

116TH CONGRESS
1ST SESSION

S. 2064

To direct the Director of the Administrative Office of the United States Courts to consolidate the Case Management/Electronic Case Files system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2019

Mr. PORTMAN introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To direct the Director of the Administrative Office of the United States Courts to consolidate the Case Management/Electronic Case Files system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Electronic Court
5 Records Reform Act of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) DIRECTOR.—The term “Director” means
5 the Director of the Administrative Office of the
6 United States Courts.

7 (3) MACHINE-READABLE.—The term “machine-
8 readable” means a format in which information or
9 data can be easily processed by a computer without
10 human intervention while ensuring no semantic
11 meaning is lost.

12 **SEC. 3. CONSOLIDATION OF THE CASE MANAGEMENT/ELEC-**
13 **TRONIC CASE FILES SYSTEM.**

14 (a) IN GENERAL.—Not later than 2 years after the
15 date of the enactment of this Act, the Director, in coordi-
16 nation with the Administrator, shall—

17 (1) consolidate the Case Management/Elec-
18 tronic Case Files system; and

19 (2) develop 1 system for all filings with courts
20 of the United States, which shall be administered by
21 the Administrative Office of the United States
22 Courts.

23 (b) USE OF TECHNOLOGY.—In developing the system
24 under subsection (a), the Director shall use modern tech-
25 nology—

1 (2) All documents on the system shall be avail-
2 able to the public and to parties before the court
3 free of charge.

4 (3) Any information that is prohibited from
5 public disclosure by law or court order shall be re-
6 dacted.

7 (4) All documents shall be text-searchable and
8 machine-readable.

9 (5) To the extent practicable, external websites
10 shall be able to link to documents on the system.

11 (6) The system shall include any available dig-
12 ital audio and visual files of court recordings.

13 (7) The system shall provide search functions
14 for public use.

15 (b) MINIMIZING THE BURDEN ON PRO SE LITI-
16 GANTS.—In developing the system to comply with the re-
17 quirements under subsection (a), the Director shall, to the
18 extent practicable, not impose a disproportionate impact
19 on pro se litigants.

20 (c) USE OF TECHNOLOGY.—In developing the system
21 under subsection (a), the Director shall use modern tech-
22 nology—

23 (1) to improve security, data accessibility, af-
24 fordability, and performance; and

25 (2) to minimize the burden on pro se litigants.

1 (d) AUTHORITY TO EXEMPT CERTAIN DOCU-
2 MENTS.—The Director may identify categories of—

3 (1) documents that are not made publicly acces-
4 sible under subsection (a)(1); and

5 (2) court proceedings, the recordings of which
6 are not made available under subsection (a)(6).

7 (e) FILING FEES.—The Judiciary Appropriations
8 Act, 1992 (title III of Public Law 102–140; 105 Stat.
9 807) is amended by striking section 303 (28 U.S.C. 1913
10 note) and inserting the following:

11 “SEC. 303. (a)(1) To cover the costs of maintaining
12 the Public Access to Court Electronic Records system in
13 accordance with section 4 of the Electronic Court Records
14 Reform Act of 2019, the Judicial Conference—

15 “(A) shall collect an annual fee from the De-
16 partment of Justice equal to the Public Access to
17 Court Electronic Records access fees paid by the De-
18 partment of Justice in 2018, as adjusted for infla-
19 tion; and

20 “(B) may, only to the extent necessary, pre-
21 scribe reasonable filing fees, pursuant to sections
22 1913, 1914, 1926, 1930, and 1932 of title 28,
23 United States Code, for collection by the courts
24 under those sections.

1 “(2) The filing fees shall be commensurate with the
2 burden imposed on the court by the party. The filing fees
3 shall impose a lesser fee on filers who are filing on behalf
4 of individuals. Pro se litigants and litigants who certify
5 their financial hardship shall not be subject to the filing
6 fees. The Director of the Administrative Office of the
7 United States Courts, under the direction of the Judicial
8 Conference of the United States, shall prescribe a schedule
9 of reasonable filing fees to cover the costs described in
10 this subsection that the Director shall maintain and make
11 available to the public.

12 “(b) The Judicial Conference and the Director shall
13 transmit each schedule of fees prescribed under subsection
14 (a) to Congress at least 30 days before the schedule be-
15 comes effective. All fees collected under subsection (a)
16 shall be deposited as offsetting collections to the Judiciary
17 Information Technology Fund pursuant to section
18 612(c)(1)(A) of title 28, United States Code, to reimburse
19 expenses incurred in providing services in accordance with
20 section 4 of the Electronic Court Records Reform Act of
21 2019.”.

22 (f) RULE OF CONSTRUCTION.—Nothing in this Act,
23 or the amendments made by this Act, shall be construed
24 to—

1 (1) affect the filing fees or other filing proce-
2 dures for prisoners; or

3 (2) abrogate, limit, or modify the requirements
4 described in section 1915 of title 28, United States
5 Code.

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