

115TH CONGRESS
2D SESSION

H. R. 4917

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
5 **TORS GENERAL.**

6 The Inspector General Act of 1978 (5 U.S.C. App.)
7 is amended—

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

10 **“SEC. 6A. ADDITIONAL AUTHORITY.**

11 “(a) **TESTIMONIAL SUBPOENA AUTHORITY.**—In ad-
12 dition to the authority otherwise provided by this Act and
13 in accordance with the requirements of this section, each
14 Inspector General, in carrying out the provisions of this
15 Act (or in the case of an Inspector General or Special In-
16 spector General not established under this Act, the provi-
17 sions of the authorizing statute), is authorized to require
18 by subpoena the attendance and testimony of witnesses
19 as necessary in the performance of the functions assigned
20 to the Inspector General by this Act (or in the case of
21 an Inspector General or Special Inspector General not es-
22 tablished under this Act, the functions assigned by the au-
23 thorizing statute), which in the case of contumacy or re-
24 fusals to obey, such subpoena shall be enforceable by order
25 of any appropriate United States district court. An Inspec-
26 tor General may not require by subpoena the attendance

1 and testimony of any current Federal employees, but may
2 use other authorized procedures.

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

5 “(c) PANEL REVIEW BEFORE ISSUANCE.—

6 “(1) APPROVAL REQUIRED.—

7 “(A) REQUEST FOR APPROVAL BY SUB-
8 POENA PANEL.—Before the issuance of a sub-
9 poena described in subsection (a), an Inspector
10 General shall submit a request for approval to
11 issue a subpoena to a panel (in this section, re-
12 ferred to as the ‘Subpoena Panel’), which shall
13 be comprised of three Inspectors General of the
14 Council of the Inspectors General on Integrity
15 and Efficiency, who shall be designated by the
16 Inspector General serving as Chairperson of the
17 Council.

18 “(B) PROTECTION FROM DISCLOSURE.—

19 The information contained in the request sub-
20 mitted by an Inspector General under subpara-
21 graph (A) and the identification of a witness
22 shall be protected from disclosure to the extent
23 permitted by law. Any request for disclosure of
24 such information shall be submitted to the In-
25 spector General requesting the subpoena.

1 “(2) TIME TO RESPOND.—

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

7 “(B) ADDITIONAL INFORMATION FOR
8 PANEL.—If the Subpoena Panel determines
9 that additional information is necessary to ap-
10 prove or deny such request, the Subpoena Panel
11 shall request such information and shall ap-
12 prove or deny such request not later than 20
13 days after the submission of such request.

14 “(3) DENIAL BY PANEL.—If a majority of the
15 Subpoena Panel denies the approval of a subpoena,
16 that subpoena may not be issued.

17 “(d) NOTICE TO ATTORNEY GENERAL.—

18 “(1) IN GENERAL.—If the Subpoena Panel ap-
19 proves a subpoena under subsection (c), the Inspec-
20 tor General shall notify the Attorney General that
21 the Inspector General intends to issue the subpoena.

22 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
23 GOING INVESTIGATION.—Not later than 10 days
24 after the date on which the Attorney General is noti-
25 fied pursuant to paragraph (1), the Attorney Gen-

1 eral may object to the issuance of the subpoena be-
2 cause the subpoena will interfere with an ongoing in-
3 vestigation and the subpoena may not be issued.

4 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
5 the Attorney General does not object to the issuance
6 of the subpoena during the 10-day period described
7 in paragraph (2), the Inspector General may issue
8 the subpoena.

9 “(e) 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 this section.

13 “(f) INSPECTOR GENERAL DEFINED.—For purposes
14 of this section, the term ‘Inspector General’ includes each
15 Inspector General established under this Act and each In-
16 specter General or Special Inspector General not estab-
17 lished under this Act.

18 “(g) APPLICABILITY.—The provisions of this section
19 shall not affect the exercise of authority by an Inspector
20 General of testimonial subpoena authority established
21 under another provision of law.”;

22 (2) in section 5(a)—

23 (A) in paragraph (21)(B), by striking “;
24 and” and inserting a semicolon;

1 (B) in paragraph (22), by striking the pe-
2 riod at the end and inserting “; and”; and

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

5 “(23) a description of the use of subpoenas for
6 the attendance and testimony of certain witnesses
7 authorized under section 6A.”; and

8 (3) in section 8G(g)(1), by inserting “6A,” be-
9 fore “and 7”.

Passed the House of Representatives September 26,
2018.

Attest:

KAREN L. HAAS,

Clerk.