

111TH CONGRESS
2^D SESSION

H. R. 5481

AN ACT

To give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

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. SUBPOENA POWER OF THE NATIONAL COMMIS-**
2 **SION ON THE BP “DEEPWATER HORIZON” OIL**
3 **SPILL AND OFFSHORE DRILLING.**

4 (a) SUBPOENA POWER.—The National Commission
5 on the BP Deepwater Horizon Oil Spill and Offshore
6 Drilling established by Executive Order No. 13543 of May
7 21, 2010 (in this section referred to as the “Commis-
8 sion”), may issue subpoenas to compel the attendance and
9 testimony of witnesses and the production of books,
10 records, correspondence, memoranda, and other docu-
11 ments.

12 (b) ISSUANCE.—

13 (1) AUTHORIZATION.—A subpoena may be
14 issued under this section only by—

15 (A) agreement of the Co-Chairs of the
16 Commission; or

17 (B) the affirmative vote of a majority of
18 the members of the Commission.

19 (2) JUSTICE DEPARTMENT COORDINATION.—

20 (A) NOTIFICATION.—The Commission
21 shall notify the Attorney General or his or her
22 designee of the Commission’s intent to issue a
23 subpoena under this section, the identity of the
24 witness, and the nature of the testimony sought
25 before issuing such a subpoena. The form and

1 content of such notice shall be set forth in the
2 guidelines to be issued under subparagraph (D).

3 (B) CONDITIONS FOR OBJECTION TO
4 ISSUANCE.—The Commission may not issue a
5 subpoena under authority of this Act if the At-
6 torney General objects to the issuance of the
7 subpoena on the basis that the taking of the
8 testimony is likely to interfere with any—

9 (i) Federal or State criminal inves-
10 tigation or prosecution; or

11 (ii) pending investigation under sec-
12 tions 3729 through 3732 of title 31,
13 United States Code (commonly known as
14 the “Civil False Claims Act”) or other
15 Federal statute providing for civil rem-
16 edies, or any civil litigation to which the
17 United States or any of its agencies is or
18 is likely to be a party.

19 (C) NOTIFICATION OF OBJECTION.—The
20 Attorney General or relevant United States At-
21 torney shall notify the Commission of an objec-
22 tion raised under this paragraph without unnec-
23 essary delay and as set forth in the guidelines
24 to be issued under subparagraph (D).

1 (D) GUIDELINES.—As soon as practicable,
2 but no later than 30 days after the date of the
3 enactment of this Act, the Attorney General,
4 after consultation with the Commission, shall
5 issue guidelines to carry out this subsection.

6 (3) SIGNATURE AND SERVICE.—A subpoena
7 issued under this section may be—

8 (A) issued under the signature of either
9 Co-Chair or any member designated by a ma-
10 jority of the Commission; and

11 (B) served by any person designated by the
12 Co-Chairs or a member designated by a major-
13 ity of the Commission.

14 (c) ENFORCEMENT.—

15 (1) REQUIRED PROCEDURES.—In the case of
16 contumacy of any person issued a subpoena under
17 this section or refusal by such person to comply with
18 the subpoena, the Commission shall request the At-
19 torney General to seek enforcement of the subpoena.
20 Upon such request the Attorney General shall seek
21 enforcement of the subpoena in a court described in
22 paragraph (2). The court in which the Attorney
23 General seeks enforcement of the subpoena shall
24 issue an order requiring the subpoenaed person to
25 appear at any designated place to testify or to

1 produce documentary or other evidence, and may
2 punish any failure to obey the order as a contempt
3 of that court.

4 (2) JURISDICTION FOR ENFORCEMENT.—Any
5 United States district court for a judicial district in
6 which a person issued a subpoena under this section
7 resides, is served, or may be found, or where the
8 subpoena is returnable, shall have jurisdiction to en-
9 force the subpoena as provided in paragraph (1).

Passed the House of Representatives June 23, 2010.

Attest:

Clerk.

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