

110TH CONGRESS  
1ST SESSION

# S. 2106

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2007

Referred to the Committee on the Judiciary

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## AN ACT

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 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.”.

Passed the Senate October 3, 2007.

Attest:

NANCY ERICKSON,

*Secretary.*