

Calendar No. 442

111TH CONGRESS
2^D SESSION**H. R. 5481**

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2010

Received and read the first time

JUNE 25, 2010

Read the second time and placed on the calendar

AN ACT

To give subpoena power to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling.

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. SUBPOENA POWER OF THE NATIONAL COMMIS-**
4 **SION ON THE BP “DEEPWATER HORIZON” OIL**
5 **SPILL AND OFFSHORE DRILLING.**

6 (a) SUBPOENA POWER.—The National Commission
7 on the BP Deepwater Horizon Oil Spill and Offshore
8 Drilling established by Executive Order No. 13543 of May
9 21, 2010 (in this section referred to as the “Commis-
10 sion”), may issue subpoenas to compel the attendance and

1 testimony of witnesses and the production of books,
2 records, correspondence, memoranda, and other docu-
3 ments.

4 (b) ISSUANCE.—

5 (1) AUTHORIZATION.—A subpoena may be
6 issued under this section only by—

7 (A) agreement of the Co-Chairs of the
8 Commission; or

9 (B) the affirmative vote of a majority of
10 the members of the Commission.

11 (2) JUSTICE DEPARTMENT COORDINATION.—

12 (A) NOTIFICATION.—The Commission
13 shall notify the Attorney General or his or her
14 designee of the Commission's intent to issue a
15 subpoena under this section, the identity of the
16 witness, and the nature of the testimony sought
17 before issuing such a subpoena. The form and
18 content of such notice shall be set forth in the
19 guidelines to be issued under subparagraph (D).

20 (B) CONDITIONS FOR OBJECTION TO
21 ISSUANCE.—The Commission may not issue a
22 subpoena under authority of this Act if the At-
23 torney General objects to the issuance of the
24 subpoena on the basis that the taking of the
25 testimony is likely to interfere with any—

1 (i) Federal or State criminal inves-
2 tigation or prosecution; or

3 (ii) pending investigation under sec-
4 tions 3729 through 3732 of title 31,
5 United States Code (commonly known as
6 the “Civil False Claims Act”) or other
7 Federal statute providing for civil rem-
8 edies, or any civil litigation to which the
9 United States or any of its agencies is or
10 is likely to be a party.

11 (C) NOTIFICATION OF OBJECTION.—The
12 Attorney General or relevant United States At-
13 torney shall notify the Commission of an objec-
14 tion raised under this paragraph without unnec-
15 essary delay and as set forth in the guidelines
16 to be issued under subparagraph (D).

17 (D) GUIDELINES.—As soon as practicable,
18 but no later than 30 days after the date of the
19 enactment of this Act, the Attorney General,
20 after consultation with the Commission, shall
21 issue guidelines to carry out this subsection.

22 (3) SIGNATURE AND SERVICE.—A subpoena
23 issued under this section may be—

1 (A) issued under the signature of either
2 Co-Chair or any member designated by a ma-
3 jority of the Commission; and

4 (B) served by any person designated by the
5 Co-Chairs or a member designated by a major-
6 ity of the Commission.

7 (c) ENFORCEMENT.—

8 (1) REQUIRED PROCEDURES.—In the case of
9 contumacy of any person issued a subpoena under
10 this section or refusal by such person to comply with
11 the subpoena, the Commission shall request the At-
12 torney General to seek enforcement of the subpoena.
13 Upon such request the Attorney General shall seek
14 enforcement of the subpoena in a court described in
15 paragraph (2). The court in which the Attorney
16 General seeks enforcement of the subpoena shall
17 issue an order requiring the subpoenaed person to
18 appear at any designated place to testify or to
19 produce documentary or other evidence, and may
20 punish any failure to obey the order as a contempt
21 of that court.

22 (2) JURISDICTION FOR ENFORCEMENT.—Any
23 United States district court for a judicial district in
24 which a person issued a subpoena under this section
25 resides, is served, or may be found, or where the

1 subpoena is returnable, shall have jurisdiction to en-
2 force the subpoena as provided in paragraph (1).

Passed the House of Representatives June 23, 2010.

Attest: LORRAINE C. MILLER,
Clerk.

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