

### IN HONOR OF FRANK BUCKLES, WORLD WAR I VETERAN

(Mr. FITZPATRICK asked and was given permission to address the House for 1 minute.)

Mr. FITZPATRICK. Mr. Speaker, today I rise to honor the life of Frank Buckles, who was the last surviving veteran of World War I. Frank Buckles passed away this weekend. He was 110 years old.

I am particularly proud to pay tribute to Mr. Buckles today because of his deep roots and connection to Bucks County, Pennsylvania, which is located in my congressional district, Pennsylvania's Eighth.

Frank Buckles' ancestors first arrived in what was to become the United States in 1702. They settled in Philadelphia; and in 1732, the same year that George Washington was born, Frank's ancestors married into a Quaker family and moved to Bucks County.

Mr. Speaker, with the passing of Frank Buckles, we mourn not just the man who served his country honorably, but we also mourn the passing of an era. His death reminds us of those who have served and those who continue to serve their country in the Armed Forces, and we honor their sacrifices in the name of Frank Buckles.

### WISE DEFICIT REDUCTION

(Mr. GARAMENDI asked and was given permission to address the House for 1 minute.)

Mr. GARAMENDI. Mr. Speaker and Members of the House, 9 days ago there was a frenzy of budget cutting here on the floor, and we are going to resume that process probably tomorrow. I would urge caution for all of us. The unintended consequences of those budget cuts will come back in many, many ways to harm this Nation.

It was estimated that the CR that was voted out of this House 9 days ago would reduce employment by over 800,000 in the next 6 months—not a good result. We have to think long term here. We need to be wise. Definitely we have to deal with the deficit, and we shall. But we must not do so at the expense of jobs and employment today or at the future opportunities. And specifically, I speak to the issue of research, development and demonstration. There are enormous cuts in that budget in the area of energy research and other necessary research that this country has to have if we are going to stay ahead in the race for the economy and for the future.

### THE HUMAN GENOME PROJECT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, just before we left on break, Francis Collins came and talked to a small group of us at the Health Caucus one morning.

Francis Collins, of course Dr. Collins, is the director of the National Institutes of Health and the lead of the human genome project in the National Institutes of Health when the human genome was finally solved a little less than a decade ago. Advances in genomics have really been startling, and the project continues to provide much excitement. Over 1,800 genes that cause disease have been discovered. Whole genomes for cancer cells have been mapped. That is remarkable.

The promise this research holds to help those suffering or likely to suffer from diseases or medical conditions is very real. I cannot overstate the significance of these advances. I have no doubt that the field of medicine will be revolutionized.

The technology has certainly evolved since I was a medical student some 40 years ago. Things that I would have never thought imaginable are now clearly within the reach and grasp of today's practitioner. In fact, the young men and women who are medical students and residents today, what a world they will live in. The science is going to be absolutely fantastic. And, indeed, their ability to relieve human suffering is going to be unlike anything that has been known by any generation of physicians that has preceded them.

### OBAMACARE'S LOST JOBS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last year we were told that ObamaCare would create 400,000 jobs "almost immediately." We were further told that in the coming years, ObamaCare would create 10 times that amount, 4 million jobs. A year later, we see that those promises are truly hollow.

In his testimony before the House Budget Committee, CBO Director Elmendorf confirmed that the new health care law will reduce unemployment by 800,000 jobs by the end of the decade. ObamaCare will take away the current insurance plan for millions of Americans, especially those who buy in the individual market or who are in a Medicare Advantage plan. All of these people were promised, "if you like it, you can keep it."

On the campaign trail, the President said he would save every American family \$2,500 a year. Now we know that some American families will be paying an additional \$2,100 a year. How can the Congress stand for this? The only sensible option is to fully repeal ObamaCare and put forward better solutions that don't destroy jobs and health care—real reform for health insurance.

□ 1410

### DEFENSE OF MARRIAGE ACT

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, while we were gone last week, the United States Department of Justice made an unfortunate decision announcement. They announced that they would no longer defend an act of Congress that was signed into law by President Clinton, that is, the Defense of Marriage Act.

The statement that came out of the Justice Department said that they could find no constitutional basis for defending that law. I recall we had the same thing happen in my home State where then-Attorney General Jerry Brown said he could not defend Proposition 8 which dealt with the definition of marriage.

Having served in that office in California, I can tell you, I defended laws that I disagreed with. I defended laws that I had voted against, and I felt it was my solemn obligation to uphold the Constitution and the laws duly enacted in my State, just as I believe the Attorney General of the United States has that obligation on the Federal level.

It is beyond disappointment. I believe it is a dereliction of duty. To somehow now find that there is no constitutional basis for defending that law is incredible and I think regrettable, and I think we ought to look into it.

### COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,

Washington, DC, February 22, 2011.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I, in my capacity as Custodian of Records for the Office of the Chief Administrative Officer, have been served with a subpoena for documents issued by a grand jury in the County of New York.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DANIEL J. STRODEL,  
Chief Administrative Officer.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

# FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 394

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

## SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Courts Jurisdiction and Venue Clarification Act of 2011”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

### TITLE I—JURISDICTIONAL IMPROVEMENTS

Sec. 101. Treatment of resident aliens.

Sec. 102. Citizenship of corporations and insurance companies with foreign contacts.

Sec. 103. Removal and remand procedures.

Sec. 104. Effective date.

### TITLE II—VENUE AND TRANSFER IMPROVEMENTS

Sec. 201. Scope and definitions.

Sec. 202. Venue generally.

Sec. 203. Repeal of section 1392.

Sec. 204. Change of venue.

Sec. 205. Effective date.

### TITLE I—JURISDICTIONAL IMPROVEMENTS

#### SEC. 101. TREATMENT OF RESIDENT ALIENS.

Section 1332(a) of title 28, United States Code, is amended—

(1) by striking the last sentence; and

(2) in paragraph (2), by inserting after “foreign state” the following: “, except that the district courts shall not have original jurisdiction under this subsection of an action between citizens of a State and citizens or subjects of a foreign state who are lawfully admitted for permanent residence in the United States and are domiciled in the same State”.

#### SEC. 102. CITIZENSHIP OF CORPORATIONS AND INSURANCE COMPANIES WITH FOREIGN CONTACTS.

Section 1332(c)(1) of title 28, United States Code, is amended—

(1) by striking “any State” and inserting “every State and foreign state”; and

(2) by striking “the State” and inserting “the State or foreign state”; and

(3) by striking all that follows “party-defendant,” and inserting “such insurer shall be deemed a citizen of—

“(A) every State and foreign state of which the insured is a citizen;

“(B) every State and foreign state by which the insurer has been incorporated; and

“(C) the State or foreign state where the insurer has its principal place of business; and”.

#### SEC. 103. REMOVAL AND REMAND PROCEDURES.

(a) **ACTIONS REMOVABLE GENERALLY.**—Section 1441 of title 28, United States Code, is amended as follows:

(1) The section heading is amended by striking “**Actions removable generally**” and inserting “**Removal of civil actions**”.

(2) Subsection (a) is amended—

(A) by striking “(a) Except” and inserting “(A) **GENERALLY.**—Except”; and

(B) by striking the last sentence;

(3) Subsection (b) is amended to read as follows:

“(b) **REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) In determining whether a civil action is removable on the basis of the jurisdiction under section 1332(a) of this title, the citizenship of defendants sued under fictitious names shall be disregarded.

“(2) A civil action otherwise removable solely on the basis of the jurisdiction under section 1332(a) of this title may not be removed if any of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.”.

(4) Subsection (c) is amended to read as follows:

“(c) **JOINDER OF FEDERAL LAW CLAIMS AND STATE LAW CLAIMS.**—(1) If a civil action includes—

“(A) a claim arising under the Constitution, laws, or treaties of the United States (within the meaning of section 1331 of this title), and

“(B) a claim not within the original or supplemental jurisdiction of the district court or a claim that has been made nonremovable by statute,

the entire action may be removed if the action would be removable without the inclusion of the claim described in subparagraph (B).

“(2) Upon removal of an action described in paragraph (1), the district court shall sever from the action all claims described in paragraph (1)(B) and shall remand the severed claims to the State court from which the action was removed. Only defendants against whom a claim described in paragraph (1)(A) has been asserted are required to join in or consent to the removal under paragraph (1).”.

(5) Subsection (d) is amended by striking “(d) Any” and inserting “(d) **ACTIONS AGAINST FOREIGN STATES.**—Any”.

(6) Subsection (e) is amended by striking “(e)(1) Notwithstanding” and inserting “(e) **MULTIPARTY, MULTIFORUM JURISDICTION.**—(1) Notwithstanding”.

(7) Subsection (f) is amended by striking “(f) The court” and inserting “(f) **DERIVATIVE REMOVAL JURISDICTION.**—The court”.

(b) **PROCEDURE FOR REMOVAL OF CIVIL ACTIONS.**—Section 1446 of title 28, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

“**§ 1446. Procedure for removal of civil actions**”.

(2) Subsection (a) is amended—

(A) by striking “(a) A defendant” and inserting “(a) **GENERALLY.**—A defendant”; and

(B) by striking “or criminal prosecution”.

(3) Subsection (b) is amended—

(A) by striking “(b) The notice” and inserting “(b) **REQUIREMENTS; GENERALLY.**—(1) The notice”; and

(B) by striking the second paragraph and inserting the following:

“(2)(A) When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.

“(B) Each defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons described in paragraph (1) to file the notice of removal.

“(C) If defendants are served at different times, and a later-served defendant files a notice of removal, any earlier-served defendant may consent to the removal even though that earlier-served defendant did not previously initiate or consent to removal.

“(3) Except as provided in subsection (c), if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a

copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable.”;

(C) by striking subsection (c) and inserting the following:

“(c) **REQUIREMENTS; REMOVAL BASED ON DIVERSITY OF CITIZENSHIP.**—(1) A case may not be removed under subsection (b)(3) on the basis of jurisdiction conferred by section 1332 more than 1 year after commencement of the action, unless the district court finds that the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

“(2) If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy, except that—

“(A) the notice of removal may assert the amount in controversy if the initial pleading seeks—

“(i) nonmonetary relief; or

“(ii) a money judgment, but the State practice either does not permit demand for a specific sum or permits recovery of damages in excess of the amount demanded; and

“(B) removal of the action is proper on the basis of an amount in controversy asserted under subparagraph (A) if the district court finds, by the preponderance of the evidence, that the amount in controversy exceeds the amount specified in section 1332(a).

“(3)(A) If the case stated by the initial pleading is not removable solely because the amount in controversy does not exceed the amount specified in section 1332(a), information relating to the amount in controversy in the record of the State proceeding, or in responses to discovery, shall be treated as an ‘other paper’ under subsection (b)(3).

“(B) If the notice of removal is filed more than 1 year after commencement of the action and the district court finds that the plaintiff deliberately failed to disclose the actual amount in controversy to prevent removal, that finding shall be deemed bad faith under paragraph (1).”.

(4) Section 1446 is further amended—

(A) in subsection (d), by striking “(d) Promptly” and inserting “(d) **NOTICE TO ADVERSE PARTIES AND STATE COURT.**—Promptly”;

(B) by striking “thirty days” each place it appears and inserting “30 days”;

(C) by striking subsection (e); and

(D) in subsection (f), by striking “(f) With respect” and inserting “(e) **COUNTERCLAIM IN 337 PROCEEDING.**—With respect”.

(c) **PROCEDURE FOR REMOVAL OF CRIMINAL ACTIONS.**—Chapter 89 of title 28, United States Code, is amended by adding at the end the following new section:

#### “§ 1454. Procedure for removal of criminal prosecutions

“(a) **NOTICE OF REMOVAL.**—A defendant or defendants desiring to remove any criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such prosecution is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

“(b) **REQUIREMENTS.**—(1) A notice of removal of a criminal prosecution shall be filed not later than 30 days after the arraignment in the State court, or at any time before trial, whichever is earlier, except that for good cause shown the United States district court may enter an order granting the defendant or defendants leave to file the notice at a later time.