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## Oversight Committee Considers New Subpoena Power for Inspectors General—More Burdens for Business?

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Over Thanksgiving weekend, *The New York Times* [profiled](#) the incoming Chairman of the House Committee on Oversight and Government Reform, Rep. Darrell Issa (R-CA), and his ambitious oversight agenda for the new Congress.

One item that received significant attention is potential legislation Rep. Issa may co-sponsor with Democrats in the next Congress to grant new testimonial subpoena power to dozens of federal Inspectors General. Under current law, most non-federal entities and former federal employees may be subpoenaed by an Inspector General for documents and records, but not for witness testimony (other than the Department of Defense Inspector General, who currently has the authority to issue testimonial subpoenas).

The legislation that Rep. Issa co-sponsored this Congress, H.R. 5815, amends the Inspector General Act to provide the more than 70 statutory Inspectors General with the authority to compel the attendance and testimony of representatives of private sector companies by subpoena. Interestingly, the authority to compel testimony by subpoena under H.R. 5815 expressly *excludes* current federal employees. A subpoena issued by an Inspector General under the bill would require "reasonable notice" to be provided to the individual or entity being subpoenaed. But "reasonable notice" is not defined in the bill, nor does the bill require an Inspector General to attempt to obtain testimony by other means before issuing a subpoena. A copy of the bill can be found [here](#).

It is unclear whether Rep. Issa will seek to amend H.R. 5815 to ameliorate the potential burden on private sector companies or if he will seek to extend the authority to issue subpoenas to current federal employees. It is also unclear whether the bill will find sufficient support in the Senate for final passage.

For more information about H.R. 5815, the House Committee on Oversight and Government Reform, congressional investigations or government contractor investigations please contact: Reginald J. Brown and Jamie Gorelick.

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