

116TH CONGRESS
1ST SESSION

S. 297

To amend title 28, United States Code, to modify the amount in controversy requirement and remove the complete diversity requirement.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2019

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

A BILL

To amend title 28, United States Code, to modify the amount in controversy requirement and remove the complete diversity requirement.

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 “Federal Courts Access
5 Act of 2019”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are to—

8 (1) assure fairer and more efficient civil litiga-
9 tion and prompt recoveries for claimants and de-
10 fendants;

1 (2) enhance the integrity of the legal system of
 2 the United States by diminishing abuses in the civil
 3 litigation system; and

4 (3) restore the intent of the framers of the Con-
 5 stitution of the United States by ensuring Federal
 6 court consideration of major controversies, con-
 7 sistent with diversity jurisdiction principles.

8 **SEC. 3. DIVERSITY OF CITIZENSHIP; AMOUNT IN CON-**
 9 **TROVERSY.**

10 (a) IN GENERAL.—Section 1332 of title 28, United
 11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in the matter preceding paragraph (1),
 14 by striking “\$75,000” and inserting
 15 “\$125,000”; and

16 (B) in paragraph (1), by inserting “not
 17 less than 1 plaintiff and 1 defendant who are”
 18 before “citizens of different States”;

19 (2) in subsection (b), by striking “\$75,000”
 20 and inserting “\$125,000”; and

21 (3) in subsection (d)—

22 (A) in paragraph (2), by striking
 23 “\$5,000,000” and inserting “\$125,000”;

24 (B) by striking paragraphs (3) and (4);

1 (C) by redesignating paragraphs (5)
 2 through (10) as paragraphs (3) through (8), re-
 3 spectively;

4 (D) in paragraph (3), as so redesignated,
 5 by striking “Paragraphs (2) through (4)” and
 6 inserting “Paragraph (2)”;

7 (E) in paragraph (4), as so redesignated,
 8 by striking “\$5,000,000” and inserting
 9 “\$125,000”;

10 (F) in paragraph (5), as so redesignated,
 11 by striking “(2) through (6)” and inserting
 12 “(2) through (4)”;

13 (G) in paragraph (7)(A), as so redesign-
 14 ated—

15 (i) by inserting “section” after “de-
 16 fined under”; and

17 (ii) by striking “(15 U.S.C.
 18 78p(f)(3))” and inserting “(15 U.S.C.
 19 77p(f)(3))”; and

20 (H) by striking paragraph (11).

21 (b) REMOVAL OF CIVIL ACTIONS.—

22 (1) IN GENERAL.—Section 1441(b)(2) of title
 23 28, United States Code, is amended—

24 (A) by striking “if any” and inserting “if
 25 all”; and

1 (B) by striking “is a citizen” and inserting
 2 “are citizens”.

3 (2) PROCEDURE FOR REMOVAL OF CIVIL AC-
 4 TIONS.—Section 1446 of title 28, United States
 5 Code, is amended—

6 (A) in subsection (c)—

7 (i) by striking “(1) A case” and all
 8 that follows through “(2) If” and inserting
 9 “(1) If”;

10 (ii) by redesignating paragraph (3) as
 11 paragraph (2); and

12 (iii) in paragraph (2), as so redesign-
 13 nated—

14 (I) by striking “(A) If” and in-
 15 serting “If”; and

16 (II) by striking subparagraph
 17 (B); and

18 (B) by redesignating subsection (g) as sub-
 19 section (f).

20 (3) REMOVAL OF CLASS ACTIONS.—Section
 21 1453 of title 28, United States Code, is amended by
 22 striking subsection (b) and inserting the following:

23 “(b) REMOVAL GENERALLY.—A class action may be
 24 removed to a district court of the United States in accord-
 25 ance with section 1446, except that such action may be

1 removed by any defendant without the consent of all de-
2 fendants.”.

