

117TH CONGRESS  
1ST SESSION

# S. 1794

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

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IN THE SENATE OF THE UNITED STATES

MAY 24, 2021

Ms. HASSAN (for herself and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## 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 Testimonial Sub-  
5       poena Authority 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—

10       (1) by inserting after section 6 the following:

1 **“SEC. 6A. ADDITIONAL AUTHORITY.**

2 “(a) DEFINITION OF INSPECTOR GENERAL.—In this  
3 section, the term ‘Inspector General’—

4 “(1) means an Inspector General of an estab-  
5 lishment or a designated Federal entity (as defined  
6 in section 8G(a)); and

7 “(2) includes—

8 “(A) the Inspector General of the Central  
9 Intelligence Agency established under section  
10 17 of the Central Intelligence Agency Act of  
11 1949 (50 U.S.C. 3517);

12 “(B) the Inspector General of the Intel-  
13 ligence Community established under section  
14 103H of the National Security Act of 1947 (50  
15 U.S.C. 3033);

16 “(C) the Special Inspector General for Af-  
17 ghanistan Reconstruction established under sec-  
18 tion 1229 of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2008 (Public Law  
20 110–181; 122 Stat. 379);

21 “(D) the Special Inspector General for the  
22 Troubled Asset Relief Plan established under  
23 section 121 of the Emergency Economic Sta-  
24 bilization Act of 2008 (12 U.S.C. 5231);

1           “(E) the Inspector General for the Govern-  
2           ment Accountability Office established under  
3           section 705 of title 31, United States Code;

4           “(F) the Inspector General for the United  
5           States Capitol Police established under section  
6           1004 of the Legislative Branch Appropriations  
7           Act, 2006 (2 U.S.C. 1909);

8           “(G) the Inspector General of the Archi-  
9           tect of the Capitol established under section  
10          1301 of the Architect of the Capitol Inspector  
11          General Act of 2007 (2 U.S.C. 1808);

12          “(H) the Inspector General of the Library  
13          of Congress established under section 1307 of  
14          the Library of Congress Inspector General Act  
15          of 2005 (2 U.S.C. 185);

16          “(I) the Inspector General of the Govern-  
17          ment Publishing Office established under sec-  
18          tion 3901 of title 44, United States Code; and

19          “(J) the Special Inspector General for  
20          Pandemic Recovery established under section  
21          4018 of the CARES Act (15 U.S.C. 9053).

22          “(b) TESTIMONIAL SUBPOENA AUTHORITY.—

23                 “(1) IN GENERAL.—In addition to the authority  
24                 otherwise provided by this Act and in accordance  
25                 with the requirements of this section, each Inspector

1 General, in carrying out the provisions of this Act or  
2 the provisions of the authorizing statute of the In-  
3 spector General, as applicable, is authorized to re-  
4 quire by subpoena the attendance and testimony of  
5 witnesses as necessary in the performance of the  
6 functions assigned to the Inspector General by this  
7 Act or by the authorizing statute of the Inspector  
8 General, as applicable, which in the case of contu-  
9 macy or refusal to obey, such subpoena shall be en-  
10 forceable by order of any appropriate United States  
11 district court.

12 “(2) PROHIBITION.—An Inspector General may  
13 not require by subpoena the attendance and testi-  
14 mony of an individual who is otherwise obligated to  
15 provide testimony and cooperate with the Inspector  
16 General, but may use other authorized procedures.

17 “(c) NOTICE TO ATTORNEY GENERAL.—Not less  
18 than 7 days before issuing a subpoena under this section,  
19 an Inspector General shall—

20 “(1) notify the Attorney General of the  
21 issuance; and

22 “(2) take into consideration any objection pro-  
23 vided by the Attorney General relating to the sub-  
24 poena.

1       “(d) TRAINING AND STANDARDS.—The Council of  
2 the Inspectors General on Integrity and Efficiency shall  
3 promulgate standards and provide training relating to the  
4 issuance of subpoenas, conflicts of interest, and any other  
5 matter the Council determines necessary to carry out this  
6 section.

7       “(e) APPLICABILITY.—The provisions of this section  
8 shall not affect the exercise of authority by an Inspector  
9 General of testimonial subpoena authority established  
10 under another provision of law.”;

11               (2) in section 5(a)—

12                       (A) in paragraph (21)(B), by striking  
13               “and” at the end;

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

16                       (C) by adding at the end the following:

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

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

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