

## HR 394

### Federal Courts Jurisdiction and Venue Clarification Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Jan 24, 2011

**Current Status:** Became Public Law No: 112-63.

**Latest Action:** Became Public Law No: 112-63. (Dec 7, 2011)

**Law:** 112-63 (Enacted Dec 7, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/394>

### Sponsor

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

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

### Cosponsors (3 total)

| Cosponsor                                   | Party / State | Role | Date Joined  |
|---|---------------|------|--------------|
| Rep. Coble, Howard [R-NC-6]                 | R · NC        |      | Jan 24, 2011 |
| Rep. Conyers, John, Jr. [D-MI-14]           | D · MI        |      | Jan 24, 2011 |
| Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4] | D · GA        |      | Jan 24, 2011 |

### Committee Activity

| Committee           | Chamber | Activity        | Date         |
|---------------------|---------|-----------------|--------------|
| Judiciary Committee | House   | Discharged from | Jan 26, 2011 |
| Judiciary Committee | Senate  | Reported By     | Oct 17, 2011 |

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

| Bill       | Relationship   | Last Action   |
|------------|----------------|---|
| 112 S 1636 | Identical bill | Oct 17, 2011: Placed on Senate Legislative Calendar under General Orders. Calendar No. 198. |

**(This measure has not been amended since it was amended by the House on November 18, 2011. The summary of that version is repeated here.)**

Federal Courts Jurisdiction and Venue Clarification Act of 2011 - **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 filing 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 district court finds that 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

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- **Dec 7, 2011:** Signed by President.
- **Dec 7, 2011:** Became Public Law No: 112-63.
- **Dec 2, 2011:** Presented to President.
- **Dec 1, 2011:** Message on Senate action sent to the House.
- **Nov 30, 2011:** Resolving differences -- Senate actions: Senate agreed to the House amendment to Senate amendment No. 2 by Unanimous Consent.(consideration: CR S8074; text as Senate agreed to House amendment to Senate amendment: CR S8074)
- **Nov 30, 2011:** Senate agreed to the House amendment to Senate amendment No. 2 by Unanimous Consent. (consideration: CR S8074; text as Senate agreed to House amendment to Senate amendment: CR S8074)
- **Nov 18, 2011:** Mr. Smith (TX) asked unanimous consent that the House agree with an amendment to the Senate amendments.
- **Nov 18, 2011:** Resolving differences -- House actions: On motion that the House agree with an amendment to the Senate amendments Agreed to without objection.(consideration: CR H7841; text as House agreed to Senate amendment with an amendment: CR H7841)
- **Nov 18, 2011:** On motion that the House agree with an amendment to the Senate amendments Agreed to without objection. (consideration: CR H7841; text as House agreed to Senate amendment with an amendment: CR H7841)
- **Nov 18, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 18, 2011:** House agreed to Senate Amendment No. 1 to the bill (H.R. 394) and agreed to Senate Amendment No. 2 to the bill (H.R. 394) with an amendment.
- **Nov 18, 2011:** Message on House action received in Senate and at desk: House amendment to Senate amendment.
- **Nov 1, 2011:** Message on Senate action sent to the House.
- **Oct 31, 2011:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(consideration: CR S6925-6927; text as passed Senate: CR S6925-6927)
- **Oct 31, 2011:** Passed Senate with amendments by Unanimous Consent. (consideration: CR S6925-6927; text as passed Senate: CR S6925-6927)
- **Oct 17, 2011:** Committee on the Judiciary. Reported by Senator Leahy with amendments. Without written report.
- **Oct 17, 2011:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 200.
- **Oct 13, 2011:** Committee on the Judiciary. Ordered to be reported with an amendment favorably.
- **Mar 1, 2011:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Feb 28, 2011:** Mr. Smith (TX) moved to suspend the rules and pass the bill, as amended.
- **Feb 28, 2011:** Considered under suspension of the rules. (consideration: CR H1367-1370)
- **Feb 28, 2011:** DEBATE - The House proceeded with forty minutes of debate on H.R. 394.
- **Feb 28, 2011:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Feb 28, 2011:** Considered as unfinished business. (consideration: CR H1374-1375)
- **Feb 28, 2011:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 402 - 0 (Roll no. 148).(text: CR H1367-1368)
- **Feb 28, 2011:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 402 - 0 (Roll no. 148). (text: CR H1367-1368)
- **Feb 28, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 11, 2011:** Reported by the Committee on Judiciary. H. Rept. 112-10.
- **Feb 11, 2011:** Placed on the Union Calendar, Calendar No. 3.
- **Jan 26, 2011:** Committee Consideration and Mark-up Session Held.
- **Jan 26, 2011:** Ordered to be Reported by Voice Vote.
- **Jan 26, 2011:** Subcommittee on Courts, Commercial and Administrative Law Discharged.
- **Jan 24, 2011:** Introduced in House
- **Jan 24, 2011:** Referred to the House Committee on the Judiciary.
- **Jan 24, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.