

Union Calendar No. 261

110TH CONGRESS
1ST SESSION

H. R. 3921

[Report No. 110-413]

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2007

Mr. BISHOP of New York (for himself, Mr. HALL of New York, Mr. KING of New York, Mr. WEINER, Mr. NADLER, Mr. EMANUEL, Mr. MARKEY, Ms. JACKSON-LEE of Texas, Mrs. MALONEY of New York, and Mr. FEENEY) introduced the following bill; which was referred to the Committee on the Judiciary

OCTOBER 29, 2007

Additional sponsors: Mr. SERRANO and Mrs. MCCARTHY of New York

OCTOBER 29, 2007

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Procedural Fairness
3 for September 11 Victims Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

14 (2) Rules 45(b)(2) and 45(c)(3)(A)(ii) of the
15 Federal Rules of Civil Procedure effectively limit
16 service of a subpoena to any place within, or within
17 100 miles of, the district of the court by which it is
18 issued, unless a statute of the United States ex-
19 pressly provides that the court, upon proper applica-
20 tion and cause shown, may authorize the service of
21 a subpoena at any other place.

22 (3) Litigating a Federal cause of action under
23 the September 11 Victims Compensation Fund of
24 2001 is likely to involve the testimony and the pro-
25 duction of other documents and tangible things by
26 a substantial number of witnesses, many of whom

1 may not reside, be employed, or regularly transact
2 business in, or within 100 miles of, the Southern
3 District of New York.

4 **SEC. 3. NATIONWIDE SUBPOENAS.**

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

8 “(4) NATIONWIDE SUBPOENAS.—

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

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

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