

UNITED STATES COURT OF INTERNATIONAL TRADE

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In re EXEMPTION FROM THE ELECTRONIC :
PUBLIC ACCESS FEES FOR U.S. CUSTOMS :
AND BORDER PROTECTION PORT :
DIRECTORS AND THEIR DESIGNEES :
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ORDER

Whereas, 28 USC § 2635 requires U.S. Customs and Border Protection (“CBP”) to file entry papers with the clerk of court in any action contesting the denial of a protest or the denial of a petition under §§ 515 or 516 of the Tariff Act of 1930; and

Whereas, to facilitate CBP’s compliance with this statutory requirement, and in order to comply with USCIT Rule 4(a)(2), the Court and CBP have established a process, by which the Court sends to the Port Directors (or their designees) 28 USC §§ 1581(a) and 1581(b) Summonses and Amended Summonses by electronic means; and

Whereas, the Electronic Public Access Fee Schedule adopted by the Judicial Conference of the United States normally would require that CBP pay a fee to access these records; and

Whereas, paragraph 9 of that schedule permits a Court, in its discretion, to issue an exemption when such exemption is necessary “to avoid unreasonable burdens;” and

Whereas, without an exemption, either the Court would be compelled to send notice to the ports of the filing of a summons via regular mail, with concomitant expense, or the Port Director would have to pay to receive the notice from the Court electronically; and

Whereas, either expense would result in unnecessary costs for the completion of a simple, administrative task that is a prerequisite to the fulfillment of the agency’s statutory obligation.

Now Therefore, the CBP Port Directors and their designees shall be exempt from the payment of fees for access via the Public Access to Court Electronic Records system (“PACER”) to the 1581(a) and 1581(b) Summonses and Amended Summonses sent to them by the Court via electronic means. Additionally, the following limitations apply:

1. in accordance with the general prohibition on granting exemptions to the federal government in paragraph 9 of the Fee Schedule, CBP Port Directors and their designees shall not be exempt from the payment of fees incurred in connection with other uses of the PACER System in the Court and other employees of CBP are not fee exempt in any way;
2. this fee exemption is valid only for the purposes stated above;
3. this fee exemption applies only to the electronic case files of the Court that are available through the PACER System;

4. CBP Port Directors and their designees may not sell any data obtained as a result of receiving this exemption;
5. CBP Port Directors and their designees are prohibited from transferring any data obtained as a result of receiving this exemption, including redistribution via internet-based databases.

This exemption may be revoked at the discretion of the Court at any time. A copy of this Order shall be sent to the PACER Service Center.

Dated: Sept 4, 2013
New York, NY

/S/
Donald C. Pogue, Chief Judge