

110TH CONGRESS
1ST SESSION

S. 2106

To provide nationwide subpoena authority for actions brought under the
September 11 Victim Compensation Fund of 2001.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2007

Mr. BIDEN (for himself, Mr. GRAHAM, Mr. LEAHY, Mr. SCHUMER, Mrs. CLINTON, Mr. CRAPO, and Mr. MARTINEZ) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

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 “Procedural Fairness
5 for September 11 Victims Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The September 11th Victims Compensation
9 Fund of 2001 (49 U.S.C. 40101 note) establishes a

1 Federal cause of action in the United States District
2 Court for the Southern District of New York as the
3 exclusive remedy for damages arising out of the hi-
4 jacking and subsequent crash of American Airlines
5 flights 11 and 77, and United Airlines flights 93
6 and 175, on September 11, 2001.

7 (2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the
8 Federal Rules of Civil Procedure effectively limit
9 service of a subpoena to any place within, or within
10 100 miles of, the district of the court by which it is
11 issued, unless a statute of the United States ex-
12 pressly provides that the court, upon proper applica-
13 tion and cause shown, may authorize the service of
14 a subpoena at any other place.

15 (3) Litigating a Federal cause of action under
16 the September 11 Victims Compensation Fund of
17 2001 is likely to involve the testimony and the pro-
18 duction of other documents and tangible things by
19 a substantial number of witnesses, many of whom
20 may not reside, be employed, or regularly transact
21 business in, or within 100 miles of, the Southern
22 District of New York.

1 **SEC. 3. NATIONWIDE SUBPOENAS.**

2 Section 408(b) of the September 11 Victims Com-
3 pensation Fund of 2001 (49 U.S.C. 40101 note) is amend-
4 ed by adding at the end the following:

5 “(4) NATIONWIDE SUBPOENAS.—

6 “(A) IN GENERAL.—A subpoena requiring
7 the attendance of a witness at trial or a hearing
8 conducted under this section may be served at
9 any place in the United States.

10 “(B) RULE OF CONSTRUCTION.—Nothing
11 in this subsection is intended to diminish the
12 authority of a court to quash or modify a sub-
13 poena for the reasons provided in clause (i),
14 (iii), or (iv) of subparagraph (A) or subpara-
15 graph (B) of rule 45(c)(3) of the Federal Rules
16 of Civil Procedure.”.

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