

RPTS MERCHANTDCMN HOFSTAD

MARKUP OF

H.R. 386, THE "SECURING COCKPITS AGAINST LASER POINTERS ACT OF 2011";

H.R. 398, TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO TOLL, DURING ACTIVE-DUTY SERVICE ABROAD IN THE ARMED FORCES, THE PERIOD OF TIME TO FILE A PETITION AND APPEAR FOR AN INTERVIEW TO REMOVE THE CONDITIONAL BASIS FOR PERMANENT RESIDENT STATUS, AND FOR OTHER PURPOSES;

H.R. 368, THE "REMOVAL CLARIFICATION ACT OF 2011";

H.R. 347, THE "FEDERAL RESTRICTED BUILDINGS AND GROUNDS IMPROVEMENT ACT OF 2011"; AND

H.R. 394, THE "FEDERAL COURTS AND VENUE CLARIFICATION ACT OF 2011"

Wednesday, January 26, 2011

House of Representatives,

Committee on the Judiciary,

Washington, D.C.

The committee met, pursuant to call, at 10:10 a.m., in Room 2141, Rayburn House Office Building, Hon. Lamar Smith [chairman of the committee] presiding.

Present: Representatives Smith, Sensenbrenner, Coble,

Gallegly, Goodlatte, Lungren, Chabot, Pence, King, Franks, Gohmert, Poe, Chaffetz, Reed, Griffin, Marino, Gowdy, Ross, Adams, Quayle, Conyers, Nadler, Scott, Watt, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Quigley, Chu, Deutch, and Sanchez.

Staff Present: Sean McLaughlin, Majority Staff Director and General Counsel; Allison Halatei, Deputy Chief of Staff and Parliamentarian; Perry Apelbaum, Minority Staff Director; and Sarah Kish, Clerk.

Chairman Smith. The Judiciary Committee will come to order.

And the clerk will call the roll to establish a quorum.

The Clerk. Mr. Smith?

Chairman Smith. Present.

The Clerk. Mr. Sensenbrenner?

Mr. Sensenbrenner. Here.

The Clerk. Mr. Coble?

Mr. Coble. Present.

The Clerk. Mr. Gallegly?

Mr. Gallegly. Here.

The Clerk. Mr. Goodlatte?

[No response.]

The Clerk. Mr. Lungren?

Mr. Lungren. Here.

The Clerk. Mr. Chabot?

Mr. Chabot. Here.

The Clerk. Mr. Issa?

[No response.]

The Clerk. Mr. Pence?

Mr. Pence. Present.

The Clerk. Mr. Forbes?

[No response.]

The Clerk. Mr. King?

Mr. King. Here.

The Clerk. Mr. Franks?

Mr. Franks. Here.

The Clerk. Mr. Gohmert?

Mr. Gohmert. Here.

The Clerk. Mr. Jordan?

[No response.]

The Clerk. Mr. Poe?

[No response.]

The Clerk. Mr. Chaffetz?

Mr. Chaffetz. Present.

The Clerk. Mr. Reed?

Mr. Reed. Present.

The Clerk. Mr. Griffin?

Mr. Griffin. Present.

The Clerk. Mr. Marino?

Mr. Marino. Present.

The Clerk. Mr. Gowdy?

Mr. Gowdy. Present.

The Clerk. Mr. Ross?

Mr. Ross. Here.

The Clerk. Ms. Adams?

Mrs. Adams. Here.

The Clerk. Mr. Quayle?

Mr. Quayle. Present.

The Clerk. Mr. Conyers?

Mr. Conyers. Present.

The Clerk. Mr. Berman?

[No response.]

The Clerk. Mr. Nadler?

Mr. Nadler. Here.

The Clerk. Mr. Scott?

Mr. Scott. Here.

The Clerk. Mr. Watt?

Mr. Watt. Present.

The Clerk. Ms. Lofgren?

Ms. Lofgren. Here.

The Clerk. Ms. Jackson Lee?

[No response.]

The Clerk. Ms. Waters?

[No response.]

The Clerk. Mr. Cohen?

Mr. Cohen. Here.

The Clerk. Mr. Johnson?

Mr. Johnson. Present.

The Clerk. Mr. Pierluisi?

[No response.]

The Clerk. Mr. Quigley?

Mr. Quigley. Here.

The Clerk. Ms. Chu?

[No response.]

The Clerk. Mr. Deutch?

Mr. Deutch. Present.

The Clerk. Ms. Sanchez?

[No response.]

The Clerk. Ms. Wasserman Schultz?

[No response.]

The Clerk. Mr. Goodlatte?

Mr. Goodlatte. Here.

Chairman Smith. The clerk will report.

The Clerk. Mr. Chairman, 28 Members have responded "present."

Chairman Smith. Thank you.

A working quorum is present, but not only a working quorum but a reporting quorum, as well. So I hope not too many people will leave, so we can get through these bills fairly quickly.

With the ranking member's concurrence, we are actually going to take a bill out of order because the gentleman who is the author of this bill, the gentleman from California, Mr. Lungren, has to be on the floor momentarily. So we are going to start with H.R. 386, the "Securing Cockpits Against Laser Pointers Act of 2011."

Pursuant to notice, I now call up H.R. 386 for purposes of markup, and the clerk will report the bill.

The Clerk. H.R. 386, a bill to amend Title 18, United States Code, to provide penalties for aiming laser pointers --

[The information follows:]

***** INSERT 1-1 *****

Chairman Smith. Without objection, the bill will be considered as read.

I am going to recognize myself for an opening statement and then recognize the ranking member, as well.

H.R. 386, the "Securing Cockpits Against Laser Pointers Act of 2011," sponsored by Congressman Dan Lungren of California, addresses the obvious and inherent dangers in aiming a laser at an aircraft cockpit. These unsafe acts must not be tolerated, and this bill is an important step in curbing these types of incidents.

This legislation is also cosponsored by Crime Subcommittee Chairman Sensenbrenner and Ranking Member Scott, Crime Subcommittee Vice Chairman Gohmert, and Immigration Subcommittee Chairman Gallegly.

I now yield to the gentleman from California, Mr. Lungren, for an opening statement and to explain the nature of his bill.

Mr. Lungren. Thank you very much, Mr. Chairman. And thank you for helping me out, in putting this in first order.

The danger of shining a laser beam into someone's eyes is not news. What is news is the ever-increasing numbers of incidents of laser pointers being directed at the pilots of aircraft, both commercial and law enforcement.

In 2005, when a similar measure passed this body, the emerging threat was estimated at 400 reported incidents over the previous 15 years. By contrast, in 2009, there were almost 1,600 such incidents reported. In 2010, there were more than 2,800 incidents reported.

As the Air Line Pilots Association have stated in their letter

to me in support of the legislation, quote, "The inappropriate use of widely available laser pointers against airborne flight crews represents a genuine and growing safety and security concern," end quote.

At a minimum, the laser illumination of a cockpit creates a flight crew distraction and, in more serious cases, can result in eye damage and temporary distraction.

Mr. Chairman, I would ask unanimous consent that this letter of support be inserted into the record.

Chairman Smith. Without objection, the letter will be made a part of the record.

Mr. Lungren. Thank you.

[The information follows:]

***** INSERT 1-2 *****

Mr. Lungren. The danger from shining a laser in a cockpit of any aircraft, particularly commercial or law enforcement, especially during the takeoff or landing phase, is a simple tragedy waiting to happen.

Since the Judiciary Committee first began examining this issue, the effects of pilots being hit by the beam of a laser pointer have varied, from causing the pilots to become distracted to requiring them to undertake emergency evasive maneuvers. Emergency maneuvers to prevent a perceived midair collision resulted from a wide variety of mistaken beliefs, including that the aircraft was about to strike the warning light on a tower or that the laser beam was actually the lights of an approaching aircraft.

Law enforcement pilots are frequently targeted and have to consider the possibility that they are being illuminated by a laser scope attached to a rifle. Law enforcement pilots have, on occasion, been required to discontinue a response to a crime in progress due to being hit by a laser.

Now, some Federal prosecutors have declined to pursue cases under the current law, believing that the current destruction-of-aircraft statute does not meet the facts of their particular laser case. Some States have statutes that have been successfully used to address this problem, but many do not. This bill specifically addresses shining a laser pointer into an aircraft cockpit and will make aircraft travel safer for pilots and the public.

It is not only a number of laser pointers being aimed at aircraft

cockpits that has dramatically increased during the past several years; the power of the current generation of laser-pointer devices has also significantly increased. The cost, on the other hand, has gone down, making them much more widely available.

The problem of lasers being shown into cockpits is so prevalent, in my area, the Sacramento area, that the FBI, the FAA, the Federal Air Marshals Service, as well as State and local law enforcement, have established a Laser Strike Working Group to address this problem, with other working groups expanding to other areas.

This bill provides an important tool for our efforts to enhance the safety of air travel. It has been noncontroversial in the past; it has had strong bipartisan support. And I hope that my colleagues will join me in supporting this important legislation.

And I thank the chairman for the time.

Chairman Smith. Thank you, Mr. Lungren.

The ranking member, the gentleman from Michigan, chairman emeritus of this committee, is recognized for his opening statement.

Mr. Conyers. Thank you, Chairman Smith.

In keeping with the admonitions at the State of the Union address, I agree with everything Dan Lungren has said. As a matter of fact, I agree with every bill that is on the agenda today. And I also want everyone to note that I am sitting next to a Republican, my chairman.

And so I yield to Bobby Scott for a more substantive comment.

Mr. Scott. Thank you. Thank you, Mr. Chairman, the gentleman from Michigan.

As a cosponsor of the bill, I support H.R. 386, which establishes criminal penalties for knowingly aiming a laser pointer at an aircraft or its flight path.

Incidents involving lasers aimed at aircraft have raised concerns over potential threats to aviation safety and national security. Some are concerned that terrorists might use high-powered lasers to, among other things, incapacitate pilots.

There is also the concern that laser devices can distract or temporarily incapacitate pilots during the critical phases of flight. Lasers pose safety hazards to flight operations, even brief exposure. A relatively low-powered laser beam can cause discomfort and temporary visual impairment. Visual distractions of a laser can cause a pilot to become disoriented or to lose situational awareness while flying.

Higher-powered laser devices can incapacitate pilots and inflict eye injuries when viewed at closer ranges. In fact, the National Transportation Safety Board documented two cases in which pilots sustained eye injuries and/or were incapacitated during critical phases of flight. In one of these cases, after a laser was pointed at a pilot's plane, he experienced a burning sensation and tearing in his eyes. A subsequent eye examination revealed multiple flash burns in the pilot's cornea.

Unfortunately, this is a growing problem. There were over 2,800 reported cases of this happening last year, more than double the previous year.

I want to thank our colleague from California, Mr. Lungren, for

his work on the bill. As he has indicated, this bill has passed the House with bipartisan support in the past, and I encourage my colleagues to support the legislation again this year.

I yield back.

Chairman Smith. Thank you, Mr. Scott.

Are there any amendments?

If not, we will vote to report H.R. 386, the "Securing Cockpits Against Laser Pointers Act of 2011."

Mr. Chaffetz. Mr. Chairman?

Chairman Smith. Who seeks to be recognized? The gentleman from Utah, Mr. Chaffetz.

Mr. Chaffetz. If I could be recognized for just a moment, I appreciate it.

This bill is obviously commonsense, it is bipartisan, it is smart legislation.

I just want to note for the record that, in Section 2, I personally have a challenge with the idea that we just unilaterally give the Attorney General -- that may provide regulation unilaterally. I realize there is consultation; there are things -- support and give to the committees.

I am not an attorney; I haven't gone through as much of these legal proceedings. I just think it is the role of the Congress to actually designate what the regulations are and that they are to implement it. I don't like the general idea of giving unilateral authority to an Attorney General to just make exceptions as he sees fit.

Other than that, it is a good bill. I support it. I vote for it. I think everybody else should. I just generally have a concern with that.

And I will yield back the balance of my time.

Chairman Smith. All right. Thank you, Mr. Chaffetz. Appreciate it. And we will notice the concern you have. And perhaps you and Mr. Lungren can speak between now and the House floor. But also appreciate your support for the bill.

A reporting quorum being present, the question is on reporting the bill favorably to the House.

All those in favor, say, "Aye."

Opposed, "No."

The ayes have it, and the bill is ordered reported favorably.

Without objection, the bill will be reported, and the staff is authorized to make technical and conforming changes. Members will have 2 days to submit views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Smith. The first bill was actually my bill. I think we will put that at the end, and we will go now to H.R. 398.

Pursuant to notice, I now call up H.R. 398 for purposes of markup, and the clerk will report the bill.

The Clerk. H.R. 398, a bill to amend the Immigration and Nationality Act to toll, during active-duty --

[The information follows:]

***** INSERT 1-3 *****

Chairman Smith. Without objection, the bill will be considered as read.

I will recognize myself for an opening statement and then the ranking member.

I support H.R. 398, which was introduced by Ranking Member Zoe Lofgren of the Immigration Policy and Enforcement Subcommittee. I would also like to thank Ranking Member Conyers, Court Subcommittee Chairman Howard Coble, and former Court Subcommittee Chairman Hank Johnson for cosponsoring this bill.

This legislation provides bureaucratic relief to military service members serving overseas when they have married foreign nationals.

I yield the balance of my time to the gentleman from California, Mr. Gallegly, who is the chairman of the Subcommittee on Immigration Policy and Enforcement, and he will explain the bill.

Mr. Gallegly?

Mr. Gallegly. I thank the gentleman for yielding.

The amendment seeks to allow DHS to remove the conditional permanent resident status of an alien spouse in instances where the spouse -- oh, I am sorry. Thank you, Mr. Chairman.

I also support this bill, and I have cosponsored it.

When a U.S. citizen or permanent resident marries an immigrant, that immigrant is given conditional status. After 2 years, the couple must file a petition for removal of the conditional status and, within 90 days, appear for an interview with the DHS to ascertain whether there

was any possible marriage fraud. If the petition is approved, the immigrant spouse becomes a permanent resident.

It would certainly be disruptive to the military to facilitate a member of the Armed Forces deployed overseas to file a petition and travel for a personal interview with DHS. That is what this bill does. During any time period in which a spouse is a member of the Armed Forces of the United States and serving abroad in active-duty status, the bill would toll the statutory requirement to fill the petition and appear for an in-person interview.

The spouses do retain the right to be able to file a petition within the normal time period, and DHS retains the right to waive the interview requirement in appropriate circumstances.

That is it, plain and simple. And I would urge my colleagues to support the bill.

I yield back.

Chairman Smith. Thank you, Mr. Gallegly.

The ranking member, the gentleman from Michigan, Mr. Conyers, is recognized for more conciliatory comments.

Mr. Conyers. Well, I am running out already. I mean, we should have a debate on something here before we go.

But right now I am proud to yield to the sponsor of this bill and the ranking member, Zoe Lofgren.

Ms. Lofgren. Thank you, Mr. Conyers and Mr. Smith and Mr. Gallegly.

I am pleased today that we are considering this bill. It is a

small bill, but it is also bipartisan and commonsense. It allows, as Mr. Gallegly has said, members of our Armed Forces who are serving overseas and their families to have a little bit of leeway, in terms of showing up for an interview.

Under the current immigration law, when a person becomes a lawful permanent resident through marriage, conditions -- or, a conditional status is placed on that marriage if the marriage is less than 2 years old. And, in that case, couples are given a 90-day period of time just prior to the second anniversary of the grant of conditional status within which to file a petition to lift the conditions. And then they have another 90 days to appear for an interview before the Department of Homeland Security.

It is only after these requirements are met that the conditionality of the residence is lifted. And if the conditionality is not lifted, the nonresident spouse can be deported, their status terminated.

In 2008, while chairing the Immigration Subcommittee, I convened a hearing on the immigration needs of America's fighting men and women. And, at that hearing, we heard from members of the Armed Forces about many challenges that they face because of our often-unwieldy immigration system. This bill addresses one of them.

It will not excuse the need for spouses to remove the condition if that is one that is upon them, nor does it excuse them from appearing at an interview before the Department of Homeland Security. It simply allows military families to delay those requirements, if they choose,

if the spouse is deployed in active duty overseas. And, as you can imagine, if you are deployed in Afghanistan, it is not so easy to pack up in 90 days and appear for a hearing in Austin.

So I believe that the brave men and women who take up our Nation's call to serve need to focus on the jobs they are doing. This bill gives them some flexibility.

I would like to thank Chairmen Smith and Gallegly, Mr. Conyers, and others for their support.

We ask our troops to stand in harm's way for us, and this is a measure to allow us to protect them while they are protecting us.

And I yield back.

Chairman Smith. Thank you, Ms. Lofgren.

Are there any amendments?

And the gentleman from Iowa, Mr. King, is recognized for his comments.

Mr. King. Thank you, Mr. Chairman.

You know, first, I would offer that I would yield to the gentlelady from California if she would have a definition for the word "conditionality."

Ms. Lofgren. The conditionality is part of current law. If you enter into -- if you petition for a spouse and your marriage is of less than 2 years' duration, the alien spouse is granted conditional status, which can be removed on the second-year anniversary of the filing of the petition.

Mr. King. And reclaiming my time, a component of conditionality

is consummation?

Ms. Lofgren. That has nothing to do with this. This does not change the underlying law.

Mr. King. Thank you. And I think that is a conditional definition of "conditionality."

However, Mr. Chairman and the members of the committee, we had dealt with this issue in past Congress, and I had supported and signed off on this bill under the understanding that we would have the language in it be "combat zones," rather than "overseas service." And it is a significant difference in the measure of hardship when one is serving in a combat zone, taking risk of their life, as opposed to overseas service.

So, for example, this bill would put someone serving overseas in a place like, for example, the Philippines in the same condition as someone who is serving in Hawaii. The same ocean, same general area of the world, puts them into domestic service. I would say it is domestic service in Hawaii, and it is serving overseas in a place like the Philippines or Okinawa, for example.

I support this bill if we support -- if it has the condition of "combat zone" in it. And because of the timing and the rules of the committee, it wasn't impossible but it was very difficult to be in a position to offer an amendment to correct this issue that I consider to be a flaw in the bill.

So I will support this bill if we can move forward and get an amendment in it to address this as "combat zones," perhaps through the

Rules Committee and on the floor. Until that time, I intend to oppose the bill.

I thank you, Mr. Chairman. I yield back the balance of my time.

Chairman Smith. I thank the gentleman from Iowa, who is the vice chairman of the Immigration Subcommittee.

If there are no amendments, we will vote to report H.R. 398, to amend the Immigration Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

A reporting quorum being present, the question is on reporting the bill.

All those in favor, say, "Aye."

All those opposed, "Nay."

The ayes have it, and the bill is reported favorably.

Without objection, the bill will be reported, and the staff is authorized to make technical and conforming changes. Members have 2 days to submit their views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Smith. We will now go to H.R. 368, the "Removal Clarification Act of 2011."

Pursuant to notice, I now call up H.R. 368 for purposes of markup.

[The information follows:]

***** INSERT 1-4 *****

Chairman Smith. Without objection, the bill is considered as read. And I will recognize myself and then the ranking member.

I would like to indicate my early support for H.R. 368, introduced by Representative Johnson. I have cosponsored this legislation, which clarifies that a State action brought against an individual in their capacity as a Federal officer should be removed to Federal court.

I yield the balance of my time to Howard Coble, chairman of the Subcommittee on Courts, Commercial and Administrative Law, for his comments.

Mr. Coble?

Mr. Coble. Thank you, Mr. Chairman. I appreciate your yielding.

The Removal Clarification Act of 2011 primarily amends Section 1442 of Title 28 of the U.S. Code. This is a statute that allows Federal officers, under limited conditions, to remove cases filed against them in court to U.S. District Court for disposition.

The purpose of Section 1442 is to deny State courts the power to hold a Federal officer criminally or civilly liable for an act allegedly performed in the execution of their Federal duties. This does not mean, however, that Federal officers can break the law. It just means that these cases are transferred to the United States District Court for consideration.

As you mentioned, Mr. Johnson, the distinguished gentleman from Georgia, introduced his bill last year, and it passed the other body, but I am told that they adjourned before we were able to enact it into

law.

As far as I know, there is no opposition to this bill, Mr. Chairman. And, as I say, we attempted to pass the amended bill a second time in December. The other body had gone home; they had adjourned.

And it is my understanding, Mr. Chairman, that you had promised the gentleman from Georgia, Mr. Johnson, that you would take up this bill early in the 112th Congress, and here we are with the bill. As far as I know, there is no opposition.

I urge my colleagues to support H.R. 368, and I yield back the balance of my time.

Chairman Smith. Thank you, Mr. Coble.

The gentleman from Michigan, Mr. Conyers, is recognized.

Mr. Conyers. Thank you. I would yield to Hank Johnson of Georgia.

Mr. Johnson. I thank the chairman of the full committee and the chairman of the subcommittee. And I am pleased to speak on this legislation which we are marking up today.

The Removal Clarification Act of 2011 is a bipartisan, uncontroversial piece of legislation that will enable Federal officials to remove cases to Federal court in accordance with the spirit and intent of the Federal officer removal statute. This legislation will apply to all Federal officials, including legislative branch and executive officials.

The Federal Officer Removal Statute at 28 U.S.C. 1442(a) is designed to enable Federal officials to remove a case out of State court

and into Federal court. However, more than 40 States have pre-suit discovery procedures that require individuals to be deposed or respond to discovery requests even when a civil action has not yet been filed. This means that Federal officials can be forced to litigate in State court despite the Federal statute's contrary intent.

Courts are split on whether the removal statute applies to pre-suit discovery. This bill will make clear that the removal statute applies to all State judicial proceedings in which a legal demand is made for a Federal officer's testimony or documents, including pre-suit discovery.

It will also clarify that the Federal officer need not wait until he or she is subject to contempt in order to seek removal. This bill will not alter the well-settled requirement that removal under Section 1442(a)(1) must be predicated on the availability of a Federal defense; nor will it result in removal of cases that belong in State court, since only the part of the case involving the Federal officer is removed.

This bill passed the House in July 2010 on suspension and passed the Senate by unanimous consent on December the 3rd, 2010.

In closing, I urge all of my colleagues to support this bipartisan legislation and look forward to voting it favorably out of this committee.

Thank you, and I yield back the balance of my time.

Chairman Smith. Thank you, Mr. Johnson.

If there are no amendments, we will vote to report H.R. 368, the "Removal Clarification Act of 2011."

A reporting quorum being present, the question is on reporting the bill.

All those in favor, say, "Aye."

All those opposed, "Nay."

The ayes have it, and the bill is reported favorably.

Without objection, the bill will be reported, and the staff is authorized to make technical and conforming changes. And Members have 2 days to submit their views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Smith. We will now go to H.R. 347.

Pursuant to notice, I now call up H.R. 347 for purposes of markup, and the clerk will report the bill.

The Clerk. H.R. 347, a bill to correct and simplify the drafting of Section 1752 --

[The information follows:]

***** INSERT 1-5 *****

Chairman Smith. Without objection, the bill will be considered as read.

I will recognize myself for an opening statement and then the ranking member.

H.R. 347, the "Federal Restricted Buildings and Grounds Improvement Act of 2011," is sponsored by Congressman Tom Rooney of Florida, a former member of this committee, and cosponsored by Judiciary Committee member Ted Deutch of Florida.

The bill makes comments and improvements to Federal criminal law to ensure that the President, the first family, the Vice President, and others are protected, whether they are in the White House or attending an event in a convention center or meeting hall.

I yield the balance of my time to Jim Sensenbrenner, the gentleman from Wisconsin, former chairman of this committee, and who is now chairman of the Subcommittee on Crime.

Mr. Sensenbrenner. I thank the chairman.

This bill, the "Federal Restricted Buildings and Grounds Improvement Act of 2011," amends the current Federal criminal law that prohibits the unlawful breach of certain Federal buildings and grounds.

The Secret Service began providing protective service following the assassination of President McKinley in 1901. The Service's protection responsibilities have expanded since then to include the first family, Vice President, former Presidents, visiting heads of state, and others.

The Service also provides protection at events designated as a

special event of national significance, such as the Super Bowl, where our Packers are going to show the country how good they are.

A key component of the Service's protection mission is securing the buildings and grounds where protectees work and visit. From the White House to a hotel ballroom, the Secret Service must provide a secure environment for the President and other protectees.

Current law prohibits unlawful entries upon any restricted building or ground where the President, Vice President, or other protectee is temporarily visiting. However, there is no Federal law that expressly prohibits unlawful entry to the White House and its grounds or the Vice President's residence and its grounds.

The Secret Service must, therefore, rely on a provision in the District of Columbia code, which addresses only minor misdemeanor infractions, when somebody attempts or successfully climbs the White House fence or, worse, breaches the White House itself.

H.R. 347 remedies this problem by specifically including the White House, the Vice President's residence, and their respective grounds in the definition of "restricted buildings and grounds."

The bill also clarifies that penalties in Section 752 of Title 18 apply to those who knowingly enter or remain in any restricted buildings or grounds without lawful authority to do so. Current law does not include this important element.

Intentionally disrupting government business or official functions in or near such restricted areas is also forbidden, as is committing an act of violence against a person or property in any such

restricted buildings or grounds.

The bill clarifies and improves the already-existing criminal statutes that are necessary for the Secret Service to protect the President and first family, Vice President, and other protectees. Similar legislation passed the House last Congress by a voice vote.

I commend my colleague from Florida and former member of this committee, Congressman Tom Rooney, for his leadership on this issue. And I urge my colleagues to support the legislation.

Chairman Smith. Thank you, Mr. Sensenbrenner.

The gentleman from Michigan, Mr. Conyers, is recognized.

Mr. Conyers. I yield to Bobby Scott.

Mr. Scott. Thank you. I thank the gentleman from Michigan.

And I support H.R. 347, which will assist the Secret Service in the performance of their duties.

Current Federal law prohibits individuals from entering or remaining in areas cordoned off as restricted areas because of protection being provided by the Secret Service. This bill would clarify that the prohibition under existing statute only applies to those who do not have lawful authority to be in those areas.

The bill would also add the White House and the Vice President's residence to the definition of the restricted areas protected under current law.

The men and women of the Secret Service conduct themselves with valor and professionalism while carrying out their protective function of their agency. And they provide protection for a variety of people

and events, including the President and national special security events.

I commend my colleague from Florida, Mr. Rooney, for his work on the bill. The bill was passed in previous Congresses, and I urge my colleagues to support H.R. 347 again this year.

I yield back.

Chairman Smith. Thank you, Mr. Scott.

Are there any amendments?

If not, a reporting quorum being present, the question is on reporting the bill favorably to the House.

Those in favor, say, "Aye."

Opposed, "No."

The ayes have it, and the bill is reported favorably.

Without objection, the bill will be reported, and the staff is authorized to make technical and conforming changes. And Members have 2 days to submit their views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Smith. We will now go to our last bill on our agenda today, which is H.R. 394.

Pursuant to notice, I now call up H.R. 394 for purposes of markup, and the clerk will report the bill.

The Clerk. H.R. 394, a bill to amend Title 28, United States Code, to clarify --

[The information follows:]

***** INSERT 1-6 *****

Chairman Smith. Without objection, the bill will be considered as read.

And I will recognize myself and then the ranking member.

First, I would like to thank our ranking member, Mr. Conyers; the Court Subcommittee chairman, Harold Coble; and former Court Subcommittee Chairman Hank Johnson for cosponsoring this bill.

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 will action should be brought. Judges believe the current rules force them to waste time determining jurisdictional issues at the expense of adjudicating underlying litigation.

The contents of this bill are based on recommendations developed and approved by the United States Judicial Conference to address the judiciary's concerns.

The first bill on these issues was developed in 2006, when I chaired the Courts Subcommittee. Since then, jurors, legal scholars, bar groups, and policymakers rekindled interest in resurrecting the project. This led to a rewriting of the legislation in 2010, during which the Administrative Office of the U.S. Courts acted as a clearinghouse to vet the bill with the Judicial Conference's Federal-State Jurisdiction Committee, academics, and interested stakeholders.

The main 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 Chamber of Commerce.

The House passed the bill and nearly got it through the Senate last December, but the Justice Department insisted on four minor amendments. We have since agreed to those changes, which are incorporated into H.R. 394.

The legislation contains a number of revisions to Federal jurisdictional and venue law. And, 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 in the two statutes; and creates a general venue statute that unifies the approach to venue in diversity and Federal question cases while maintaining current venue standards.

The Federal Courts Jurisdiction and Venue Clarification Act illustrates how Congress can work in a bipartisan way with the judiciary to pursue legislative initiatives that enhance the practice of law and the operations of our Federal courts. It is a bill that ultimately benefits American citizens who use our legal system in defense of their legal rights and civil liberties.

I urge Members to support H.R. 394 and recognize the gentleman from Michigan, our ranking member, Mr. Conyers.

Mr. Conyers. Thank you. I yield to Steve Cohen.

Mr. Cohen. Thank you, Mr. Ranking Member and Mr. Chair.

H.R. 394, the "Federal Courts Jurisdiction and Venue

Clarification Act of 2011," is intended to clarify a number of uncertainties and technical flaws in the statutory provisions governing Federal court jurisdiction and venue that have come to light in recent years.

The language is based on proposals endorsed by the Judicial Conference of the U.S., following studies within the judiciary, in consultation with academics and legal organizations.

The bill is a priority of my chairman and friend, Chairman Lamar Smith, so it is bi-branch as well as bipartisan. And I have joined on as a prime sponsor, in the spirit of Glassboro. And I am pleased to have worked with him and his staff to get this bill passed in the 111th Congress, and I hope that we can do this in the 112th with our friends across the Capitol Building there in the Senate.

I support Mr. Smith in his continued efforts to resolve conflicts and uncertainties in the application of the jurisdiction and venue provision, and I urge my colleagues to support this legislation.

I yield back the remainder of my time.

Chairman Smith. Thank you, Mr. Cohen.

Are there any amendments?

If not, a reporting quorum being present, the question is on reporting the bill.

All those in favor, say, "Aye."

Opposed, "Nay."

The ayes have it, and the bill is reported favorably.

Without objection, the bill will be reported, and the staff is

authorized to make technical and conforming changes. Members have 2 days to submit their views.

[The information follows:]

***** COMMITTEE INSERT *****

Chairman Smith. Before I officially adjourn our markup today, I do want to thank all the Members for their attendance. This is a great turnout for our first markup.

I can't promise all Members that all markups will be this bipartisan, but we are off to a good start. There were three Republican bills today. We considered two Democratic bills. This is not going to be the end of Democratic bills we consider. So we look forward to more progress and more successes on the Judiciary Committee.

There being no further business, we stand adjourned.

[Whereupon, at 10:45 a.m., the committee was adjourned.]