

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5843
OFFERED BY Ms. Rice

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Over-
3 sight for Veterans Act of 2020”.

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 “(e)(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

1 to obey, such subpoena shall be enforceable by order of
2 any appropriate district court of the United States.

3 “(B) The Inspector General may not require by sub-
4 poena the attendance and testimony under subparagraph
5 (A) of—

6 “(i) any current Federal employee; or

7 “(ii) any witness as part of any criminal pro-
8 ceeding.

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

11 “(3)(A)(i) Before issuing a subpoena under para-
12 graph (1), the Inspector General shall submit a request
13 for approval to issue a subpoena to a panel (in this section,
14 referred to as the ‘Subpoena Panel’), which shall be com-
15 prised of three Inspectors General of the Council of the
16 Inspectors General on Integrity and Efficiency, who shall
17 be designated by the Inspector General serving as Chair-
18 person of the Council.

19 “(ii) The information contained in the request sub-
20 mitted by the Inspector General under clause (i) and the
21 identification of a witness shall be protected from disclo-
22 sure to the extent permitted by law. Any request for dis-
23 closure of such information shall be submitted to the In-
24 spector General.

1 “(B)(i) Except as provided in clause (ii), the Sub-
2 poena Panel shall approve or deny a request for approval
3 to issue a subpoena not later than 10 days after the sub-
4 mission of such request.

5 “(ii) If the Subpoena Panel determines that addi-
6 tional information is necessary to approve or deny such
7 request, the Subpoena Panel shall request such informa-
8 tion and shall approve or deny such request not later than
9 20 days after the submission of such request.

10 “(C) If a majority of the Subpoena Panel denies the
11 approval of a subpoena, that subpoena may not be issued.

12 “(4)(A) If the Subpoena Panel approves a subpoena
13 under paragraph (3), the Inspector General shall notify
14 the Attorney General of the intent to issue a subpoena.

15 “(B) Not later than 10 days after the date on which
16 the Attorney General is notified pursuant to paragraph
17 (1), the Attorney General may object to the issuance of
18 the subpoena if the subpoena will interfere with an ongo-
19 ing investigation and, if the Attorney General makes such
20 an objection, the Inspector General may not issue the sub-
21 poena.

22 “(C) If the Attorney General does not object to the
23 issuance of the subpoena during the 10-day period de-
24 scribed in subparagraph (B), the Inspector General may
25 issue the subpoena.

1 “(5) Before requiring by subpoena under paragraph
2 (1) the attendance and testimony of a witness, the Inspec-
3 tor General shall, to the degree practicable—

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

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

8 “(6) Whenever requiring by subpoena under para-
9 graph (1) the attendance and testimony of a witness, the
10 Inspector General shall, to the greatest extent practicable,
11 travel to residence of the witness, the principal place of
12 business of the witness, or other similar location that is
13 in proximity to the residence of the witness.

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

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

22 “(i) The number of testimonial subpoenas
23 issued and the number of individuals interviewed
24 pursuant to such subpoenas.

1 “(ii) The number of proposed testimonial sub-
2 poenas with respect to which the Attorney General
3 objected under paragraph (4)(B).

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

7 “(iv) Such other matters as the Inspector Gen-
8 eral considers appropriate.”.

9 (b) REGULATIONS.—The Chairperson of the Council
10 of the Inspectors General on Integrity and Efficiency, in
11 consultation with the Attorney General, shall prescribe
12 regulations to carry out the purposes of subsection (c) of
13 section 312 of title 38, United States Code, as added by
14 subsection (a).

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in para-
17 graph (2), subsection (c) of section 312 of title 38,
18 United States Code, as added by subsection (a),
19 shall take effect on the date of the enactment of this
20 Act.

21 (2) SEMIANNUAL REPORT.—Paragraph (3) of
22 subsection (c) of such section, as so added, shall
23 take effect on the date that is seven months after

6

- 1 the first day of the first fiscal year beginning after
- 2 the date of the enactment of this Act.

