

## HR 3624

### Fraudulent Joinder Prevention Act of 2016

**Congress:** 114 (2015–2017, Ended)

**Chamber:** House

**Policy Area:** Law

**Introduced:** Sep 28, 2015

**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. (Feb 29, 2016)

**Official Text:** <https://www.congress.gov/bill/114th-congress/house-bill/3624>

### Sponsor

**Name:** Rep. Buck, Ken [R-CO-4]

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

### Cosponsors

No cosponsors are listed for this bill.

### Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Discharged from	Jan 29, 2016
Judiciary Committee	Senate	Referred To	Feb 29, 2016

### Subjects & Policy Tags

#### Policy Area:

Law

### Related Bills

Bill	Relationship	Last Action
114 HRES 618	Procedurally related	Feb 24, 2016: Motion to reconsider laid on the table Agreed to without objection.

## **Fraudulent Joinder Prevention Act of 2016**

(Sec. 2) This bill amends procedures under which federal courts determine whether a case that was removed from a state court to a federal court on the basis of a diversity of citizenship among the parties may be remanded back to state court upon a motion opposed on fraudulent joinder grounds that: (1) one or more defendants are citizens of the same state as one or more plaintiffs, or (2) one or more defendants properly joined and served are citizens of the state in which the action was brought.

Joinder of such a defendant is fraudulent if the court finds:

- actual fraud in the pleading of jurisdictional facts with respect to that defendant,
- state law would not plausibly impose liability on that defendant,
- state or federal law bars all claims in the complaint against that defendant, or
- no good faith intention to prosecute the action against that defendant or to seek a joint judgment including that defendant.

In determining whether to grant or deny such a motion for remand, the court: (1) may permit pleadings to be amended; and (2) must consider the pleadings, affidavits, and other evidence submitted by the parties.

A federal court finding that all such defendants have been fraudulently joined must: (1) dismiss without prejudice the claims against those defendants, and (2) deny the motion for remand.

## Actions Timeline

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- **Feb 29, 2016:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Feb 25, 2016:** Considered under the provisions of rule H. Res. 618. (consideration: CR H907-915)
- **Feb 25, 2016:** Rule provides for consideration of H.R. 3624 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill.
- **Feb 25, 2016:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 618 and Rule XVIII.
- **Feb 25, 2016:** The Speaker designated the Honorable Garret Graves to act as Chairman of the Committee.
- **Feb 25, 2016:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3624.
- **Feb 25, 2016:** DEBATE - Pursuant to the provisions of H.Res. 618, the Committee of the Whole proceeded with 10 minutes of debate on the Buck (CO) amendment No. 1.
- **Feb 25, 2016:** DEBATE - Pursuant to the provisions of H. Res 618, the Committee of the Whole proceeded with 10 minutes of debate on the Cartwright (PA) amendment No. 2.
- **Feb 25, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Cartwright amendment No. 2 the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Cartwright demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Feb 25, 2016:** Mr. Buck moved that the Committee rise.
- **Feb 25, 2016:** On motion that the Committee rise Agreed to by voice vote.
- **Feb 25, 2016:** Committee of the Whole House on the state of the Union rises leaving H.R. 3624 as unfinished business.
- **Feb 25, 2016:** Considered as unfinished business. (consideration: CR H915-918)
- **Feb 25, 2016:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Feb 25, 2016:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Feb 25, 2016:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3624.
- **Feb 25, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H916)
- **Feb 25, 2016:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H913)
- **Feb 25, 2016:** Mrs. Watson Coleman moved to recommit with instructions to the Committee on the Judiciary. (consideration: CR H916; text: CR H916)
- **Feb 25, 2016:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Watson Coleman motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to add an exemption to the underlying bill for cases in which the plaintiff seeks relief in connection with the sexual abuse or exploitation of a minor.
- **Feb 25, 2016:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H917)
- **Feb 25, 2016:** On motion to recommit with instructions Failed by recorded vote: 180 - 239 (Roll no. 88).
- **Feb 25, 2016:** Passed/agreed to in House: On passage Passed by recorded vote: 229 - 189 (Roll no. 89).
- **Feb 25, 2016:** On passage Passed by recorded vote: 229 - 189 (Roll no. 89).
- **Feb 25, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Feb 24, 2016:** Rule H. Res. 618 passed House.
- **Feb 23, 2016:** Rules Committee Resolution H. Res. 618 Reported to House. Rule provides for consideration of H.R. 3624 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill.
- **Feb 16, 2016:** Reported (Amended) by the Committee on Judiciary. H. Rept. 114-422.
- **Feb 16, 2016:** Placed on the Union Calendar, Calendar No. 321.

**Feb 3, 2016:** Committee Consideration and Mark-up Session Held.

- **Feb 3, 2016:** Ordered to be Reported (Amended) by the Yeas and Nays: 13 - 10.
- **Jan 29, 2016:** Subcommittee on the Constitution and Civil Justice Discharged.
- **Nov 3, 2015:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Sep 28, 2015:** Introduced in House
- **Sep 28, 2015:** Referred to the House Committee on the Judiciary.