

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.”

“1455. 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: “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) an entity 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.

Mr. REID. Mr. President, I ask unanimous consent the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 394) was read the third time and passed.

### MEASURES READ THE FIRST TIME—H.R. 674, S. 1769

Mr. REID. Mr. President, I am told there are two bills at the desk due for their first reading.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain health care-related programs, and for other purposes.

A bill (S. 1769) to put workers back on the job while rebuilding and modernizing America.

Mr. REID. Mr. President, I ask for a second reading en bloc of those two measures, and then object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will be read a second time on the next legislative day.

### ORDERS FOR TUESDAY, NOVEMBER 1, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, the Senate adjourn until 10 a.m. on Tuesday, November 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of H.R. 2112, the Agriculture, CJS, and Transportation appropriations bill, under the previous order; and that following disposition of H.R. 2112, the Senate be in a period of morning business until 4:30, with Senators permitted to speak for up to 10 minutes each; further, that the Senate recess from 12:30 to 2:15 for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. Mr. President, there will be a series of up to seven rollcall votes beginning at 10:15 in the morning—maybe a little earlier. The votes will be in relation to amendments to H.R. 2112 and passage of the bill.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:18 p.m., adjourned until Tuesday, November 1, 2011, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C. SECTION 271:

##### *To be lieutenant commander*

ALONZO D. ALDAY  
DAVID J. ALDOUS  
JONATHAN A. ALEXANDER  
CRAIG H. ALLEN  
EARL F. ALLEN  
WALNER W. ALVAREZ  
BRAD J. ANDERSON  
KARL M. ANFORTH  
JASON K. APPLEBERRY  
NEAL E. ARMSTRONG  
RICHARD P. ARMSTRONG  
MICHAEL P. ATTANASIO  
MATTHEW S. BAKER  
DONALD A. BALDWIN  
GEOFFREY M. BARELA  
ANTHEL E. BARNES  
SCOTT P. BARTON  
KEVIN M. BECK  
MALCOLM D. BELT  
JOHN M. BETTENCOURT  
ADAM R. BIRST  
KATHERINE D. BITEL  
BRYAN R. BLACKMORE  
JOY E. BLAIR  
WILLIAM K. BLAIR  
CHRISTOPHER W. BLOMFIELD  
JEFFREY S. BOGDANOVICH  
PETER F. BOSMA  
ROBERT M. BOTNEN  
JASON A. BOYER  
BRIAN W. BOYSTER  
KENNETH T. BOYT  
CONNIE L. BRAESCH  
MATTHEW J. BRECKEL  
DEVON S. BRENNAN  
KEVIN A. BROYLES  
JONATHAN W. BURBY  
JOSHUA D. BURCH  
MELANIE A. BURNHAM

ROBERT L. BYRD  
JAMES A. CABASE  
ERIC A. CAIN  
MATTHEW A. CALVERT  
ANDRES CAMARGO  
GERALD A. CANAVAN  
TAYLOR J. CARLISLE  
JUSTIN M. CASSELL  
XOCHITL L. CASTANEDA  
HECTOR A. CASTRO  
ERIC W. CHANG  
DEMETRIUS T. CHEEKS  
ERIN R. CHRISTENSEN  
DARYL C. CLARY  
JEFFREY R. CLOSE  
DAVID M. COBURN  
EMILE F. COCHET  
ROBERT A. COLE  
PAUL J. COLEMAN  
TRAVIS S. COLLIER  
BRIAN T. CONLEY  
JAMES T. CORBETT  
STACEY L. CRECY  
ROBERT H. CREIGH  
CARLOS M. CRESPO  
MELBA J. CRISP  
CHARLENE R. CRISS  
CHRISTOPHER A. CULPEPPER  
CHRISTOPHER J. DAVIS  
BIEN J. DECENA  
ANDREW D. DEGEORGE  
AARON W. DELANOJOHNSON  
KAREN DENNY  
SHAWN B. DEWEESE  
JOHN F. DEWEY  
JASON D. DOLBECK  
WILLIAM E. DONOHUE  
ADAM H. DREWS  
KEVIN M. DUGAN  
WILLIAM R. DUNBAR  
JASON R. DUNN  
TRAVIS M. EMGE  
JOSHUA M. EMPEN  
THOMAS E. ENGLISH  
BRENDAN M. EVANS  
PETER M. EVONUK  
JAY S. FAIR  
KERRY A. FELTNER  
KRISTYON N. FINCH  
CHARLENE S. FORGUE  
BRETT A. FREELS  
ANGEL M. GALINANES  
BRENDAN T. GAVIN  
JASON M. GELFAND  
WILLIAM J. GERGE  
JOSEPH S. GIAMMANCO  
WILLIAM S. GIBSON  
GLENN H. GOETCHIUS  
BENJAMIN F. GOFF  
DENNIS D. GOOD  
DERRICK S. GREER  
MICHAEL C. GRIS  
CHRISTOPHER L. GROOMS  
BENEDICT S. GULLO  
JAY W. GUYER  
JASON W. HAAG  
DEREK C. HAM  
TREVOR M. HARE  
TEDDY D. HARRE  
BRENDAN J. HARRIS  
LEE J. HARTSHORN  
TERESA K. HATFIELD  
ANDREW T. HAWTHORNE  
MOLLY J. HAYES  
JASON M. HEERING  
CHRISTIAN J. HERNAEZ  
DOROTHY J. HERNAEZ  
ROBERT P. HILL  
JENNIFER L. HNATOW  
JACOB A. HOBSON  
LOUIS J. HODAC  
JASON A. HOPKINS  
PETER J. IGOE  
DONALD K. ISOM  
WESTON R. JAMES  
DOUGLAS A. JANNUSCH  
VINCENT J. JANSEN  
JESSICA L. JOHNSON  
CHRISTOPHER L. JONES  
MARC A. JONES  
JOHN W. KASER  
CHAD E. KAUFFMAN  
DARAIN S. KAWAMOTO  
ROBIN H. KAWAMOTO  
BENJAMIN R. KEFFER  
LJANN J. KEHLENBACH  
LYLE E. KESSLER  
JEFFREY A. KING  
STEVEN A. KOCH  
JENNIFER M. KONON  
RONALD J. KOOPER  
WILLIAM J. KOTOWSKI  
ADAM KOZIATEK  
DONALD R. KUHL  
TIMOTHY J. KULZER  
JOSEPH W. KUSEK  
SHAWN A. LANSING  
CHRISTOPHER W. LAVIN  
HERBERT C. LAW  
TIMOTHY J. LEE  
LANCE D. LEONE  
KAREN R. LEYDET  
JEFFREY D. LYONCH  
EZEKIEL J. LYONS  
RICHARD A. MACH  
AARON J. MADER  
JOSUE MALDONADO

JONATHAN M. MANGUM  
THOMAS D. MANSELL  
EZRA L. MANUEL  
RONAYDEE M. MARQUEZ  
AMY G. MARRS  
ARTHUR P. MARTIN  
JAMES J. MAZEL  
HAROLD L. MCCARTER  
DOREEN MCCARTHY  
JAMES F. MCCORMACK  
DAVID M. MCCOWN  
COLLEEN S. MCCUSKER  
JAMES C. MCFERRAN  
CARRIE A. MCKINNEY  
WILLIAM A. MCKINSTRY  
JAMES M. MCLAY  
TERESA S. MCMANUS  
STACY L. MCNEER  
JOHN B. MCWHITE  
KERRI W. MERKLIN  
MATTHEW J. MESKUN  
ANTHONY R. MIGLIORINI  
RONALD R. MILLSAUGH  
TODD C. MOE  
MARK MOLAVI  
BENJAMIN P. MORGAN  
JAMES K. MORROW  
GLEN J. MOSCATELLO  
LEWIS H. MOTION  
KRISTINE B. NEELEY  
JOHN R. NIMS  
CHRISTOPHER D. NOLAN  
KELLEE M. NOLAN  
BENJAMIN J. NORRIS  
MARTIN L. NOSSETT  
DAVID J. OBER  
ANNE E. OCONNELL  
BRYAN K. ODITT  
CHRISTOPHER R. ONEIL  
BRENDAN P. OSHEA  
DAVID M. OTANI  
JEFFREY P. OWENS  
CHARLES N. PARHAM  
HOON PARK  
MICHAEL L. PARKER  
SCOTT P. PARKHURST  
CHRISTOPHER R. PARRISH  
ANDREW L. PATE  
STEVE J. PEBLISH  
ERIC C. PERDUE  
JOHN G. PETERSON  
ELLEN M. PHILLIPS  
BARTON L. PHILPOTT  
MATTHEW A. PICKARD  
ERNEST L. PISANO  
JOHNENE T. PROBST  
JOSE L. RAMIREZ  
JEFFERY J. RASNAKE  
MARIA L. RICHARDSON  
MICHAEL A. RIDLER  
FERNANDO RODRIGUEZ  
MATTHEW ROONEY  
JOSHUA D. ROSE  
MATTHEW W. ROWE  
NATHAN L. RUMSEY  
JENNIFER M. RUNION  
MICHAEL B. RUSSELL  
DOUGLAS M. SAIK  
EVELYNN B. SAMMS  
DELFINO B. SAUCEDO  
BRENT R. SCHMADEKE  
PAUL W. SCHURKE  
GINO S. SCIORTINO  
DEON J. SCOTT  
JOHN R. SCOTT  
KIRK C. SHADRICK  
KEVIN R. SHMHLUK  
AUSTIN D. SHUTT  
HEATHER D. SKOWRON  
RAY A. SLAPKUNAS  
JAKE M. SMITH  
JASON S. SMITH  
GABRIEL J. SOMMA  
JOHN A. SUDERS  
ARTHUR B. SOULE  
HANS P. STAFFELBACH  
LANE G. STEFFENHAGEN  
MEGHAN K. STEINHAUS  
ROBERT E. STILES  
JOHN R. STRASBURG  
JONATHAN E. SULLIVAN  
PATRICK M. SULLIVAN  
JAMES L. SURBER  
FAIGE A. SWITZER  
NICHOLAS J. TABORI  
ERIC F. TAQUECHEL  
ROBERT D. TAYLOR  
VINCE Z. TAYLOR  
ALFRED J. THOMPSON  
JOHN K. TITCHEN  
DAVID A. TORRES  
JARED S. TRUSZ  
DANIEL J. TWOMEY  
SHAUN T. VACCARO  
LINNEA R. VANGANSBEKE  
ELIZABETH S. VANVELZEN  
THOMAS C. VAUGHN  
MICHAEL O. VEGA  
SCOTT E. WALDEN  
TAMARA S. WALLEN  
JOHN E. WALSH  
REBECCA A. WALLTHOUR  
AMBER S. WARD  
JAMES A. WEATHERBEE  
MICHAEL M. WEAVER  
MATTHEW G. WEBER  
STEPHEN E. WEST