

across the country: Baltimore, Maryland, Pittsburgh, Pennsylvania, Chicago, Illinois, Miami, Florida, Detroit, Michigan, Dallas, Texas, Westchester County, New York, Oakland, California, Seattle, Washington, Charlotte, North Carolina, Cleveland, Ohio, Atlanta, Georgia, St. Louis, Missouri, Indianapolis, Indiana, Buffalo, New York, San Francisco, California, and Minneapolis, Minnesota: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) National Courage Month provides an opportunity to educate the people of the United States about the positive role that professional athletes can play as inspirations for America's youth; and

(2) the Ed Block Courage Award Foundation should be recognized for its outstanding contributions toward helping those affected by child abuse.

PROCEDURAL FAIRNESS FOR SEPTEMBER 11 VICTIMS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. 2106, and that the Senate then proceed to its immediate consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2106) to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, 6 years ago, just days after the terrorist attacks of September 11, Members of Congress on both sides of the aisle came together to pass comprehensive legislation entitled “the Air Transportation Safety and System Stabilization Act,” which provided victims of the terrorist attack the option of filing a claim with a national compensation program or seeking limited damages in one Federal district court—the United States District Court for the Southern District of New York.

This Federal cause of action was designed to give victims and their families a choice in the aftermath of September 11. I supported giving the victims and their families a Federal cause of action in court to pursue civil damages, but it has come to my attention that an important procedural protection was left out of the bipartisan legislation we passed 6 years ago.

The 9-11 victims' case currently being litigated in the Southern District of New York includes parties and witnesses from across the country. However, the existing Federal Rules of Civil Procedure restricts the reach of trial subpoenas to a 100-mile radius of the place of trial. This procedural rule effectively prevents subpoenas from being served in the very cities where the flights originated and where two of them crashed on the morning of September 11.

The bipartisan solution to the problem that Congress created is the Proce-

dural Fairness for September 11 Victims Act, S. 2106. It provides for nationwide service of subpoenas for the September 11 victims. Congress has repeatedly provided for nationwide subpoena power in other instances such as the False Claims Act, the Veterans' Benefits Act, and the Civil RICO statute.

I call on my colleagues to pass this procedural fix that will allow the victims to have a chance to have their claims fairly and thoroughly heard in court. The heart of every American aches for those who died or were injured because of the tragic attacks in New York, Virginia, and Pennsylvania on September 11. Although no amount of compensation can replace a lost loved one, the Procedural Fairness for September 11 Victims Act offers a technical fix that is crucial to assisting the September 11 victims and their families.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed and the motion to reconsider be laid upon the table; that any statements be printed in the RECORD.

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

The bill (S. 2106) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 2106

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

SEC. 2. FINDINGS.

Congress finds the following:

(1) The September 11th Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) establishes a Federal cause of action in the United States District Court for the Southern District of New York as the exclusive remedy for damages arising out of the hijacking and subsequent crash of American Airlines flights 11 and 77, and United Airlines flights 93 and 175, on September 11, 2001.

(2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure effectively limit service of a subpoena to any place within, or within 100 miles of, the district of the court by which it is issued, unless a statute of the United States expressly provides that the court, upon proper application and cause shown, may authorize the service of a subpoena at any other place.

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

SEC. 3. NATIONWIDE SUBPOENAS.

Section 408(b) of the September 11 Victims Compensation Fund of 2001 (49 U.S.C. 40101 note) is amended by adding at the end the following:

“(4) NATIONWIDE SUBPOENAS.—

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

“(B) RULE OF CONSTRUCTION.—Nothing in this subsection is intended to diminish the authority of a court to quash or modify a subpoena for the reasons provided in clause (i), (iii), or (iv) of subparagraph (A) or subparagraph (B) of rule 45(c)(3) of the Federal Rules of Civil Procedure.”.

THE CALENDAR

Mr. REID. I ask unanimous consent that it be in order for the Senate to proceed en bloc to consideration of the following calendar items: Calendar No. 389, H.R. 2467; Calendar No. 390, H.R. 2587; Calendar No. 391, H.R. 2654; Calendar No. 392, H.R. 2765; Calendar No. 393, H.R. 2778; Calendar No. 394, H.R. 2825; Calendar No. 395, H.R. 3052; and Calendar No. 396, H.R. 3106.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the consideration of the measures en bloc.

The Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent that the bills be read a third time and passed en bloc; the motions to reconsider be laid on the table en bloc; that consideration of these items appear separately in the RECORD, and any statements relating thereto be printed in the RECORD.

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

FRANK J. GUARINI POST OFFICE BUILDING

The bill (H.R. 2467) to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the “Frank J. Guarini Post Office Building,” was ordered to a third reading, read the third time, and passed.

KENNETH T. WHALUM, SR. POST OFFICE BUILDING

The bill (H.R. 2587) to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the “Kenneth T. Whalum, Sr. Post Office Building,” was ordered to a third reading, read the third time, and passed.

ELEANOR McGOVERN POST OFFICE BUILDING

The bill (H.R. 2654) to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the “Eleanor McGovern Post Office Building,” was ordered to a third reading, read the third time, and passed.

MASTER SERGEANT SEAN MICHAEL THOMAS POST OFFICE

The bill (H.R. 2765) to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as

the “Master Sergeant Sean Michael Thomas Post Office,” was ordered to a third reading, read the third time, and passed.

ROBERT MERRILL POSTAL STATION

The bill (H.R. 2778) to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the “Robert Merrill Postal Station,” was ordered to a third reading, read the third time, and passed.

OWEN LOVEJOY PRINCETON POST OFFICE BUILDING

The bill (H.R. 2825) to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the “Owen Lovejoy Princeton Post Office Building,” was ordered to a third reading, read the third time, and passed.

JOHN HERSCHEL GLENN, JR. POST OFFICE BUILDING

The bill (H.R. 3052) to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the “John Herschel Glenn, Jr. Post Office Building,” was ordered to a third reading, read the third time, and passed.

STAFF SERGEANT DAVID L. NORD POST OFFICE

The bill (H.R. 3106) to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the “Staff Sergeant David L. Nord Post Office,” was ordered to a third reading, read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 2828

Mr. REID. Mr. President, I understand that H.R. 2828 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2828) to provide compensation to relatives of United States citizens who were killed as a result of the bombings of United States Embassies in East Africa on August 7, 1998.

Mr. REID. Mr. President, I ask for its second reading and then object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may turn to executive session to consider Executive Calendar No. 302, the nomination of Jennifer Walker Elrod to be a United States circuit court judge; that there be a time limitation of 1 hour for debate equally divided between Senators LEAHY and SPECTER or their designees; that there be an additional 10 minutes each for debate for Senators CARDIN and SPECTER; that at the conclusion or yielding back of time, the Senate vote on the nomination; that following that vote, the Senate then vote on each of the following nominations: Nos. 242, 293, and 294; that the motions to reconsider be laid on the table, the President be immediately notified of the Senate’s action, and the Senate resume legislative session.

Mr. President, also, let me say it is my intent—and I talked to Senator McCONNELL at some length about this—we will do these tomorrow. I talked to Senator LEAHY. I am sure he has spoken with Senator SPECTER. It is time we did some of these, and we are going to do them tomorrow, the exact time of which I do not know, but they will be done tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me thank the majority leader for his assurances on that matter.

ORDERS FOR THURSDAY,

OCTOBER 4, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. tomorrow, October 4; that on Thursday, 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 reserved for their use later in the day, and there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the Democrats and the Republicans, with the Republicans controlling the first half; that at the close of morning business, the Senate then proceed to the consideration of H.R. 3093, the Departments of Commerce, Justice, and Science Appropriations Act.

Mr. President, I would also say to all the Members, we are going to do our best to finish this bill tomorrow.

We are going to give it the old college try. I think we should be able to do it. It is an important bill. We are going to do our very best to do that.

I would also say that the next appropriations bill we are going to move to is the Labor-HHS bill, which is extremely important. Again, I have had conversations the last several days with the Republican leader, and we are now moving through the process. The bill to go to conference has not been held up by the Republicans. The Democrats have held themselves up. We have not been able to get the 302(b) allocations and the other things we needed to work out to be able to do that. Now we are in the process of being able to do that as of yesterday, so we expect to move very expeditiously on these bills so that we can get a bill or bills to the President as soon as possible.

My goal is to finish what we need to do here by November 16. It is easy to say that and it is hard to do, but that certainly is my timetable.

Mr. McCONNELL. Mr. President, let me just add that I couldn’t agree more with what the majority leader has just indicated his goals are, and he will have great cooperation on this side of the aisle to achieve the goal of finishing these bills and wrapping up our business.

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

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:35 p.m., adjourned until Thursday, October 4, 2007, at 9 a.m.