**200,000**	**0**	**81,300**	**118,700**	**0**	**118,700**	
R&D Experiments	686,933	-654,890		32,043	0	32,043	
Subtotal -- Program Enhancements and R&D	**886,933**	**-654,890**	**81,300**	**150,743**	**0**	**150,743**	**0**
Total Operations and Maintenance, Program Enhancements and R&D Experiments	**10,645,703**	**-255,788**	**7,681,109**	**2,708,806**	**366,328**	**2,342,477**	**254,200**
Amount Identified for Expanded Services							
Case Management/Electronic Case Files	6,489,928	5,000,000	11,489,928	0	0	0	0
Subtotal -- Expanded Services	**6,489,928**	**5,000,000**	**11,489,928**	**0**	**0**	**0**	**0**

Projected Revenue:	$17,500,000.00
Total Dial-in Usage Billed October - August:	$1,538,130.60
Total Internet Usage Billed October - August:	$17,292,931.18
Total Billable Usage October - August:	$18,831,061.78
Total Credits as of September:	$32,041.12
Total Collections as of August:	$17,234,001.00

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 33

ELECTRONIC PUBLIC ACCESS (EPA) PROGRAM
Summary of Resources and Requirements
FY 2003 - FY 2005

		FY 2003 Actuals	FY 2004 Acutals	FY 2005 Actuals
1	***AVAILABLE RESOURCES:***			
2	EPA Carryforward from Prior Year	$ 5,446,175	$ 5,893,257	$ 10,063,601
3	Projected New Receipts	$ 27,465,160	$ 37,652,752	$ 45,542,746
4	Deposit from Print Fee Account (5114CR)	$ 97,261	$ 107,354	$ 117,000
5	**Total Available Resources**	**$ 33,008,596**	**$ 43,653,363**	**$ 55,723,347**
6	***PROGRAM REQUIREMENTS:***			
7	**Program Operations:**			
8	PACER Service Center	$991,400	$1,191,902	$ 1,306,900
9	Telecommunications	$4,532,000	$4,268,023	$ 3,586,000
10	EPA Equipment	$2,565,000	$2,090,684	$ 2,533,100
11	uscourts.gov Support			$ -
12	Staff	$592,400	$687,242	$ 762,100
13	EPA Program Operations (training, risk analysis, etc.)	$758,900	$993,637	$ 683,600
14	**Subtotal, Program Operations**	**$9,439,700**	**$9,231,488**	**$ 8,871,700**
15	**Program Enhancements:**			
16	EPA Grants	$ -	$ -	$ -
17	Interim Archive Project	$ -	$ 187,411	$ -
18	Appellate, District and Bankruptcy VCIS	$ -	$ -	$ -
19	Opinions Database/E-government	$ -	$ -	$ -
20	Transcripts through the PACER Service Center		$ -	$ -
21	AO Web Site Redesign	$ -	$ -	$ 49,480
22	**Subtotal, Program Enhancements**	**$ 149,200**	**$ 187,411**	**$ 49,480**
23	**Subtotal, Program Operations + Program Enhancements**		**$ 9,418,899**	**$ 8,921,180**
24	**Reserve, 1st Quarter O&M**		**$ 475,677**	**$ 597,175**
25	**Total Program Requirements**	**$ 9,588,900**	**$9,418,899**	**$9,518,355**
26	**Resources Available for S&E Utilization**	**$ 23,419,696**	**$ 34,234,464**	**$ 46,204,992**
27	***S&E Utilization:***			
28	**CM/ECF Related:**			
29	Development and Implementation	$ 17,526,439	$ 19,493,482	$ 17,816,478
30	Operations and Maintenance (O&M)	$ -	$ 1,106,217	$ 1,480,674
31	Hardware Maintenance (absorbed in CM/ECF O&M budget in 2006)	$ -	$ -	$ -
32	Hardware Replacement (absorbed in CM/ECF O&M budget in 2006)	$ -	$ -	$ -
33	IMD Identified O&M (absorbed in base in 2006)	$ -	$ 1,856,664	$ 3,421,300
34	Court Implementation Additives	$ -	$ 67,200	$ 1,926,440
35	Training for New Employees	$ -	$ -	$ -
36	**Subtotal, CM/ECF Related**	**$ 17,526,439**	**$ 22,523,563**	**$ 24,644,892**
37	Electronic Bankruptcy Noticing	$ -	$ 1,290,100	$ 1,510,000
38	Internet Gateways		$ -	$ 5,673,198
39	**Subtotal, S&E Utilization**	**$ 17,526,439**	**$ 23,813,663**	**$ 31,828,090**
40	**Projected EPA Carryforward (including 1st qtr. O&M earmark)**	**$ 5,893,257**	**$ 10,063,601**	**$ 14,376,902**

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 34

DRAFT

ELECTRONIC PUBLIC ACCESS (EPA) PROGRAM
Summary of Resources and Requirements
FY 2006

AVAILABLE RESOURCES:	**FY 2006 Prelim Actuals**	
EPA Carryforward from Prior Year	$	14,974,077
Projected New Receipts	$	62,119,534
Deposit from Print Fee Account (5114CR)	$	110,000
Total Available Resources	**$**	**77,203,611**
PROGRAM REQUIREMENTS:		
Current Services		
PACER Service Center	$	1,781,900
Telecommunications	$	3,987,117
CM/ECF Repliction & Archive (provides CM/ECF COOP for Courts)	$	-
EPA Equipment	$	4,263,700
uscourts.gov Support	$	150,600
Staff	$	725,304
EPA Prog Ops (comp security training for courts, IDS & SPAs, etc.)	$	1,030,400
Subtotal, Current Services	**$**	**11,939,021**
Enhancements to Current Services		
EPA Grants	$	-
Multi-Court VCIS	$	-
JMS Web Page Front-end (moves to O&M in FY 2008)	$	-
Transcripts through the PACER Service Center	$	-
Subtotal, Enhancements to Current Services	**$**	**-**
Total Financial Plan Loaded into 51140X-OXEEPAX	**$**	**11,939,021**
Development and New Requirements -- Funds Held in 51140X-OXEEPAC Until Project Approvals Received		
Outsourcing uscourts.gov Web Site (moves to O&M in FY 2008)	$	-
Outsourcing Replication/Interim Archive (moves to O&M in FY 2008)	$	-
Violent Crime Control Act Notification (moves to O&M in FY 2008)	$	-
Subtotal, Development and New Requirements	**$**	**-**
Subtotal, Current Services, Enhancements & New Requirements	**$**	**11,939,021**
Reserve, 1st Quarter Current Services	**$**	**694,311**
Total Program Requirements	**$**	**12,633,332**
Resources Available for S&E Utilization	**$**	**64,570,279**
S&E Utilization:		
CM/ECF Related:		
Development and Implementation	$	2,800,090
Operations and Maintenance (O&M)	$	22,455,568
CM/ECF Court Allotments (OXEECFA)	$	-
DCN Usage for Docketing, Replicaiton and e-mail	$	5,425,390
Court Implementation Additives	$	635,187
Subtotal, CM/ECF Related	**$**	**31,316,235**
JMS Web Page Front-end	$	-
Violent Crime Control Act Notification	$	-
Electronic Bankruptcy Noticing	$	1,600,000
Courtroom Technology	$	-
Subtotal, S&E Utilization	**$**	**32,916,235** *
Projected EPA Carryforward (includs 1st qtr. reserve)	**$**	**31,654,044**

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Tab 35

ELECTRONIC PUBLIC ACCESS PROGRAM
AVAILABLE RESOURCES:

Revised:

	FY 2007 Actuals	FY 2008 Actuals
EPA Carryforward from Prior Year	$ 32,200,000	$ 44,503,473
Projected New Receipts	$ 65,036,874	$ 77,845,501
Deposit from Print Fee Account (5114CR)	$ 120,000	$ 130,000
Total Available Resources	**$ 97,356,874**	**$ 122,478,974**
PROGRAM REQUIREMENTS:		
Current Services		
PACER Service Center	$ 1,839,900	$ 1,553,267
Telecommunications	$ 4,491,694	$ 5,625,391
Replication & Archive (provides COOP for Courts)	$ -	$ 7,985,731
EPA Equipment	$ 4,135,000	$ 3,026,734
uscourts.gov Support	$ 196,400	$ 331,701
Staff	$ 708,000	$ 534,249
EPA Prog Ops (comp security training for courts, IDS & SPAs, etc.)	$ 2,449,400	$ 2,789,461
Court Allotments (OXEEPAA) [included in program areas prior to FY09]		
Subtotal, Current Services	**$ 13,820,394**	**$ 21,846,534**
Enhancements to Current Services		
EPA Grants	$ -	$ -
Multi-Court VCIS	$ -	$ -
Order/Inventory System		
JMS Web Page Front-end	$ 310,200	$ -
VCIS/AVIS Voice Component	$ -	$ -
Subtotal, Enhancements to Current Services	**$ 310,200**	**$ -**
Total Financial Plan Loaded into 51140X-OXEEPAX	**$ 14,130,594**	**$ 21,846,534**
Resources Available for S&E Utilization	**$ 82,406,322**	**$ 100,632,440**
Congressional Priorities:		
CM/ECF Related:		
Development and Implementation (OXEECFP)	$ 1,965,830	$ 2,639,921
Operations and Maintenance (O&M) (OXEECFO)	$ 17,842,567	$ 8,440,297
CM/ECF Court Allotments (OXEECFA)	$ -	$ 7,108,748
CM/ECF Futures (OXECMFD)		
Appellate Operational Forum (OXEACAX)		
District Operational Forum (OXEDCAX)		$ 588,793
Bankruptcy Operational Forum (OXEBCAX)		$ 508,292
DCN Usage for Docketing, Replication and e-mail (OXDWANV)	$ 8,790,533	$ 11,176,451
Court Implementation Additives	$ 34,000	$ 370,283
Subtotal, CM/ECF Related	**$ 28,632,930**	**$ 30,832,785**
Electronic Bankruptcy Noticing (BXEBNCO)	$ 1,700,000	$ 2,700,000
Courtroom Technology (OXHCRTO-3000)	$ 7,000,000	$ 24,137,794
State of Mississippi (OXEMSPX)		
Subtotal, Congressional Priorities	$ 37,332,930	**$ 57,670,579**
Other EPA Revenue Uses:		
JMS Web Page Front-end (OXEJMSD)	$ -	$ 1,514,106
Violent Crime Control Act Notification (OXJVCCD & OXJVCCO)	$ -	$ 1,103,353
Subtotal, Other EPA Revenue Uses	**$ -**	**$ 2,617,459**
Subtotal, Congressional Priorities & Other EPA Revenue Uses	**$ 37,332,930**	**$ 60,288,038**
Projected EPA Carryforward (includes 1st qtr. Reserve for FY07)	**$ 45,893,350**	**$ 40,344,402**

National Veterans Legal Services Program, et al., v. U.S.,
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Tab 36

Public Access and Records Management Division
AVAILABLE RESOURCES:
Expanded Quarterly Report

Date Rev.: 08/03/10
Date Printed: 3/6/2018

		FY 2009 Actuals
1	PACER Fee Revenue - Prior Year Carry Forward (OXEEPAC)	$ 40,344,402
2	PACER Fee Revenue - Current Year Receipts (OXEEPAC)	$ 88,563,295
3	Print Fee Revenue - Prior Year Carry Forward (OXEEPAP)	$ 481,082
4	Print Fee Revenue - Current Year Receipts (OXEEPAP)	$ 170,926
5	**Total Available Resources**	**$ 129,559,705**
6	***PROGRAM REQUIREMENTS:***	
7	**Public Access Services and Applications**	
8	EPA Program (OXEEPAX)	$ 16,412,890
9	EPA Technology Infrastructure & Applications (OXEPTAX)	$ -
10	EPA Replication (OXEPARX)	$ -
11	**Public Access Services and Applications**	**$ 16,412,890**
12	**Case Management/Electronic Case Files System**	
13	Development and Implementation (OXEECFP)	$ 1,991,900
14	Operations and Maintenance (OXEECFO)	$ 12,884,173
15	Appellete Operational Forum (OXEAOPX)changed from OXEACAX	$ -
16	District Operational Forum (OXEDCAX)	$ 599,236
17	Bankruptcy Operational Forum (OXEBCAX)	$ 516,379
18	**Subtotal, Case Management/Electronic Case Files System**	**$ 15,991,688**
19	**Electronic Bankruptcy Noticing:**	
20	Electronic Bankruptcy Noticing (OXEBNCO)	$ 9,700,000
21	**Subtotal, Electronic Bankruptcy Noticing**	**$ 9,700,000**
22	**Telecommunications (PACER-Net & DCN)**	
23	PACER-Net Content (OXENETV) in FY2010	$ 6,388,568
24	DCN Usage for Docketing, Replication /e-mail (~~OXDWANV~~/OXENETV	$ 10,975,978
25	**Subtotal, Telecommunications (PACER-Net & DCN)**	**$ 17,364,546**
26	**Court Allotments**	
27	Court Staffing Additives(OXEEPAA)	$ -
28	Court Allotments (OXEEPAA) [incl. in program areas prior to FY 09]	$ 1,566,879
29	Clerk Backfills-2000 (OXEEPAA)	
30	CM/ECF Court Allotments (OXEECFA)	$ 6,806,064
31	**Subtotal, Court Allotments**	**$ 8,372,943**
32	**Next Generation of CM/ECF**	
33	CM/ECF Futures (OXECMFD)	$ 1,696,566
34	Courts/AO Exchange Program (OXEXCEX)	
35	**Subtotal, Next Generation of CM/ECF**	**$ 1,696,566**
36	**Total Program Requirements**	**$ 69,538,633**
37	***Congressional Priorities:***	
38	**Victim Notification (Violent Crime Control Act)**	
39	Violent Crime Control Act Notification (OXJVCCD)	$ -
40	Violent Crime Control Act Notification (OXJVCCO)	$ 68,858
41	**Subtotal, Victim Notification (Violent Crime Control Act)**	**$ 68,858**
42	**Web-based Juror Services**	
43	Web-based Juror Services (OXEJMSD)	$ 260,000
44	**Subtotal, Web-based Juror Services**	**$ 260,000**
45	**Courtroom Technology (OXHCRTO-3000)**	
46	Courtroom Technology (OXHCRTO-3000)	$ 24,634,259
47	**Subtotal, Courtroom Technology Program**	**$ 24,634,259**
48	**State of Mississippi (OXEMSPX)**	
49	State of Mississippi (OXEMSPX)	$ 159,547
50	**Subtotal, Mississippi State Courts**	**$ 159,547**
51	**Total Congressional Priorities**	**$ 25,122,664**
52	**Total Program & Congressional Priorities**	$ 94,661,297
53	**Total EPA Carry Forward (Revenue less Disbursement)**	**$ 34,898,408**
54	PACER FEE (OXEEPAC) Carry Forward	$ 34,381,874
55	PRINT FEE (OXEEPAP) Carry Forward	$ 516,534
56	**Total EPA Carry Forward**	**$ 34,898,408**
57	Total Print Fee Revenue	$ 652,008
58	Disbursed in (OXEEPAA) Allotments	$ 135,474
59	PRINT FEE (OXEEPAP) Carry Forward	$ 516,534

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Tab 37

Case Management/Electronic Case Files		Congressional Directive/mandate/approval	Years
Budget Name			
CM/ECF: Case Management/Electronic Case Files System - Development and Implementation			
Description			
Development and Implementation costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the Internet.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Budget Name			
CM/ECF: Case Management/Electronic Case Files System - Operations & Maintentance			
Description			
Operations & Maintentance costs for CM/ECF. CM/ECF is the case management system used in the appellate, district, and bankruptcy courts. CM/ECF provides the ability to store case file documents in electronic format and to accept filings over the Internet.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Budget Name			
CM/ECF Next Generation Project			
Description			
The CM/ECF Next Generation project is assessing the judiciary's long term case management and case filing requirements with a view to modernizing or replacing the CM/ECF systems.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Budget Name			
CM/ECF Operational Practices Forums -- Appellate Courts			
Description			
The CM/ECF operational practices forums are annual conferences at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Budget Name			
CM/ECF Operational Practices Forums --District Courts			
Description			
The CM/ECF operational practices forums are annual conferences at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Budget Name			
CM/ECF Operational Practices Forums -- Bankruptcy Court			
Description			
The CM/ECF operational practices forums are annual conferences at which judges, clerks of court, court staff, and AO staff exchange ideas and information about operational practices and policies related to the CM/ECF system.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Electronic Bankruptcy Noticing		Congressional Directive/mandate/approval	Years
Budget Name			
Electronic Bankruptcy Noticing			
Description			
The Bankruptcy Noticing Center (BNC) retrieves data each day from the bankruptcy courts' CM/ECF databases, and produces and sends bankruptcy notices electronically or by mail. Electronic transmission options include internet e-mail or fax and, for large email recipients, EDI and XML.		"The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary Automation Fund to make information and services more accessible to the public through improvements to enhance the availability of electronic information. The overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing."-- Judiciary Appropriations Act of 1997 [H.R. Rep. No. 104-676 at 89]	07, 08
Court Allotments		Congressional Directive/mandate/approval	Years
Budget Name			
Court Implementation Additives			
Description			
These funds for a court additives to support activities like CM/ECF implementation and making digital audio recordings of hearings available via PACER.		"The Committee expects the fee for the Electronic Public Access program to provide for Case Management/Electronic Case Files system enhancements and operational costs." - Judiciary Appropriations Act of 2004 [H.R. Rep. No. 108-221 at 116]	07, 08
Courtroom Technology		Congressional Directive/mandate/approval	Years
Budget Name			
Courtroom Technology		Financial Services and General Government Appropriations Act, 2008 (Submitted to Congress in spending plan which was approved by Congress.)	07, 08, 09, 10, 11, 12, 13, 14, 15, 16
Description			
This allotment funds the maintenance, cyclical replacement, and upgrade of courtroom technologies in the courts.			
Telecommunications (PACER-Net & DCN)		Congressional Directive/mandate/approval	Years

Budget Name			
PACER-Net			
Description			
The Public Access Network (PACER-Net) is the network which allows courts to post court information on the Internet in a secure manner. The public side of CM/ECF as well as court web sites are hosted on the PACER-Net. As it is the most accessible network		"The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary Automation Fund to make information and services more accessible to the public through improvements to enhance the availability of electronic information. The overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing. -- Judiciary Appropriations Act of 1997 [H.R. Rep. No. 104-676 at 89] and Judiciary Appropriations Act of 1992 [Pub. L. No. 102-140, Title III, Section 303]	07, 08
Budget Name			
DCN and Security Services			
Description			
Provides network circuits, routers, switches, security, optimization, and management devices along with maintenance management and certain security services to support the Judiciary's WAN network. This DCN cost is split between appropriated funds and EPA funds.		"The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary Automation Fund to make information and services more accessible to the public through improvements to enhance the availability of electronic information. The overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing." -- Judiciary Appropriations Act of 1997 [H.R. Rep. No. 104-676 at 89] and Judiciary Appropriations Act of 1992 [Pub. L. No. 102-140, Title III, Section 303]	07, 08
Victim Notification		Congressional Directive/mandate/approval	Years
Budget Name			
Violent Crime Control Act Notification			
Description			
The Law Enforcement Officer Notification project will develop a system for probation and pretrial services officers to electronically notify local law enforcement agencies of changes to the case history of offenders under supervision as required by the Victim		"The Committee supports efforts of the judiciary to make information available to the public electronically, and expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access." --Judiciary Appropriations Act of 1999 [S. Rep. No. 105-235 at 114]	09, 10, 11, 12, 13, 14, 15, 16
State of Mississippi		Congressional Directive/mandate/approval	Years
Budget Name			
State of Mississippi			
Description			
Mississippi state three year study of the feasibility of sharing the Judiciary's CM/ECF filing system at the state level, to include electronic billing processes. Not to exceed the estimated cost of $1.4 million.		"The Committee supports the Federal judiciary sharing its case management electronic case filing system at the State level and urges the judiciary to undertake a study of whether sharing such technology, including electronic billing processes, is a viable option."-- Judiciary Appropriations Act 2007 [S. Rept. No. 109-293 at page 176]	07, 08, 09, 10, 12, 13
Web-based Juror Services		Congressional Directive/mandate/approval	Years
Budget Name			
Web based E Juror Services			
Description			
eJuror hotline and software maintenance cost, escrow services, scanner support		"The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary Automation Fund to make information and services more accessible to the public through improvements to enhance the availability of electronic information. The overall quality of service to the public will be improved with the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing._-- Judiciary Appropriations Act of 1997 [H.R. Rep. No. 104-676 at 89] & "The Committee supports efforts of the judiciary to make electronic information available to the public, and expects that available balances from public access fees in the judiciary automation fund will be used to enhance availability of public access." -- Judiciary Appropriations Act of 1999 [S. Rep. No. 105-235 at 114]	09, 10, 11, 12, 13, 14, 15, 16

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 38

Calendar No. 535

109TH CONGRESS, *2d Session* | SENATE | REPORT 109–293

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL, 2007

JULY 26, 2006.—Ordered to be printed

Mr. BOND, from the Committee on Appropriations, submitted the following

REPORT

[To accompany H.R. 5576]

The Committee on Appropriations, to which was referred the bill (H.R. 5576) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, and for other purposes, reports the same to the Senate with an amendment and recommends that the bill as amended do pass.

Amounts of new budget (obligational) authority for fiscal year 2007

Total of bill as reported to the Senate	$89,389,989,000
Amount of 2006 appropriations [1]	102,948,146,000
Amount of 2007 budget estimate	86,748,272,000
Amount of House allowance [2]	86,656,536,000
Bill as recommended to Senate compared to—	
2006 appropriations	−13,558,157,000
2007 budget estimate	+2,641,717,000
House allowance	+2,654,889,000

[1] Includes $20,685,563,000 in emergency appropriations.
[2] Excludes $575,200,000 considered by the House for the District of Columbia.

TITLE IV

THE JUDICIARY

PROGRAM DESCRIPTION

Established under Article III of the Constitution, the judicial branch of Government is a separate but equal branch. The Federal Judiciary consists of the Supreme Court, United States Courts of Appeals, District Courts, Bankruptcy Courts, Court of International Trade, Court of Federal Claims and several other entities and programs. The organization of the judiciary, the district and circuit boundaries, the places of holding court, and the number of Federal judges are legislated by the Congress and signed into law by the President.

The Committee's recommended funding levels support the Federal judiciary's role of providing equal justice under the law and include sufficient funds to support this critical mission. The recommended funding level includes the salaries of judges and support staff and the operation and security of our Nation's courts.

The judicial branch is reminded that it, too, is subject to the same funding constraints facing the executive and legislative branches and continues to urge the Federal judiciary to devote its resources primarily to the retention of staff. Further, the judiciary is encouraged to contain controllable costs such as travel, construction, and other non-essential expenses.

In addition, the judiciary is reminded that section 705 of the accompanying act applies to the judicial as well as the executive branch.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriations, 2006	$60,143,000
Budget estimate, 2007	63,405,000
House allowance	63,405,000
Committee recommendation	63,405,000

PROGRAM DESCRIPTION

The United States Supreme Court consists of nine justices appointed under Article III of the Constitution of the United States, one of whom is appointed as Chief Justice of the United States. The Supreme Court acts as the final arbiter in the Federal court system.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $63,405,000 for the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds.

The recommendation is $3,262,000 above the fiscal year 2006 funding level and identical to the budget request.

CARE OF THE BUILDING AND GROUNDS

Appropriations, 2006	$5,568,000
Budget estimate, 2007	12,959,000
House allowance	12,959,000
Committee recommendation	12,959,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $12,959,000 for personnel and other services related to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is $7,391,000 above the fiscal year 2006 funding level and identical to the budget request.

The Committee has provided the requested funds to complete the Supreme Court's building modernization project and the necessary renovations to the East and West Conference Room ceilings. The Committee has also provided the requested funds to begin needed repairs and renovations to the Court's roof system. Because this project will be phased over 5 years, the Committee directs the Court to report to the House and Senate Committee on Appropriations as the Court becomes aware of any changes in schedule or budgetary needs.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

Appropriations, 2006	$23,780,000
Budget estimate, 2007	26,300,000
House allowance	26,000,000
Committee recommendation	25,273,000

PROGRAM DESCRIPTION

The United States Court of Appeals for the Federal Circuit was established under Article III of the Constitution on October 1, 1982. The court was formed by the merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Claims. The court consists of twelve judges who are appointed by the President, with the advice and consent of the Senate. Judges are appointed to the court under Article III of the Constitution of the United States.

The Federal Circuit has nationwide jurisdiction in a variety of subject matter, including international trade, government contracts, patents, certain claims for money from the United States Government, Federal personnel, and veterans' benefits. Appeals to the court come from all Federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Veterans Appeals. The court also takes appeals of certain administrative agencies' decisions, including the Merit Systems Protection Board, the Board of Contract Appeals, the Board of Patent Appeals and Interferences, and the Trademark Trial and Appeals Board. Decisions of the United States International Trade Commission, the Office of Compliance of

the United States Congress and the Government Accountability Office Personnel Appeals Board are also reviewed by the court.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $25,273,000. The recommendation is $1,493,000 above the fiscal year 2006 funding level and $1,027,000 below the budget request.

Of the amount provided, the Committee has funded the requested increase for disaster recovery of information, but denies the program increase requests for information technology upgrades and the retrofitting of courtrooms to provide enhanced technological capabilities. The Committee notes that the Federal Circuit currently has appropriate technology upgrades in one of its three courtrooms, which meets existing standards enacted by the Judicial Conference.

U.S. COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Appropriations, 2006	$15,345,000
Budget estimate, 2007	16,182,000
House allowance	16,182,000
Committee recommendation	16,182,000

PROGRAM DESCRIPTION

The United States Court of International Trade, located in New York City, consists of nine Article III judges. The court has exclusive nationwide jurisdiction over civil actions brought 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.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $16,182,000. The recommendation is $837,000 above the fiscal year 2006 funding level and the same as the budget request.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Appropriations, 2006	$4,308,345,000
Budget estimate, 2007	4,687,244,000
House allowance	4,556,114,000
Committee recommendation	4,583,360,000

PROGRAM DESCRIPTION

Salaries and Expenses is one of four accounts that provide total funding for the Courts of Appeals, District Courts and Other Judicial Services. In addition to funding the salaries of judges and support staff, this account also funds the operating costs of appellate, district and bankruptcy courts, and probation and pretrial services offices.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $4,583,360,000. The recommendation is $275,015,000 above the fiscal year 2006 funding level and $103,884,000 below the budget request.

The Committee has adequately funded this account to enable the courts to meet their workload demands. As previously stated, the Committee urges the Judicial Conference to make the retention of personnel its top priority. The Committee supports the Federal judiciary sharing its case management electronic case filing system at the State level and urges the judiciary to undertake a study of whether sharing such technology, including electronic billing processes, is a viable option.

Southwest Border.—The Committee is concerned about the impact that increased immigration funding and enforcement activities are having on the Federal judiciary's caseload and their ability to handle such a dramatic increase in filings. At present, the criminal cases filed in the five districts along the Southwest border account for nearly one-third of criminal cases nationwide. Since 2001, approximately 1,200 border agents have been added along the border with Mexico, resulting in a significant increase in caseload and workload levels. The judiciary plays an integral role in the Nation's homeland security efforts, and the Committee commends the numerous judges and staff who have ensured the continuing success of this vital piece of the Nation's border security strategy. Because the border courts remain critically understaffed, the Committee has provided $20,371,000, as requested, for magistrate judges and critical staff positions for those districts located along the Southwest border. The Committee directs the Administrative Office to include a plan for the hiring of these positions in its fiscal year 2007 financial plan and to keep the Committee apprised of the number of positions actually brought on board along the Southwest border throughout fiscal year 2007.

Staffing Formulas.—The Committee is aware that the Administrative Office utilizes a sophisticated staffing formula to determine the staffing needs for the local courts. Due to the varied nature of caseload levels throughout the Nation, courts maintain different requirements for staffing. While the Southwest Border Courts have seen the greatest increase in funds allocated over the past several fiscal years, the gap between their funding allotment and their actual workload growth remains substantially greater when compared to the courts throughout the rest of the Nation. For example, during several of the past few fiscal years, supplemental funding from the administrative office and Congress has been required to meet the unique needs of the Southwest Border Courts. This consistent need for additional urgently needed funding in this one region demonstrates, at a minimum, the need for a thorough review of the staffing formulas used to determine local court needs. The Committee recognizes that the formulas currently employed to determine staffing needs place significant weight on the work requirements of the local courts' districts. However, due to the increasing gap between workload and staffing levels, the Committee is concerned that the current formula does not adequately address the differing staffing requirements that face courts located along

the Southwest border. As such, the Administrative Office will report to the House and Senate Committees on Appropriations no later than 120 days after the date of enactment of this act on what steps it has taken to ensure that its staffing formulas reflect these changing trends in caseload activity. The Committee also directs the administrative office to ensure that the staffing formula ensures that adequate resources are being directed to the Southwest border and particularly to the Probation and Pretrial Services program.

Courthouse Construction.—The Committee is aware that the judiciary's self-imposed moratorium on courthouse construction projects ends September 30, 2006. The Committee notes that the judiciary continues to face rising rent costs that are, in part, a result of past courthouse construction projects that were not adequately reduced in scope. As such, the Committee strongly urges the Judicial Conference to weigh carefully its need for more space to adjudicate cases against the Federal judiciary's rent needs. The Committee encourages the Judicial Conference to ensure adequate checks are in place to guarantee that future construction requests and projects are subjected to the highest standards of cost-efficiencies. The June, 2006, GAO report entitled, "Federal Courthouses: Rent Increases Due to New Space and Growing Energy and Security Costs Require Better Tracking and Management" notes that there are currently no incentives for district and circuit courts to make more efficient use of their space. The Committee is concerned that such a lack of incentives has caused the judicial branch to pay rent for more space than is necessary. As such, the Administrative Office is directed to report to the House and Senate Committees on Appropriations no later than 120 days after the date of enactment of this act on steps that have been and are being taken to encourage more efficient use of space by district and circuit courts. Further, the Committee encourages the Administrative Office to continue to work with the General Services Administration to ensure fair and accurate rent charges and to pursue corrections to any inequities.

Carryover Funds.—Due to unique circumstances, the judiciary reported significant carryover funds for fiscal year 2005 and projects more carryover in funding for fiscal year 2006. The Committee is concerned that the administrative office has not first used these carryover funds to offset projected decreases in fee collections and other projected needs and has, instead, used this funding to augment existing programs. This has resulted in an increase in the judiciary's uncontrollable costs, unnecessary funding requests and greater baseline needs. As such, the Administrative Office is directed to ensure that current and projected funding needs are met first with carryover funds before enhancing any program. The Committee directs the Administrative Office to separately include in future financial plans, for approval by the House and Senate Committees on Appropriations, all sources of carryover funds and their desired application.

VACCINE INJURY COMPENSATION TRUST FUND

Appropriations, 2006	$3,795,000
Budget estimate, 2007	3,952,000
House allowance	3,952,000
Committee recommendation	3,952,000

PROGRAM DESCRIPTION

Enacted by The National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), the Vaccine Injury Compensation Program is a Federal no-fault program designed to resolve a perceived crisis in vaccine tort liability claims that threatened the continued availability of childhood vaccines nationwide. The statute's primary intention is the creation of a more efficient adjudicatory mechanism that ensures a no-fault compensation result for those allegedly injured or killed by certain covered vaccines. This program protects the availability of vaccines in the United States by diverting a substantial number of claims from the tort arena.

Not only did this act create a special fund to pay judgments awarded under the act, but it also created the Office of Special Masters [OSM] within the United States Court of Federal Claims to hear vaccine injury cases. The act stipulates that up to eight special masters may be appointed for this purpose. The special masters expenditures are reimbursed to the judiciary for vaccine injury cases from a special fund set up under the Vaccine Act.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $3,952,000. The recommendation is $157,000 above the fiscal year 2006 funding level and consistent with the budget request.

DEFENDER SERVICES

Appropriations, 2006	$709,830,000
Budget estimate, 2007	803,879,000
House allowance	750,033,000
Committee recommendation	761,051,000

PROGRAM DESCRIPTION

The Defender Services program ensures the right to counsel guaranteed by the Sixth Amendment, the Criminal Justice Act (18 U.S.C. 3006A(e)) and other congressional mandates for those who cannot afford to retain counsel and other necessary defense services. The Criminal Justice Act provides that courts appoint counsel from Federal public and community defender organizations or from a panel of private attorneys established by the court. The Defender Services program helps to maintain public confidence in the Nation's commitment to equal justice under the law and ensures the successful operation of the constitutionally based adversary system of justice by which Federal criminal laws and federally guaranteed rights are enforced.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $761,051,000. The recommendation is $51,221,000 above the fiscal year 2006 funding level and $42,828,000 below the budget request.

While the Committee has provided sufficient funds to enable the Defenders Services program to continue to provide timely and quality counsel services, the Committee is concerned about recurring projected shortfalls in the Defender Services account. To the extent that the other salaries and expense accounts within the judiciary title must absorb certain mandatory adjustments to base, the Committee directs the Defender Services program to treat its Federal Defender Organizations in the same manner. The Committee has denied all program increase requests for this account and directs the Administrative Office to ensure that all resources provided are first used to ensure the timely payment of panel attorneys.

Panel Attorney Pay Rates.—The Committee has included funding to annualize the fiscal year 2006 pay adjustment for capital and non-capital panel attorneys but denies all requests for cost of living adjustments and pay raises for panel attorneys for fiscal year 2007. The Committee notes that future cost of living adjustment requests should not be presented as adjustments to base, but should be requested as a program increase.

FEES OF JURORS AND COMMISSIONERS

Appropriations, 2006	$60,705,000
Budget estimate, 2007	63,079,000
House allowance	63,079,000
Committee recommendation	63,079,000

PROGRAM DESCRIPTION

This account provides for the statutory fees and allowances of grand and petit jurors and for the compensation of jury and land commissioners. Budgetary requirements depend primarily upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries being convened by the courts at the request of the United States Attorneys.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $63,079,000. The recommendation is $2,374,000 above the fiscal year 2006 funding level and reflects the judiciary's reestimate of fiscal year 2007 requirements.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2006	$368,280,000
Budget estimate, 2007	410,334,000
House allowance	400,334,000
Committee recommendation	397,737,000

PROGRAM DESCRIPTION

The Court Security appropriation was established in 1983 and funds the necessary expenses incident to the provision of protective guard services, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building access control, inspection of mail and packages, directed security patrols, perimeter security provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702).

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $397,737,000. The recommendation is $29,457,000 above the fiscal year 2006 funding level and $12,597,000 below the budget request.

The Committee is concerned about the security of the United States Courthouses and is committed to ensuring the Nation's Federal appellate and district courts possess adequate security measures. Sufficient funding has been provided to retain and hire all requested court security officers for fiscal year 2007. While the Committee has provided funding for the digital video recording initiative, the Committee is concerned about the significant costs associated with procuring these systems. The Committee notes that the United States Marshall's Service has indicated that the vast majority of digital video recorders can be purchased for substantially less than expected and urges the Administrative Office to work with the United States Marshall's Service to ensure optimum cost efficiencies.

The Committee has limited the judiciary's payments to the Federal Protective Service [FPS] to no more than $66,900,000 and directs the Administrative Office to obtain regular notifications from the FPS on any changes in funding requirements.

Judicial Facility Security Program.—As provided in bill language, the United States Marshals Service [USMS] is responsible for administering the Judicial Facility Security Program consistent with standards and guidelines agreed to by the Director of the Administrative Office of the U.S. Courts and the Attorney General. However, court security funding is appropriated by Congress directly to the judiciary which provides an important stewardship role, including financial and program oversight. While court security funding is subsequently transferred to the USMS, which is responsible for program administration, the Committee expects full cooperation from the USMS as the judiciary conducts the fiduciary and program oversight responsibilities pertaining to this funding.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Appropriations, 2006	$69,559,000
Budget estimate, 2007	75,333,000
House allowance	73,800,000
Committee recommendation	74,333,000

PROGRAM DESCRIPTION

The Administrative Office [AO] of the United States Courts was created in 1939 by an Act of Congress. It serves the Federal judiciary in carrying out its constitutional mission to provide equal justice under the law. Beyond providing numerous services to the Federal courts, the AO provides support and staff counsel to the Judicial Conference of the United States and its committees, and implements Judicial Conference policies as well as applicable Federal statutes and regulations. The AO is the focal point for communication and coordination within the judiciary and with Congress, the executive branch, and the public on behalf of the judiciary.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $74,333,000. This recommendation is $4,774,000 above the fiscal year 2006 funding level and $1,000,000 below the budget request.

Edwin L. Nelson Local Initiative Program.—As established in the fiscal year 2005 appropriations act, the Edwin L. Nelson Local Initiative Program made grants available to local courts to develop and implement information technology solutions for the unique problems they face. Such grants ensure greater flexibility, access to funds, information sharing and input into the various obstacles that must be overcome to produce a more automated and efficient Federal judiciary. The Committee urges the AO to continue to work with and provide adequate resources to the local courts for this purpose.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Appropriations, 2006	$22,127,000
Budget estimate, 2007	23,787,000
House allowance	23,500,000
Committee recommendation	23,390,000

PROGRAM DESCRIPTION

The Federal Judicial Center, located in Washington, DC, improves the management of Federal judicial dockets and court administration through education for judges and staff and research, evaluation, and planning assistance for the courts and the Judicial Conference. The Center's responsibilities include educating judges and other judicial branch personnel about legal developments and efficient litigation management and court administration. Additionally, the Center also analyzes the efficacy of case and court management procedures and ensures the Federal judiciary is aware of the methods of best practice.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $23,390,000. The recommendation is $1,263,000 above the fiscal year 2006 funding level and $397,000 below the budget request.

The Committee has included all requested funds in the Center's adjustment to base and half the funds requested for education, re-

search and technology enhancements. The Committee directs the Federal Judicial Center to keep the Committee apprised of staff brought on board throughout fiscal year 2007.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

Appropriations, 2006	$40,600,000
Budget estimate, 2007	58,300,000
House allowance	58,300,000
Committee recommendation	58,300,000

PROGRAM DESCRIPTION

The funds in this account cover the estimated future benefit payments to be made to retired bankruptcy judges and magistrate judges, claims court judges, and spouses and dependent children of deceased judicial officers.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $58,300,000 for payments to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund. The recommendation is $17,700,000 above the fiscal year 2006 funding level and identical to the budget request.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Appropriations, 2006	$14,256,000
Budget estimate, 2007	15,740,000
House allowance	15,500,000
Committee recommendation	15,340,000

PROGRAM DESCRIPTION

The United States Sentencing Commission establishes, reviews and revises sentencing guidelines, policies and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $15,340,000. The recommendation is $1,084,000 above the fiscal year 2006 funding level and $400,000 below the budget request.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

The Committee recommends the following administrative provisions for the judiciary.

Section 401 allows the judiciary to expend funds for the employment of experts and consultant services.

Section 402 allows the judiciary, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 403 limits official reception and representation expenses incurred by the Judicial Conference of the United States to no more than $11,000.

Section 404 requires the Administrative Office to submit an annual financial plan for the judiciary.

Section 405 allows for a salary adjustment for Justices and judges.

Section 406 grants the judicial branch the same tenant alteration authorities as the executive branch.

Section 407 prohibits any judge from being entitled to sole use of a courtroom and requires courtrooms to be scheduled based on the needs of the circuit and district courts. This is intended solely to address circumstances where courtrooms are not in full use and where the sharing of a courtroom will help reduce an overburdened judicial docket.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 39

112TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES
REPORT
112–136

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2012

JULY 7, 2011.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. EMERSON, from the Committee on Appropriations, submitted the following

R E P O R T

together with

MINORITY VIEWS

[To accompany H.R. 2434]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making appropriations for financial services and general government for the fiscal year ending September 30, 2012.

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counts within the Executive Office of the President, after notifying the Committees on Appropriations at least 15 days in advance.

Section 202. The Committee includes new language rescinding $11,328,000 in unobligated prior year balances from the Counterdrug Technology Assessment Center. This rescission was proposed in the budget request.

Section 203. The Committee includes new language prohibiting funds to prepare, sign or approve statements abrogating legislation passed by the House of Representatives and the Senate and signed by the President.

Section 204. The Committee includes new language requiring the Director of the Office of Management and Budget to submit quarterly reports to the Committee on the implementation of Executive Order 13563 relating to improving regulation and regulatory review.

Section 205. The Committee includes new language requiring the Director of the Office of Management and Budget to report on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203).

TITLE III—THE JUDICIARY

The funds recommended by the Committee in title III of the accompanying bill are for the operation and maintenance of United States Courts and include the salaries of judges, probation and pretrial services officers, public defenders, court clerks, law clerks, and other supporting personnel, as well as security costs, information technology, and other expenses of the Federal Judiciary.

The Committee recommends a total of $6,326,318,000 in discretionary funding for the Judiciary in fiscal year 2012, which is $151,256,000 less than fiscal year 2011 and $529,729,000 less than the request. The Committee recognizes that the number of cases filed and the number of persons under supervision is not under the control of the Judiciary. However, the Committee believes the Judiciary needs to continue its cost containment efforts and identify ways to reduce staffing, travel, space and other financial requirements through the use of technology and best practices.

In addition to direct appropriations, the Judiciary collects various fees and has certain multiyear funding authorities. The Judiciary uses these non-appropriated funds to offset its direct appropriation requirements. Consistent with prior year practices and section 608 of this Act, the Committee expects the Judiciary to submit a financial plan, within 60 days of enactment of this Act, allocating all sources of available funds including appropriations, fee collections, and carryover balances. This financial plan will be the baseline for purposes of reprogramming notification. The Committee notes that a bill language section included in prior years requiring a Judiciary financial plan was dropped as it is redundant to the requirement established in section 608.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$73,921,000
Budget request, fiscal year 2012	75,551,000
Recommended in the bill	74,819,000
Bill compared with:	
Appropriation, fiscal year 2011	+898,000
Budget request, fiscal year 2012	−732,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $74,819,000 for fiscal year 2012 for the salaries and expenses of personnel and the cost of operating the Supreme Court, excluding the care of the building and grounds. The recommendation is $898,000 more than fiscal year 2011 and is $732,000 less than the request. The increased funding provided above the fiscal year 2011 level is for twelve additional police officers requested by the Court to meet security requirements.

The Committee continues to include bill language making $2,000,000 available until expended for the purpose of making information technology investments. The Committee requests that the Court include an annual report with its budget justification materials, showing information technology carryover balances and describing expenditures made in the previous fiscal year and planned expenditures in the budget year.

CARE OF THE BUILDING AND GROUNDS

Appropriation, fiscal year 2011	$8,159,000
Budget request, fiscal year 2012	8,504,000
Recommended in the bill	8,159,000
Bill compared with:	
Appropriation, fiscal year 2011	–––
Budget request, fiscal year 2012	−345,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $8,159,000 for fiscal year 2012, to remain available until expended, for personnel and other services relating to the structural and mechanical care of the Supreme Court building and grounds. The Architect of the Capitol has responsibility for these functions and supervises the use of this appropriation. The recommendation is equal to fiscal year 2011 and $345,000 less than the request.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$32,511,000
Budget request, fiscal year 2012	35,139,000
Recommended in the bill	31,472,000
Bill compared with:	
Appropriation, fiscal year 2011	−1,039,000
Budget request, fiscal year 2012	−3,667,000

COMMITTEE RECOMMENDATION

The Court of Appeals for the Federal Circuit has exclusive national jurisdiction over a large number of diverse subject areas, in-

cluding government contracts, patents, trademarks, Federal personnel, and veterans' benefits. The Committee recommends an appropriation of $31,472,000 for fiscal year 2012, which is $1,039,000 less than fiscal year 2011 and $3,667,000 less than the request.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$21,447,000
Budget request, fiscal year 2012	22,891,000
Recommended in the bill	20,628,000
Bill compared with:	
Appropriation, fiscal year 2011	−819,000
Budget request, fiscal year 2012	−2,263,000

COMMITTEE RECOMMENDATION

The Court of International Trade has exclusive nationwide jurisdiction of civil actions against the United States and certain civil actions brought by the United States, arising out of import transactions and administration and enforcement of the Federal customs and international trade laws. The Committee recommends an appropriation of $20,628,000 for fiscal year 2012, which is $819,000 less than fiscal year 2011 and $2,263,000 less than the request.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$5,004,221,000
Budget request, fiscal year 2012	5,236,166,000
Recommended in the bill	4,790,855,000
Bill compared with:	
Appropriation, fiscal year 2011	−213,366,000
Budget request, fiscal year 2012	−445,311,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $4,790,855,000 for the operations of the regional courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and probation and pretrial services offices. The recommendation is $213,366,000 less than fiscal year 2011 and $445,311,000 less than the request.

The Committee understands that the Judiciary's staffing, operations and maintenance, and information technology resources are allocated to the courts according to formulas that are approved by the Judicial Conference of the United States and equitably distribute resources based on the workload of each district. The Committee believes this is the optimal method of making such allocations and expects the Judiciary to continue to allocate its resources using this system. The Committee also expects the Administrative Office to periodically update the formulas to ensure their accuracy.

VACCINE INJURY COMPENSATION TRUST FUND

Appropriation, fiscal year 2011	$4,775,000
Budget request, fiscal year 2012	5,011,000
Recommended in the bill	4,775,000
Bill compared with:	
Appropriation, fiscal year 2011	– – –
Budget request, fiscal year 2012	−236,000

COMMITTEE RECOMMENDATION

The Committee recommends a reimbursement of $4,775,000 for fiscal year 2012 from the Vaccine Injury Compensation Trust Fund to cover expenses of the United State Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986. This amount is the same as fiscal year 2011 and $236,000 less than the request.

DEFENDER SERVICES

Appropriation, fiscal year 2011	$1,025,693,000
Budget request, fiscal year 2012	1,098,745,000
Recommended in the bill	1,050,000,000
Bill compared with:	
Appropriation, fiscal year 2011	+24,307,000
Budget request, fiscal year 2012	−48,745,000

COMMITTEE RECOMMENDATION

This account provides funding for the operation of the Federal Public Defender and Community Defender organizations and for compensation and reimbursement of expenses of panel attorneys appointed pursuant to the Criminal Justice Act for representation in criminal cases. The Committee recommends an appropriation of $1,050,000,000 for fiscal year 2012 which is $24,307,000 more than fiscal year 2011 and $48,745,000 less than the request. The recommendation does not provide an increase in the hourly panel attorney pay rate.

The sixth amendment to the Constitution provides for the right to counsel for those who can not afford it. This is a very important Constitutional protection. The Committee understands that the costs associated with this program are driven by: (1) the hourly rate paid to panel attorneys, which has grown substantially in the years prior to fiscal year 2011; (2) the costs of operating Federal defender organizations; and (3) the number of defendants and case complexity. The appropriation for this account has grown from $709,830,000 in fiscal year 2006 to a request of $1,098,745,000 in fiscal year 2012, more than a 50 percent increase. While the Committee believes that attorneys must be adequately compensated and defendants must be competently represented, the rapid rate of increase to this program cannot continue indefinitely. The Judiciary has had some success in recent years implementing cost control measures in other Judiciary programs. The Judicial Conference must find ways to substantially reduce the level of resources proposed in future years for the Defender Services program. The Committee expects the fiscal year 2013 budget request to identify significant savings in this program.

FEES OF JURORS AND COMMISSIONERS

Appropriation, fiscal year 2011	$52,305,000
Budget request, fiscal year 2012	59,727,000
Recommended in the bill	57,305,000
Bill compared with:	
Appropriation, fiscal year 2011	+5,000,000
Budget request, fiscal year 2012	−2,422,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $57,305,000 for payments to jurors, which is $5,000,000 more than fiscal year 2011 and $2,422,000 less than the request.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

Appropriation, fiscal year 2011	$466,672,000
Budget request, fiscal year 2012	513,058,000
Recommended in the bill	500,000,000
Bill compared with:	
Appropriation, fiscal year 2011	+33,328,000
Budget request, fiscal year 2012	−13,058,000

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $500,000,000 for Court Security in fiscal year 2012 to provide for necessary expenses of security and protective services in courtrooms and adjacent areas. This is $33,328,000 more than fiscal year 2011 and $13,058,000 less than the request.

The recommended increase over fiscal year 2011 will provide for additional court security officers and equipment to address the highest priority security needs identified by the courts and the U.S. Marshals Service.

The Committee is aware of significant security deficiencies that exist in many older courthouses which in the past have only been corrected by constructing a new facility. Given the current fiscal climate, the cost of constructing new facilities to address these security concerns is in many cases too expensive. As a more cost effective way to address these security concerns, the Committee has included $20,000,000 in the General Services Administration's Federal Buildings Fund specifically for security alterations to courthouses. The Committee directs the Judiciary to work collaboratively with the General Services Administration and the U.S. Marshals Service to identify and fund cost effective security solutions to ensure the safety of court staff and the public.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$82,909,000
Budget request, fiscal year 2012	88,455,000
Recommended in the bill	80,007,000
Bill compared with:	
Appropriation, fiscal year 2011	−2,902,000
Budget request, fiscal year 2012	−8,448,000

COMMITTEE RECOMMENDATION

The Administrative Office of the United States Courts (AO) provides administrative and management support to the United States Courts, including the probation and bankruptcy systems. It also supports the Judicial Conference of the United States in determining Federal Judiciary policies, in developing methods to assist the courts to conduct business efficiently and economically, and in enhancing the use of information technology in the courts. The

Committee recommends an appropriation of $80,007,000 for the AO, which is $2,902,000 less than fiscal year 2011 and $8,448,000 less than the request.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$27,273,000
Budget request, fiscal year 2012	29,029,000
Recommended in the bill	26,318,000
Bill compared with:	
Appropriation, fiscal year 2011	−955,000
Budget request, fiscal year 2012	−2,711,000

COMMITTEE RECOMMENDATION

The Federal Judicial Center (FJC) improves the management of Federal Judicial dockets and court administration through education for judges and staff, and research, evaluation, and planning assistance for the courts and the Judicial Conference. The Committee recommends an appropriation of $26,318,000 for the FJC for fiscal year 2012, which is $955,000 less than fiscal year 2011 and $2,711,000 less than the request.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Appropriation, fiscal year 2011	$16,803,000
Budget request, fiscal year 2012	17,906,000
Recommended in the bill	16,215,000
Bill compared with:	
Appropriation, fiscal year 2011	−588,000
Budget request, fiscal year 2012	−1,691,000

COMMITTEE RECOMMENDATION

The purpose of the Commission is to establish, review, and revise sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress. The Committee recommends $16,215,000 for the Commission for fiscal year 2012, which is $588,000 less than fiscal year 2011 and $1,691,000 less than the request.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

Section 301. The Committee continues language to permit funds for salaries and expenses to be available for employment of experts and consultant services as authorized by 5 U.S.C. 3109.

Section 302. The Committee continues language that permits up to five percent of any appropriation made available for fiscal year 2012 to be transferred between Judiciary appropriations accounts provided that no appropriation shall be decreased by more than five percent or increased by more than ten percent by any such transfer except in certain circumstances. In addition, the language provides that any such transfer shall be treated as a reprogramming of funds under sections 604 and 608 of the accompanying bill

and shall not be available for obligation or expenditure except in compliance with the procedures set forth in those sections.

Section 303. The Committee continues language authorizing not to exceed $11,000 to be used for official reception and representation expenses incurred by the Judicial Conference of the United States.

Section 304. The Committee continues language enabling the Judiciary to contract for repairs under $100,000.

Section 305. The Committee continues language to authorize a court security pilot program.

Section 306. The Committee continues language extending a temporary judgeship in Kansas.

Section 307. The Committee includes language rescinding $100,000 of prior year unobligated balances from the United States Sentencing Commission.

Section 308. The Committee includes new language requiring the President submit to Congress, without change, proposed supplemental appropriations submitted to the President by the legislative branch and the judicial branch.

TITLE IV—DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

Appropriation, fiscal year 2011	$35,030,000
Budget request, fiscal year 2012	35,100,000
Recommended in the bill	30,000,000
Bill compared with:	
Appropriation, fiscal year 2011	−5,030,000
Budget request, fiscal year 2012	−5,100,000

The Resident Tuition Support program was created by the District of Columbia College Access Act of 1999 to provide District college-bound students the opportunity to expand their higher education choices. The program receives its funding through a Federal appropriation which is deposited into a dedicated account under the control of the District of Columbia Chief Financial Officer. This program awards grants up to $10,000 annually for undergraduate District students to attend eligible four-year public universities and colleges nationwide at in-state tuition rates. Grants up to $2,500 per year are available for students to attend private institutions in the D.C. metropolitan area as well as public two-year community colleges.

COMMITTEE RECOMMENDATION

The Committee recommends a Federal payment of $30,000,000 for the resident tuition support program, which is $5,030,000 less than fiscal year 2011 and $5,100,000 less than the request. The funding recommendation, along with unobligated prior year balances, is sufficient to fully fund the program's proposed expenditure plan.

National Veterans Legal Services Program, et al., v. U.S.,
Civil Action No. 16-745 ESH

Tab 40

Calendar No. 171

112TH CONGRESS
1st Session

SENATE

REPORT
112–79

FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2012

SEPTEMBER 15, 2011.—Ordered to be printed

Mr. DURBIN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 1573]

The Committee on Appropriations reports the bill (S. 1573) making appropriations for financial services and general government for the fiscal year ending September 30, 2012, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts of new budget (obligational) authority for fiscal year 2012

Total of bill as reported to the Senate	$44,640,384,000
Amount of 2011 appropriations	44,688,058,000
Amount of 2012 budget estimate	48,726,741,000
Bill as recommended to Senate compared to—	
2011 appropriations	−47,674,000
2012 budget estimate	−4,086,357,000

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TITLE III

THE JUDICIARY

PROGRAM DESCRIPTION

Established under Article III of the Constitution, the judicial branch of Government is a separate but equal branch. The Federal judiciary consists of the Supreme Court, United States Courts of Appeals, District Courts, Bankruptcy Courts, Court of International Trade, Court of Federal Claims, and several other entities and programs. The organization of the judiciary, the district and circuit boundaries, the places of holding court, and the number of Federal judges are legislated by the Congress and signed into law by the President.

The Committee's recommended funding levels support the Federal judiciary's role of providing equal justice under the law and include sufficient funds to support this critical mission. The recommended funding level includes the salaries of judges and support staff and the operation and security of our Nation's courts.

The judicial branch is subject to the same funding constraints facing the executive and legislative branches. It is imperative that the Federal judiciary devote its resources primarily to the retention of staff. Further, it is also important that the judiciary contain controllable costs such as travel, construction, and other expenses.

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

Appropriations, 2011	$73,921,000
Budget estimate, 2012	75,551,000
Committee recommendation	74,819,000

PROGRAM DESCRIPTION

The United States Supreme Court consists of nine justices appointed under Article III of the Constitution of the United States, one of whom is appointed as Chief Justice of the United States. The Supreme Court acts as the final arbiter in the Federal court system.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $74,819,000 for the Justices, their supporting personnel, and the costs of operating the Supreme Court, excluding the care of the building and grounds. The recommendation is $898,000 above the fiscal year 2011 funding level and consistent with the budget re-estimate. As requested, funding is provided for 12 new police officers.

CARE OF THE BUILDING AND GROUNDS

Appropriations, 2011	$8,159,000
Budget estimate, 2012	8,504,000
Committee recommendation	8,159,000

PROGRAM DESCRIPTION

Care of the Building and Grounds, for expenditure by the Architect of the Capitol, provides for the structural and mechanical care of the United States Supreme Court Building and Grounds, including maintenance and operation of mechanical, electrical, and electronic equipment.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $8,159,000 for personnel and other services related to the Supreme Court building and grounds, which is supervised by the Architect of the Capitol. The recommendation is the same as the fiscal year 2011 funding level and $345,000 below the budget request.

The Court shall continue to provide to the Committee detailed single-spaced quarterly reports on the Supreme Court modernization project, including descriptions; timeliness; milestones; and funding committed, obligated, and expended, as well as any unobligated balances of each major capital project. In addition, the report should include the identification, descriptions, and status of any contract claims.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

Appropriations, 2011	$32,511,000
Budget estimate, 2012	35,139,000
Committee recommendation	31,913,000

PROGRAM DESCRIPTION

The United States Court of Appeals for the Federal Circuit was established on October 1, 1982 under Article III of the Constitution. The court was formed by the merger of the United States Court of Customs and Patent Appeals and the appellate division of the United States Court of Claims. The court consists of 12 judges who are appointed by the President, with the advice and consent of the Senate. Judges are appointed to the court under Article III of the Constitution of the United States.

The Federal Circuit has nationwide jurisdiction in a variety of subjects, including international trade, Government contracts, patents, certain claims for money from the United States Government, Federal personnel, and veterans' benefits. Appeals to the court come from all Federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, and the United States Court of Veterans Appeals. The court also takes appeals of certain administrative agencies' decisions, including the Merit Systems Protection Board, the Board of Contract Appeals, the Board of Patent Appeals and Interferences, and the Trademark Trial and Appeals Board. Decisions of the United

States International Trade Commission, the Office of Compliance of the United States Congress, and the Government Accountability Office Personnel Appeals Board are also reviewable by the court.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $31,913,000. The recommendation is $598,000 below the fiscal year 2011 funding level, and $3,226,000 below the budget request.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

Appropriations, 2011	$21,447,000
Budget estimate, 2012	22,891,000
Committee recommendation	20,968,000

PROGRAM DESCRIPTION

The United States Court of International Trade, located in New York City, consists of nine Article III judges. The court has exclusive nationwide jurisdiction over civil actions brought 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.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $20,968,000. The recommendation is $479,000 below the fiscal year 2011 funding level and $1,923,000 below the budget request.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2011	$5,004,221,000
Budget estimate, 2012	5,236,166,000
Committee recommendation	4,970,646,000

PROGRAM DESCRIPTION

Salaries and Expenses is one of four accounts that provide total funding for the Courts of Appeals, District Courts, and Other Judicial Services. In addition to funding the salaries of judges and support staff, this account also funds the operating costs of appellate, district, and bankruptcy courts, the Court of Federal Claims, and probation and pretrial services offices.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $4,970,646,000 for salaries and expenses. The recommendation is $33,575,000 below the fiscal year 2011 funding level and $265,520,000 below the budget request.

The Committee is aware that the Judicial Conference has communicated to judges and court staff the need to identify ways to reduce operational and administrative costs, given the current fiscal climate. The Committee endorses these efforts and urges all courts to review all options in order to help contain costs. The Committee applauds the Court of International Trade, which historically has managed its budget well as evidenced by its minimal funding requests year after year. On the other hand, the budget for Defender Services, currently funded at more than $1,000,000,000, has grown significantly in recent years. While the services provided by this program are essential, this trend is not sustainable, given fiscal realities.

Perimeter Security Pilot Project.—The Judiciary submitted its report evaluating the Judicial Perimeter Security Pilot Program on October 20, 2010, and a follow-up report on execution of the Judicial Perimeter Security Pilot Program on August 8, 2011. The evaluation report concluded that having unity of command, CSO guards at all posts, and national standards for security coverage resulted in significant security improvements at the pilot sites. The follow-up report described how a Judicial Perimeter Security Program could be implemented at additional primary courthouses. While a meritorious program, given budget constraints, further implementation would be feasible only if cost neutral. The Judiciary is encouraged to identify such opportunities. Section 306 authorizing the pilot is continued in order to allow the Judiciary to maintain the pilot at the seven existing locations and to allow for expansion of the pilot to new locations, if it can be done in a cost neutral manner.

Capital Security Program.—Recognizing the impact of the Judiciary's rental expenses on its ability to maintain support of critical court requirements, the Committee supports the work of the Judiciary in revising its long-range planning process for facility needs. Budgetary realities, as well as new space design criteria for courtroom sharing, will result in fewer new courthouses recommended by the Judicial Conference for funding in the future.

Security deficiencies in existing courthouses still must be addressed and can be accomplished in most instances with considerably less funding than would be required for a new facility. Therefore, funding is included within the General Services Administration's Federal Buildings Fund to establish a Judiciary Capital Security Program, which will address security deficiencies in existing buildings where physical, interior alterations are viable. The Judiciary and the GSA shall work collaboratively to assess the building conditions, viability of long-term use, and structural capacity for these stand-alone architectural solutions which may include: building additional corridors; adding or reconfiguring elevators; building visual barriers; moving air-intakes; and enlarging security screening areas.

VACCINE INJURY COMPENSATION TRUST FUND

Appropriations, 2011	$4,775,000
Budget estimate, 2012	5,011,000
Committee recommendation	4,775,000

PROGRAM DESCRIPTION

Enacted by the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), the Vaccine Injury Compensation Program is a Federal no-fault program designed to resolve a perceived crisis in vaccine tort liability claims that threatened the continued availability of childhood vaccines nationwide. The statute's primary intention is the creation of a more efficient adjudicatory mechanism that ensures a no-fault compensation result for those allegedly injured or killed by certain covered vaccines. This program protects the availability of vaccines in the United States by diverting a substantial number of claims from the tort arena.

Not only did this act create a special fund to pay judgments awarded under the act, but it also created the Office of Special Masters within the United States Court of Federal Claims to hear vaccine injury cases. The act stipulates that up to eight special masters may be appointed for this purpose. The special masters expenditures are reimbursed to the judiciary for vaccine injury cases from a special fund set up under the Vaccine Act.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $4,775,000. The recommendation is the same as the fiscal year 2011 funding level and $236,000 below the budget request.

DEFENDER SERVICES

Appropriations, 2011	$1,025,693,000
Budget estimate, 2012	1,098,745,000
Committee recommendation	1,034,182,000

PROGRAM DESCRIPTION

The Defender Services program ensures the right to counsel guaranteed by the Sixth Amendment, the Criminal Justice Act (18 U.S.C. 3006A(e)) and other congressional mandates for those who cannot afford to retain counsel and other necessary defense services. The Criminal Justice Act provides that courts appoint counsel from Federal public and community defender organizations or from a panel of private attorneys established by the court. The Defender Services program helps to maintain public confidence in the Nation's commitment to equal justice under the law and ensures the successful operation of the constitutionally based adversary system of justice by which Federal criminal laws and federally guaranteed rights are enforced.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $1,034,182,000. The recommendation is $8,489,000 above the fiscal year 2011 funding level and $64,563,000 below the budget request. This program is urged to scrutinize its costs and reduce expenses in the future.

FEES OF JURORS AND COMMISSIONERS

Appropriations, 2011	$52,305,000
Budget estimate, 2012	59,727,000
Committee recommendation	59,000,000

PROGRAM DESCRIPTION

This account provides for the statutory fees and allowances of grand and petit jurors and for the compensation of jury and land commissioners. Budgetary requirements depend primarily upon the volume and the length of jury trials demanded by parties to both civil and criminal actions and the number of grand juries being convened by the courts at the request of the United States Attorneys.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $59,000,000. The recommendation is $6,695,000 above the fiscal year 2011 funding level and $727,000 below the budget request.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2011	$466,672,000
Budget estimate, 2012	513,058,000
Committee recommendation	500,000,000

PROGRAM DESCRIPTION

The Court Security appropriation was established in 1983 and funds the necessary expenses incident to the provision of protective guard services, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building access control, inspection of mail and packages, directed security patrols, perimeter security provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702).

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $500,000,000. The recommendation is $33,328,000 above the fiscal year 2011 funding level and $13,058,000 below the budget request.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

Appropriations, 2011	$82,909,000
Budget estimate, 2012	88,455,000
Committee recommendation	82,000,000

PROGRAM DESCRIPTION

The Administrative Office [AO] of the United States Courts was created in 1939 by an act of Congress. It serves the Federal judiciary in carrying out its constitutional mission to provide equal justice under the law. Beyond providing numerous services to the Federal courts, the AO provides support and staff counsel to the Judicial Conference of the United States and its committees, and implements Judicial Conference policies as well as applicable Federal statutes and regulations. The AO is the focal point for communica-

tion and coordination within the Federal judiciary and with Congress, the executive branch, and the public on behalf of the judiciary.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $82,000,000. This recommendation is $909,000 below the fiscal year 2011 funding level and $6,455,000 below the budget request.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

Appropriations, 2011	$27,273,000
Budget estimate, 2012	29,029,000
Committee recommendation	27,000,000

PROGRAM DESCRIPTION

The Federal Judicial Center, located in Washington, DC, improves the management of Federal judicial dockets and court administration through education for judges and staff, and research, evaluation, and planning assistance for the courts and the Judicial Conference. The Center's responsibilities include educating judges and other judicial branch personnel about legal developments and efficient litigation management and court administration. Additionally, the Center also analyzes the efficacy of case and court management procedures and ensures the Federal judiciary is aware of the methods of best practice.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $27,000,000. The recommendation is $273,000 below the fiscal year 2011 funding level and $2,029,000 below the budget request.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

Appropriations, 2011	$90,361,000
Budget estimate, 2012	103,768,000
Committee recommendation	103,768,000

PROGRAM DESCRIPTION

The funds in this account cover the estimated future benefit payments to be made to retired bankruptcy judges and magistrate judges, claims court judges, and spouses and dependent children of deceased judicial officers.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $103,768,000 for payments to the Judicial Officers' Retirement Fund and the Claims Court Judges Retirement Fund. The recommendation is $13,407,000 above the fiscal year 2011 funding level and consistent with the budget request.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

Appropriations, 2011	$16,803,000
Budget estimate, 2012	17,906,000
Committee recommendation	16,500,000

PROGRAM DESCRIPTION

The United States Sentencing Commission establishes, reviews, and revises sentencing guidelines, policies, and practices for the Federal criminal justice system. The Commission is also required to monitor the operation of the guidelines and to identify and report necessary changes to the Congress.

COMMITTEE RECOMMENDATION

The Committee recommends an appropriation of $16,500,000. The recommendation is $303,000 below the fiscal year 2011 funding level and $1,406,000 below the budget request.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

The Committee recommends the following administrative provisions for the judiciary.

Section 301 allows the judiciary to expend funds for the employment of experts and consultative services.

Section 302 allows the judiciary, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that may be transferred into any one appropriation.

Section 303 limits official reception and representation expenses incurred by the Judicial Conference of the United States to no more than $11,000.

Section 304 requires the Administrative Office to submit an annual financial plan for the judiciary within 90 days of enactment of this act.

Section 305 grants the judicial branch the same tenant alteration authorities as the executive branch.

Section 306 provides continued authority for a court security pilot program.

Section 307 extends for 1 year the authorization of a temporary judgeship in Hawaii and a temporary judgeship in Kansas.