

116TH CONGRESS
2D SESSION

H. R. 5801

To amend title 28, United States Code, to establish a procedure for remand of a civil action that has been removed before service on a forum defendant, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2020

Mr. JOHNSON of Georgia (for himself, Mr. NADLER, Ms. DEAN, Ms. GARCIA of Texas, Mr. CARTWRIGHT, Mr. RASKIN, Mr. SWALWELL of California, Mr. COHEN, Ms. SCHAKOWSKY, Ms. NORTON, Mr. RUSH, Mrs. WATSON COLEMAN, and Mr. ESPAILLAT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to establish a procedure for remand of a civil action that has been removed before service on a forum defendant, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Removal Jurisdiction
5 Clarification Act of 2020”.

1 **SEC. 2. REMOVAL BEFORE SERVICE ON A FORUM DEFEND-**
2 **ANT.**

3 (a) REMOVAL.—Section 1447 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(f)(1) A court shall remand a case described in para-
7 graph (2) to the State court from which it was removed
8 if—

9 “(A) within 30 days after filing of the no-
10 tice of removal under section 1446(a), or within
11 the time specified by State law for service of
12 process, whichever is shorter, a defendant de-
13 scribed in paragraph (2)(B) is properly served
14 in the manner prescribed by State law; and

15 “(B) a motion to remand is made in ac-
16 cordance with, and within the time specified by,
17 the first sentence of subsection (c).

18 “(2) This subsection shall apply to a case in which—

19 “(A) a civil action is removed solely on the
20 basis of the jurisdiction under section 1332(a) of
21 this title; and

22 “(B) at the time of removal, any party in inter-
23 est properly joined as a defendant is a citizen of the
24 State in which such action is brought, but has not
25 been properly served.”.

1 (b) CONFORMING AMENDMENT.—Section 1448 of
2 title 28, United States Code, is amended by striking “In
3 all cases” and inserting “Except as provided in section
4 1447(f), in all cases”.

5 (c) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by
7 this Act shall take effect upon the expiration of the
8 30-day period beginning on the date of enactment of
9 this Act, and shall apply to any civil action com-
10 menced on or after such date.

11 (2) COMMENCEMENT OF STATE ACTIONS.—
12 With respect to a civil action commenced in State
13 court and removed to Federal court, the civil action
14 shall be deemed to have commenced on the date that
15 the civil action was commenced, within the meaning
16 of State law, in State court.

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