

December 14, 2020

The Honorable Lindsey Graham
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

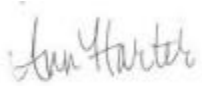
The American Financial Services Association (AFSA)¹ urges you to amend H.R. 8235, the Open Courts Act. AFSA does not oppose that bill's underlying goal of allowing free access to the Administrative Office of the Courts' Public Access to Court Electronic Records (PACER) database.

We do, however, oppose H.R. 8235's imposition of a fee on creditors who file a Proof of Claim (POC) in a bankruptcy case. The POC is an official form approved by the Judicial Conference, and Bankruptcy Rule 9009 *requires* creditors file the form in bankruptcy cases. Because the Bankruptcy Code forbids a creditor from contacting a debtor in a bankruptcy proceeding, the POC is the only communication by which a creditor can communicate with or collect from a debtor.

In sum, H.R. 8235 imposes an admission charge or tax to access the courts to file a claim in a bankruptcy proceeding. AFSA notes that H.R. 8235 does not specify the fee—rather it gives the Administrative Office of the Courts open-ended discretion to determine the amount.

AFSA appreciates the opportunity express our concerns. I would be happy to address any questions you may have and may be reached at (214) 870-1030 or aharter@afsamail.org.

Sincerely,

A handwritten signature in blue ink that reads 'Ann Harter'.

Ann Harter
Vice President, Congressional Affairs
American Financial Services Association

¹Founded in 1916, the American Financial Services Association (AFSA) is the national trade association for the consumer credit industry, protecting access to credit and consumer choice.