

Proposed Amendments to Rule 65.1

Rule 65.1 is amended as follows:

Rule 65.1. Proceedings Against a **Security Provider** Surety

Whenever these rules require or allow a party to give security, and security is given ~~through a bond or other undertaking~~ with one or more **security providers** sureties, each **provider** surety submits to the court's jurisdiction and irrevocably appoints the court clerk as its agent for receiving service of any papers that affect its liability on the **security** ~~bond or undertaking~~. The **security provider's** surety's liability may be enforced on motion without an independent action. The motion and any notice that the court orders may be served on the court clerk, who must promptly **send** ~~mail~~ a copy of each to every **security provider** surety whose address is known. The **security** ~~bond or other undertaking~~ must be secured by a corporate **security provider** surety holding a certificate of authority from the Secretary of the Treasury. Except as otherwise provided by law, where the amount has been fixed by a judge, all **securities** ~~bonds or other undertakings~~ must be approved by the judge.

PRACTICE COMMENT: Circular No. 570, "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies," is published annually, as of July 1, in the Federal Register, under Fiscal Service, Department of Treasury. Interim changes in the circular are published in the Federal Register as they occur. Copies of the circular and interim changes may be obtained from <http://www.fms.treas.gov/c570/>.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; July 28, 1988, eff. Nov. 1, 1988; Dec. 18, 2001, eff. Apr. 1, 2002; Nov. 25, 2009, eff. Jan. 1, 2010; _____, **2020**, eff. _____, **2020**.)

Advisory Committee Note

These amendments conform this rule to the current version of the Federal Rule of Civil Procedure.