

117TH CONGRESS
1ST SESSION

H. R. 2089

To amend the Inspector General Act of 1978 to provide testimonial subpoena authority, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Mr. GOMEZ (for himself, Mrs. CAROLYN B. MALONEY of New York, and Mr. CONNOLLY) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “IG Subpoena Authority
5 Act”.

6 **SEC. 2. ADDITIONAL AUTHORITY PROVISIONS FOR INSPEC-**
7 **TORS GENERAL.**

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

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

3 **“SEC. 6A. ADDITIONAL AUTHORITY.**

4 “(a) TESTIMONIAL SUBPOENA AUTHORITY.—In ad-
5 dition to the authority otherwise provided by this Act and
6 in accordance with the requirements of this section, each
7 Inspector General, in carrying out the provisions of this
8 Act (or in the case of an Inspector General or Special In-
9 specter General not established under this Act, the provi-
10 sions of the authorizing statute), is authorized to require
11 by subpoena the attendance and testimony of witnesses
12 as necessary in the performance of the functions assigned
13 to the Inspector General by this Act (or in the case of
14 an Inspector General or Special Inspector General not es-
15 tablished under this Act, the functions assigned by the au-
16 thorizing statute), which in the case of contumacy or re-
17 fusal to obey, such subpoena shall be enforceable by order
18 of any appropriate United States district court. An Inspec-
19 tor General may not require by subpoena the attendance
20 and testimony of any current Federal employees, but may
21 use other authorized procedures.

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

24 “(c) PANEL REVIEW BEFORE ISSUANCE.—

25 “(1) APPROVAL REQUIRED.—

“(A) REQUEST FOR APPROVAL BY SUBPOENA PANEL.—Before the issuance of a subpoena described in subsection (a), an Inspector General shall submit a request for approval to issue a subpoena to a panel (in this section, referred to as the ‘Subpoena Panel’), which shall be comprised of three Inspectors General of the Council of the Inspectors General on Integrity and Efficiency, who shall be designated by the Inspector General serving as Chairperson of the Council.

“(B) PROTECTION FROM DISCLOSURE.—The information contained in the request submitted by an Inspector General under subparagraph (A) and the identification of a witness shall be protected from disclosure to the extent permitted by law. Any request for disclosure of such information shall be submitted to the Inspector General requesting the subpoena.

“(2) TIME TO RESPOND.—

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

1 “(B) ADDITIONAL INFORMATION FOR
2 PANEL.—If the Subpoena Panel determines
3 that additional information is necessary to ap-
4 prove or deny such request, the Subpoena Panel
5 shall request such information and shall ap-
6 prove or deny such request not later than 20
7 days after the submission of such request.

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

11 “(d) NOTICE TO ATTORNEY GENERAL.—

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

16 “(2) DENIAL FOR INTERFERENCE WITH AN ON-
17 GOING INVESTIGATION.—Not later than 10 days
18 after the date on which the Attorney General is noti-
19 fied pursuant to paragraph (1), the Attorney Gen-
20 eral may object to the issuance of the subpoena be-
21 cause the subpoena will interfere with an ongoing in-
22 vestigation and the subpoena may not be issued.

23 “(3) ISSUANCE OF SUBPOENA APPROVED.—If
24 the Attorney General does not object to the issuance
25 of the subpoena during the 10-day period described

1 in paragraph (2), the Inspector General may issue
2 the subpoena.

3 “(e) REGULATIONS.—The Chairperson of the Council
4 of the Inspectors General on Integrity and Efficiency, in
5 consultation with the Attorney General, shall prescribe
6 regulations to carry out the purposes of this section.

7 “(f) INSPECTOR GENERAL DEFINED.—For purposes
8 of this section, the term ‘Inspector General’ includes each
9 Inspector General established under this Act and each In-
10 spector General or Special Inspector General not estab-
11 lished under this Act.

12 “(g) APPLICABILITY.—The provisions of this section
13 shall not affect the exercise of authority by an Inspector
14 General of testimonial subpoena authority established
15 under another provision of law.”;

16 (2) in section 5(a)—

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

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

21 (C) by inserting at the end the following
22 new paragraph:

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

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

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