

# Union Calendar No. 618

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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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