

105TH CONGRESS
1ST SESSION

H. R. 2747

To provide for limited circumstances under which compliance with a subpoena issued in connection with certain civil actions in a court of the United States shall not be required.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 28, 1997

Mr. CANADY of Florida introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for limited circumstances under which compliance with a subpoena issued in connection with certain civil actions in a court of the United States shall not be required.

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. COMPLIANCE WITH A SUBPOENA.**

4 In a civil action in a court of the United States, in
5 which a subpoena is issued to an employee of an Executive
6 department in connection with the employment of the em-
7 ployee, and in which the department is not a party, the
8 head of the department shall not order the employee not

1 to comply with the subpoena unless the head of the depart-
2 ment provides a written statement to the court that issued
3 the subpoena certifying that—

4 (1) the information sought to be obtained from
5 the employee by the subpoena may be reasonably ob-
6 tained from a source other than the employee;

7 (2) the information sought to be obtained from
8 the employee by the subpoena is exempt from disclo-
9 sure by the department under section 552(b) of title
10 5, United States Code; or

11 (3) compliance with the subpoena by the em-
12 ployee would result in a waste of departmental re-
13 sources.

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