

Calendar No. 304

117TH CONGRESS
2D SESSION

S. 2687

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

AUGUST 10, 2021

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

MARCH 10 (legislative day, MARCH 7), 2022

Reported by Mr. TESTER, without amendment

A BILL

To provide the Inspector General of the Department of Vet-
erans 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 2021”.

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 “(d)(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) The Inspector General may not require by sub-
19 poena the attendance and testimony under subparagraph
20 (A) of—

21 “(i) any current Federal employee; or

22 “(ii) any witness as part of any criminal pro-
23 ceeding.

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

1 “(3)(A) The Inspector General shall notify the Attor-
2 ney General of the intent to issue a subpoena under para-
3 graph (1).

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

11 “(C) If the Attorney General does not object in writ-
12 ing to the issuance of the subpoena during the 10-day pe-
13 riod described in subparagraph (B), the Inspector General
14 may issue the subpoena.

15 “(4) Before requiring by subpoena under paragraph
16 (1) the attendance and testimony of a witness, the Inspec-
17 tor General shall, to the degree practicable—

18 “(A) notify the witness of the intent of the In-
19 spector General to issue the subpoena; and

20 “(B) provide the witness an opportunity to at-
21 tend and testify voluntarily.

22 “(5) Whenever requiring by subpoena under para-
23 graph (1) the attendance and testimony of a witness, the
24 Inspector General shall, to the greatest extent practicable,
25 travel to residence of the witness, the principal place of

1 business of the witness, or other similar location that is
 2 in proximity to the residence of the witness.

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

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

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

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

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

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

22 (b) EFFECTIVE DATE.—

23 (1) IN GENERAL.—Subsection (d) of section
 24 312 of title 38, United States Code, as added by

1 subsection (a), shall take effect on the date of the
2 enactment of this Act.

3 (2) SEMIANNUAL REPORT.—Paragraph (6) of
4 subsection (d) of such section, as so added, shall
5 apply beginning on the date that is seven months
6 after the first day of the first fiscal year beginning
7 after the date of the enactment of this Act.

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