

In the Senate of the United States,

December 3, 2010.

Resolved, That the bill from the House of Representatives (H.R. 5281) entitled “An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.”, do pass with the following

AMENDMENTS:

1 **(1)**On page 2, strike lines 8 through 18 and insert the
2 following:

3 *United States Code, is amended—*

4 *(1) in subsection (a), in the matter preceding*
5 *paragraph (1)—*

6 *(A) by inserting “that is” after “or crimi-*
7 *nal prosecution”;*

8 *(B) by inserting “and that is” after “in a*
9 *State court”; and*

1 (C) by inserting “or directed to” after
2 “against”; and

3 (2) by adding at the end the following:

4 “(c) As used in subsection (a), the terms ‘civil action’
5 and ‘criminal prosecution’ include any proceeding (whether
6 or not ancillary to another proceeding) to the extent that
7 in such proceeding a judicial order, including a subpoena
8 for testimony or documents, is sought or issued. If removal
9 is sought for a proceeding described in the previous sentence,
10 and there is no other basis for removal, only that proceeding
11 may be removed to the district court.”.

12 **(2)**On page 3, strike lines 4 through 19 and insert the
13 following:

14 “(g) Where the civil action or criminal prosecution
15 that is removable under section 1442(a) is a proceeding in
16 which a judicial order for testimony or documents is sought
17 or issued or sought to be enforced, the 30-day requirement
18 of subsections (b) and (c) is satisfied if the person or entity
19 desiring to remove the proceeding files the notice of removal
20 not later than 30 days after receiving, through service, no-
21 tice of any such proceeding.”.

22 **(3)**On page 3, strike line 23 and all that follows through
23 page 4, line 6, and insert the following:

1 **SEC. 3. PAYGO COMPLIANCE.**

2 *The budgetary effects of this Act, for the purpose of*
3 *complying with the Statutory Pay-As-You-Go-Act of 2010,*
4 *shall be determined by reference to the latest statement titled*
5 *“Budgetary Effects of PAYGO Legislation” for this Act,*
6 *submitted for printing in the Congressional Record by the*
7 *Chairman of the Senate Budget Committee, provided that*
8 *such statement has been submitted prior to the vote on pas-*
9 *sage.*

Attest:

Secretary.

11TH CONGRESS
2^D SESSION

H.R. 5281

AMENDMENTS