

111TH CONGRESS
2D SESSION

H. R. 5069

To amend the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure to ensure access to the Federal judiciary in cases where the interest of justice so requires, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2010

Mr. JOHNSON of Georgia introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Federal Rules of Civil Procedure and the Federal Rules of Appellate Procedure to ensure access to the Federal judiciary in cases where the interest of justice so requires, 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 “Fair Payment of Court
5 Fees Act of 2010”.

1 **SEC. 2. AMENDMENT TO THE FEDERAL RULES OF CIVIL**
2 **PROCEDURE.**

3 Rule 68(d) of the Federal Rules of Civil Procedure
4 is amended by striking the period at the end and inserting
5 “, unless the court determines that the interest of justice
6 justifies waiving such payment. For the purpose of making
7 such a determination, the interest of justice includes the
8 establishment of constitutional or other important prece-
9 dent.”.

10 **SEC. 3. AMENDMENT TO THE FEDERAL RULES OF APPEL-**
11 **LATE PROCEDURE.**

12 Rule 39 of the Federal Rules of Appellate Procedure
13 is amended by adding at the end the following new sub-
14 division:

15 “(f) WAIVER OF COSTS FOR CERTAIN APPEALS.—
16 The court shall order a waiver of costs if the court deter-
17 mines that the interest of justice justifies such a waiver.
18 For the purpose of making such a determination, the in-
19 terest of justice includes the establishment of constitu-
20 tional or other important precedent.”.

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