

Union Calendar No. 618

115TH CONGRESS
2^D SESSION

H. R. 4917

[Report No. 115-799]

To amend the Inspector General Act of 1978 to provide testimonial subpoena authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2018

Mr. RUSSELL introduced the following bill; which was referred to the
Committee on Oversight and Government Reform

JUNE 29, 2018

Additional sponsor: Mr. CARTWRIGHT

JUNE 29, 2018

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

A BILL

To amend the Inspector General Act of 1978 to provide testimonial subpoena authority, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IG Subpoena Authority
5 Act”.

6 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
7 **TORS GENERAL.**

8 The Inspector General Act of 1978 (5 U.S.C. App.)
9 is amended—

10 (1) by inserting after section 6 the following
11 new section:

12 **“SEC. 6A. ADDITIONAL AUTHORITY.**

13 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
14 dition to the authority otherwise provided by this Act and
15 in accordance with the requirements of this section, each
16 Inspector General, in carrying out the provisions of this
17 Act (or in the case of an Inspector General or Special In-
18 spector General not established under this Act, the provi-
19 sions of the authorizing statute), is authorized to require
20 by subpoena the attendance and testimony of witnesses
21 as necessary in the performance of the functions assigned
22 to the Inspector General by this Act (or in the case of
23 an Inspector General or Special Inspector General not es-
24 tablished under this Act, the functions assigned by the au-
25 thorizing statute), which in the case of contumacy or re-

1 fusual to obey, such subpoena shall be enforceable by order
2 of any appropriate United States district court. An Inspec-
3 tor General may not require by subpoena the attendance
4 and testimony of any current Federal employees, but may
5 use other authorized procedures.

6 “(b) NONDELEGATION.—The authority to issue a
7 subpoena under subsection (a) may not be delegated.

8 “(c) PANEL REVIEW BEFORE ISSUANCE.—

9 “(1) APPROVAL REQUIRED.—

10 “(A) REQUEST FOR APPROVAL BY SUB-
11 POENA PANEL.—Before the issuance of a sub-
12 poena described in subsection (a), an Inspector
13 General shall submit a request for approval to
14 issue a subpoena to a panel (in this section, re-
15 ferred to as the ‘Subpoena Panel’), which shall
16 be comprised of three Inspectors General of the
17 Council of the Inspectors General on Integrity
18 and Efficiency, who shall be designated by the
19 Inspector General serving as Chairperson of the
20 Council.

21 “(B) PROTECTION FROM DISCLOSURE.—

22 The information contained in the request sub-
23 mitted by an Inspector General under subpara-
24 graph (A) and the identification of a witness
25 shall be protected from disclosure to the extent

1 permitted by law. Any request for disclosure of
2 such information shall be submitted to the In-
3 spector General requesting the subpoena.

4 “(2) TIME TO RESPOND.—

5 “(A) IN GENERAL.—Except as provided in
6 subparagraph (B), the Subpoena Panel shall
7 approve or deny a request for approval to issue
8 a subpoena not later than 10 days after the
9 submission of such request.

10 “(B) ADDITIONAL INFORMATION FOR
11 PANEL.—If the Subpoena Panel determines
12 that additional information is necessary to ap-
13 prove or deny such request, the Subpoena Panel
14 shall request such information and shall ap-
15 prove or deny such request not later than 20
16 days after the submission of such request.

17 “(3) DENIAL BY PANEL.—If a majority of the
18 Subpoena Panel denies the approval of a subpoena,
19 that subpoena may not be issued.

20 “(d) NOTICE TO ATTORNEY GENERAL.—

21 “(1) IN GENERAL.—If the Subpoena Panel ap-
22 proves a subpoena under subsection (c), the Inspec-
23 tor General shall notify the Attorney General that
24 the Inspector General intends to issue the subpoena.

1 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
2 GOING INVESTIGATION.—Not later than 10 days
3 after the date on which the Attorney General is noti-
4 fied pursuant to paragraph (1), the Attorney Gen-
5 eral may object to the issuance of the subpoena be-
6 cause the subpoena will interfere with an ongoing in-
7 vestigation and the subpoena may not be issued.

8 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
9 the Attorney General does not object to the issuance
10 of the subpoena during the 10-day period described
11 in paragraph (2), the Inspector General may issue
12 the subpoena.

13 “(e) REGULATIONS.—The Chairperson of the Council
14 of the Inspectors General on Integrity and Efficiency, in
15 consultation with the Attorney General, shall prescribe
16 regulations to carry out the purposes of this section.

17 “(f) INSPECTOR GENERAL DEFINED.—For purposes
18 of this section, the term ‘Inspector General’ includes each
19 Inspector General established under this Act and each In-
20 spector General or Special Inspector General not estab-
21 lished under this Act.

22 “(g) APPLICABILITY.—The provisions of this section
23 shall not affect the exercise of authority by an Inspector
24 General of testimonial subpoena authority established
25 under another provision of law.”;

1 (2) in section 5(a)—

2 (A) in paragraph (21)(B), by striking “;
3 and” and inserting a semicolon;

4 (B) in paragraph (22), by striking the pe-
5 riod at the end and inserting “; and”; and

6 (C) by inserting at the end the following
7 new paragraph:

8 “(23) a description of the use of subpoenas for
9 the attendance and testimony of certain witnesses
10 authorized under section 6A.”; and

11 (3) in section 8G(g)(1), by inserting “6A,” be-
12 fore “and 7”.

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