

order is enforced. This addition to section 1446 is limited to only the Federal officer removal under section 1442.

This bill has strong bipartisan support. I would like to thank Chairman CONYERS, Ranking Member SMITH, and the ranking member of the Court Subcommittee, HOWARD COBLE of North Carolina, for their work on this bill, and I urge my colleagues to support this important legislation.

I reserve the balance of my time.

□ 1900

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Removal Clarification Act of 2010 amends the statute that allows Federal officers, under limited conditions, to remove cases filed against them in State court to the U.S. District Court for disposition. The purpose of current law is to restrict State courts' power to hold Federal officers liable for acts allegedly performed in the execution of their Federal duties. This doesn't mean Federal officers can break the law; it just means that these cases are transferred to Federal courts for determination. Federal officers and agents, even Members of Congress, should be forced to answer to Federal courts for their conduct during Federal duties.

Federal courts, however, have inconsistently interpreted the current statute, and that inconsistency can harm Federal interests. For example, this March the Court of Appeals for the Fifth Circuit upheld a district court ruling in the State of Texas that the Federal removal statute does not apply to a Texas law involving pre-suit discovery against a Federal officer. Because 46 other States have similar laws, the House general counsel's office became concerned that more Federal courts will adopt the Fifth Circuit's logic and then urge us to clarify the Federal law.

The problem occurs when a plaintiff considering a suit against a Federal officer petitions for discovery without actually filing suit in State court. Many Federal courts have held that this conduct only anticipates a suit; it isn't a cause of action as contemplated and covered by the current Federal removal statute. The problem is compounded because a separate Federal statute requires Federal courts to send any case back to State court if "at any time before final judgment it appears that the district court lacks subject matter jurisdiction."

Judicial review of remand orders is limited and does not apply to suits involving Federal officers. This means remanded cases brought against Federal officers under these conditions cannot find their way back to Federal court.

This result is at odds with the purpose of the Federal removal and remand statutes. The bill before us will clarify existing Federal law and overturn the recent Fifth Circuit ruling. It restores the core purpose of the re-

moval statute by ensuring any claim against Federal officers at any stage of a proceeding or even potential proceeding will be entertained in a Federal court.

I urge my colleagues to support H.R. 5281.

I yield back the balance of my time. Mr. JOHNSON of Georgia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. JOHNSON) that the House suspend the rules and pass the bill, H.R. 5281, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2780) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2780

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Restricted Buildings and Grounds Improvement Act of 2010".

##### SEC. 2. RESTRICTED BUILDINGS OR GROUNDS.

Section 1752 of title 18, United States Code, is amended to read as follows:

##### "§ 1752. Restricted buildings or grounds

"(a) Whoever—

"(1) knowingly enters or remains in any restricted building or grounds without lawful authority to do so;

"(2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;

"(3) knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or

"(4) knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).

"(b) The punishment for a violation of subsection (a) is—

"(1) a fine under this title or imprisonment for not more than 10 years, or both, if—

"(A) any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or

"(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and

"(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.

"(c) In this section—

"(1) the term 'restricted buildings or grounds' means a posted, cordoned off, or otherwise restricted area of a building or grounds—

"(A) where the President or other person protected by the Secret Service is or will be temporarily visiting; or

"(B) so restricted in conjunction with an event designated as a special event of national significance; and

"(2) the term 'other person protected by the Secret Service' means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection."

##### SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Florida (Mr. ROONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

##### GENERAL LEAVE

Mr. SCOTT of Virginia. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

H.R. 2780 will assist the Secret Service to perform their protective duties.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted because of protection being provided by the Secret Service. This bill would simply clarify that the prohibition under the existing statute only applies to those who do not have lawful authority to be in those areas.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out the protective function of their agency. They provide protection for a variety of people and events, including the President of the United States and national special security events. This bill will assist the men and women of the Secret Service in doing their jobs.

I commend my colleague from Florida (Mr. ROONEY) for his work on this bill, which eliminates the ambiguity in the present law. I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. ROONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the United States Secret Service began providing protective

services following the assassination of President McKinley in 1901. The Service's protection responsibilities have since expanded to include the First Family, the Vice President, former Presidents, heads of state, and others. This Service also provides protection at special events of national significance.

To address this vital responsibility, the Secret Service must anticipate, recognize, and assess threat situations and initiate strategies to eliminate and reduce threats or security vulnerabilities.

Key components to the Service's protection mission is securing the buildings and grounds where protectees work or visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

H.R. 2780 ensures that the Secret Service has the ability to secure all necessary areas surrounding the restricted buildings and grounds that house our leaders, their families, and foreign heads of state.

The bill clarifies section 1752 of title 18, which sets penalties for knowingly entering or remaining in any restricted building or grounds without the lawful authority to do so. Currently written, the code does not distinguish between those who are there lawfully, such as Secret Service agents and other authorized staff, and those who are there without permission.

This bill does not create any new authorities for the Secret Service and does not restrict the liberties of American citizens. H.R. 2780 simply clarifies and improves existing criminal statutes that are necessary for the Secret Service to resolve security issues and implement prevention strategies before tragedy strikes.

There have been enough climbing incidents at the White House fence for at least one Web site to dedicate itself to chronicling the escapades of "White House fence jumpers." While some of these individuals are attempting a collegiate prank, other such breaches could be catastrophic.

This bill will enable the United States Secret Service to continue to deliver the highest level of protective services, consistent with their proud tradition. I urge my colleagues to join me in supporting this important legislation.

I yield back the balance of my time. Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 2780, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1910

# SIMPLIFYING THE AMBIGUOUS LAW, KEEPING EVERYONE RELIABLY SAFE ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5662) to amend title 18, United States Code, with respect to the offense of stalking, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5662

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the "Simplifying The Ambiguous Law, Keeping Everyone Reliably Safe Act of 2010" or the "STALKERS Act of 2010".

## SEC. 2. STALKING.

(a) IN GENERAL.—Section 2261A of title 18, United States Code, is amended to read as follows:

### "§ 2261A. Stalking

"(a) Whoever, with intent to kill, physically injure, harass, or intimidate a person, or place under surveillance with the intent to kill, physically injure, harass, or intimidate a person, travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, and in the course of, or as a result of, such travel—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) engages in conduct that would be reasonably expected to cause the other person serious emotional distress; shall be punished as provided in subsection (c).

"(b) Whoever, with intent to kill, physically injure, harass, or intimidate a person, engages in a course of conduct in or substantially affecting interstate or foreign commerce that—

"(1) causes or attempts to cause bodily injury or serious emotional distress to a person other than the person engaging in the conduct; or

"(2) occurs in circumstances where the conduct would be reasonably expected to cause the other person serious emotional distress; shall be punished as provided in subsection (c).

"(c) The punishment for an offense under this section is the same as that for an offense under section 2261, except that—

"(1) if the offense involves conduct in violation of a protection order; and

"(2) if the victim of the offense is under the age of 18 years or over the age of 65 years, the offender has reached the age of 18 years at the time the offense was committed, and the offender knew or should have known that the victim was under the age of 18 years or over the age of 65 years;

the maximum term of imprisonment that may be imposed is increased by 5 years over the term of imprisonment otherwise provided for that offense in section 2261."

(b) CLERICAL AMENDMENT.—The item relating to section 2261A in the table of sections at the beginning of chapter 110A of title 18, United States Code, is amended to read as follows:

"2261A. Stalking."

## SEC. 3. BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS TO BE INCLUDED IN ANNUAL REPORT OF THE ATTORNEY GENERAL.

In the annual report under section 529 of title 28, United States Code, the Attorney General shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

## SEC. 4. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

## GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

Mr. Speaker, the STALKERS Act of 2010 makes a number of changes in the United States Code with respect to the offense of stalking. It clarifies, strengthens, and enhances the current law.

First it allows law enforcement to intervene in cases where a victim may not be aware of the seriousness of the threat before it's too late. The existing statute requires a person have reasonable fear of bodily injury or to undergo emotional distress. These injuries are difficult to demonstrate, often frustrating both victims and prosecutors.

H.R. 5662 addresses this problem by permitting law enforcement to intervene in any event of stalking that might reasonably be expected to cause another person serious emotional distress. This small change will go a long way towards both effective law enforcement and justice for victims.

Second, the bill reaches criminals who make use of new technologies to stalk their victims. It extends the law to any course of conduct in or substantially affecting interstate commerce, which will apply to cyberstalking, acts of surveillance and other forms of stalking that employ emerging technologies.

Third, the bill takes several steps towards more effective enforcement of the Federal stalking statute and other