H. R. 4917

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

SECTION 1. SHORT TITLE.

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

SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-
TORS GENERAL.

is amended—

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

“SEC. 6A. ADDITIONAL AUTHORITY.

“(a) Testimonial Subpoena Authority.—In ad-
dition to the authority otherwise provided by this Act and
in accordance with the requirements of this section, each
Inspector General, in carrying out the provisions of this
Act (or in the case of an Inspector General or Special In-
spector General not established under this Act, the provi-
sions of the authorizing statute), is authorized to require
by subpoena the attendance and testimony of witnesses
as necessary in the performance of the functions assigned
to the Inspector General by this Act (or in the case of
an Inspector General or Special Inspector General not es-
tablished under this Act, the functions assigned by the au-
thorizing statute), which in the case of contumacy or re-
fusal to obey, such subpoena shall be enforceable by order
of any appropriate United States district court. An Inspec-
tor General may not require by subpoena the attendance
and testimony of any current Federal employees, but may
use other authorized procedures.

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

“(c) Panel Review Before Issuance.—

“(1) Approval Required.—

“(A) Request for Approval by Sub-
poena Panel.—Before the issuance of a sub-
poena described in subsection (a), an Inspector
General shall submit a request for approval to
issue a subpoena to a panel (in this section, re-
ferred to as the ‘Subpoena Panel’), which shall
be comprised of three Inspectors General of the
Council of the Inspectors General on Integrity
and Efficiency, who shall be designated by the
Inspector General serving as Chairperson of the
Council.

“(B) Protection from Disclosure.—
The information contained in the request sub-
mitted by an Inspector General under subpara-
graph (A) and the identification of a witness
shall be protected from disclosure to the extent
permitted by law. Any request for disclosure of such information shall be submitted to the Inspector General requesting the subpoena.

“(2) Time to respond.—

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

“(B) Additional information for panel.—If the Subpoena Panel determines that additional information is necessary to approve or deny such request, the Subpoena Panel shall request such information and shall approve or deny such request not later than 20 days after the submission of such request.

“(3) Denial by panel.—If a majority of the Subpoena Panel denies the approval of a subpoena, that subpoena may not be issued.

“(d) Notice to Attorney General.—

“(1) In general.—If the Subpoena Panel approves a subpoena under subsection (c), the Inspector General shall notify the Attorney General that the Inspector General intends to issue the subpoena.
“(2) Denial for interference with an on-going investigation.—Not later than 10 days after the date on which the Attorney General is notified pursuant to paragraph (1), the Attorney General may object to the issuance of the subpoena because the subpoena will interfere with an ongoing investigation and the subpoena may not be issued.

“(3) Issuance of subpoena approved.—If the Attorney General does not object to the issuance of the subpoena during the 10-day period described in paragraph (2), the Inspector General may issue the subpoena.

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

“(f) Inspector General defined.—For purposes of this section, the term ‘Inspector General’ includes each Inspector General established under this Act and each Inspector General or Special Inspector General not established under this Act.

“(g) Applicability.—The provisions of this section shall not affect the exercise of authority by an Inspector General of testimonial subpoena authority established under another provision of law.”;
(2) in section 5(a)—

(A) in paragraph (21)(B), by striking ‘‘; and’’ and inserting a semicolon;

(B) in paragraph (22), by striking the period at the end and inserting ‘‘; and’’; and

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

‘‘(23) a description of the use of subpoenas for the attendance and testimony of certain witnesses authorized under section 6A.’’; and

(3) in section 8G(g)(1), by inserting ‘‘6A,’’ before ‘‘and 7’’. 
A BILL

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

JUNE 29, 2018