

HR 4113

Federal Courts Jurisdiction and Venue Clarification Act of 2010

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Law

Introduced: Nov 19, 2009

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Sep 29, 2010)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/4113>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		Nov 19, 2009

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred to	Jan 4, 2010
Judiciary Committee	Senate	Referred To	Sep 30, 2010

Subjects & Policy Tags

Policy Area:

Law

Related Bills

No related bills are listed.

Federal Courts Jurisdiction and Venue Clarification Act of 2010 - **Title I: Jurisdictional Improvements** - (Sec. 101) Amends the federal judicial code to declare that, with respect to diversity of citizenship, the U.S. district courts shall not have original jurisdiction of any civil 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) Modifies the citizenship rules to treat corporations as citizens of any foreign state: (1) by which it has been incorporated; and (2) where it has its principal place of business. Treats insurers as citizens of any foreign state: (1) of which the insured is a citizen; (2) by which the insurer has been incorporated; and (3) where the insurer has its principal place of business.

(Sec. 103) Separates the removal requirements governing civil cases and those governing criminal cases into two separate categories.

Declares that, upon removal of any civil action with both removable and nonremovable claims, the district court shall sever from the action all nonremovable claims and remand them to the state court from which the action was removed. Requires only defendants against whom a removable claim has been asserted to join in or consent to removal of the action.

Prescribes requirements for the filing of notices of removal, including assertion in the notice of the amount in controversy, when it exceeds the necessary amount, if the initial pleading seeks: (1) nonmonetary relief; or (2) 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.

Allows removal of a case based on diversity of citizenship more than one year after commencement of the action if the plaintiff has acted in bad faith in order to prevent a defendant from removing the action.

Title II: Venue and Transfer Improvements - (Sec. 202) Revises general requirements for the scope of venue of civil actions. Requires the proper venue of any civil action brought in a U.S. district court to be determined without regard to whether the action is local or transitory in nature.

(Sec. 203) Repeals the "local action" rule that any civil action, of a local nature, involving property located in different districts in the same state, may be brought in any of such districts.

(Sec. 204) Allows a district court to transfer a civil action to any district or division to which all parties have consented.

Prohibits transfers from a U.S. District court to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands.

Actions Timeline

- **Sep 29, 2010:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Sep 28, 2010:** Mr. Scott (VA) moved to suspend the rules and pass the bill, as amended.
- **Sep 28, 2010:** Considered under suspension of the rules. (consideration: CR H7161-7164)
- **Sep 28, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 4113.
- **Sep 28, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H7161-7163)
- **Sep 28, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7161-7163)
- **Sep 28, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 4, 2010:** Referred to the Subcommittee on Courts and Competition Policy.
- **Nov 19, 2009:** Introduced in House
- **Nov 19, 2009:** Referred to the House Committee on the Judiciary.

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