

111TH CONGRESS
1ST SESSION

H. R. 2873

IN THE SENATE OF THE UNITED STATES

DECEMBER 3, 2009

Received; read twice and referred to the Committee on Banking, Housing, and
Urban Affairs

AN ACT

To provide enhanced enforcement authority to the Securities
and Exchange Commission.

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 “Enhanced S.E.C. En-
3 forcement Authority Act”.

4 **SEC. 2. NATIONWIDE SERVICE OF PROCESS.**

5 (a) SECURITIES ACT OF 1933.—Section 22(a) of the
6 Securities Act of 1933 (15 U.S.C. 77v(a)) is amended by
7 inserting after the second sentence the following: “In any
8 civil action instituted by the Commission under this title
9 in a United States district court for any judicial district,
10 subpoenas issued to compel the attendance of witnesses
11 or the production of documents or tangible things (or
12 both) at any hearing or trial may be served at any place
13 within the United States. Rule 45(c)(3)(A)(ii) of the Fed-
14 eral Rules of Civil Procedure does not apply to a subpoena
15 so issued.”.

16 (b) SECURITIES EXCHANGE ACT OF 1934.—Section
17 27 of the Securities Exchange Act of 1934 (15 U.S.C.
18 78aa) is amended by inserting after the third sentence the
19 following: “In any civil action instituted by the Commis-
20 sion under this title in a United States district court for
21 any judicial district, subpoenas issued to compel the at-
22 tendance of witnesses or the production of documents or
23 tangible things (or both) at any hearing or trial may be
24 served at any place within the United States. Rule
25 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure
26 does not apply to a subpoena so issued.”.

1 (c) INVESTMENT COMPANY ACT OF 1940.—Section
2 44 of the Investment Company Act of 1940 (15 U.S.C.
3 80a–43) is amended by inserting after the fourth sentence
4 the following: “In any civil action instituted by the Com-
5 mission under this title in a United States district court
6 for any judicial district, subpoenas issued to compel the
7 attendance of witnesses or the production of documents
8 or tangible things (or both) at any hearing or trial may
9 be served at any place within the United States. Rule
10 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure
11 does not apply to a subpoena so issued.”.

12 (d) INVESTMENT ADVISERS ACT OF 1940.—Section
13 214 of the Investment Advisers Act of 1940 (15 U.S.C.
14 80b–14) is amended by inserting after the third sentence
15 the following: “In any civil action instituted by the Com-
16 mission under this title in a United States district court
17 for any judicial district, subpoenas issued to compel the
18 attendance of witnesses or the production of documents
19 or tangible things (or both) at any hearing or trial may
20 be served at any place within the United States. Rule

1 45(c)(3)(A)(ii) of the Federal Rules of Civil Procedure
2 does not apply to a subpoena so issued.”.

Passed the House of Representatives December 2,
2009.

Attest: LORRAINE C. MILLER,
Clerk.