FEDERAL COURTS JURISDICTION AND VENUE CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 394) to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes, with Senate amendments thereto, to the end that the House concur in Senate amendment No. 1 and concur in Senate amendment No. 2 with the amendment I have placed at the desk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments:

On page 9, line 17, strike ''1454'' and insert ''1455.''

On page 12, after line 4, strike ''1454. Procedure for removal of criminal prosecutions.'' and insert ''1455. Procedure for removal of criminal prosecutions.''

House amendment to Senate amendment No. 2:

Add at the end the following:

Redesignate section 104 as section 105 and insert the following after section 103:

SEC. 104. TECHNICAL AMENDMENT.

Section 1446(g) of title 28, United States Code, is amended by striking ''subsections (b) and (c)'' and inserting ''subsection (b) of this section and paragraph (1) of section 1455(b)''.

Amend the table of contents of the bill by striking the item relating to section 104 and inserting the following:

Sec. 104. Technical amendment.
Sec. 105. Effective date.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask that the reading be dispensed with.

The SPEAKER pro tempore. Without objection, the reading is dispensed with.

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

APPEAL TIME CLARIFICATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1637) to clarify appeal time limits in civil actions to which United States officers or employees are parties, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The text of the bill is as follows:

S. 1637

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 ''Appeal Time Clarification Act of 2011''.

SEC. 2. FINDINGS.

Congress finds that—

(1) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure provide that the time to appeal for most civil actions is 30 days, but that the appeal time for all parties is 60 days when the parties in the civil action include the United States, a United States officer, or a United States agency;

(2) the 60-day period should apply if one of the parties is—

(A) the United States;

(B) a United States agency;

(C) a United States officer or employee sued in an official capacity; or

(D) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States;

(3) section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure (as amended to take effect on December 1, 2011, in accordance with section 2074 of that title) should uniformly apply the 60-day period to those civil actions relating to a Federal officer or employee sued in an individual capacity for an act or omission occurring in connection with Federal duties;

(4) the civil actions to which the 60-day periods should apply include all civil actions in which a legal officer of the United States represents the relevant officer or employee when the judgment or order is entered or in which the United States files the appeal for that officer or employee; and

(5) the application of the 60-day period in section 2107 of title 28, United States Code, and rule 4 of the Federal Rules of Appellate Procedure—

(A) is not limited to civil actions in which representation of the United States is provided by the Department of Justice; and

(B) includes all civil actions in which the representation of the United States is provided by a Federal legal officer acting in an official capacity, such as civil actions in which a Member, officer, or employee of the Senate or the House of Representatives is represented by the Office of Senate Legal Counsel or the Office of General Counsel of the House of Representatives.

SEC. 3. TIME FOR APPEALS TO COURT OF APPEALS.

Section 2107 of title 28, United States Code, is amended by striking subsection (b) and inserting the following:

''(b) In any such action, suit, or proceeding, the time as to all parties shall be 60 days from such entry if one of the parties is—

''(1) the United States;

''(2) a United States agency;

''(3) a United States officer or employee sued in an official capacity; or

''(4) a current or former United States officer or employee sued in an individual capacity for an act or omission occurring in connection with duties performed on behalf of the United States, including all instances in which the United States represents that officer or employee when the judgment, order, or decree is entered or files the appeal for that officer or employee.''.

SEC. 4. EFFECTIVE DATE.

The amendment made by this Act shall take effect on December 1, 2011.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 466, proceedings will now resume on the motion to suspend the rules and pass the joint resolution (H.J. Res. 2) proposing a balanced budget amendment to the Constitution of the United States, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. When proceedings were postponed on Thursday, November 17, 2011, 2 hours and 42½ minutes of debate remained on the motion.

The gentleman from Virginia (Mr. GOODLATTE) has 1 hour and 27½ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 hour and 15 minutes remaining.

Without objection, the gentleman from Texas (Mr. SMITH) will control the time of the gentleman from Virginia (Mr. GOODLATTE).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 2, as amended, currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Yesterday, we began debate on the balanced budget amendment, debate that I hope culminates today with a bipartisan two-thirds vote in its favor. The American people of all political stripes and from all walks of life demand we pass this amendment. Recent polling by CNN indicates that a constitutional amendment to require a balanced Federal budget garners more than 70 percent support among men, women, whites, nonwhites, every age group, every income level, and people from every region of the country. Why do Americans overwhelmingly support a balanced budget amendment? Because they understand that unending Federal deficits wreck our economy and steal prosperity from future generations.

President Obama has set the wrong kind of new record. The national debt has increased faster under his administration than under any other President in history. This runaway government spending paralyzes the job market, erodes confidence among America's employers, and has caused the worst economic recovery since the Great Depression.

The balanced budget amendment is not an untested idea. Forty-nine States