



September 23, 2019

Subcommittee Chair Hank Johnson and Ranking Member Martha Roby:

On behalf of millions of Americans for Prosperity activists across 35 states, I thank you for holding this important hearing today on government transparency in the federal courts. AFP supports H.R. 1164, the Electronic Court Records Reform Act, which modernizes the Public Access to Court Electronic Records System (PACER) and enhances the public's ability to review court decisions by making access to PACER free to all.

The Judicial Conference of the United States deployed PACER in 1988. Since its implementation, PACER has become the dominant method for the public to access federal court documents. It allows anyone who has an online account with the service to search and access all federal court documents – with some reasonable restrictions – with specific selection terms.

Currently, it costs ten cents per page for an individual to search for court documents through PACER. When PACER was originally implemented, this fee may have been commensurate with database maintenance and storage costs but that is no longer the case. The Administrative Office of the United States Courts, which oversees PACER, receives almost 150 million dollars per year from PACER fees – far more than necessary to maintain the current system.

The ECRRA modernizes PACER so it can fulfill its transparency goals. The bill requires that the more than 300 million court documents available on PACER be made available to the public free of charge. It also increases accessibility by requiring that documents be text-searchable and machine-readable. The ECRRA also maintains the privacy of litigants involved in sensitive cases by mandating redactions where appropriate.

At AFP, we believe that the right to easily access public information is essential to a democratic society, which is why we've supported multiple bills in the 116th Congress that enhance government transparency. More access to information about the government empowers people to engage on issues they care about and hold those in power accountable. For instance, it empowers journalists to seek out and find information on important federal cases and inform the public about new developments.

For those reasons, we support H.R. 1164, the Electronic Court Records Reform Act. We respectfully ask that the House Judiciary Committee pass the bill so it can be considered on the House floor.

Through broad-based grassroots outreach, *Americans for Prosperity* (AFP) is driving long-term solutions to the country's biggest problems. AFP activists engage friends and neighbors on key issues and encourage them to take an active role in building a culture of mutual benefit, where people succeed by helping one another. AFP recruits and unites activists in 35 states behind a common goal of advancing policies that will help people improve their lives.

Sincerely,

Brent Gardner
Chief Government Affairs Officer
Americans for Prosperity

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