

116TH CONGRESS
2D SESSION

S. 3177

To provide the Inspector General of the Department of Veterans Affairs
testimonial subpoena authority, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 9, 2020

Mr. TESTER (for himself and Mr. LANKFORD) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To provide the Inspector General of the Department of Veterans Affairs 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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. TESTIMONIAL SUBPOENA AUTHORITY OF THE IN-**
2 **SPECTOR GENERAL OF THE DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 312 of title 38, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(c)(1)(A) In addition to the authority otherwise pro-
8 vided by the Inspector General Act of 1978 (5 U.S.C.
9 App.) and in accordance with the requirements of this sub-
10 section, the Inspector General, in carrying out the provi-
11 sions of this section, may require by subpoena the attend-
12 ance and testimony of witnesses as necessary in the per-
13 formance of the functions assigned to the Inspector Gen-
14 eral by the Inspector General Act of 1978 (5 U.S.C. App.)
15 and this section, which in the case of contumacy or refusal
16 to obey, such subpoena shall be enforceable by order of
17 any appropriate district court of the United States.

18 “(B) An Inspector General may not require by sub-
19 poena the attendance and testimony of any current Fed-
20 eral employees, but may use other authorized procedures.

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

23 “(3)(A) If the Inspector General intends to issue a
24 subpoena, the Inspector General shall notify the Attorney
25 General of such intent.

1 “(B) Not later than 10 days after the date on which
2 the Attorney General is notified pursuant to paragraph
3 (1), the Attorney General may object to the issuance of
4 the subpoena if the subpoena will interfere with an ongoing
5 investigation and, if the Attorney General makes such
6 an objection, the Inspector General may not issue the subpoena.
7

8 “(C) If the Attorney General does not object to the
9 issuance of the subpoena during the 10-day period described
10 in subparagraph (B), the Inspector General may
11 issue the subpoena.

12 “(4) Before requiring by subpoena under paragraph
13 (1) the attendance and testimony of a witness, the Inspector
14 General shall, to the degree practicable—

15 “(A) notify the witness of the intent of the Inspector
16 General to issue the subpoena; and

17 “(B) provide the witness an opportunity to attend
18 and testify voluntarily.

19 “(5) Whenever requiring by subpoena under paragraph
20 (1) the attendance and testimony of a witness, the
21 Inspector General shall, to the greatest extent practicable,
22 travel to residence of the witness, the principal place of
23 business of the witness, or other similar location that is
24 in proximity to the residence of the witness.

1 “(6)(A) Along with each semiannual report submitted
2 by the Inspector General pursuant to section 5(b) of the
3 Inspector General Act of 1978 (5 U.S.C. App. 5(b)), the
4 Inspector General shall include a report on the exercise
5 of the authority provided by paragraph (1).

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

9 “(i) The number of testimonial subpoenas
10 issued and the number of individuals interviewed
11 pursuant to such subpoenas.

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

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

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

20 (b) EFFECTIVE DATE.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), subsection (c) of section 312 of title 38,
23 United States Code, as added by subsection (a),
24 shall take effect on the date of the enactment of this
25 Act.

1 (2) SEMIANNUAL REPORT.—Paragraph (4) of
2 subsection (c) of such section, as so added, shall
3 take effect on the date that is seven months after
4 the first day of the first fiscal year beginning after
5 the date of the enactment of this Act.

