13 debtor engaged in business. The amendment corrects an erroneous statutory reference in section 1304(c).

Subsection (a)(41) amends Bankruptcy Code section 1307, which sets forth the grounds for converting or dismissing a chapter 13 case. The amendment corrects several erroneous statutory references in this section.

Subsection (a)(42) amends Bankruptcy Code section 1308, which concerns the filing of prepetition tax returns. The amendment clarifies several statutory references in section 1308(b)(2).

Subsection (a)(43) amends Bankruptcy Code section 1322(a), which pertains to the contents of a chapter 13 plan. The amendment corrects an internal inconsistency.

Subsection (a)(44) amends Bankruptcy Code section 1325, which pertains to confirmation of a chapter 13 plan. The amendment adds a missing word to subsection 1325(a) and adds a missing parenthesis to subsection 1325(b)(2)(A)(ii).

Subsection (a)(45) amends the heading of Bankruptcy Code section 1511, to include a reference to section 302.

Subsection (a)(46) amends Bankruptcy Code section 1519, which pertains to the relief that may be granted upon the filing of a petition for recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference in section 1519(f).

Subsection (a)(47) amends Bankruptcy Code section 1521(f), which concerns relief that may be granted upon recognition in a chapter 15 case. The amendment corrects an erroneous statutory reference.

Subsection (a)(48) amends Bankruptcy Code section 1529, which concerns the coordination of a case under title 11 and a foreign proceeding. The amendment adds a missing word to section 1529(1).

Subsection (a)(49) amends the table of sections for chapter 3 of the Bankruptcy Code to correct an erroneous description of section 333.

Subsection (a)(50) amends the table of sections for chapter 5 of the Bankruptcy Code to correct an erroneous description of section 562.

Subsection (b) amends section 157 of title 18 of the United States Code, which concerns bankruptcy fraud. The amendment removes superfluous references in this section.

Subsection (c)(1) amends section 158 of title 28 of the United States Code, which pertains to bankruptcy appeals. The amendment corrects a grammatical error in section 158(d)(2)(D).

Subsection (c)(2) amends section 159 of title 28 of the United States Code, which pertains to the collection of bankruptcy statistics. The amendment adds a missing word to section 159(c)(3)(H).

Subsection (c)(3) amends section 586 of title 28 of the United States Code, which concerns the United States Trustee Program. The amendment corrects a punctuation error in section 586(a)(3)(A)(ii), corrects erroneous terminology in section 586(a)(7)(C), and eliminates redundant language in section 586(a)(8).

Sec. 3. Technical Correction to Public Law 109–8. Section 3 amends section 1406(b)(1) of the 2005 Act to correct a spelling error.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Bankruptcy Technical Corrections Act of 2010 contains a number of useful spelling, grammatical, and other purely technical amendments to the Bankruptcy Code. These amendments will facilitate the work of bankruptcy lawyers and judges.

When any provision of law is unclear or its text inaccurate, judges and lawyers may become confused about how Congress intends for the law to operate. Sometimes legislative inaccuracies even open the door to judicial activism. It is particularly important that the Bankruptcy Code be error free, as the number of bankruptcy filings continues to rise.

Last week, economists at the National Bureau of Economic Research told us that the recession technically ended in June 2009, but the American people have not seen the end of the recession's effects. The number of bankruptcy filings by small businesses and individuals continues to increase at a rate of about 30 percent per year.

The bill under consideration today adopts many amendments suggested by the Administrative Office of the United States Courts. The Administrative Office suggested these changes in consultation with bankruptcy practitioners and judges. As a result, I expect this bill to yield a more user-friendly Bankruptcy Code.

It is important to highlight on the record that this bill does not, and is not intended to, enact any substantive change to the Bankruptcy Code. The changes made to the Code by this bill are purely technical in nature.

No Federal judge should interpret any provision of this bill to confer, modify, or delete any substantive bankruptcy right, nor should anyone infer a congressional intent to alter substantive rights from the bill's attention to one section of the Bankruptcy Code but not another.

With this understanding, I am pleased to cosponsor the Bankruptcy Technical Corrections bill.

I yield back the balance of my time.

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

There were strong differences of opinion about the changes made in 2005. Many of us questioned whether some of those changes were justified and whether they were fair or constructive, but those discussions are left to another day.

This bill before us today is simply a technical cleanup of the 2005 legislation. I would like to thank the ranking member of the full committee, Mr. SMITH, for making this a bipartisan effort. I urge my colleagues to support the bill.

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. 6198, 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 COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4113) 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. 4113

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 2010''.

(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'';

(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—

(A) by striking ''(f) The court'' and inserting ''(f) DERIVATIVE REMOVAL JURISDICTION.—The court''; and

(B) by striking ''under this section'' and inserting ''under this title or other applicable law''.

(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 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 a finding is made 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.

''(2) A notice of removal of a criminal prosecution shall include all grounds for such removal. A failure to state grounds that exist at the time of the filing of the notice shall constitute a waiver of such grounds, and a second notice may be filed only on grounds not existing at the time of the original notice. For good cause shown, the United States district court may grant relief from the limitations of this paragraph.

''(3) The filing of a notice of removal of a criminal prosecution shall not prevent the State court in which such prosecution is pending from proceeding further, except that a judgment of conviction shall not be entered unless the prosecution is first remanded.

''(4) The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

''(5) If the United States district court does not order the summary remand of such prosecution, it shall order an evidentiary hearing to be held promptly and, after such hearing, shall make such disposition of the prosecution as justice shall require. If the United States district court determines that removal shall be permitted, it shall so notify the State court in which prosecution is pending, which shall proceed no further.

''(c) WRIT OF HABEAS CORPUS.—If the defendant or defendants are in actual custody on process issued by the State court, the district court shall issue its writ of habeas corpus, and the marshal shall thereupon take such defendant or defendants into the marshal's custody and deliver a copy of the writ to the clerk of such State court.''.

(d) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 89 of title 28, United States Code, is amended—

(A) in the item relating to section 1441, by striking ''Actions removable generally'' and inserting ''Removal of civil actions'';

(B) in the item relating to section 1446, by inserting ''of civil actions'' after ''removal''; and

(C) by adding at the end the following new item:

''1454. Procedure for removal of criminal prosecutions.''.

(2) Section 1453(b) of title 28, United States Code, is amended by striking ''1446(b)'' and inserting ''1446(c)(1)''.

SEC. 104. EFFECTIVE DATE.

(a) IN GENERAL.—Subject to subsection (b), the amendments made by this title shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act, and shall apply to any action or prosecution commenced on or after such effective date.

(b) TREATMENT OF CASES REMOVED TO FEDERAL COURT.—For purposes of subsection (a), an action or prosecution commenced in State court and removed to Federal court shall be deemed to commence on the date the action or prosecution was commenced, within the meaning of State law, in State court.

TITLE II—VENUE AND TRANSFER IMPROVEMENTS

SEC. 201. SCOPE AND DEFINITIONS.

(a) IN GENERAL.—Chapter 87 of title 28, United States Code, is amended by inserting before section 1391 the following new section:

''§ 1390. Scope

''(a) VENUE DEFINED.—As used in this chapter, the term 'venue' refers to the geographic specification of the proper court or courts

for the litigation of a civil action that is within the subject-matter jurisdiction of the district courts in general, and does not refer to any grant or restriction of subject-matter jurisdiction providing for a civil action to be adjudicated only by the district court for a particular district or districts.

''(b) EXCLUSION OF CERTAIN CASES.—Except as otherwise provided by law, this chapter shall not govern the venue of a civil action in which the district court exercises the jurisdiction conferred by section 1333, except that such civil actions may be transferred between district courts as provided in this chapter.

''(c) CLARIFICATION REGARDING CASES REMOVED FROM STATE COURTS.—This chapter shall not determine the district court to which a civil action pending in a State court may be removed, but shall govern the transfer of an action so removed as between districts and divisions of the United States district courts.''.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 87 of title 28, United States Code, is amended by inserting before the item relating to section 1391 the following new item:

''Sec. 1390. Scope.''.

SEC. 202. VENUE GENERALLY.

Section 1391 of title 28, United States Code, is amended as follows:

(1) By striking subsections (a) through (d) and inserting the following:

''(a) APPLICABILITY OF SECTION.—Except as otherwise provided by law—

''(1) this section shall govern the venue of all civil actions brought in district courts of the United States; and

''(2) the proper venue for a civil action shall be determined without regard to whether the action is local or transitory in nature.

''(b) VENUE IN GENERAL.—A civil action may be brought in—

''(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

''(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

''(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

''(c) RESIDENCY.—For all venue purposes—

''(1) a natural person, including an alien lawfully admitted for permanent residence in the United States, shall be deemed to reside in the judicial district in which that person is domiciled;

''(2) a party with the capacity to sue and be sued in its common name under applicable law, whether or not incorporated, shall be deemed to reside, if a defendant, in any judicial district in which such defendant is subject to the court's personal jurisdiction with respect to the civil action in question and, if a plaintiff, only in the judicial district in which it maintains its principal place of business; and

''(3) a defendant not resident in the United States may be sued in any judicial district, and the joinder of such a defendant shall be disregarded in determining where the action may be brought with respect to other defendants.

''(d) RESIDENCY OF CORPORATIONS IN STATES WITH MULTIPLE DISTRICTS.—For purposes of venue under this chapter, in a State which has more than one judicial district and in which a defendant that is a corporation is subject to personal jurisdiction at the time an action is commenced, such corporation shall be deemed to reside in any district in that State within which its contacts would be sufficient to subject it to personal jurisdiction if that district were a separate State, and, if there is no such district, the corporation shall be deemed to reside in the district within which it has the most significant contacts.''.

(2) In subsection (e)—

(A) in the first paragraph—

(i) by striking ''(1)'', ''(2)'', and ''(3)'' and inserting ''(A)'', ''(B)'', and ''(C)'', respectively; and

(ii) by striking ''(e) A civil action'' and inserting the following:

''(e) ACTIONS WHERE DEFENDANT IS OFFICER OR EMPLOYEE OF THE UNITED STATES.—

''(1) IN GENERAL.—A civil action''; and

(B) in the second undesignated paragraph by striking ''The summons and complaint'' and inserting the following:

''(2) SERVICE.—The summons and complaint''.

(3) In subsection (f), by striking ''(f) A civil action'' and inserting ''(f) CIVIL ACTIONS AGAINST A FOREIGN STATE.—A civil action''.

(4) In subsection (g), by striking ''(g) A civil action'' and inserting ''(g) MULTIPARTY, MULTIFORUM LITIGATION.—A civil action''.

SEC. 203. REPEAL OF SECTION 1392.

Section 1392 of title 28, United States Code, and the item relating to that section in the table of sections at the beginning of chapter 87 of such title, are repealed.

SEC. 204. CHANGE OF VENUE.

Section 1404 of title 28, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''or to any district or division to which all parties have consented''; and

(2) in subsection (d), by striking ''As used in this section'' and inserting ''Transfers from a district court of the United States to the District Court of Guam, the District Court for the Northern Mariana Islands, or the District Court of the Virgin Islands shall not be permitted under this section. As otherwise used in this section,''.

SEC. 205. EFFECTIVE DATE.

The amendments made by this title—

(1) shall take effect upon the expiration of the 30-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) any action that is commenced in a United States district court on or after such effective date; and

(B) any action that is removed from a State court to a United States district court and that had been commenced, within the meaning of State law, on or after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) 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, H.R. 4113, the Federal Courts Jurisdiction and Venue Clarification Act of 2010, is intended to clarify a number of uncertainties and technical flaws in laws regarding Federal court jurisdiction and venue that have come to light in recent years. Let me just cite one example.

Under current law, we have an odd scenario where State law claims can be brought in Federal court using a diversity of citizenship basis for Federal jurisdiction even though both parties are residents of the same State; but because one party is a permanent resident, not a citizen, they can claim diversity of citizenship.

H.R. 4113 makes clear that permanent legal residents are treated the same as citizens for the purpose of diversity of citizenship. There are many other technical clarifications in the bill like that.

I would like to thank our ranking member of the full committee, Mr. SMITH, for his leadership in bringing this bill to the floor, and I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

The Federal Courts and Venue Clarification Act brings more clarity to the operation of jurisdictional statutes and facilitates the identification of the appropriate State or Federal court in which action should be brought.

I support this legislation and appreciate the bipartisan effort that has been made on the part of Mr. SCOTT, the gentleman from Virginia.

Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating the underlying litigation. The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference.

The first version of the bill was developed in 2006, when I chaired the Courts Subcommittee. At the time, we confined our review to jurisdictional issues. Following a hearing and bill introduction, the Courts Subcommittee favorably reported the legislation to the full Judiciary Committee, but no further action was taken.

Since then, jurists, legal scholars, bar groups, and policy-makers rekindled interest in resurrecting the project. This led to a rewriting of the bill to include a second title pertaining to venue.

Given the press of legislative business, the Judiciary Committee was unable to conduct a hearing or markup of H.R. 4113. Instead, we processed, reviewed, and amended the bill informally, working closely with the judiciary and various stakeholders.

In this regard, I thank the Administrative Office of the U.S. Courts, which functioned as a clearinghouse to vet the bill with the Judicial Conference's Federal-State Jurisdiction Committee, academics, and interested stakeholders.

The groups that assisted in this effort include the American Bar Association, Lawyers for Civil Justice, the Federal Bar Association, the American Association for Justice, and the U.S. Chamber of Commerce.

Legal scholars from the law schools at Houston, Chicago-Kent, Loyola, and Duke endorse suggested changes to the original text as developed by Professor Arthur Hellman of the University of Pittsburgh School of Law, who testified at the 2005 Subcommittee hearing and contributed substantially to the project in the 111th Congress.

The result is a thoroughly processed, well-conceived bill that addresses important if mundane jurisdictional and venue issues.

It's legislation that helps federal judges process their work more promptly and fairly while clarifying what litigants should expect as they prepare their cases.

H.R. 4113 contains a number of revisions to federal jurisdictional and venue law. Among the changes, the bill—

clarifies the definition of ''citizenship'' for foreign corporations and domestic corporations doing business abroad;

separates the removal provisions governing civil cases and those governing criminal cases into two statutes;

promotes timeliness of removal by giving each defendant 30 days after service to file a notice of removal;

creates a general venue statute that unifies the approach to venue in diversity and federal question cases, while maintaining current venue standards;

eliminates the outdated ''local action'' rule, which unnecessarily restricts venue choices for certain real-property actions; and

stipulates that a natural person is deemed to reside in the judicial district in which that person is domiciled.

Mr. Speaker, it's taken us about 5 years to reach this point, but the wait was worth the journey. The ''Federal Courts Jurisdiction and Venue Clarification Act'' illustrates how Congress can work with the Judiciary and stakeholders to pursue legislative initiatives that enhance the practice of law and the operations of our federal courts.

This is a bill that ultimately benefits American citizens who use our legal system in defense of their legal rights and civil liberties.

I urge the Members to support H.R. 4113.

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. 4113, 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.

ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION ACT OF 2010

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5932) to establish the Organized Retail Theft Investigation and Prosecution Unit in the Department of Justice, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5932

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 ''Organized Retail Theft Investigation and Prosecution Act of 2010''.

SEC. 2. ORGANIZED RETAIL THEFT INVESTIGATION AND PROSECUTION UNIT.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall establish the Organized Retail Theft Investigation and Prosecution Unit (hereinafter in this Act referred to as the ''ORTIP Unit'').

(b) COMPOSITION.—The ORTIP Unit shall include representatives from the Federal Bureau of Investigation, United States Immigration and Customs Enforcement, the United States Secret Service, the United States Postal Inspection Service, prosecutors, and any other personnel necessary to carry out the duties of the ORTIP Unit.

(c) DUTIES.—The duties of the ORTIP Unit are as follows:

(1) To investigate and prosecute those instances of organized retail theft over which the Department of Justice has jurisdiction.

(2) To assist State and local law enforcement agencies in investigating and prosecuting organized retail theft.

(3) To consult with key stakeholders, including retailers and online marketplaces, to obtain information about instances of and trends in organized retail theft.

SEC. 3. DEFINITION.

In this Act, the term ''organized retail theft'' means—

(1) the obtaining of retail merchandise by illegal means for the purpose of reselling or otherwise placing such merchandise back into the stream of commerce; or

(2) aiding or abetting the commission of or conspiring to commit any of the acts described in paragraph (1).

SEC. 4. REPORT.

Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report containing recommendations on how retailers, online businesses, and law enforcement agencies can help prevent and combat organized retail theft to the Chairs and Ranking Members of the Committee on the Judiciary of the House of Representatives and of the Committee on the Judiciary of the Senate. The Attorney General shall make the report available to the public on the web site of the Department of Justice.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General to carry out this Act, $5,000,000 for each of fiscal years 2011 through 2015.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from Texas (Mr. SMITH) 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 legislation under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 5932 directs the Attorney General to establish an Organized Retail Theft Investigation and Prosecution Unit to combat the growing problem of organized retail crime.

Theft from retail establishments has been a problem as long as stores have existed. The problem has gradually grown beyond simple isolated cases of shoplifting and burglary into something far more complex.

It wasn't until the 1980s that organized retail theft was recognized as a phenomenon, and the problem has continued to grow in volume, sophistication and scope. Today, sophisticated, multilevel criminal organizations steal large amounts of high volume products, focusing on small and easily resalable items, and then they resell the goods through a variety means, including flea markets, smaller stores, and, increasingly the Internet. Sales of stolen items over the Internet have evolved to the point where there has been a new crime phenomenon referred to as ''E-fencing.''

With organized retail theft reaching an estimated $30 billion to $42 billion, it impacts everyone from the Big Box retailers to the small independent stores. This type of crime obviously has a direct impact on stores from which the items are stolen. They have fewer items in their inventory to sell and their profits suffer. To make up for it, they must pass along the burden to consumers in the form of higher prices.

Consumer safety is also at risk when retail crime organizations steal consumable products, especially over-the-counter drug items and infant formula, two popular items for organized theft rings. In many cases, after merchandise has been stolen, the products are not stored properly, which can render the products ineffective or even dangerous.

Retailers spend lots of time and resources trying to prevent such thefts and trying to catch the thieves, but it is becoming increasingly difficult to do so. Last year, the Judiciary Committee Subcommittee on Crime held a hearing about the role of the Federal law enforcement in combating this kind of crime. I was encouraged to see that agencies such as the FBI; Immigration and Customs Enforcement, ICE; the Secret Service; and postal inspectors all play a role in investigating organized retail theft.

Through this hearing we learned that there is a definite need for Federal law enforcement agencies in this area because local enforcement agencies face unique challenges in combating organized retail theft. In particular, organized retail theft rings often operate in multiple jurisdictions, making it impossible for any one State or local law enforcement agency to investigate them and prosecute them effectively. In addition, the Internet has made it