

117TH CONGRESS
2D SESSION

S. 2687

AN ACT

To provide the Inspector General of the Department of Veterans Affairs 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Over-
3 sight for Veterans Act of 2021”.

4 **SEC. 2. TESTIMONIAL SUBPOENA AUTHORITY OF THE IN-**
5 **SPECTOR GENERAL OF THE DEPARTMENT OF**
6 **VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Section 312 of title 38, United
8 States Code, is amended by adding at the end the fol-
9 lowing new subsection:

10 “(d)(1)(A) In addition to the authority otherwise pro-
11 vided by the Inspector General Act of 1978 (5 U.S.C.
12 App.) and in accordance with the requirements of this sub-
13 section, the Inspector General, in carrying out the provi-
14 sions of this section, may require by subpoena the attend-
15 ance and testimony of witnesses as necessary in the per-
16 formance of the functions assigned to the Inspector Gen-
17 eral by the Inspector General Act of 1978 (5 U.S.C. App.)
18 and this section, which in the case of contumacy or refusal
19 to obey, such subpoena shall be enforceable by order of
20 any appropriate district court of the United States.

21 “(B) The Inspector General may not require by sub-
22 poena the attendance and testimony under subparagraph
23 (A) of—

24 “(i) any current Federal employee; or

25 “(ii) any witness as part of any criminal pro-
26 ceeding.

1 “(2) The authority to issue a subpoena under para-
2 graph (1) may not be delegated.

3 “(3)(A) The Inspector General shall notify the Attor-
4 ney General of the intent to issue a subpoena under para-
5 graph (1).

6 “(B) Not later than 10 days after the date on which
7 the Attorney General is notified pursuant to subparagraph
8 (A), the Attorney General may object in writing to the
9 issuance of the subpoena if the subpoena will interfere
10 with an ongoing investigation and, if the Attorney General
11 makes such an objection, the Inspector General may not
12 issue the subpoena.

13 “(C) If the Attorney General does not object in writ-
14 ing to the issuance of the subpoena during the 10-day pe-
15 riod described in subparagraph (B), the Inspector General
16 may issue the subpoena.

17 “(4) Before requiring by subpoena under paragraph
18 (1) the attendance and testimony of a witness, the Inspec-
19 tor General shall, to the degree practicable—

20 “(A) notify the witness of the intent of the In-
21 spector General to issue the subpoena; and

22 “(B) provide the witness an opportunity to at-
23 tend and testify voluntarily.

24 “(5) Whenever requiring by subpoena under para-
25 graph (1) the attendance and testimony of a witness, the

1 Inspector General shall, to the greatest extent practicable,
2 travel to residence of the witness, the principal place of
3 business of the witness, or other similar location that is
4 in proximity to the residence of the witness.

5 “(6)(A) Along with each semiannual report submitted
6 by the Inspector General pursuant to section 5(b) of the
7 Inspector General Act of 1978 (5 U.S.C. App. 5(b)), the
8 Inspector General shall include a report on the exercise
9 of the authority provided by paragraph (1).

10 “(B) Each report submitted under subparagraph (A)
11 shall include, for the most recently completed six-month
12 period, the following:

13 “(i) The number of testimonial subpoenas
14 issued and the number of individuals interviewed
15 pursuant to such subpoenas.

16 “(ii) The number of proposed testimonial sub-
17 poenas with respect to which the Attorney General
18 objected under paragraph (3)(B).

19 “(iii) A discussion of any challenges or concerns
20 that the Inspector General has encountered exer-
21 cising the authority provided by paragraph (1).

22 “(iv) Such other matters as the Inspector Gen-
23 eral considers appropriate.

24 “(7)(A) The authority provided by paragraph (1)(A)
25 shall terminate on May 31, 2025.

1 “(B) The termination of authority by subparagraph
2 (A) shall not affect the enforceability of a subpoena issued
3 under paragraph (1)(A) before the date of such termi-
4 nation.”.

5 (b) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Subsection (d) of section
7 312 of title 38, United States Code, as added by
8 subsection (a), shall take effect on the date of the
9 enactment of this Act.

10 (2) SEMIANNUAL REPORT.—Paragraph (6) of
11 subsection (d) of such section, as so added, shall
12 apply beginning on the date that is seven months
13 after the first day of the first fiscal year beginning
14 after the date of the enactment of this Act.

Passed the Senate April 7, 2022.

Attest:

Secretary.

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