



Appendices A, B, and C

Accompanying Report to Congress on the Use of Administrative Subpoena Authorities by Executive Branch Agencies and Entities

Pursuant to Public Law 106-544

Appendix A2:

Administrative Subpoena Authorities Held by
Agencies Other Than the Departments of Justice and
Treasury

Accompanying a
Report to Congress on the
Use of Administrative Subpoena Authorities
by Executive Branch Agencies and Entities

Pursuant to Public Law 106-544

Appendix A

Administrative Subpoena Authorities Held by Agencies Other Than the Departments of Justice and Treasury **P.L. 106-544, Section 7(a), Executive Branch Study on Administrative Subpoena Authority,** **Scope and Protections**

† Denotes supplemental entry derived from independent research, not submitted by the relevant agency or department

* Denotes Administrative Law Judge authority (For purposes of this report, “administrative subpoena” authority has been defined to include all powers, regardless of name, that Congress has granted to federal agencies to make an administrative or civil investigatory demand compelling document production or testimony. Civil compulsory process authorities with provision for judicial enforcement are included. Grand jury subpoenas, administrative law judge subpoenas, and investigative authorities requiring judicial approval are not within the scope of the report; however, descriptions of administrative law judge subpoenas submitted by individual agencies and entities have been included as submitted.)

<i>Name of Submitting Agency or Entity</i>	<i>Source and Common Name of Authority (Including Act Name, P.L. and U.S.C. & CFR cites)</i>	<i>Scope of Authority Description</i>	<i>Enforcement Mechanism Description</i>	<i>Notification Req. and Privacy Protections</i>	<i>Issuance Standards and Qualifiers or Procedures</i>
Department of State	Holds no administrative subpoena authority, excluding Inspector General administrative subpoena authority.				
Department of	22 U.S.C. §4833	In any case of serious	The Board may	Specific	

State†		<p>injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of serious breach of security involving intelligence activities of a foreign government directed at a U.S. government mission abroad, in certain circumstances, the Secretary of State is authorized to convene and Accountability Review Board.</p> <p>The Board is authorized to issue a subpoena for the attendance and testimony of any person and the production of documentary of other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.</p>	<p>request the Attorney General's assistance in seeking an enforcement order from a U.S. district court.</p>	<p>confidentiality protections are required under the statute.</p>	
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Department of Transportation					
US Department of Transportation*	<p>14 CFR 302.25, Subpoenas in an oral evidentiary hearing. Require the attendance of a witness at a hearing or the production of documentary evidence.</p>	<p>The administrative law judge or the DOT decision maker considering an application for a subpoena shall issue the subpoena if the application complies with section 302.25. Any person upon whom a subpoena is served has seven days to file a motion to quash or modify the subpoena with the administrative law judge or, in the event that an administrative law judge has not been assigned or is unavailable, to the DOT decisionmaker or the Chief Administrative Law Judge for action. If the person to whom the motion has been addressed has not acted by the return date, such date shall be stayed pending his or her final action. The DOT decisionmaker may at any time</p>	<p>Any party may make an application for subpoena without notice. Any person who objects to the public disclosure of documents or oral testimony covered by a subpoena may file a motion requesting confidential treatment pursuant to [CFR 302.12. Under that rule, requests for confidential treatment are judged in accordance with the standards of disclosure found in the Freedom of Information Act (5 U.S.C. section 552). The Right to Financial Privacy Act may or may not apply. Pursuant to 14 CFR 302.27, any person appearing as a witness response to a subpoena is entitled to counsel and must be tendered the same</p>	<p>An application shall contain a statement or showing of general relevance and reasonable scope of the evidence sought that, in the case of evidence, shall describe the documentary or tangible evidence to be subpoenaed with as much particularity as is feasible, or, in the case of a witness, the name of the witness and a general description of the matters concerning which the witness will be asked to testify. The person considering the application shall issue the subpoena if the application complies with 14 CFR 302.25.</p>	<p>The subpoena power can be valuable in obtaining evidence in aviation enforcement proceedings pursuant to 14 CFR 302 Subpart D. The subpoena power is used sparingly.</p>

		<p>review, upon his or her own initiative, the ruling of the administrative law judge or Chief Administrative Judge denying a motion to quash. In such cases, the DOT decisionmaker may order that the return date of a subpoena be stayed pending action thereon.</p>	<p>mileage and attendance fees as are paid to witness for such service in the courts of the United States.</p>		
<p>US Department of Transportation</p>	<p>14 CFR 305.7, Issuance of Investigation subpoenas in informal, non-adjudicatory, nonpublic investigations for determining whether formal enforcement action should be instituted with respect to alleged violations of DOT orders, rules or statutory provisions.</p>	<p>Require the attendance of a person to testify or the production of documentary evidence.</p>	<p>The Deputy General Counsel, the DOT decisionmaker, Chief Administrative Law Judge or the administrative law judge designated to preside at the reception of evidence may issue the subpoena. The person upon whom an investigative subpoena is served has seven days to file a motion to quash or modify the subpoena with the official who issued the subpoena. If the person to whom the motion has been addressed has not</p>	<p>Any issued subpoena shall briefly advise the person required to testify or to submit documentary evidence of the purpose of the Investigation and have attached a copy of the order initiating the investigation. The investigation at which the person appears shall be attended only by the witness and his or her counsel, the administrative law judge, and department employees concerned with the conduct of the investigation.</p>	<p>No set standard, subject to the general style of reasonableness that request be within the scope of the order initiating the investigation.</p>

			<p>acted by the return date, such date shall be stayed pending his or her final action. A subpoena will be quashed or modified if the evidence whose production is required is not reasonably relevant to the matter under investigation or the demand made does not describe with sufficient particularity the information sought, or the subpoena is unlawful or unduly. The DOT decisionmaker may at any time review, upon his or her own initiative, the ruling of the administrative law judge or Chief Administrative Law Judge denying a motion to quash. In such cases, the DOT decisionmaker may order that the return date of a subpoena be stayed pending action thereon.</p>	<p>Unless DOT determines otherwise, all orders instituting the investigation which do not disclose the identify of the particular persons or firms under investigation shall be published in the Federal Register. Except as otherwise required by law, the remainder of the record of such proceedings shall constitute internal DOT documents, which shall not be available to the general public. The use of such records in formal hearings subject to 14 CFR Part 302 shall be subject to aviation requesting confidential treatments pursuant to 14 CFR 302.12. If no corrective action is found to be warranted after the completion of the investigation, all documentary evidence will be</p>	
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				<p>returned to the person that produced it. 14 CFR 305.7 requires that witnesses subpoenaed to appear shall be paid attendance and mileage fees a la 14 CFR 302.27.</p>	
<p>US Department of Transportation</p>	<p>49 U.S.C. 46104, Evidence</p>	<p>The Secretary of Transportation may subpoena witnesses and records related to a matter involved in a hearing or investigation from any place in the United States to the designated place of the hearing or investigation, examine witnesses and receive evidence at a place the Secretary designates.</p>	<p>If a person disobeys a subpoena, the Secretary or a party to a proceeding before the Secretary may petition a court of the United States in the jurisdiction in which the proceeding or investigation is conducted to enforce the subpoena. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court. The Secretary may designate an employee of the Department under section 3105 of Title 5 to carry out the powers granted by this action.</p>	<p>“</p>	<p>“</p>

<p>US Department of Transportation</p>	<p>49 U.S.C. 41708, Reports.</p>	<p>The Secretary of Transportation may require an air carrier or foreign air carrier to file reports with the Department under oath, to provide specific answers to questions, and to file agreements between carriers related to transportation.</p>	<p>Order of the Department.</p>	<p>Order issued by the Department and served on the carrier or person. The carrier or person may file motion requesting confidential treatment pursuant to 14 CFR 302.12. The Right to Financial Privacy Act may or may not apply.</p>	<p>To the extent that the Secretary finds it necessary to issue the order to carry out 49 U.S.C. Subpart VII.</p>
<p>US Department of Transportation</p>	<p>Inspector General Act of 1978, as amended, Pub.L. No. 95-452, 5 U.S.C. app.3</p>	<p>Administrative authority Subpoenas duces tecum to acquire, with respect to the programs and operations of the Department of Transportation, all information documents, reports, answers, records, accounts, papers and other data and documentary evidence necessary in the performance of the functions assigned by the Inspector General Act, which subpoena, in the case of conformity or refusal to obey, shall be enforceable by order</p>	<p>In the event of refusal to obey, court order obtained through Petition to Enforce filed in appropriate district court.</p>	<p>None specific to Inspector General Act of the Motor Carrier Safety Improvement Act, however, the right to Financial Privacy Act. Publ. L. No. 95-630, 12 U.S.C. §3401. Et seq., requires certain steps be taken with respect to a subpoena for financial records of an individual. Likewise, the Stored Wire and Electric Communications and Transaction Records Access Act. Pub.L. No. 99-508, 18 U.S.C. §2701, et seq. Requires certain</p>	<p>Subpoena records within purview of audit and investigative function of DIG. A level of review has been established to make that determination as well as a determination that the records and information sought via subpoena is not overbroad; oppressive, and otherwise meets with all legal requirements as well as a determination that the records or information cannot be obtained otherwise.</p>

		<p>of any appropriate United States District Court. Authority extends to grantees, contractors, recipients of DOT funds, individuals or entities colluding with a DOT employee to violate the law, and pursuant to the Motor Carrier Safety Improvement Act., Publ. No. 106-159, 5 U.S.C. app. 3, 1, mode 1, any individual or entity regulated by the Department.</p>		<p>safeguards before accessing stored communications (telephone toll records, for example).</p>	
<p>US Department of Transportation</p> <p>US Coast Guard, G-LMI</p>	<p>Marine Casualty Investigation and License suspension proceedings</p>	<p>46 U.S.C. 6304 and 46 CFR 4.07-5</p>	<p>Through local US Atty petition to enforce filed in appropriate USDC</p>	<p>Actual service of subpoena w/compliance win a “reasonable time”.</p>	<p>Issued by local U.S.C.G Officer in Charge Marine Inspection representative in aid of marine casualty investigation or Mariner License or Document suspension or revocation proceeding.</p>
<p>US Department of Transportation</p> <p>US Coast Guard, G-LMI</p>	<p>Ports and Waterways Safety Act violation Investigations</p>	<p>33 U.S.C. 1227(b)</p>	<p>Same as above although this authority has seldom, if ever, been utilized because of the lack of implementing regulations</p>	<p>Same as above. There are no regulations in place implementing the statute.</p>	

<p>US Department of Transportation</p> <p>US Coast Guard, G-LMI</p>	<p>Outer Continental Shelf Lands Act casualty investigations Certain Alaska Cruise Ship Operations</p>	<p>Same as above. There are no implementing regulations. Local US atty petition to USDC for enforcement.</p>	<p>Reasonable time for compliance after actual notice through service of subpoena on responsible official of cruiseship owner/operator's agent for service of process or Master of vessel involved.</p>		
<p>US Department of Transportation</p> <p>US Coast Guard, G-LMI</p>	<p>Certain Alaska Cruise Ship Operations</p>	<p>Title XIV, Sec. 1409(a)(9) of P, Law 106-554, 114 Stat. 2763, and 33 CFR 159.321(a)(2)(ii).</p>			<p>Because this statute is so new, we are unaware if any subpoena have been issued under it at this time.</p>
<p>Coast Guard†</p>	<p>33 U.S.C. § 1227</p>	<p>In the case of any incident, accident, or act involving the loss or destruction of, or damage to, any structure subject to this Act, or which affects or may affect the safety or environmental quality of the ports, harbors, or navigable waters of the United States, the</p>			
<p>US Department of Transportation</p> <p>Federal Aviation Administration</p>	<p>49 U.S.C. §46104(a)</p>	<p>Administrator may subpoena witnesses and records related to a matter involved in a hearing or</p>	<p>49 U.S.C. §46104(b). Petition U.S. District Court to enforce subpoena. This is the avenue of</p>		

		investigation.	enforcement for all FAA subpoenas.		
US Department of Transportation Federal Aviation Administration	14 C.F.R. § 13.57	Party to a proceeding under 14 C.F.R. part 13, subpart D, may apply for subpoena requiring the production of documents or tangible evidence at a hearing, or for the purpose of taking depositions.	Same as above.		In application to Hearing Officer must show general relevance and reasonable scope.
US Department of Transportation Federal Aviation Administration	14 C.F.R. § 13.11	In formal FAA fact-finding investigation under 14 C.F.R. part 13, subpart F, Presiding Officer may issue a subpoena directing any person to appear to testify or produce documents relating to any matter under investigation.	Same as above.		Subpoena issued by clerk subject to motion to quash.
US Department of Transportation Federal Aviation Administration	49 U.S.C. § 5121(a)	The Secretary may issue subpoenas, conduct hearings, require the production of records and property.	49 U.S.C. § 5122(a). Bring action in appropriate U.S. District Court to enforce subpoena.		

<p>US Department of Transportation</p> <p>Federal Aviation Administration</p>	<p>49 U.S.C. §47122(b)</p>	<p>In conducting an investigation or public hearing under subchapter I of Part B, the Secretary has the same authority that he has under 49 U.S.C. 46104(a).</p>	<p>Enforce under 49 U.S.C. §46104(b).</p>		
<p>US Department of Transportation</p> <p>Federal Railroad Administration</p>	<p>No common names 49 U.S.C. §20107(a), formerly § 208 of the Federal Railroad Safety Act of 1970, P.L. 91-458, P.L. 103-372, (superseding 45 U.S.C. §437); 49 C.F.R. §§1.49(m) and 209.7(a), 209.8(a), 209.315, and 240.409.</p>	<p>As the delegate of the Secretary of Transportation the administrator of FRA is charged with enforcing the Federal railroad safety laws, and is authorized to conduct investigations, make reports, issue subpoenas, require the production of documents take depositions and prescribe record keeping and reporting requirements.</p>	<p>FHA may seek enforcement by the Attorney General of subpoena in Federal District Court, as authorized by 49 U.S.C. §§ 2011(a)(3) and 201.12(a)(3), and 40 C.F.R. §209.7(i).</p>	<p>Under 49 C.F.R. § 209.7(d), service of a subpoena to a <u>person</u> is made by; handling it to the person; leaving it at his or her office with the person in charge; leaving it at his or her dwelling or usual abode with someone of suitable agent and discretion; mailing it by registered or certified mail to a last known address; or giving actual notice. Service to an <u>entity</u> other than a person is made by handing a copy to a registered agent or company official; mailing it by registered or certified mail to a last known address; or giving actual notice. Under 49 C.F.R. § 209.11, a</p>	

				party may request confidential treatment of any document provided to FHA.	
US Department of Transportation Federal Railroad Administration	No common names; 49 U.S.C. §20902(b), formerly §3 of the Accidents Report Act (superseding 45 U.S.C. §40); P.L. 103-272; 49 U.S.C. §103(c)(1); 49 C.F.R. §§1.49, 209.7(a), and 225.31(b).	As the delegate of the Secretary of Transportation the Administrator of FRA is charged with enforcing the Federal railroad safety laws, including investigating accidents and incidents, and is authorized to subpoena witnesses, require the production of records, exhibits, and other evidence, administer oaths, and take testimony.	Under its general authority under the railroad safety laws, FRA may seek enforcement by the Attorney General of a subpoena in Federal District Court, as authorized by 49 U.S.C. §§20111(a)(3) and 20112(a)(3), and 49 C.F.R. §209.7(i).	Same notification and privacy protections discussed above. See 49 C.F.R. §§209.7(d) and 209.11.	When necessary to carry out and investigate an accident or incident, either because it resulted in the death of a railroad employee or the injury of five or more persons or because it appeared that an investigation would substantially serve to promote railroad safety, FRA may authorize the issuance of subpoenas to require the production of records and the giving of testimony.
US Department of Transportation Federal Railroad Administration	No common name; hazardous materials transportation laws, P. L. 93-633, P.L. 103- 272, 49 U.S.C. § 5121 (formerly the Hazardous Materials Transportation Act, 49 U.S.C. app. § 1808); 49 C.F.R. §§	In enforcing the hazardous materials laws, to the extent necessary, as the delegate of the Secretary of Transportation, the FRA Administrator may investigate, make reports , issue	Under 49 U.S.C. § 5122, the FRA Administrator, as the delegate of the Secretary of Transportation, may seek enforcement by the Attorney General of a subpoena in Federal District	Some notification and privacy protections discussed above. See 49 C.F.R. §§209.7(d) and 209.11 and 209.115.	Under 49 C.F.R. § 209.7, the Chief Counsel may issue a subpoena in any matter related to enforcement of the railroad safety laws. In hearings involving hazardous materials penalties, the

	1.49, 209.7(a) and 209.115.	subpoenas, conduct hearings, require the production of records and property, take depositions, and conduct research, development, demonstration, and training activities.	Court.		presiding officer may issue subpoenas upon the written request of a party to the proceeding who makes an adequate showing that the information sought will materially advise the proceeding. Under 49 U.S.C. §5121(c) and 49 C.F.R. §1.49, the FRA Administrator, as the delegate of the Secretary of Transportation, may authorize inspectors to enter upon, inspect, and examine, at reasonable times and in a reasonable way, the records and properties of shippers and railroads to the extent such records and properties relate to the manufacture, fabrication, marking, reconditioning, repair, testing, or distribution of packages or containers for use by any shipper or manufacturer in the transportation of
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US Department of Transportation National Highway Traffic Safety Administration	49 U.S.C. Chapter 301, Motor Vehicle Safety Section 30117	Agency may require that a manufacturer of a motor vehicle or motor vehicle equipment provide technical information related to performance and safety	Civil Action by DOJ at request of DOT	Service-personal or by registered letter Subject to Privacy Act, FOIA exemptions and the provisions of 49 U.S.C. 30167 dealing with disclosure of information by the government.	Information will be needed to further investigation or proceeding
US Department of Transportation National Highway Traffic Safety Administration	49 U.S.C. 30166 Reports including document production and Special Orders that are comparable to subpoenas.	Agency may conduct an inspection or investigation relating to motor vehicle safety.	Civil action by DOJ at request of DOT	Give reasonable notice of inspection or request.	To determine in manufacture is complying with safety requirements.
US Department of Transportation National Highway Traffic Safety Administration	49 U.S.C. Chapter 323, Consumer Information Section 32307- Investigative Powers	Agency may require manufacturer to provide information regarding damage sU.S.C.eptibility, crashworthiness, damage repair costs and vehicle operation costs.	Civil action by DOJ at request of DOT.	Give reasonable notice. Privacy Act, FO:IA and provisions of 18 U.S.C. 1905	To ensure compliance with consumer with consumer information requirements relating to motor vehicles.
US Department of Transportation	49 U.S.C. Chapter 325, Bumper	Agency may require manufacturer of	Civil action by DOJ at request of DOT	Given reasonable notice, agency may	To ensure compliance with bumper

<p>National Highway Traffic Safety Administration</p>	<p>Standards Section 32505. Information and compliance requirements</p>	<p>passenger motor vehicles or equipment to provide information on bumper standards</p>		<p>require manufacturer to provide documents or make reports. Privacy Act, FOIA, and provisions of 18 U.S.C. 1905</p>	<p>standards established by this Chapter</p>
<p>US Department of Transportation National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 327, Odometers Section 32706</p>	<p>Agency may conduct investigations, conduct inspections or require reports dealing with motor vehicle odometers.</p>	<p>Civil action by DOJ at request of DOT</p>	<p>Given reasonable notice agency may enter premises, inspect records or require reports that relate to odometers of motor vehicles.</p>	<p>To ensure industry compliance with odometer standards</p>
<p>US Department of Transportation National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 329, Automobile Fuel Economy Section 32910 Administrative</p>	<p>Agency may inspect and copy records, require reports and answers under oath.</p>	<p>Civil action by DOJ at request of DOT</p>	<p>given reasonable notice agency may enter premises, inspect records or require reports that relate to fuel standards.</p>	<p>To ensure industry compliance with automobile fuel economy standards.</p>
<p>US Department of Transportation National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 301, Motor Vehicle Safety Section 30117-</p>	<p>Agency may require that a manufacturer of a motor vehicle or motor vehicle equipment provide technical information related to performance and safety</p>	<p>Civil Action by DOJ at request of DOT</p>	<p>Service-personal or by registered letter. Subject to Privacy Act, FOIA exemptions and the provisions of 49 U.S.C. 30167 dealing with disclosure of information by the government.</p>	<p>Information will be needed to further investigation or proceeding</p>

<p>US Department of Transportation</p> <p>National Highway Traffic Safety Administration</p>	<p>49 U.S.C. 30166 Reports including document production and Special Orders that are comparable to subpoenas.</p>	<p>Agency may conduct an inspection or investigation relating to motor vehicle safety</p>	<p>Civil action by DOJ at request of DOT</p>	<p>Give reasonable notice of inspection or request</p>	<p>To determine in manufacturer is complying with safety requirements.</p>
<p>US Department of Transportation</p> <p>National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 323, Consumer Information Section 32307 Investigative Powers</p>	<p>Agency may require manufacture to provide information regarding damage sU.S.C.eptibility, crashworthiness, damage repair costs and vehicle operation costs.</p>	<p>Civil action by DOJ at request of DOT</p>	<p>Give reasonable notice. Privacy Act, FOIA and provisions of 18 U.S.C. 1905.</p>	<p>To ensure compliance with consumer information requirements relating to motor vehicles.</p>
<p>US Department of Transportation</p> <p>National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 325, Bumper Standards Section 32505. Information and compliance requirements</p>	<p>Agency may require manufacturer of passenger motor vehicles or equipment to provide information on bumper standards.</p>	<p>Civil action by DOJ at request of DOT.</p>	<p>Give reasonable notice, agency may require manufacturer to provide documents or make reports. Privacy Act, FOIA, and provisions of 18 U.S.C. 1905.</p>	<p>To ensure compliance with bumper standards established by this Chapter.</p>
<p>US Department of Transportation</p> <p>National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 327, Odometers Section 32706</p>	<p>Agency may conduct investigations, conduct inspections or require reports dealing with motor vehicle odometers.</p>	<p>Civil action by DOJ at request of DOT</p>	<p>Given reasonable notice agency may enter premises, inspect records or require reports that relate to odometers of motor vehicles.</p>	<p>To ensure industry compliance with odometer standards.</p>

<p>US Department of Transportation</p> <p>National Highway Traffic Safety Administration</p>	<p>49 U.S.C. Chapter 329, Automobile Fuel Economy Section 32910 Administrative</p>	<p>Agency may inspect and copy records, require reports and answers under oath.</p>	<p>Civil action by DOJ at request of DOT.</p>	<p>Given reasonable notice agency may enter premises, inspect records or require reports that relate to fuel standards.</p>	<p>To ensure industry compliance with automobile fuel economy standards.</p>
<p>US Department of Transportation</p> <p>Maritime Administration</p>	<p>Section 214 of the Merchant Marine Act, 1936, as amended, 46 App. U.S.C. 1124;46 CFR 201.121-127</p>	<p>MARAD is authorized to issue a subpoena and testificandum or subpoena duces tecum for the purpose of investigation which is necessary and proper in carrying out the Merchant Marine Act.</p>	<p>MARAD may invoke the aid of any district court of the United States within the jurisdiction in which the person resides or carries out business. A failure to obey an order of the court may be punished by the court as contempt.</p>	<p>No notification requirement but 46 CFR 201.124 provides for opportunity to request quashing of subpoena. Elicited information may be treated as confidential under 46 CFR 201.151.</p>	<p>Subpoena and testification -upon request of an interested party (46 CFR 201.121); subpoena duces tecum-not unreasonable, oppressive, excessive in scope or unduly burdensome (46 CFR 201.123)</p>
<p>US Department of Transportation</p> <p>Research and Special Programs Administration</p>	<p>Hazardous Materials Transportation Act as codified by P.L. 103-272 at 49 U.S.C. 5101, 5121. 49 C.F.R. 107.13, 107.305</p>	<p>To require the attendance of witnesses or the production of documentary or other tangible evidence, or both.</p>	<p>Civil action by DOJ at the request of DOT.</p>	<p>Service in person (or on a duly authorized representative) or by certified or registered mail. Agency may treat any document provided confidential after a request and showing that it is exempt from disclosure under FOIA or otherwise.</p>	<p>A showing that the information will materially advance a proceeding under, or a determination of compliance with, the hazardous material transportation law. Within 10 days a person receiving a subpoena may apply to quash or modify the subpoena.</p>
<p>US Department of</p>	<p>Pipeline Safety Act</p>	<p>To require the</p>	<p>Civil action by DOJ</p>	<p>Service in person (or</p>	<p>A showing that the</p>

<p>Transportation</p> <p>Research and Special Programs Administration</p>	<p>as codified by P.L. 103-272 at 49 U.S.C. 60101, 60117 49 C.F.R. 190.7, 190.203</p>	<p>attendance of witnesses or the production of documentary or other tangible evidence, or both.</p>	<p>at the request of DOT.</p>	<p>on a duty authorized representative) or by certified or registered mail. Agency may treat any document provided confidential after request and showing it is exempt from disclosure under FOIA or otherwise.</p>	<p>information will materially advance a proceeding or determine the appropriate action to be taken under the pipeline safety law. Within 10 days, a person receiving a subpoena may apply to quash or modify the subpoena.</p>
<p>US Department of Transportation</p> <p>Federal Motor Carrier Safety Administration (designee of the Secretary)</p>	<p>49 U.S.C. §502</p>	<p>Grants FMCSA right to inquire into, and report on the management of the business of the motor carrier; or a person controlling, controlled by, or under common control with those carriers to the extent that the business of the person is related to the management of the business of that carrier; and obtain from those carriers and persons information the secretary determines to be necessary. FMCSA may subpoena witness and records related to a proceeding or investigation.</p>	<p>If a witness does not obey a subpoena, the agency, or a party before the agency, may petition the district court to enforce the subpoena. The court can enforce a refusal to obey an order of the court as an contempt of court.</p>	<p>Reasonable notice must be given in writing before taking a deposition.</p>	<p>Notice shall state the name of the witness and the time and place of the deposition. Testimony taken under oath. Person taking the deposition shall prepare a transcript of the testimony taken. Transcript shall be subscribed by the deponent. Testimony of a witness who is in a foreign country may be taken by the FMCSA and filed promptly. Witness summoned before the agency is</p>

		<p>FMCSA may take testimony of a witness by deposition and may order the witness to produce records.</p>			<p>entitled to the same fees and mileage paid for those services in the courts of the U.S.</p>
<p>US Department of Transportation</p> <p>Federal Motor Carrier Safety Administration</p>	<p>49 U.S.C. §504</p>	<p>Authorizes the Secretary to prescribe the form and type of records to be maintained.</p> <p>Authorizes employees to inspect and copy records, and inspect the equipment of a carrier, lessor, or association. Employees are also authorized to inspect and copy any record of a person controlling, controlled by, or under common control, with a carrier, if the secretary considers inspection relevant to that person's relation to, or transaction with, that carrier.</p>	<p>Provides for a legal right of entry to permit an inspection, enforced by court of competent jurisdiction.</p>	<p>Secretary may prescribe the time period for records to be preserved.</p> <p>Report of an accident or of an investigation of the accident cannot be admitted as evidence or used in a civil action for damages related to a matter mentioned in the report or investigation.</p> <p>Courts have held that in closely regulated industries, there is a diminished expectation of privacy and warrantless searches within the trucking industry have been upheld and codified at section 504.</p> <p>Merely the showing of a legitimate investigatory</p>	<p>On demand and display of proper credentials, an employee may inspect records and equipment of a carrier, lessor, or association.</p> <p>A contract for DOT has the same right of inspection of equipment and records of a motor carrier as an FMCSA employee.</p>

				purpose and the need to conduct the inspection is sufficient to warrant the issuance of an injunction mandating the inspection.	
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §507	Authorizes the Secretary to bring a civil enforcement action against a carrier to enforce chapter 5 and the regulations under it. The Attorney General is authorized to institute actions on request of the Secretary.	In a civil action under this provision, trial is in the judicial district where the carrier operates.	Process may be served without regard to territorial limits of the district or of the State in which the action is brought.	A person participating with the carrier in a violation can be joined in the civil action without regard to the residence of the person.
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §523(c)	Prohibits an FMCSA employee who makes an inspection under §504 to knowingly disclose information acquired during that inspection.	Subject to fines of not more than \$500, imprisonment for not more than 6 months, or both.		
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §5121	Grants the Secretary authority to investigate, make reports, issue subpoenas, conduct hearings, require the reproduction of records and property, take depositions and	After notice and an opportunity for hearing, the Secretary may issue an order requiring compliance with this chapter or a regulation prescribed in this	An officer or employee, or agent shall display proper credentials when requested Provides for notice and hearing.	

		conduct research, development, demonstration, and training activities, relating to the transportation of hazardous materials.	chapter.		
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §5122	The Attorney General may, upon the request of the Secretary, bring civil action an appropriate district court of the U.s. to enforce chapter 51 or a regulation prescribed or order issued under this chapter.			
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §14122	Secretary can prescribe the form of records required to be compiled by carriers and brokers and may inspect them.	If violator refuses access, cannot subpoena records. The enforcement mechanism would be to obtain an injunction in district court ordering production of records [49 U.S.C. 14701].	Upon the display of proper credentials, the Secretary or employee designee may inspect, copy, and examine any records, Lands, buildings, and equipment of a carrier or broker.	Time period of preservation of records is determine by the Secretary or designee.
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §14702	This provision enables the Secretary to bring a civil action to enforce 49 U.S.C. §14103, or this part, or a regulation or order of the Secretary when	Trial is in the judicial district in which the carrier operates.	Process may be served without regard to the territorial limits of the district or State in which the action is instituted.	A person participating with a carrier in a violation can be joined in the civil action without regard to the residence of the

		violated by a carrier or broker, or by a foreign motor carrier or foreign motor private carrier.			person.
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §14909	Criminal provision for failing to obey a subpoena or requirement of the Secretary to appear and testify or produce records.			
US Department of Transportation Federal Motor Carrier Safety Administration	49 U.S.C. §31133	Secretary may conduct inspections and investigations; compile statistics; make reports, issue subpoenas; require production of records and property; take depositions; hold hearings; prescribe record keeping and reporting requirements; conduct or make contracts for studies, development, testing, evaluation, and training; and perform other acts the Secretary considers appropriate.	Secretary may delegate to a State receiving a grant under section 31102 of this title those duties and powers related to enforcement (including conducting investigations) of this subchapter and regulations prescribed under this subchapter that the Secretary considers appropriate.		Secretary shall consult with employers and employees and their authorized representatives in connection with inspections and investigations and offer them a right of accompaniment.
US Department of Transportation	49 U.S.C. §31143	§31143(a) requires the Secretary to conduct timely investigations of		Secretary required to give the compliant timely notice of the	

<p>Federal Motor Carrier Safety Administration</p>		<p>nonfrivolous written complaints alleging that a substantial violation of a regulation prescribed under this subchapter is occurring or has occurred within the prior 60 days.</p>		<p>findings of the investigation.</p> <p>The Secretary may disclose the identity of a complaint only if disclosure is necessary to prosecute a violation.</p> <p>If disclosure is necessary, the Secretary shall take every practical means within the Secretary's authority to ensure that the complaint is not subject to harassment, intimidation, disciplinary action, discrimination or financial loss because of disclosure.</p>	
<p>US Department of Transportation</p> <p>Federal Motor Carrier Safety Administration</p>	<p>49 U.S.C. §31306(c)</p>	<p>Secretary is required to develop drug and alcohol testing requirements that promote, to the maximum extent practicable, individual privacy in the collection of specimens [§31306(c)(L)].</p>		<p>§31306(c)(7) provides for the confidentiality of test results and medical information (except information about alcohol or a controlled substance of employees, except that this clause does not prevent the use of test results for the orderly imposition of</p>	

				appropriate sanctions under this section. §31306(c)(8) ensures that employees are selected for tests by nondiscriminatory and impartial methods, so that no employee is harassed by being treated differently from other employees in similar circumstances.	
Department of Transportation†	46 U.S.C. Appx § 1124	Creation and function of maritime agencies			
Department of Transportation†	33 U.S.C. § 1907	Investigations in violation of the MARPOL protocol			
Department of Veterans Affairs					
Department of Veterans Affairs	38 U.S.C. §5711.		Order of U.S. District Court.	Right to Financial Privacy Act, 12 U.S.C. §§3401-3422.	

Department of Veterans Affairs	Inspector General Act (P.L. 95-452); 5 U.S.C. App. §6(a)(4)		Order of U.S. District Court.	Right to Financial Privacy Act, 12 U.S.C. §§3401-3422.	Internal guidelines.
Environmental Protection Agency	Holds no administrative subpoena authority, excluding the Inspector General authority. No unique, agency-specific IG Act authority held.				
Environmental Protection Agency	Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), P.L. 92-500, as amended, 33 U.S.C. § 1318(a)(A), CWA § 308(a)(A).	Owner or operator of any point source may be required to: (i) establish and maintain records; (ii) make reports; (iii) install, use, and maintain monitoring equipment; (iv) sample effluents; and (v) provide such other information as EPA “may reasonably require.”	Negligent and knowing violations subject to criminal penalties (CWA § 309(c)(1-3)). Violations also subject to judicial civil penalties not to exceed \$27,500 per day for each violation (CWA § 309(b), (d)). Violations also subject to administrative civil penalties not to exceed \$11,000 per day up to \$137,500	Information obtained under CWA § 308 is not publicly available if EPA determines “that records, reports, or information, or particular part thereof (other than effluent data), ... would divulge methods or processes entitled to protection as trade secrets....” (i.e. protected under Section 1905 of Title 18), CWA § 308(b).	EPA may require submission of this information whenever required to carry out the objective of this statute, including but not limited to: developing a limitation, prohibition or effluent standard, pretreatment standard or standard of performance; determining whether a person is in violation of such standard or limitation; any

			(CWA § 309(g)(1-2).		requirement under the statute; or carrying out specific listed provisions of the statute.
Environmental Protection Agency	Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), P.L. 92-500, as amended, 33 U.S.C. § 1318(a)(B), CWA § 308(a)(B).	Authorizes EPA to have access to and copy records and inspect equipment required by CWA § 308(a)(A).	Negligent and knowing violations subject to criminal penalties (CWA § 309(c)(1-3)). Violations also subject to judicial civil penalties not to exceed \$27,500 per day for each violation (CWA § 309(b), (d)). Violations also subject to administrative civil penalties not to exceed \$11,000 per day up to \$137,500 (CWA § 309(g)(1-2).	Information obtained under CWA § 308 is not publicly available if EPA determines “that records, reports, or information, or particular part thereof (other than effluent data), ... would divulge methods or processes entitled to protection as trade secrets....” (i.e. protected under Section 1905 of Title 18), CWA § 308(b).	EPA may require submission of this information whenever required to carry out the objective of this statute, including but not limited to: developing a limitation, prohibition or effluent standard, pretreatment standard or standard of performance; determining whether a person is in violation of such standard or limitation; any requirement under the statute; or carrying out specific listed provisions of the statute.

<p>Environmental Protection Agency*</p> <p>Office of Regulatory Enforcement</p>	<p>Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), P.L. 92-500, as amended, 33 U.S.C. § 1319(g)(10), CWA § 309(g)(10).</p>	<p>EPA (and the U.S. Army Corps of Engineers) “may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with” administrative civil penalty hearings pursuant to CWA § 309(g).</p>	<p>Subpoenas may be issued by an Administrative Law Judge or other Presiding Officer (40 C.F.R. § 22.21(b)) and are enforceable through contempt proceedings in federal district court (CWA § 309(g)(10)).</p>	<p>Notice is provided prior to seeking federal court enforcement of the subpoena.</p>	<p>EPA (and the U.S. Army Corps of Engineers) may issue subpoena.</p> <p>Subpoenas may be issued by an Administrative Law Judge or other Presiding Officer (40 C.F.R. § 22.21(b)).</p>
<p>Environmental Protection Agency*</p> <p>Office of Regulatory Enforcement</p>	<p>Oil Pollution Act/ Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), P.L. 92-500, as amended, 33 U.S.C. § 1321(b)(6)(I), CWA § 311(b)(6)(I).</p>	<p>EPA (and the U.S. Coast Guard) “may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents in connection with” administrative civil penalty hearings pursuant to CWA § 311(b)(6).</p>	<p>Subpoenas may be issued by an Administrative Law Judge or other Presiding Officer (40 C.F.R. § 22.21(b)) and are enforceable through contempt proceedings in federal district court (CWA § 309(b)(6)(I)).</p>	<p>Notice is provided prior to seeking federal court enforcement of the subpoena.</p>	<p>EPA (and the U.S. Coast Guard) may issue subpoena.</p> <p>Subpoenas may be issued by an Administrative Law Judge or other Presiding Officer (40 C.F.R. § 22.21(b)).</p>
<p>Environmental Protection Agency</p> <p>Office of Regulatory Enforcement</p>	<p>Public Health Service Act (“Safe Drinking Water Act” or “SDWA”), P.L. 93-523, as amended, 42 U.S.C. § 300j-4(a)(1)(B), SDWA § 1445(a)(1)(B).</p>	<p>To determine compliance with the SDWA, “[e]very person who is subject to a national primary drinking water regulation” may be required to “provide such information as</p>	<p>Failure or refusal to comply with a requirement under this provision is subject to a judicial civil penalty not to exceed \$27,500 (SDWA § 1445(c)). Any person who</p>	<p>Consultation with State required if State has primary enforcement responsibility (SDWA § 1445(a)(1)(B)). Information obtained under SDWA § 1445 is not publicly</p>	<p>Information may be requested, on a case-by-case basis, to determine compliance with the statute.</p>

		[EPA] may reasonably require.”	violates, or fails or refuses to comply with an administrative order requiring compliance with SDWA § 1445 is subject to administrative civil penalties of not more than \$25,000 per day of violation (SDWA § 1414(g)(3)).	available if EPA determines that the information “would divulge trade secrets or secret processes.” (SDWA § 1445(d)).	
Environmental Protection Agency Office of Regulatory Enforcement	Public Health Service Act (“Safe Drinking Water Act” or “SDWA”), P.L. 93-523, as amended, 42 U.S.C. § 300j-4(a)(1)(C), SDWA § 1445(a)(1)(C).	To assist EPA in developing national drinking water regulations, “[e]very person who is subject to a national primary drinking water regulation” may be required to “provide such information as [EPA] may reasonably require.” Before exercising this authority, EPA must “seek to obtain the information by voluntary submission” (SDWA § 1445(c)).	Failure or refusal to comply with a requirement under this provision is subject to a judicial civil penalty not to exceed \$27,500 (SDWA § 1445(c)). Any person who violates, or fails or refuses to comply with an administrative order requiring compliance with SDWA § 1445 is subject to administrative civil penalties of not more than \$25,000 per day of violation (SDWA § 1414(g)(3)).	Consultation with suppliers of water and State (if State has primary enforcement responsibility) is required (SDWA § 1445(a)(1)(C)). Information obtained under SDWA § 1445 is not publicly available if EPA determines that the information “would divulge trade secrets or secret processes.” (SDWA § 1445(d)).	Information may be requested to assist the Administrator in developing regulations.
Environmental Protection Agency	Public Health Service Act (“Safe Drinking Water Act”	Authorizes EPA to inspect, audit, and examine certain	Failure or refusal to allow EPA to exercise this	Before exercising this authority, EPA must provide written	May exercise this authority to determine

<p>Office of Regulatory Enforcement</p>	<p>or “SDWA”), P.L. 93-523, as amended, 42 U.S.C. § 300j-4(b)(1), SDWA § 1445(b)(1).</p>	<p>records, files, reports, records, etc. possessed by “any supplier of water or other person subject to (A) a national primary drinking water regulation,... (B) an applicable underground injection control program, or (C) a requirement to monitor an unregulated contaminant pursuant to [SDWA § 1445(a)], or person in charge of the property....”</p>	<p>authority is subject to a judicial civil penalty not to exceed \$27,500 (SDWA § 1445(c)). Any person who violates, or fails or refuses to comply with an administrative order requiring compliance with SDWA § 1445 is subject to administrative civil penalties of not more than \$25,000 per day of violation (SDWA § 1414(g)(3)).</p>	<p>notice to the supplier of water or other person and to the State (if the State has primary enforcement responsibility) (SDWA § 1414(b)(1-2)). Information obtained under SDWA § 1445 is not publicly available if EPA determines that the information “would divulge trade secrets or secret processes.” (SDWA § 1445(d)).</p>	<p>compliance, and to examine/audit records of a grantee which are required to be maintained or which are pertinent to any financial assistance under the subchapter.</p>
<p>Environmental Protection Agency*</p> <p>Office of Regulatory Enforcement</p>	<p>Underground Injection Control (“UIC”) - Public Health Service Act (“Safe Drinking Water Act” or “SDWA”), P.L. 93-523, as amended, 42 U.S.C. § 300h-2(c)(8), SDWA § 1423(c)(8).</p>	<p>EPA may issue subpoenas “compelling attendance and testimony of witnesses and subpoenas duces tecum,” in connection with administrative hearings pursuant to SDWA § 1423(c).</p>	<p>Subpoenas may be issued by an Administrative Law Judge or other Presiding Officer (40 C.F.R. § 22.21(b)) and are enforceable (with sanctions) in federal district court (SDWA § 1423(c)(8)).</p>		<p>Subpoenas may be issued in connection with administrative proceedings under Section 1423.</p>
<p>Environmental Protection Agency</p> <p>Office of Regulatory Enforcement</p>	<p>Marine Protection, Research, and Sanctuaries Act (“MPRSA”), P.L. 92-532, Title I, as amended, 42 U.S.C. § 1414(e), MPRSA §</p>	<p>EPA (or the U.S. Army Corps of Engineers) may require MPRSA permit applicants “to provide such information as [EPA or the Corps] may</p>			

	104(e).	consider necessary to review and evaluate such application” (MPRSA § 104(e)).			
Environmental Protection Agency Office of Regulatory Enforcement	Shore Protection Act (“SPA”) P.L. 100-688, as amended, 33 U.S.C. § 2606.	EPA (and the U.S. Dept. of Transportation) may issue subpoenas compelling “the attendance and testimony of witnesses, including parties in interest, and the production of any evidence....” (SPA § 2606(a)).	Subpoenas under this section are enforceable (with contempt sanctions if a court order is disobeyed) in federal district court (SPA § 2606(c)).		
Environmental Protection Agency Office of Regulatory Enforcement	Solid Waste Disposal Act, 42 U.S.C.A. 6901 to 6992K, (also cited as Resource Conservation and Recovery Act; includes amendments in 1996, 1992, 1988, 1984, 1980, 1976); § 7001(e), 42 U.S.C. 6971(e)	Authorizes EPA to require persons to present information in connection with EPA's investigation of employment shifts and losses allegedly attributable to the administration or enforcement of RCRA (including individual allegations of discharge, lay off or discrimination)	No specific enforcement authority in RCRA		
Environmental Protection Agency	Solid Waste Disposal Act, 42 U.S.C.A. 6901 to 6992K, (also cited as Resource Conservation and	Section 3007(a) authorizes any officer, employee or representative of EPA duly designated by the	EPA issues information request letters under RCRA § 3007(a). RCRA § 3008(a); 42 U.S.C. §	Section 3007(b) states that all records, reports or information obtained shall be available to	

<p>Office of Regulatory Enforcement</p>	<p>Recovery Act; includes amendments in 1996, 1992, 1988, 1984, 1980, 1976);</p> <p>Section 3007, 42 U.S.C. 6927</p>	<p>Administrator, or any duly designated officer, employee or representative of a State having an authorized hazardous waste program to: request information from any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous waste; enter any place where hazardous wastes have been or are generated, stored, treated, disposed of, or transported from; and to copy all records relating to such wastes; to inspect and obtain samples of such wastes and samples of any containers or labeling for such wastes.</p>	<p>6928(a) authorizes enforcement by EPA for failure to provide a complete and truthful response to an information request, subjecting respondent to \$27,500 in penalties per day of noncompliance for each violation.</p>	<p>the public, except on a showing by the person that if made public such information would divulge information entitled to protection under section 1905 of Title 18. If that showing is made, the information will be treated as confidential except that it may be disclosed to other U.S. employees carrying out this statute. See RCRA § 3007(b) and 40 C.F.R. 260.2</p>	
<p>Environmental Protection Agency</p> <p>Office of Regulatory Enforcement</p>	<p>Solid Waste Disposal Act, 42 U.S.C.A. 6901 to 692K, (also cited as Resource Conservation and Recovery Act; includes amendments in 1996, 1992, 1988,</p>	<p>Authorizes EPA to issue orders as “may be necessary to protect public health and the environment” including ordering: (a) sampling, testing, and analysis; and (2)</p>	<p>Authorizes enforcement in judicial civil action brought by EPA for willful violation, failure or refusal to comply with EPA order. Subjects</p>	<p>Requires public meeting and opportunity to comment whenever US or EPA proposes to settle any claim arising under RCRA §7003, 42 U.S.C. §</p>	<p>After EPA determines that the handling, storage, treatment, transportation or disposal of any solid or hazardous waste may present an imminent and</p>

	1984, 1980, 1976); Section 7003, 42 U.S.C. 6973	monitoring, (3) submission of reports on above activities and on progress of cleanup.	violator to judicial civil penalty of \$5,500 per day of violation.	6873	substantial endangerment, EPA may issue orders as “may be necessary to protect human health and the environment.”
Environmental Protection Agency Office of Regulatory Enforcement	Solid Waste Disposal Act, 42 U.S.C.A. 6901 to 6992K, (also cited as Resource Conservation and Recovery Act; includes amendments in 1996, 1992, 1988, 1984, 1980, 1976); § 3013(a), 42 U.S.C. 6934(a)	Authorizes EPA to require persons to require owner or operator of a facility or site to: (1) make reports; (2) conduct monitoring and testing; and (3) conduct analyses as EPA deems “reasonable to ascertain the nature and extent” of a hazard.	EPA issues orders under RCRA § 7003(a), 42 U.S.C. § 6934(a). Violations subject to judicial civil penalties not to exceed \$5,500 per day during which person fails or refuses to comply with EPA order under RCRA § 3013(e), 42 U.S.C. 6934(e).		EPA may require submission of information upon determination that: (1) the presence of any hazardous waste at a facility or site where it is, or has been stored, treated, or disposed of, or (2) the release of any such waste from such a facility or site, “may present a substantial hazard to human health or the environment.”
Environmental Protection Agency Office of Regulatory Enforcement	SWDA, also known as RCRA (same cite as above); Section 9005, 42 U.S.C. 6991d	Section 9005 authorizes any officer, employee or representative of EPA duly designated by the Administrator, or any duly designated officer, employee or representative of a State acting pursuant to Section 9003b(h)(7) or with an approved	Failure to comply may result in EPA issuing an order for compliance.	Information obtained shall be available to the public, except on a showing by the person that if made public such information would divulge information entitled to protection under section 1905 of Title 18. If that showing is made, the	Information may be requested for the purposes of developing or assisting in the development of any regulation; conducting a study; taking corrective action; or enforcing provisions of the statute.

		<p>program to request information from any owner or operator of an underground storage tank (UST) relating to such tank, their associated equipment, and their contents; to enter any establishment or other place where an UST is located; to inspect and obtain samples of any regulated substances contained in such tank; to conduct monitoring and sampling of the tanks, associated equipment, contents or surrounding soils, air, surface water or groundwater; and to take corrective action.</p> <p>This authority also authorizes EPA to request the owner/operator to conduct monitoring or testing and permit EPA access to copy records and have access for corrective action.</p>		<p>information will be treated as confidential except that it may be disclosed to other U.S. employees carrying out this statute.</p>	
Environmental Protection Agency	Comprehensive Environmental	CERCLA 104(e) authorizes the	EPA may (pursuant to CERCLA	A recipient of a 104(e)(2) request is	EPA can exercise these authorities only

<p>Office of Site Remediation Enforcement U.S. EPA</p>	<p>Response, Compensation and Liability Act (CERCLA, also known as "Superfund"), P.L. 99-499, 42 U.S.C. 9604(e)</p>	<p>President to require persons to furnish, upon reasonable notice, information or documents relating to: the identification, nature, and quantity of materials which have been or are generated, stored, or disposed of at a vessel or facility; the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; or information relating to the ability of a person to pay for or to perform a cleanup.</p>	<p>104(e)(5)(A)) issue an order directing compliance with the request.</p> <p>Under CERCLA 104(e)(5)(B), the President may ask the Attorney General to commence a civil action to compel compliance with a 104(e)(2) request or 104(e)(5)(A) order.</p> <p>Where there is a reasonable basis to believe that there may be a release or threat of a release of a hazardous substance or pollutant or contaminant, the court shall enjoin interference with such requests or orders or direct compliance with such requests or orders unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse</p>	<p>not required to furnish information unless EPA has provided "reasonable notice."</p> <p>Similarly, EPA may issue an order pursuant to CERCLA 104(e)(5)(A) "after such notice and opportunity for consultation as is reasonably appropriate under the circumstances."</p> <p>Considered public information unless party can make a showing that is satisfactory to the President that the information is protected under 1905 of Title 18 or other applicable statutes. Specific information as listed in 104(e)(7)(F) is not protected from public release.</p>	<p>for the purposes of determining the need for response, or choosing or taking any response action under CERCLA, or otherwise enforcing the provisions of CERCLA.</p> <p>EPA can only request information from a person "who has or may have information relevant to" one of the prescribed categories.</p> <p>EPA's ability to obtain financial information about a PRP from a source other than a PRP itself is limited by the Right to Financial Privacy Act, 12 U.S.C. 3401, et. seq.</p>
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			of discretion, or otherwise not in accordance with law. The court may assess a civil penalty not to exceed \$27,500 for each day of noncompliance against any person who unreasonably fails to comply with a request or order.		
Environmental Protection Agency Office of Site Remediation Enforcement U.S. EPA	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as “Superfund”), P.L. 99-499, 42 U.S.C. 9610(e)	Authorizes EPA to require persons to present information in connection with EPA's investigation of employment shifts and losses allegedly attributable to the administration or enforcement of CERCLA (including individual allegations of discharge, lay off or discrimination)	No specific enforcement authority in CERCLA.		
Environmental Protection Agency Office of Site Remediation Enforcement U.S. EPA	Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as “Superfund”), P.L. 99-499, 42 U.S.C. 9622(e)(3)(B)	CERCLA 122(e)(3)(B) provides that the President may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions, and other	If a respondent to such a subpoena refuses to appear to testify or provide documentary evidence, or refuses to answer any or all of the questions put to him, EPA may commence	EPA can exercise this authority only in order to “collect information necessary or appropriate for performing the allocation under” CERCLA 122(e)(3)(A) “or for	

		<p>information that the President deems necessary.</p>	<p>enforcement proceedings in U.S. district court. The statute provides that in the event of contumacy or failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.</p>	<p>otherwise implementing” CERCLA section 122 (which relates to CERCLA settlements).</p>	
<p>Environmental Protection Agency</p> <p>Office of Regulatory Enforcement</p>	<p>Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, also known as “Superfund”), P.L. 99-499, 42 U.S.C. 9609(a)(5) and 9609(b).</p>	<p>CERCLA 109(a)(5) and 109(b) authorize the President to issue subpoenas for the attendance and testimony of witnesses and the production of documents and in connection with hearings on administrative penalties proposed for violations enumerated in Sec. 109(a)(1)(A)-</p>	<p>If a respondent to such a subpoena refuses to appear to testify or provide documentary evidence, or refuses to answer any or all of the questions put to him, EPA may commence enforcement proceedings in U.S. district court. The statute provides that</p>	<p>Notice is provided prior to seeking enforcement of a subpoena.</p>	<p>EPA can exercise these authorities for the purpose of obtaining testimony and documentation relevant to issues in hearings on administrative penalties proposed for violations of CERCLA 103.</p>

		(E), (b)(1)-(5).	in the event of contumacy or failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.		
Environmental Protection Agency Office of Regulatory Enforcement	Section 11(c) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2610(c), Public Law 94-469 (October 11, 1976), and 40 C.F.R. 750.5.	Authorizes Administrator of EPA to issue subpoenas to require attendance and testimony of witnesses and/or production of reports, documents, answers to questions, and other information Administrator deems necessary for carrying out Administrator's responsibilities under TSCA.	If there is noncompliance with a subpoena, United States can go to US District Court to get order requiring compliance. Failure to comply with District Court order is subject to contempt of court.	None in statute or regulations, although information provided under subpoena could be entitled to protection as confidential business information under TSCA section 14 (15 U.S.C. 2613). (Information provided under subpoena is entitled to same level of protection under section 14 as any other material	For purposes of carrying out the statute.

				provided to EPA pursuant to TSCA.)	
Environmental Protection Agency Office of Regulatory Enforcement	Air Pollution Prevention and Control; Section 114 of the Clean Air Act (CAA), 42 U.S.C. §7414, Pub.L. 91-604	The Administrator may require a person who owns or operates any emission source, who manufactures emission control equipment or process equipment, who the Administrator believes may have information necessary for the purposes set forth in this subsection, or who is subject to any requirement of this statute, with one exception, on a one-time, periodic, or continuous basis to establish and maintain records; make reports; keep records; submit compliance certifications; and provide such other information as the Administrator may reasonably require.	EPA may enter the facility at reasonable times, upon showing proper credentials, to inspect records. EPA may issue a compliance order if information request is not responded to. EPA may also issue civil penalties and seek a subpoena to compel production of the documents.	Records are available to the public except upon a showing satisfactory to the Administrator that they are protected under Section 1905 of Title 18.	For the purposes of developing or assisting in development of any implementation plan, standard of performance, or emission standard under specific provisions of the statute; for the purpose of development of any regulation under specific provisions of the statute; for determining compliance with any of these standards or requirements; or carrying out any provision of this statute, except for a provision of subchapter II with respect to a manufacturer of new motor vehicles or engines.
Environmental Protection Agency	Air Pollution Prevention and Control; Section 208 of the Clean Air Act, 42 U.S.C. §7542,	Every manufacturer of new motor vehicles or new motor vehicle engines, engine parts or components, and	EPA may enter the facility at reasonable times, upon showing proper credentials, to inspect records.	Records are available to the public except upon a showing satisfactory to the Administrator that	Information that the Administrator may reasonably require to determine whether the person is in

<p>Office of Regulatory Enforcement</p>	<p>Pub.L. 89-272</p>	<p>persons subject to the requirements of this part or subpart C of this subchapter, shall establish and maintain records and provide information the Administrator may reasonably require to determine whether the person is in compliance or to otherwise carry out the provision of this part and part C.</p>	<p>EPA may issue civil penalties and seek injunctive relief to compel production of the required information.</p>	<p>they are protected under Section 1905 of Title 18.</p>	<p>compliance or to otherwise carry out the provision of this part and part C.</p>
<p>Environmental Protection Agency Office of Regulatory Enforcement</p>	<p>Air Pollution Prevention and Control; Section 321(b) of the Clean Air Act, 42 U.S.C. §7621(b), Pub.L. 89-272</p>	<p>Authorizes EPA to require persons to present information in connection with EPA's investigation of employment shifts and losses allegedly attributable to the administration or enforcement of CAA (including individual allegations of discharge, lay off or discrimination)</p>	<p>No specific enforcement authority in CAA</p>		
<p>Environmental Protection Agency Office of Regulatory Enforcement</p>	<p>Sec. 307(a) of the Clean Air Act, 42 U.S.C. 7607, Pub.L. 89-272.</p>	<p>The Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he</p>	<p>Power to subpoena witnesses and to issue subpoenas <u>duces tecum</u>.</p>	<p>Except for emission data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books,</p>	<p>Subpoenas may be issued only in connection with any determination under section 110(f) [42 U.S.C. § 7410(f)], or for purposes of</p>

		may administer oaths.		documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act, to persons carrying out the National Academy of Sciences' study and investigation provided for in section 202(c) [42 U.S.C. § 7521(c)], or	obtaining information under section 202(b)(4) or 211(c)(3) [42 U.S.C. §§ 7521(b)(4) or 7545(c)(3)], [or] any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under the Act (including but not limited to section 113, section 114, section 120, section 129, section 167, section 205, section 206, section 208, section 303, or section 306 [42 U.S.C. §§ 7413, 7414, 7420, 7429, 7477, 7524, 7525, 7542, 7603, or 7606].
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				when relevant in any proceeding under this Act.	
Environmental Protection Agency	Sec. 12 of Noise Control Act, 42 U.S.C. 4912, 4915	Authority to collect information from manufacturer of regulated products “as may be reasonably required” to determine whether manufacturer is in compliance with Noise Control Act	Statute provides no explicit enforcement mechanism, but does provide penalties of up to \$10,000 and imprisonment for up to six months for false submissions or tampering with required monitoring device.	Confidential business information is explicitly protected as provided in 18 U.S.C. 1905.	None
Environmental Protection Agency* Office of General Counsel Pesticides and Toxic Substances Law Office	Section 6(d) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136d(d), Pub.L. 92-516, 86 Stat. 984, and 40 C.F.R. 164.70.	The Administrative Law Judge presiding in a public hearing on EPA decisions to cancel, suspend, or deny registration or change the classification of a pesticide product may issue a subpoena to compel testimony or production of documents from any person.	Subpoena may be enforced by an appropriate United States district court.	The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness.	Subpoenas may be issued only upon determination by the Administrative Law Judge (1) that such discovery shall not in any way unreasonably delay the proceeding, (2) that the information to be obtained is not otherwise obtainable and (3) that such information has significant probative value. The Administrative Law Judge shall be guided by the principles of the Federal Rules of Civil Procedure in making

					any order for the protection of a witness or the content of the documents produced.
Environmental Protection Agency Office of General Counsel Pesticides and Toxic Substances Law Office	Section 408(g)(2)(B) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a(g)(2)(B) as amended by the Food Quality Protection Act (FQPA) of 1996, Pub.L. 104-170	Presiding officer in public hearings on EPA decisions to establish, modify, suspend or revoke a tolerance or exemption from the requirement of a tolerance for a pesticide chemical residue in food or feed may issue a subpoena to compel testimony or production of documents from any person.	Subpoena may be enforced by a federal district court.	The presiding officer shall be governed by the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness.	The presiding officer shall be governed by the Federal Rules of Civil Procedure in making any order for the protection of the witness or the content of documents produced and shall order the payment of reasonable fees and expenses as a condition to requiring testimony of the witness.
Environmental Protection Agency†	42 U.S.C. § 11045	Toxic Substances Control Act - in any proceeding for the assessment of a civil penalty			
Environmental Protection Agency†	42 U.S.C. § 14304	Management of rechargeable batteries and batteries containing mercury generally			

Environmental Protection Agency†	33 U.S.C. § 1369	State reports on water quality & discrimination against persons filing, instituting, or testifying in proceedings under this chapter prohibited.			
Environmental Protection Agency†	42 U.S.C. § 300h-2	Safety of public water systems and protection of underground sources of drinking water			
Export-Import Administration	Holds no administrative subpoena authority, excluding IG authority. No unique, agency-specific authority under the IG Act.				
Farm Credit Administration					
Farm Credit Administration Office of Inspector General	Inspector General Act of 1978, P.L. 95-452, 5 U.S.C. app.	Administrative subpoena	United States district court enforcement.		Department of Justice Monograph.
Farm Credit Administration	Farm Credit Act of 1971, as amended, Pub. L. 92-181, Title V, § 5.37, as added	In connection with any enforcement proceeding or examination or	FCA may enforce a subpoena or a subpoena duces tecum in the United	The FCA may serve a subpoena by personal service or certified mail with a return	In an administrative hearing, the presiding officer may require FCA to show the

<p>Office of Inspector General Farm Credit Administration</p>	<p>Pub. L. 99-205, Title II, §204, Dec. 23, 1985, 99 Stat. 1702, and amended Pub. L. 100-233, Title VIII §805(ee). Jan. 6, 1988, 101 Stat. 1717</p> <p>12 U.S.C. §2273. 12 C.F.R. Part 622.</p>	<p>investigation under the Farm Credit Act, the FCA or its designated representative has the power to issue, revoke, quash or modify subpoenas and subpoenas duces tecum.</p>	<p>States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which the proceeding is being conducted. Such courts have jurisdiction and power to order and require compliance with the subpoena. Any person who willfully fails to comply with a subpoena shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine or not more than \$1,000 or to imprisonment for a term of not more than one year, or both.</p>	<p>receipt to the last know address of the person. 12 C.F.R §§622.9 and 622.106.</p> <p>Unless ordered by the FCA Board or required by law, the entire record of any administrative hearing is for the confidential use only of the FCA and its staff, the presiding officer, the parties, and other appropriate supervisory authorities and shall not be public. 12 C.F.R. § 622.20.</p> <p>All information, documents, or testimony that the FCA obtains in the course of a formal Investigation is confidential. 12 C.F.R. §622.103.</p>	<p>general relevance and reasonable scope of the testimony or other evidence sought as a condition precedent to issuing the subpoena. 12 C.F.R. §622.9.</p> <p>Any person to whom a subpoena is directed may apply to quash or modify the subpoena both in an administrative hearing and a formal investigation. The presiding officer, FCA representative, or the FCA Board may deny the application or, after notice to the party that issued the subpoena and after affording that party an opportunity to reply, may quash or modify the subpoena or impose reasonable conditions. 12 C.F.R. §§ 622.9 and 622.106.</p>
<p>Federal Communications Commission</p>					

<p>Federal Communications Commission</p>	<p>Communications Act of 1934, as amended, 47 U.S.C. §151 <u>et seq.</u></p> <p>47 U.S.C § 409(e)</p> <p>47 C.F.R. §§ 1.331 <u>et seq.</u></p> <p>47 C.F.R. §§ 0.10(k), 0.11(k)</p>	<p>Production of information and documents related to agency implementation and enforcement of the Communications Act of 1934, as amended, and orders, rules and regulations of the agency. The federal courts have recognized the broad administrative subpoena authority of the Commission. <u>See, e.g., Schrieber v. FCC</u>, 201 F. Supp. 421 (S.D. Calif. 1962), <u>modified and aff'd., FCC v. Schrieber</u>, 329 F. 2d 517 (d.C. Cir. 1964); <u>aff'd., FCCv. Schrieber</u>, 381 U.S. 279, (1965); <u>FCC v. Cohn</u>, 154 F. Supp. 899 (S.D.N.Y. 1957).</p>	<p>U.S. district courts have authority to enforce a Commission administrative subpoena pursuant to 47 U.S.C. § 409(g).</p>	<p>All applicable laws, including subpoena rules 47 C.F.R. §§ 1.331 <u>et seq.</u>, an confidentiality/FOIA rules, 47 C.F.R. §§ 0.441 <u>et seq.</u></p>	<p>Discretion of authorized Commission personnel, subject to requirement in the case of certain personnel that no administrative subpoena may issue without the prior approval of the Commission's Office of General Counsel <u>See 47 C.F.R. §§ 1.331 et seq.</u> (Issuance by Commissioners and by ALJs in hearing cases) 47 C.F.R. §§ 0.101(k), 0.111(k) (certain offices and bureaus must obtain prior OGC approval of any subpoena issuance).</p>
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Federal Communications Commission	Inspector General Act, 5 U.S.C. app. § 6	Production of information and documents related to agency programs/operations from entitites/persons other than federal agencies	U.S. district courts	All applicable laws.	
Federal Deposit Insurance Corporation					
Federal Deposit Insurance Corporation FCIC Compliance and Enforcement Section	Section 10(c) and 8(n) of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. §§1820(c) and 1818(n); 12 U.S.C. §§821(d)(2)(I)(i) and 823(d)(3)(A), Pub. L. 89-695.	Administrative subpoena authority.	8(n) District court enforcement and criminal penalties.	The FDIC's use and dissemination of subpoenaed information is subject to various laws including the Right to Financial Privacy Act, the Privacy Act and the Trade Secrets Act.	Procedures applicable to section 10(c) investigations, 12 C.F.R. § 308.144-150 (2001).
Federal Deposit Insurance Corporation Deputy Counsel to the Inspector General	The Office of Inspector General (OIG) of the FDIC is authorized to issue administrative subpoenas pursuant to the Inspector General (IG) Act of 1978, as amended, 5 U.S.C. app. 3 (2001).	The FDIC is authorized to subpoena all information and documentary evidence necessary in the performance of the functions assigned by the IG Act.	In the case of refusal to obey, the OIG enforces subpoenas through actions brought in U.S. district court.	The OIG's use and dissemination of subpoenaed information is subject to various laws including the Right to Financial Privacy Act, the Electronic Communications Privacy Act, the Freedom of Information Act, and the Privacy Act.	The FDIC OIG has established a policy governing requests for and the issuance of administrative subpoenas, FDIC OIG Policy 110.6 (May 1999).

Federal Deposit Insurance Corporation (Resolution Trust Corporation)†	12 U.S.C. § 1821(l)	Only w/ approval from the Board or their designees; The Corporation may, as conservator, receiver, or exclusive manager and for purposes of carrying out any power, authority, or duty with respect to an insured depository institution, exercise any power authorized under section 1818(n) of this title (including subpoena authority)			
Federal Deposit Insurance Corporation†	12 U.S.C. § 1829b	Recordkeeping - provision has been interpreted to allow subpoenas.			
Federal Election Commission					
Federal Election Commission	Subpoenas for desposition and document production and orders to submit written answers. Federal Election Campaign Act Amendments of 1974, Pub. L. No. 93-443, § 208(a), 88 Stat. 1263,	The Commission may authorize its Chairman or Vice Chairman to issue an order requiring any person to submit sworn written answers to written questions. 2 U.S.C. §437d(a)(1); 11 C.F.R. § 111.11. The Commission may also	For refusals to obey any order or subpoena, the Commission may petition a United States district court seeking a court order that requires compliance. 2 U.S.C. § 437d(b).	Subpoenas that seek financial information may be subject to the Right to Financial Privacy Act of 1978, Pub. L. No. 95-630-, 92 Stat. 3697 (1978). Pursuant to the Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896 (1974),	The Commission reviews the content of subpoenas and orders and votes to approve their issuance. Motions to quash or modify subpoenas are also considered by the Commission. 11 C.F.R. § 111.15.

	<p>1282(1974)(amending Federal Election Campaign Act of 1971, §311, Pub. L. No. 93-443,) codified at 2 U.S.C. §437d(a)(1)-(4); See also 11 C.F.R, §§ 111.11 - 111.15, 9007.1(b)(1)(v), & 9038.1(b)(1)(v).</p>	<p>compel deposition testimony and the production of evidence relating to the execution of the Commission's duties. 2 U.S.C. §437d(a)(3),(4); & 11 C.F.R. § 111.12.</p>		<p>the Commission published its System of Records at 62 Fed. Reg. 65, 694 (1997), which permits release of all records to the public once the case has closed, with the exception of those records that are exempt from disclosure by the Freedom of Information Act. The System of Records is currently under review for potential revisions.</p>	
<p>Federal Election Commission</p>	<p>Inspector General subpoenas. Inspector General Act of 1978, as amended, Pub.L. No. 95-452, 92 Stat. 1101 (1978) codified at 5 U.S.C. app. 3, §6(a)(4).</p>	<p>Essentially a subpoena duces tecum for all documentary evidence necessary for the performance of the functions assigned under the IG Act.</p>	<p>For refusals to obey an IG Subpoena, the IG may petition a United States district court seeking a court order that requires compliance. 5 U.S.C. app. 3, §6(a)(4).</p>	<p>Same as Federal Election Commission process above, except under the System of Records, response to IG subpoenas are not publicly released.</p>	<p>The scope of IG subpoenas and methods of service are promulgated in 13 C.F.R. §§ 101.302-101.303. Internal standards and procedures have been issued in an FEC OIG manual.</p>
<p>Federal Emergency Management Agency</p>					

<p>Federal Emergency Management Agency</p>	<p>Section 6(a)(4) of the Inspector General Act of 1978.</p> <p>(Exercises authority similar to those of other Inspector Generals under the Act.)</p>				
<p>Federal Housing Finance Board</p>					
<p>Federal Housing Finance Board</p>	<p>The source of authority for the subpoena power of the Federal Housing Finance Board (Finance Board) is section 2B(a)(5) of the Federal Home Loan Bank Act (Act), 12 U.S.C. § 1422b(a)(5), as amended by section 606 of the Federal Home Loan Bank System Modernization Act of 1999 (Modernization Act), Title VI of the Gramm-Leach-Bliley Act, Pub. Law No. 106-102, 113 Stat. 1338 (Nov. 12, 1999). Section 2B(a)(5) of</p>	<p>Section 2B(a)(5) of the Act incorporates by reference the subpoena authority in section 1379B of the Safety and Soundness Act, <i>see</i> 12 U.S.C. § 4641. Under that authority and section 2B(a)(7) of the Act, the Finance Board's proposed rule provides that in the course of or in connection with an administrative enforcement proceeding, the Finance Board shall have the authority to administer oaths and affirmations, to take and preserve testimony under oath, to issue subpoenas and</p>	<p>Under the Act, the Finance Board may file an action in the United States district court for the judicial district where the proceeding is being conducted or where the witness resides, or in the United States District Court for the District of Columbia, for enforcement of any subpoena or subpoena <u>duces tecum</u> issued pursuant to section 2B(a)(5). <i>See</i> 12 U.S.C. §§ 1422b(a)(5) and (a)(7). Such courts shall have</p>	<p>The Finance Board's subpoena authority only extends to the 12 Banks, the Office of Finance, and to persons who are executive officers or directors of a Bank or the Office of Finance, in connection with an enforcement proceeding under section 2B(a)(5) of the Act. Apart from this specific authority, the Finance Board does not have authority to subpoena the financial records of any private citizen. The subpoena provisions in the proposed rule would</p>	<p>The proposed rule contains provisions addressing the requirements for the issuance of subpoenas or subpoenas <u>duces tecum</u>, but the Finance Board has not yet adopted a final rule on these matters.</p>

	<p>the Act confers on the Finance Board the same administrative enforcement powers with respect to the twelve Federal Home Loan Banks (12 Banks) and the Office of Finance, and their executive officers and directors, as those granted to the Office of Federal Housing Enterprise Oversight (OFHEO) with respect to the Federal National Mortgage Association (Fannie Mae), the Federal Home Loan Mortgage Corporation (Freddie Mac), or their directors or executive officers, under sections 1371-1379B of Title XIII of the Housing and Community Development Act of 1992, known as the Federal Housing Enterprises Financial Safety and Soundness</p>	<p>subpoenas <u>duces tecum</u>, and to revoke, quash, or modify subpoenas and subpoenas <u>duces tecum</u>. The attendance of witnesses and the production of documents provided for in this section may be required from any place in any State at any designated place where such proceeding is being conducted.</p>	<p>jurisdiction over such actions and power to order and require compliance with such subpoenas and subpoenas <u>duces tecum</u>. See 12 U.S.C. § 4641(c). The proposed rule sets out this authority. See 12 CFR § 908.8, 65 Fed. Reg. 78994, 79000. The proposed rule also establishes procedures for the issuance and enforcement of subpoenas, including: failure to appear at a proceeding (§ 908.9(a)(4)); authority of the presiding officer to issue subpoenas and subpoenas <u>duces tecum</u> (§908.21(b)(5)); service of subpoenas (§ 908.26(d)); witnesses fees and expenses (§ 908.29); no discovery of privileged matter (§ 908.46(d)); motions to compel document</p>	<p>allow for adequate notice to a Bank, the Office of Finance, or any executive officer or director of a Bank or the Office of Finance. The Finance Board's civil administrative subpoenas are not self-enforcing and, as stated, the Finance Board has the authority under the Act to seek enforcement of such subpoenas in an appropriate district court, as set forth in the rule.</p>	
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	<p>Act of 1992. Pub. Law No. 102-550, Title XIII, §§ 1371-1379B, 106 Stat. 3986 - 3994 (Oct. 28, 1992) (Safety and Soundness Act). <i>See</i> 12 U.S.C. §§ 4631-4641. The Finance Board has not yet adopted any rules implementing the statutory provisions, but has a proposed rule outstanding that addresses, among other things, the agency's subpoena authority. <i>See</i> 65 Fed. Reg. 78994 (Dec. 18, 1999) (proposed rule) (to be codified at 12 CFR Part 908).</p>		<p>discovery from parties (§ 908.47(f)); issuance of protective orders (§ 908.47(g)); enforcement of discovery subpoenas (§ 908.7(h)); document subpoenas to non-parties (§ 908.48), and issuance and enforcement of subpoenas requiring attendance at a deposition in lieu of appearance at a hearing (§ 908.49)). <i>See</i> 65 Fed. Reg. 78994 <i>ff.</i></p>		
Federal Maritime Commission					
Federal Maritime Commission	<p>Subpoena in investigations and adjudicatory proceedings (Shipping Act of 1984, as amended;</p>	<p>In investigations and adjudications under the Shipping Act, the Commission may compel attendance of witnesses and</p>	<p>In case of refusal to obey, the Attorney General at the request of the Commission may seek enforcement by</p>	<p>Notice and opportunity for hearing are required prior to suspension of a tariff, , or request to the Secretary of</p>	<p>A presiding officer may require the party seeking a subpoena to show the relevance and scope where it appears that such</p>

	<p>Pub. L. 105-258; 46 U.S.C. app. § 1711(a)(2); 46 C.F.R. §502.131.)</p>	<p>production of evidence.</p>	<p>a U.S. district court. 46 U.S.C. app. § 1713(c).</p> <p>In addition, the Commission may suspend a common carrier's tariff or use of a tariff for failure to supply information. 46 U.S.C. app. § 1713(b)(2). Additional penalties of up to \$50,000 per shipment may apply to carriers who operate under such a suspended tariff. 46 U.S.C. app. § 1713(b)(3). The Commission may also request that the vessels of such carrier be refused clearance by the Secretary of the Treasury. 46 U.S.C. app. § 1713(b)(4). Such orders are subject to the disapproval of the President. 46 U.S.C. app. § 1712(b).</p>	<p>Treasury. 46 U.S.C. app. § 1712(b)(2) & (3).</p>	<p>subpoena may be "unreasonable, oppressive, excessive in scope, or unduly burdensome." 46 C.F.R. §502.131.</p>
<p>Federal Maritime Commission</p>	<p>Section 15 reports (Shipping Act of</p>	<p>The Commission may require any common</p>	<p>In case of refusal to obey, the Attorney</p>		

	1984, 46 U.S.C. app. § 1714)	carrier to file “any periodical or special report or any account, record, rate or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier.”	General at the request of the Commission may seek enforcement by a U.S. district court. 46 U.S.C. app. § 1713(c).		
Federal Maritime Commission	Section 19 information demand. (Merchant Marine Act of 1920, 46 U.S.C. app. § 876.)	In furtherance of the Commission’s mandate to make rules and regulations affecting shipping in the foreign trade to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, the Commission may require any person to file “a report, answers to questions, documentary materials and other information.” 46 U.S.C. app. § 876(f)(1). In addition, the Commission may subpoena witnesses and evidence in such proceedings. 46 U.S.C. app. § 876(g)(2).	Failure to file a report, etc. as required by the Commission, results in liability for a civil penalty of not more than \$5000 for each day the information is not provided. 46 U.S.C. app. § 876(f)(4). Failure to comply with a subpoena may result, after notice and hearing, in suspension of a common carrier’s tariff or use of a tariff, and a penalty of not more than \$5000 for each day the information is not provided. 46 U.S.C. app. § 876(g)(4).	Notice and hearing before suspension of tariff to enforce subpoena. The Commission may refuse to disclose to the public a response provided under the terms of 46 U.S.C. § 876, notwithstanding any other law. 46 U.S.C. § 876(h).	

			<p>The Commission may seek enforcement by a U.S. district court. 46 U.S.C. app. § 876(g)(5).</p>		
<p>Federal Maritime Commission</p>	<p>Foreign Shipping Practices Act Information Requests (Foreign Shipping Practices Act, 46 U.S.C. app. 1710a.)</p>	<p>Pursuant to its authority to investigate “whether any laws, rules, regulations, policies, or practices of foreign governments, or any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country result in conditions that ... adversely affect the operation of United States carriers... and do not exist for foreign carriers of that country in the United States,” the Commission may require any person to file reports, answers to questions, documentary material or other information. 46 U.S.C. app. § 1710a(d)(1).</p> <p>In addition, the</p>		<p>The Commission may determine that information submitted under this provision “shall not be disclosed to the public.” 46 U.S.C. app. § 1710a(d)(3).</p>	

		Commission may issue subpoenas to compel attendance and testimony of witnesses and production of evidence. 46 U.S.C. app. § 1710a(d)(2).			
Federal Maritime Commission	Nonadjudicatory investigations (46 C.F.R. Part 502, Subpart R.).	In connection with investigations undertaken pursuant to the Commission's regulatory duties, the Commission may issue orders or subpoenas directing persons to appear or to produce documents, 46 C.F.R. § 502.286, order testimony be take by deposition, § 502.287, or order filing of a report or answer to specific questions, § 502.288.	In case of failure to comply with such processes, the Commission may initiate "actions for enforcement by the Commission or the Attorney General and for forfeiture of penalties or criminal actions by the Attorney General." 46 C.F.R. § 502.289.	Such investigatory proceedings are "nonpublic." 46 C.F.R. § 502.291.	
Federal Maritime Commission	Inspector General (IG) subpoenas (Inspector General Act of 1978, as amended; Pub. L. 95-452; 5 U.S.C. app 3, § 6(a)(4).	The IG exercises no unique, agency-specific authority.			

Federal Mediation and Conciliation Service	Holds no administrative subpoena authority and no unique, agency-specific authority under the Inspector General Act.				
Federal Mine Safety and Health Commission					

Federal Mine Safety and Health Review Commission	Section 113(e) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. §823(e)(1994), Pub. L. 95-164.	In connection with hearings before the Commission or an ALJ, permits agency to compel the attendance and testimony of witnesses and the production of books, papers, documents or	Commission or ALJ may apply to appropriate U.S. district court to enforce Commission or ALJ order to appear, testify, or produce evidence.	None specified. RFPAs generally not applicable because subpoenas are rarely if ever issued to financial institutions.	Standards not specified. Standard evidentiary privileges recognized through case adjudication.
Federal Mine Safety and Health Review Commission	29 C.F.R. §2700.60	Permits Commission and ALJs to issue subpoenas, on their own motion or on application of a party, requiring the attendance of witnesses and the production of documents or physical evidence.	ALJ or General Counsel at request of ALJ or direction of Commission, may initiate proceedings in appropriate U.S. district court to enforce subpoena.	None specified.	Subpoenas may be issued for relevant, non-privileged matter that is admissible evidence or appears likely to lead to the discovery of admissible evidence. Subpoenas must describe with sufficient particularity the evidence required to be produced, and must not

					<p>be otherwise “invalid” or “unreasonable.” Subpoenas may be served by any person 18 or over or by registered or certified mail, return receipt requested. Copy of subpoena bearing certificate of service to be filed with Commission or ALJ. Witness fees the same as the U.S. district courts. Motions to revoke or modify subpoenas may be filed within 5 days of service of the subpoena or at the hearing, whichever is sooner.</p>
Federal Reserve, Board of Governors of the					
Board of Governors of the Federal Reserve System	Federal Reserve Act, 12 U.S.C. § 603	Authorizes investigations, including authority to “send for persons and papers, subpoena witnesses, and administer oaths,” to ensure compliance with agreements limiting activities of Agreement corporations	None identified	None stated; RFPFA applies to subpoena to financial institution seeking customer records unless disclosure is exempt under 12 U.S.C. § 3413 or copy of subpoena is sent first to customer under 12 U.S.C. § 3405.	Investigation may be instituted, triggering subpoena authority, whenever the Board “shall ascertain that the regulations prescribed by it are not being complied with.”
Board of Governors	Change in Bank Control Act, 12 U.S.C.	Authorizes investigations of principals who seek to	Judicial enforcement same as under 1818(n);	None stated; RFPFA applies to subpoena to	Subpoenas are authorized in connection

<p>of the Federal Reserve System</p>	<p>§ 1817(j)(15)</p>	<p>acquire control of voting stock of a financial institution, including exercise of authority under 1818(n). See below.</p>	<p>see below. Also, Board may disapprove acquisition by any person who fails to furnish information required by the agency. 12 U.S.C. § 1817(j)(7)(E).</p>	<p>financial institution seeking customer records unless disclosure is exempt under 12 U.S.C. § 3413 or copy of subpoena is sent first to customer under 12 U.S.C. § 3405. RFPA exemptions include § 3413(b), which exempts from the RFPA disclosures to the Board by a financial institution pursuant to the Board's supervisory or regulatory functions with respect to any financial institution, holding company, subsidiary, or institution-affiliated party thereof; § 3413(d), which governs records and information required to be reported under Federal law or regulation; and § 3413(f), which relates to subpoenas issued by administrative law judges in formal adjudicatory proceedings.</p>	<p>with any investigation to determine relevant factors under Change in Bank Control Act, or to make independent determination of accuracy and completeness of information provided by notificant, or any other investigation deemed necessary by the agency to determine whether any person has filed inaccurate, incomplete or misleading information or has violated, is violating, or is about to violate the act or its regulations. 12 U.S.C. § 1817(j)(15)(A).</p> <p>Under Board practice, subpoena authority is granted to specified Board counsel pursuant to a formal Order of Investigation issued by the Board's General Counsel upon a showing of possible violation of law, regulation, etc.</p>
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<p>Board of Governors of the Federal Reserve System</p>	<p>Federal Deposit Insurance Act, 12 U.S.C. § 1818(n)</p>	<p>Authorizes agency or designated representative to “issue, revoke, quash, or modify” subpoenas in connection with administrative enforcement proceedings under 12 U.S.C. § 1818, which include proceedings against financial institutions and their institution-affiliated parties for unsafe or unsound banking practices, breaches of fiduciary duty, and violations of law or regulation. Subpoenas may require documents from any place within the jurisdiction of the United States.</p>	<p>U.S. District Courts may enforce subpoenas or subpoenas duces tecum; refusal to comply is a misdemeanor punishable by up to \$1000 or one year imprisonment, or both.</p>	<p>None stated; see above regarding RFPA</p>	<p>Subpoenas are authorized “in the course of or in connection with any proceeding under” sections 1818 or 1820(c) relating to enforcement proceedings against financial institutions and their institution-affiliated parties and claims for insured deposits.</p> <p>Under Board practice, subpoena authority is granted to specified Board counsel pursuant to a formal Order of Investigation issued by the Board’s General Counsel upon a showing of possible violation of law, regulation, etc.</p>
<p>Board of Governors of the Federal Reserve System</p>	<p>Federal Deposit Insurance Act, 12 U.S.C. § 1820(c)</p>	<p>Authorizes exercise of subpoena powers under § 1818(n) in connection with bank examinations as well as investigations to determine compliance with banking laws.</p>	<p>See above regarding § 1818(n)</p>	<p>None stated; see above regarding RFPA</p>	<p>As under § 1818(n), Board practice requires issuance of a formal Order of Investigation to authorize issuance of a subpoena.</p>
<p>Board of Governors of the Federal Reserve System</p>	<p>Bank Holding Company Act, 12 U.S.C. § 1844(f)</p>	<p>Authorizes exercise of subpoena power in connection with any application, examination,</p>	<p>Same enforcement authority as under § 1818(n).</p>	<p>None stated; see above regarding RFPA</p>	<p>See above regarding Order of Investigation</p>

		investigation, or other proceeding under the Act. As with subpoenas under § 181(n), testimony and documents may be required from any place within the jurisdiction of the United States.			
Board of Governors of the Federal Reserve System	International Banking Act of 1978, 12 U.S.C. § 3108	Authorizes Board or its designated representative to issue, revoke, quash, or modify subpoenas in connection with any application, examination, investigation, or other proceeding under the Act. Production is required from any place subject to the jurisdiction of the United States	Enforceable through action in United States District Court; fine for noncompliance is imposed “under Title 18,” or imprisonment of up to one year, or both; each day of refusal to comply is considered a separate offense	None stated; see above regarding RFPA	See above regarding Order of Investigation
Board of Governors of the Federal Reserve System Office of Inspector General	Inspector General Act of 1978, Public Law 95-452, 5 U.S.C. appendix [This is the same authority exercised by other Inspectors General.]	Administrative subpoena authority, generally recognized as limited to <i>subpoena duces tecum</i> (statutory language: [Each Inspector General...is authorized...] to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the	In the event of refusal to obey, court order obtained through petition to enforce filed in the appropriate U.S. District Court	None specific to the Inspector General Act; statutory notification requirements followed for Inspector General subpoenas issued pursuant to the Right to Financial Privacy Act	OIG has established within OIG various policies and procedures regarding subpoena request and issuance.

		<p>performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: <i>Provided, That</i> procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies</p>			
Federal Retirement Thrift Investment Board	Holds no administrative subpoena authority.				
Federal Trade Commission					
Federal Trade Commission	Section 20 of the Federal Trade Commission (FTC) Act, Act of September 26, 1914, 38 Stat. 717, as amended, 15 U.S.C. § 57b-1; <u>see</u> 16 C.F.R. § 2.7	Civil investigative demands (CID) to testify or produce documentary evidence in FTC investigations of unfair or deceptive practices in or affecting commerce or of antitrust violations	Federal district court. <u>See</u> 16 CFR § 2.13.	Strict confidentiality protections provided by FTC Act §§ 6(f) (confidential financial or commercial information), 21 (information obtained pursuant to compulsory process or in lieu thereof). In certain	Requires “reason to believe” that recipient is in possession, custody, or control or documentary material, or has information, relevant to unfair or deceptive acts or practices in or affecting commerce within the meaning of

				cases, other restrictions may also apply, e.g.: Right to Financial Privacy Act (RFPA), 12 U.S.C. § 3401 et seq. (customer financial records); Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2701 et seq. (stored electronic communications and customer records); Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 et seq. (consumer reports), etc.	FTC § 5, or relevant to antitrust violations. Must be signed by a Commissioner pursuant to a Commission resolution; authority is non-delegable. Recipients may file petitions to limit or quash. See 16 CFR § 2.7(d).
Federal Trade Commission	Section 9 of the FTC Act, 15 U.S.C. § 49; see, e.g., 16 CFR §§ 2.7, 2.10, 2.11, 2.12	Subpoenas for testimony of witnesses and production of documentary evidence in FTC investigations other than those covered by section 20 of the FTC Act (see below)	See above.	See above.	Subpoena must “relat[e] to a matter under investigation” by the FTC and must be signed by “a member of the Commission.” Recipients may file petitions to limit or quash for disposition by a designated Commissioner. See 16 CFR § 2.7(d). Subpoenas are also available in agency adjudicatory proceedings. See 16 CFR § 3.34.
Federal Trade	Section 6(b) of the FTC Act; 15 U.S.C. § 46(b)	Annual and special reports of persons,	See above.	See above.	Reports under oath may be required, via general

Commission		partnerships, and corporations			or special order, to persons, partnerships, and corporations (except exempted entities) engaged in, or whose business affects, commerce.
Federal Trade Commission	Section 6(a)(4) of the Inspector General Act of 1978, as amended, P.L. 95-452, 5 U.S.C. app.	Subpoenas for production of information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence	Federal district court.	FTC Act § 6(f) (confidential commercial or financial information). In certain cases, other restrictions may also apply: Privacy Act, 5 U.S.C. 552a (agency systems of records pertaining to individuals); RFPA; ECPA; FCRA, etc.	Procedures other than subpoenas must be used to obtain documents and information from Federal agencies.
Federal Trade Commission†	“Second Request” authority under the Hart-Scott-Rodino Antitrust Improvements Act of 1976: Section 7A of the Clayton Act, 15 U.S.C. 18a as amended by Section 630 of Pub.L. No. 106-553, 114 Stat. 2762(2000). The authority to issue second requests is found in 15 U.S.C. 18a(c). Rules implementing the Act are found at 16	Certain mergers and acquisitions may not be consummated until the parties provide the FTC and the Department of Justice (DOJ) with premerger notification and observe a waiting period. During that waiting period, either the FTC or DOJ “may require the submission of additional information or documentary material relevant to the proposed acquisition” from the	Under 15 U.S.C. 19a(g)(2), if a party fails substantially to comply with a second request, a district court may order compliance, extend the waiting period until there has been compliance, and grant other equitable relief.		

	C.F.R. Part 801 et seq. See 16 C.F.R. 803.20 (“Requests for additional information or documentary material”)	parties. (This is referred to as issuing a “second request.”)			
General Services Administration					
General Services Administration Personal Property Division (LP) U.S. General Services Administration, Office of the Inspector General	The Inspector General Act of 1978, Pub. L. 95-452, 92 Stat. 1101, as amended, 5 U.S.C. App III.	The GSA Inspector General has the authority to require the production of “all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act...” The GSA OIG’s authority extends to the programs and operations of GSA.	Subpoenas issued by the GSA Inspector General “shall be enforceable by order of any appropriate United States district court....”	In the exercise of its subpoena authority, the GSA OIG complies with the notification and privacy provisions and other procedures, when applicable, of the Right to Financial Privacy Act, 12 U.S.C. §3401 <i>et seq.</i> , the Cable Act, 47 U.S.C. §551, the Electronic Communications Privacy Act, 18 U.S.C. §2701 <i>et seq.</i> , (and related statutes), and the Health Insurance Portability and Accountability Act of 1996, 104 Pub. L. 191.	GSA OIG subpoenas are signed by the Inspector General himself or, in his absence, by the Deputy Inspector General, after review and concurrence by the Counsel to the Inspector General. Legal review is based on legal sufficiency, scope, and, if appropriate, whether other available means of obtaining the necessary information have been explored.
General Services Administration Personal Property Division (LP)	The Contract Disputes Act of 1978, Pub. L. No. 95-563, 92 Stat. 2383, as amended, at § 11; 41 U.S.C. § 610 (1994). Board Rule 120, 48	A Board judge may require by subpoena the attendance of witnesses, and production of books and papers, for the taking of testimony or evidence	If a person who resides, is found, or transacts business within the jurisdiction of a United States district court, refuses to obey a	Every subpoena must be in the form specified in the appendix to the Board’s rules of procedure . 48 CFR 6101.20(d) [Rule 120(d)].	Board Rule 120(a) states the expectation that, in Board proceedings, parties are expected to cooperate by making witnesses and evidence

<p>U.S. General Services Administration, Board of Contract Appeals</p>	<p>CFR 6101.20 (2000).</p>	<p>by deposition or in the hearing of an appeal by the Board.</p>	<p>subpoena issued by the Board, the Board, through the Attorney General, may apply to that court to issue an order requiring the person to appear before the Board, to produce evidence or to give testimony, or both. Failure to obey the order may be punished by the court as a contempt of court.</p>	<p>The subpoena form is GSA Form 9534 (Rev. 1-98), 48 CFR Pt. 61, App. Board Rule 120 contains the procedures for obtaining, serving, and governing proof of service of a subpoena; provides for motions to quash or modify a subpoena; and sets forth the statutory enforcement mechanism described above. Each appellant receives a copy of the Board's rules of procedure with the notice of docketing of its appeal. There are no specific privacy protections connected to a Board subpoena, which is part of the record in the appeal. However, Board Rule 112(h)(1) provides that a party may request that documents be submitted under protective order or held <u>in camera</u>, and Rule 112(h)(2) states that a party may ask, or the Board direct, that testimony be received under protective order or <u>in camera</u>. 48 CFR 6101.12(h).</p>	<p>available without a subpoena. If one party requests a subpoena, the hearing judge usually consults with the opposing party before making the determination to issue the subpoena. In many instances in which subpoenas are requested, the subpoenas are essential to securing evidence necessary to resolve contract disputes. Some requests for Board subpoenas, however, do not involve lack of cooperation by the parties. A party may request a subpoena on behalf of a witness who needs to demonstrate to an employer that he or she is testifying in an administrative proceeding. In addition, some federal agencies, as a standard operating procedure, require a subpoena before they will provide documents or depositions in an appeal.</p>
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Institute of Museum and Library Studies	Holds no administrative subpoena authority.				
Inter-American Foundation	Holds no administrative subpoena authority.				
Foreign Claims Commission					
Foreign Claims Commission†	22 U.S.C. § 1631h	Debt claims against asserted against Bulgaria, Hungary, or Rumania OR based upon an obligation expressed or payable in any currency			
Foreign Claims Commission†	22 U.S.C. § 1623(c)	Settlement of International Claims: Any member or employee of the commission may, by designation of the Chairman of the Commission, require by subpoena the attendance and testimony of witnesses and the production of all necessary books, papers, documents, records, correspondence and other	Enforceable by U.S. district court		

		evidence.			
Commission on Security and Cooperation in Europe					
Commission on Security and Cooperation in Europe†	22 U.S.C. § 3004	In carrying out this Act . . [the Commission] may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary			
U.S. International Trade Commission					
U.S. International Trade Commission	19 U.S.C. §1333	Subpoenas are authorized for the purposes of carrying out the Commission's functions and duties in connection with any investigation authorized by law.	The Commission may invoke the aid of any district court, which may issue an order requiring compliance, failure to obey may be punished as contempt of court.	The Commission must not disclose to unauthorized persons confidential business information or business proprietary information gathered through subpoenas. The Commission routinely issues orders protecting information obtained, and issues sanctions accordingly when such	A majority of the Commission must authorize issuance, but any member may sign a subpoena; subpoenas may issue with respect to papers, information, and testimony pertaining to any Commission investigation.

				information is improperly handled.	
U.S. International Trade Commission Office of the Inspector General	Inspector General subpoena authority is under the Inspector General Act. (5 U.S.C. App. 3, §§ 3(a), 6(a)(4), 8G(d) and 8G(g)(1).	The Inspector General is authorized to require by subpoena, information necessary in the performance of the functions assigned by the Inspector General Act. (5 U.S.C. App. 3 § 6(a)(4)).	Subpoenas are enforceable by a United States district court order. (5 U.S.C., App. 3 § 6(a)(4))	Right to Financial Privacy Act (12 U.S.C. § 3401).	1) Information sought must be within the authority of the Inspector General. 2) Information sought is reasonably relevant to the Inspector General's inquiry. 3) Production of the information cannot be unduly burdensome.
United States International Trade Commission†	19 U.S.C. § 1677f(7)(a)	Disclosure of proprietary information under protective orders issued pursuant to the North American Free Trade Agreement or the United States-Canada Agreement			
(North American Free Trade Agreement)					
(North American Free Trade Agreement)†	19 U.S.C. § 3433	Authorizing any member of an extraordinary challenge committee convened under paragraph 13 of article			

		1904 to summon witnesses and require the production of documents, books, and records			
National Commission on Electronic Fund Transfers					
National Commission on Electronic Fund Transfers†	12 U.S.C. § 2404	To require the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission	Enforceable by any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.		
Legal Services Corporation					

<p>Legal Services Corporation</p>	<p>Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, § 6(a)(4).</p>	<p>To require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by the IG Act.</p>	<p>In the case of contumacy or refusal to obey, enforceable by order of any appropriate United States district court.</p>	<p>Because LSC is not a government agency, it is unclear that the Right to Financial Privacy Act applies to LSC OIG subpoenas.</p> <p>Certain information potentially subject to LSC OIG subpoena is protected from further disclosure by the OIG, see Pub. L. 104-134, Sec. 509:</p> <p>(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or</p>	<p>The LSC OIG has internal procedures for issuance of OIG subpoenas.</p>
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				<p>monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.</p> <p>(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to - (1) a Federal, State, or local law enforcement official; or (2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.</p>	
U.S. Merit Systems Protection Board					
U.S. Merit Systems Protection Board	5 U.S.C. §1204 (Powers and functions of the Merit Systems Protection Board)	Subpoenas may be issued by any member of the Board, any administrative law judge appointed by the Board under 5 U.S.C. §3105, and any Board employee designated by	If the Board's subpoena is not obeyed, the Board may apply to the United States district to order enforcement. The district court may punish any failure to		The Board does not generally issue subpoenas to compel the appearance of agency witnesses, that is, witnesses employed by the respondent agency.

		<p>the Board (generally administrative judges). Under this authority, the Board may require the attendance and presentation of an individual's testimony, the production of documentary or other evidence, or the taking of depositions from, and responses to written interrogatories, by any such individual.</p>	<p>obey the order of the court as a contempt thereof. 5 U.S.C. §1204(c).</p> <p>The Board generally has fewer than five cases a year in which it applies to a district court for enforcement of its subpoena. Upon application to the Board by the Special Counsel, the Board may also apply to the district court to enforce a subpoena issued by the Special Counsel. 5 U.S.C. §1212(b)(3). This provision has rarely been employed, and had not been employed recently</p>		<p>Rather, the agency must arrange for the appearance of its employees. If the employee does not make an appearance, the administrative judge may impose sanctions under 5 C.F.R. §1201.41.</p> <p>Under 5 C.F.R. §1201.43, the administrative judge is granted discretion in imposing sanctions as necessary to serve the ends of justice. In the case of federal employees who are not employed by the respondent agency, and who do not appear in response to an order by the administrative judge for the agency to provide the witness pursuant to 5 C.F.R. §1201.33, the Board has determined that obtaining a subpoena is a better course of action than imposing sanctions. For more details, see Chapter 7, "Witnesses, Subpoenas, and Sworn Statements," in the</p>
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					Merit Systems Protection Board Judge's Handbook.
U.S. Merit Systems Protection Board†	5 U.S.C. §1221	At the request of an employee, former employee or a applicant for employment . . . seeking corrective action . . . the board shall issue a subpoena for the attendance and testimony of any person if the Board finds that the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.			
U.S. Merit Systems Protection Board†	5 U.S.C. §1507	Allows the Board to administer oaths, examine witnesses, and receive evidence	Enforceable in United States district court		
National Aeronautics and Space Administration					
National Aeronautics and Space Administration	Inspector General Act of 1978, as amended, 5 U.S.C.A. App. 3, Section 6(a)(4)	“production of all information, documents, reports, answers, records, accounts, papers, and	“in the case of contumacy or refusal to obey, shall be enforceable by order of	Right to Financial Privacy Act, 12 U.S.C. Section 3401 <u>et seq.</u>	Request to issue IG subpoena is reviewed by chain of command, by IG Counsel, and is

		other data and documentary evidence necessary in the performance of the functions assigned by [the IG Act]...procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies"	any appropriate United States district court"		signed by the IG or designee. DoJ monograph is consulted as well as case law and standards in Special Agents' Manual
National Aeronautics and Space Administration	Program Fraud Civil Remedies Act, 31 U.S.C. 3801-3812; 14 CFR Part 1264	Investigative subpoena <i>duces tecum</i> , 14 CFR 1264.103; trial subpoena 14 CFR 1264.122.	Sanctions under 14 CFR 1264.128.	Notice under 14 CFR 1264.103.	Standards as set forth in the PFCRA and its implementing regulations.
National Archives and Records Administration	Holds no administrative subpoena authority, excluding IG authority. No unique, agency-specific authority under the Inspector General Act. Inspector General Act of 1978, 5 U.S.C. App. 3 sec.8G(d))				
National Capitol Planning Commission					

National Capitol Planning Commission	Holds no administrative subpoena authority.				
National Credit Union Administration					
National Credit Union Administration	Inspector General Act of 1978, as amended, 5 U.S.C.A. App. 3, Section 6(a)(4)	“production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by [the IG Act]...procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies.	“in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court”	Right to Financial Privacy Act, 12 U.S.C. Section 3401 <u>et seq.</u>	Decision to issue IG subpoena is reviewed by auditor’s or investigator’s supervisors, by IG Counsel, and by the IG. Alternative means to obtain information are tried first, and scope of subpoena is made as narrow as possible, consistent with case needs
National Credit Union Administration	Examination and Investigation Authority. Federal Credit Union Act, as amended, 12 U.S.C. §§1784(b), 1786(p), and 1787(b)(2)(1). (June 26,	The NCUA has the ability to issue subpoenas for documents and testimony in connection with the examination or investigation of any federally insured credit	As set forth in the above cited statutes, the NCUA enforces compliance with its subpoenas via application to the United States District	The NCUA’s regulations set forth that all information and documents obtained by the agency in the course of any investigation are non-public, unless made	Pursuant to delegated authority from the NCUA Board, the agency’s General Counsel may institute formal investigative proceedings by the entry

	<p>1934, c. 750, Title II, §204, as added Oct. 19, 1970, Pub.L. 91-468, §1(3), 84 Stat. 1001, and amended Nov. 10, 1978, Pub.L. 95-630, Title V, §502(b), 92 Stat. 3681; Oct. 15, 1982, Pub.L. 97-320, Title I, §132(a)(1), 96 Stat. 1487; Aug. 9, 1989, Pub.L. 101-73, Title IX, §§915(a), (b), and (c), 103 Stat. 486; Nov. 29, 1990, Pub.L. 101-647, Title XXV, §2521(a)(2)). Also, the Rules and Regulations of the National Credit Union Administration, 12 C.F.R. Part 747, Subparts H and I.</p>	<p>union. The purpose of this authority is to determine whether a credit union or an institution-affiliated party (“IAP”) is complying with applicable law and regulations, and/or to determine whether such credit union or party has violated, is violating or is about to violate any provision of the Federal Credit Union Act, the NCUA’s Board’s regulations, or other relevant statutes or regulations that may bear on a party’s fitness to participate in the affairs of a credit union. This subpoena power extends to any person or entity with knowledge of the affairs of a credit union. This subpoena power extends to any person or entity with knowledge of the affairs of the federally insured credit union, including the ability to subpoena personal financial records and accounts (after compliance with applicable Right to Financial Privacy Act</p>	<p>Court. The DOJ files the application to the United States District Court. The DOJ files the application on behalf of the NCUA, as the agency does not have independent litigation authority.</p>	<p>a matter of public record by the NCUA Board (usually in connection with the agency issuing a Notice of Charges for formal enforcement action). While maintaining the non-public nature of the testimony or documents obtained during an investigation, the NCUA will share this information with other relevant law enforcement officials, including but not limited to the DOJ. 12 C.F.R. Part 747.702. Moreover, the NCUA complies with all applicable provision of the Right to Financial Privacy Act of 1978 (“RFPA”), 12 U.S.C. §§3401-3422, with respect to obtaining financial records from other non NCUA regulated institutions, and with respect to releasing any information obtained during the course of its investigation.</p>	<p>of an order indicating the purpose of the investigation, and designating the persons conducting the investigation. Upon issuance of the Investigation Order the designated representative has the power to issue subpoenas for testimony and documents. 12 C.F.R. Parts 747.703 and 747.803.</p>
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		notice requirements). This subpoena authority also extends to any proceeding in connection with a claim for insured deposits.			
National Foundation on the Arts and Humanities					
National Endowment for the Arts Inspector General	Inspector General Act, Pub. L.95-452, Oct. 12, 1978, 5 U.S.C. App., Section 6.	General subpoena authority as necessary for IG functions.	U.S. District Court	<ol style="list-style-type: none"> 1. Inspector General Act Sec. 7. 2. Privacy Act 3. Freedom of Information Act 4. Right to Financial Privacy Act 5. Fair Credit Reporting Act 6. 26 U.S.C. 6103 (tax returns) 	<ol style="list-style-type: none"> 1. Audit or investigation within IG authority 2. Information sought reasonably relevant to audit or investigation 3. Demand not unreasonably broad or burdensome
National Labor Relations Board					
National Labor Relations Board	National Labor Relations Act (NLRA), as amended, Section 11 (29 U.S.C. §161) (July 5, 1935, c. 372, §11, 49 Stat. 455; June 23, 1947, c. 120, Title I, §101, 61 Stat. 150; June 25, 1948, c. 646, §32(b),	In Section 111 of the NLRA (29 U.S.C. §161), the Board is empowered to issue subpoenas to obtain and copy documentary material, and to summon witnesses and take testimony in order to obtain evidence	The Board's subpoenas are not self-enforcing. In the event that any person refuses to obey an administrative subpoena issued by the Board pursuant to 29 U.S.C. §161(1), the Board is authorized by	Each Board subpoena contains language notifying the person served of his or her right pursuant to 29 U.S.C. §161(1) to petition the Board to revoke the subpoena, and the statutory five day time	Any party to a Board proceeding may apply to the Board for an administrative subpoena. 29 U.S.C. §161(1); 29 C.F.R. §102.31(a). Such parties to Board proceedings include, without

	<p>62 Stat. 991; May 24, 1949, c. 139, §127, 63 Stat. 107; Oct. 15, 1970, Pub.L. 91-452, Title II, §234, 84 Stat. 930; June 11, 1960, Pub. L. 86-507, §1(57), as added May 21, 1980, Pub. L. 96-245, 94 Stat. 347.) Our Inspector General has subpoena authority in accordance with the Inspector General Act of 1978, as amended, 5 U.S.C. app. 3 §6(a)(4).</p> <p>There is no unique authority or procedure for the Inspector General at this Agency.</p>	<p>that relates to any matter under investigation or in question concerning any representation proceeding conducted pursuant to 29 U.S.C. §159 or any unfair labor practice or compliance proceeding conducted pursuant to 29 U.S.C. §160 of the NLRA. Any party to representation or unfair labor practice proceedings is permitted to make application to the Board for issuance of such subpoenas. The attendance of witnesses and the production of evidence may be required to be made at any place and from any place in the United States, Territory, or Possession</p>	<p>29 U.S.C. §161(2) to apply to any federal district court for an order compelling compliance with the subpoena.</p>	<p>limit within which such petition must be filed. The Board will revoke the subpoena if the Board concludes that: the evidence sought does not relate to any matter under investigation, the evidence sought is not described with sufficient particularity, or the subpoena is invalid for any other reason sufficient in law. 29 U.S.C. §161(1); NLRB Rules and Regulations, as amended, 29 C.F.R. §102.31(b). If the Board makes application to a district court for subpoena enforcement, the subpoenaed party can proffer legal and factual argument to the court as to why they believe the subpoena should not be enforced.</p> <p>In appropriate circumstances, the following additional statutes will provide protection to the privacy of persons whose evidence is required by an NLRB administrative subpoena: The Right to</p>	<p>limitation, the Regional Director in whose Region the proceeding is pending, any person filing a charge or petition under the NLRA, any person named as a respondent, as employer, or as a party to a contract in any Board proceeding, any labor organization alleged to be subject to unlawful activity, and counsel for the Board's General Counsel. 29 C.F.R. §102.8. Applications for subpoenas filed prior to a hearing shall be filed with the Regional Director. Applications filed during a hearing shall be filed with the administrative law judge (29 C.F.R. §102.31) or hearing officer (29 C.F.R. §102.66(c)). There is no right to an investigative subpoena (as contrasted with a hearing subpoena) available to parties other than the General Counsel. The NLRB's Regional Directors, administrative law</p>
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				<p>Financial Privacy Act, 12 U.S.C. §3401; The Privacy Act, 5 U.S.C. §552a; The Freedom of Information Act, 5 U.S.C. §552.</p>	<p>judges, and hearing officers grant applications on behalf of the Board.</p>
<p>Federal Labor Relations Authority</p>	<p>The Federal Labor Relations Authority (FLRA) is an independent agency responsible for administering the labor-management relations program for 1.9 million Federal employees world-wide. Its mission is to promote stable and constructive labor-management relations that contribute to an efficient and effective government.</p>				

Federal Labor Relations Authority†	5 U.S.C. §7132	Any member of the Authority, the General Counsel, or the Panel or any Administrative Law Judge holds the authority to issue subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the U.S., etc.	Enforceable by U.S. district court. Punishable as contempt.		
Federal Labor Relations Authority Foreign Service Labor Relations Board†	22 U.S.C. § 4107	Authorizes the Board to issue subpoenas.			
National Science Foundation					
National Science Foundation	Antarctic Conservation Act, 16 U.S.C. § 2401, <i>et seq.</i> , P.L. 95-541 a) 16 U.S.C. § 2407 (45 CFR § 672.3) b) 16 U.S.C. § 2409 (45 CFR § 672.3)	Presiding officer may issue subpoenas for witnesses and documents for hearing. Antarctic Law Enforcement Officers may secure, execute & serve subpoenas.	16 U.S.C. § 2407 (b) sets forth that United States may apply to District Court for enforcement.	Right To Financial Privacy Act provides that if recipient of administrative subpoena fails to follow the procedures mandated by the Act upon expiration of ten days from the date of service or fourteen days from the date of mailing of the	Hearing procedures are set forth at 45 CFR Part 672

				<p>notice, the records or information requested in the subpoena will be made available. (See 12 U.S.C. § 3405)</p> <p>Recipient may file a sworn statement and motion to quash in an appropriate court within ten days from the date of service of the notice or fourteen days from the date of mailing the notice to challenge the subpoena. <i>Id.</i></p> <p>The Family Educational And Privacy Rights Act provides that institutions that are subject to the Act will comply with a lawfully issued subpoena upon the condition that parents and the students are notified of all such subpoenas in advance of the compliance date by the educational institution or agency. (See 20 U.S.C. § 1232g(b)(2)(B)).</p> <p>In addition, personal information shall only be transferred to a third party on the condition</p>	
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				that such party will not permit any other party to have access to such information without the written consent of the parents or student. (<i>Id.</i> at (4)(B) and (7)(D)).	
National Science Foundation	Inspector General Act of 1978, 5 U.S.C. App. 3, as amended, at § 6(a)(4), P.L. 95-452, § 1, Oct. 12, 1978, 92 Stat.	Limited to documentary evidence including information, reports, answers, records, accounts, papers, and	16 U.S.C. § 2407 (b) sets forth that United States may apply to District Court	See above.	Hearing procedures are set forth at 45 CFR Part 672. Guidance and procedures

	1101, as amended.	other data and documentary evidence necessary in the performance of the functions of the OIG. However, authority does not allow OIG to compel testimony. Additionally, OIG does not have authority to subpoena documents maintained by the United States government or its agencies, including NSF. (See 5 U.S.C. App. 3 at § 6(a)(4))	In the case of contumacy or refusal to obey, the subpoena is enforceable by order of any appropriate United States district court. (<i>Id.</i> , Inspector Generals Act at § 6(a)(4)).		for the use, approval, drafting and enforcement of OIG subpoenas is maintained within NSF/OIG.
National Transportation Safety Board					
National Transportation Safety Board	Independent Safety Board Act of 1974, as amended, 49 U.S.C. §§1101-1155. Subpoena authority is specifically found at 49 U.S.C. §1113(a); P.L. 93-633, §304(a)(1)(A), (b)(1), (3), (4), (7)-(9); and P.L. 100-372, §4. 49 C.F.R. §§831.9(a); 821.20(a), and	Under 49 U.S.C. §1113, the NTSB, through a Board member, administrative law judge, or employee designated by the Chairman, may “require, by subpoena or otherwise, necessary witnesses and evidence.” This authority is utilized during the investigation of an accident, either at the	As stated in 49 U.S.C. §1113(a)(4), the NTSB may enforce a subpoena by initiating a civil action in Federal district court.	Protection of trade secrets is outlined at 49 U.S.C. §1114(b) and 49 C.F.R. 831.6. In addition, documents obtained during the course of an accident investigation that are deemed pertinent but not appropriate for public dissemination are placed in the “Official Use Only” docket. This	In accident investigation matters, the NTSB issues subpoenas for information necessary to the completion of a thorough investigation and fulfillment of its statutory mandate to determine the probable cause or causes of certain transportation accidents and to conduct studies of transportation

	845.21(c).	field phase or during a public hearing; study of transportation safety issues; and by an administrative law judge, when necessary, during a hearing of an FAA enforcement action.		section of the accident investigation file contains material for internal use only, such as intra- and interagency memorandums and correspondence, analytical reports and various other types of documents (whether prepared by or for the Board), autopsy protocols, pre-redacted material, and other items exempt from disclosure under the Freedom of Information Act and the Privacy Act that nevertheless should be retained by the Board.	safety matters. As for subpoena issued in the context of an aviation enforcement case, the law judge applies the criteria set forth in 49 C.F.R. §821.20(a).
Neighborhood Reinvestment Corporation	Holds no administrative subpoena authority.				
Nuclear Regulatory Commission					
Nuclear Regulatory	Section 161c. of the Atomic Energy Act of	Section 161c. provides:	A. Authority	Any information collected by an NRC	A. Subpoenas issued by NRC Administrative

<p>Commission</p> <p>Office of Management and Budget</p>	<p>1954, 42 U.S.C. §2201(c).</p>	<p>“In the performance of its functions, the Commission is authorized to . . . make such studies and investigations, obtain such information, and hold such meetings and hearings as the Commission may deem necessary or proper to assist it in exercising any authority provided in this Act, or in the administration or enforcement of this Act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths or affirmations, and by subpoena to require any person to appear and testify or appear and produce documents, or both, at any designated place.”</p> <p>The Atomic Energy Act defines the word “person” to include a corporation or other business entity, a government agency (except for the Department of Energy),</p>	<p>Section 233 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. §2281, provides:</p> <p>“In case of failure or refusal to obey a subpoena served upon any person pursuant to subsection 161c., the district court for any district in which the person is found or resides or transacts business, upon application by the Attorney General on behalf of the United States, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both, in accordance with the subpoena; and any failure to obey such order of the court may be punished by such court as a contempt thereof.”</p> <p>B. Process</p>	<p>subpoena may be used in two ways. First, it may be used by the NRC regulatory staff to evaluate the activities of licensees or others subject to NRC jurisdiction in order to protect the public health and safety and the common defense and security, and to enforce the Commission’s regulations and orders. Second, the information may be used in connection with adjudicatory proceedings before the NRC’s administrative tribunals to determine whether to authorize issuance of a license or license amendment or to determine whether to enforce an NRC order.</p> <p>In either case, the information may be protected from disclosure under the provisions of 10 C.F.R. §2.790 and in 10 C.F.R. Part 9. These regulations include the</p>	<p>Tribunals</p> <p>An NRC administrative tribunal may, at the request of a party, issue a subpoena in a judicial proceeding. If the person who is named in the subpoena refuses to comply, the Commission may ask the Department of Justice to seek enforcement of the subpoena, as described above.</p> <p>B. Subpoenas Issued by the NRC Regulatory Staff</p> <p>1. <u>The Executive Director of Operations</u></p> <p>The Commission has delegated authority to the Executive Director for Operations (“EDO”) to issue subpoenas. See NRC Management Directive 9.17-02 (Sep. 12, 1991). The EDO has the authority to delegate that power to lower officials. Id. at 9.17-04. The Commission also has explicitly delegated</p>
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		<p>or a state or its agencies as well as an individual. See Section 11s of the Atomic Energy Act, 42 U.S.C. §2014(s).</p>	<p>Generally, when the recipient of an NRC subpoena advises the NRC that he or she intends to defy the subpoena, the NRC must file a request with the Department of Justice (Civil Division, Federal Programs Branch), asking the Department to file a petition to enforce the subpoena. If the Department approves the request, the Federal Programs Branch either handles the matter itself or refers the matter to the appropriate U.S. Attorney's Office.</p>	<p>exemptions from disclosure under the Freedom of Information Act and other statutes for the protection of personal, privacy, proprietary, commercial and financial information. Any person who submits material in response to an NRC subpoena may request that the material be protected from release under a specific category of 10 C.F.R. §2.790. If the NRC denies that request, the person who made the request (and submitted the information) may challenge the decision in a federal district court. In addition, if the subpoena is issued in an NRC administrative proceeding, the person affected may apply for a protective order under 10 C.F.R. §2.740(c), to prevent disclosure of that information in the proceeding.</p>	<p>the authority to issue subpoenas to the Director of the Office of Nuclear Materials Safeguards and Safety ("NMSS"), see NRC Management Directive 9.26, §0124-0212 (Oct. 27, 1989), subject to review and concurrence from the Office of the General Counsel, id. at §0128-0210, (Feb. 27, 1990).</p> <p>2. The Office of Investigations.</p> <p>The Office of Investigations ("OI") has authority, as stated in the Commission's regulations, to issue subpoenas in furtherance of its investigations of potential licensee wrongdoing. See 10 C.F.R. §1.36(e). The Director of OI has delegated that authority to the Directors of each of the four OI Regional Field Offices, subject to review of the proposed</p>
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					subpoena by the Office of the General Counsel.
<p>Nuclear Regulatory Commission</p> <p>Office of Management and Budget</p>	<p>Section 6(a)(4) of the Inspector General Act of 1978.</p>	<p>Section 6(a)(4) gives each Inspector General the authority to require by subpoena the production of all information, documents, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by the Inspector General Act. Subpoenas shall not be used by Inspector General to obtain documents from Federal Agencies.</p>	<p>The Inspector General Act provides that in the case of contumacy or refusal to comply with an Inspector General subpoena, the subpoena shall be enforceable by order of any appropriate United States District Court.</p>	<p>Generally, an Inspector General subpoena will not be issued unless other means to obtain the required information have been exhausted or appear impractical. Whenever the Inspector General elects to use a subpoena to obtain financial records from a financial institution, the Inspector General must comply with the Right of Financial Privacy Act of 1978. The Act requires government agencies seeking to subpoena financial records to notify the financial institution's customer that a subpoena has been filed, the purpose of the subpoena, and the customer's right to file a motion to quash the subpoena. Any records collected by an Inspector General subpoena are used by Inspector General staff</p>	<p>In accordance with the Inspector General Act, the Inspector General may issue a subpoena for documents. Information sought must be reasonably related to an investigation or audit within the Inspector General's jurisdiction and must be defined and limited to that necessary for the investigation or audit. Additionally, an Inspector General subpoena will not be issued unless other means to obtain the required information have been exhausted or appear impractical. All proposed Inspector General subpoenas are reviewed by the appropriate Assistant Inspector General, the Deputy Inspector General, and the General Counsel to the Inspector General to ensure compliance with all legal requirements</p>

				to evaluate the activities of NRC employees and contractors or the operation of NRC programs and operations. Any documents collected by a subpoena issued by the Inspector General are protected from public release or disclosure in accordance with the Freedom of Information Act or Privacy Act.	prior to the subpoena being signed by the Inspector General.
Occupational Safety and Health Review Commission					
Occupational Safety and Health Review Commission	Section 12(h) of the Occupational Safety and Health Act of 1970, 29 U.S.C. § 661(b), Pub. L. 91-596 (“the Act”) 29 C.F.R. § 2200.57. Issuance of subpoenas; petitions to revoke or modify subpoenas; right to inspect or copy data.	Permits the Commission in any proceeding before it to order testimony to be taken by deposition and to compel the appearance of witnesses and the production of books, papers, or documents. Permits Commission judge on the application of any party to issue subpoenas requiring the appearance of witnesses or the production of	Upon failure to comply w/subpoena, the Commission by its counsel may initiate enforcement proceedings in the appropriate district court (with assistance from the U.S. Attorney’s office)	The Act requires that Commission hearings and records be open to the public. Section 15 of the Act provides that the Commission may issue orders where appropriate to protect the confidentiality of trade secrets. The Commission’s ALJ may revoke or modify a subpoena in order to protect claims of	Section 12(g) of the Act permits the Commission to make necessary rules for the orderly transaction of its proceedings (see scope of applicable procedural rules related to agency’s subpoena authority in section below). Unless the Commission has adopted a different rule, its proceedings are conducted in accordance

		evidence		privilege. (See 29 C.F.R. § 2200.11)	<p>with the Federal Rules of Civil Procedure. The party to whom the subpoena is issued is responsible for its service. A subpoena may be served by any person who is not a party and is not less than 18 years of age. Service may be made by service on the person named, by certified mail return receipt requested, or by leaving a copy at person's principal place of business or at the person's residence.</p> <p>Person served with a subpoena may within 5 days move to revoke or modify the subpoena.</p> <p>Persons compelled to submit data or evidence are entitled to retain or procure copies of transcripts of the data or evidence submitted by them.</p> <p>Other issuance standards, qualifiers and procedures are in</p>
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					accordance with the Federal Rules of Civil Procedure.
Office of Governmental Ethics	Holds no administrative subpoena authority.				
Office of Personnel Management (OPM)					
Office of Personnel Management (OPM)	<p>Inspector General Act, section 6(a)(4), which provides that the Inspector General may:</p> <p>“Require by subpoena the production of all information, documents, reports answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the</p>	<p>Since the Inspector General Act limits the scope of an inspector general’s audit and investigative authority to programs of his respective agency, at OPM our subpoenas are issued primarily in relationship to the Federal Employees Health Benefits Program and the federal retirement annuity program.</p>	<p>Inspector general subpoenas are enforceable by any appropriate United States district court.</p>	<p>The subject of an investigation is notified of the issuance of a subpoena only when financial records are covered by the Right to Financial Privacy Act, 12 U.S.C. §§3401-3422. Under that Act, absent a court order pursuant to §3409, the subject must be provided with prior written notice of the purpose and scope of the subpoena and the</p>	<p>There are three criteria that must be met for issuance and enforcement of an inspector general subpoena:</p> <p>1) the audit of investigation must be within the statutory authority of the Inspector General;</p> <p>2) the information sought must be</p>

	<p>functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court. . .”</p>			<p>opportunity to challenge the subpoena in a federal district court. No notice is required if the inspector general is seeking certain limited identifying information on the account.</p> <p>Once subpoenaed records are received by an inspector general and become part of a system of records maintained by his or her respective agency, they are subject to the Privacy Act, 5 U.S.C. §552a exchangeable without the subject’s permission only for a law enforcement purpose or routine use prescribed by agency regulations.</p>	<p>reasonably relevant to the investigation or audit; and</p> <p>3) the demand may not be unreasonably broad or burdensome.</p> <p>Prior to issuance, all applications for subpoenas are reviewed by the Assistant Inspector General for Investigations (or Audits if issued pursuant to an audit), the Assistant Inspector General for Legal Affairs, the Deputy Inspector General and the Inspector General to assure these criteria have been met.</p>
Office of Personnel Management (OPM)	42 U.S.C. § 1973g	Upon the request of the applicant or the challenger or, on its own motion, the Civil Service Commission.			
Peace Corps					
Peace Corps	Holds no administrative subpoena authority, excluding the Inspector General authority granted in Section				

6(a)(4) of the Inspector

<p>Pension Benefit Guaranty Corporation</p>	<p>General Act of 1978. (Peace Corps Inspector General Exercises authority similar to those of other Inspector</p>				
<p>Pension Benefit Guaranty Corporation Office of Inspector General</p>	<p>Generals under the Inspector General Act of 1978 as amended, 5 U.S.C. App. 3</p>	<p>May obtain documentary evidence for both investigations and audit.</p>	<p>Enforcement action filed in the appropriate U.S. District Court by DOJ, with assistance from IG counsel.</p>	<p>No requirement to notify individual that OIG is seeking records</p>	<p>OIG has authority to “require by subpoena [sic] the production of all information, documents reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of functions assigned by this Act” App. 3, §6(a)(4)</p>

<p>Pension Benefit Guaranty Corporation</p>	<p>Right to Financial Privacy Act (RFPA), 12 U.S.C. 3401-3420.</p>	<p>Financial records of individuals and partnerships of 5 or fewer individuals may be obtained; written notice to customer and opportunity to challenge subpoena must precede document release</p>	<p>If OIG complies with notification and customer does not file challenge within statutory timeframe, OIG entitled to records.</p> <p>If the financial institution does not comply with the subpoena, DOJ files an enforcement action in the appropriate U.S. District Court with assistance from IG counsel.</p>	<p>OIG must serve the customer a copy of the subpoena and form documents to challenge the subpoena. If a challenge is filed, U.S. District Court judge must determine whether OIG entitled to obtain records.</p>	<p>OIG is entitled to records if there is “substantial compliance” with the provisions of RFPA, and there is a “demonstrable reason to believe that the law enforcement inquiry is legitimate and a reasonable belief that the records are relevant to the inquiry” (12 U.S.C. §3419(c)).</p>
<p>Pension Benefit Guaranty Corporation</p>	<p>Employee Retirement Income Security Act of 1974, as amended</p> <p>29 U.S.C. §1303</p>	<p>The corporation may make investigations it deems necessary to enforce any provision of ERISA, Title IV, or any rule or regulation thereunder.</p> <p>ERISA §4003</p>	<p>Administrative subpoena requiring document production for terminating pension plan participant records. Enforcement action filed in the appropriate District Court.</p>	<p>Freedom of Information Act (FOIA), 5 U.S.C. §552 (FOIA) (for business records PBGC maintains in a system of records).</p> <p>Privacy Act, 5 U.S.C. §552a (for individual records PBGC) maintains in a system of records)</p>	<p>PBGC Directive Section GA 05-1.</p> <p>PBGC Insurance Operations Manual.</p>
<p>Postal Rate Commission</p>					
<p>Postal Rate Commission</p>	<p>Holds no administrative subpoena authority or</p>				

	<p>authority to issue subpoenas or make judicially enforceable demands compelling document production or testimony.</p>				
<p>United States Postal Service</p>					
<p>United States Postal Service</p>	<p>Deceptive Mail Prevention and Enforcement Act, (PL 106-168), 39 U.S.C. 3001, <i>et seq.</i> 39 U.S.C. § 3016 39 C.F.R. §§ 913 [issued by Office of General Counsel] and 952.19 [Judicial Subpoenas]</p>	<p>Authority limited to the investigations of violations of 39 U.S.C. 3005(a), the Postal Service false representations and lottery laws. New sweepstakes and skill contest restrictions are incorporated by reference in 39 U.S.C. 3001.</p>	<p>Enforcement by Attorney General in district court where recipient resides, does business, or may be found. 39 U.S.C. § 3016(c)</p> <p>The Right to Financial Privacy Act, 12 U.S.C. § 3405, provides that certain notice must be given when seeking bank records about an individual. Records obtained by means of this authority are exempted from disclosure under the FOIA. 39 U.S.C. § 3016(d), 39 C.F.R. § 913.4.</p> <p>To the extent applicable here, the USPS is also specifically prohibited from disclosing any names or addresses of postal patrons or other persons under 39 U.S.C. § 412.</p>	<p>Postmaster General subpoenas must be issued only where: (a) specific case with identified entity or individual (b) appropriate supervisory and legal review of request, and (c) no delegation of authority below USPS Deputy General Counsel. Judicial Subpoenas issued where Judicial Officer considers records relevant or material to existing proceeding.</p>	

United States Postal Service Office of Inspector General	The USPS Office of the Inspector General exercises only the basic subpoena authority found in the Inspector General Act of 1978, 5 U.S.C. app. 3.				
United States Postal Service†	18 U.S.C. § 3061(1)	Authority of the Postal Inspector and other Postal Service agents to serve subpoenas issued under the authority of the United States in investigating criminal matters related to the postal service and the mails			
Railroad Retirement Board					
Railroad Retirement Board	Inspector General Act of 1978 P.L. 95-452, as amended 5 U.S.C. Appx. 3, Section 6(a)(4)	“To require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any district court; Provided that procedures other than subpoenas	The OIG files an action in federal district court for summary enforcement of its subpoena	No notification requirements. Records obtained from subpoenas are treated in accordance with the agency’s system of records.	Limited to responsibilities set forth in the Inspector General Act.

		shall be used by the Inspector General to obtain documents and information from Federal agencies.”			
Railroad Retirement Board	Right to Financial Privacy Act of 1978, P.L. 95-63, 12 U.S.C. §3401 et seq.	Disclosure of customer’s financial institution financial records when required in connection with a law enforcement inquiry.	The OIG files an action in federal district court for summary enforcement of its subpoena.	At or before the time of service of an administrative subpoena upon a financial institution for records covered by the Act, the IG must serve upon the individual whose records are sought a customer notice, statement of customer rights under the RFPA, customer consent and authorization for access to financial records, instructions for completing and filing customer challenge motions and sworn statement, motion for order pursuant to customer challenge provisions of the RFPA, and sworn statement of movant. The customer has a 10 days [14 days if service by mail] in which to give consent or to challenge government access to their financial records.	Limited to responsibilities set forth in the Inspector General Act.
Securities and Exchange Commission					

<p>Securities and Exchange Commission</p>	<p>Securities Act of 1933, Pub. L. No. 73-22 (as amended), Secs. 19(b), 20(a), 20(c), and 22(b), 15 U.S.C. 77s(b), 77t(a), 77t(c), and 77v(b); 17 CFR 200.30-4(a)(10); Rule of Practice 232, 17 CFR 201.232; and 17 CFR 203.7.</p>	<p>Securities Act Section 19(b) provides that any member of the Commission, or any officer designated by the Commission, may subpoena witnesses, take evidence, and require the production of documentary evidence deemed relevant or material to an investigation under the Act. The attendance of witnesses and production of documents may be required from anywhere in the United States or any Territory at any designated place of hearing.</p> <p>In addition, under Section 20(a), when the Commission learns that any provision of the Securities Act or any rule or regulation has been or is about to be violated, the Commission may require persons to file a statement in writing or under oath, as to the facts and circumstances concerning the matter under investigation.</p>	<p>Securities Act Section 22(b) provides that in the case of refusal to obey a subpoena by any person, a court may issue an order requiring the person to appear before the Commission, or an examiner designated by it, to produce or give evidence. Failure to obey such an order may be punished by contempt.</p> <p>In addition, Section 20(c) provides the U.S. district courts with jurisdiction to enforce compliance with any Commission order issued pursuant to the Securities Act.</p>	<p>Every witness in a Commission investigation testifying pursuant to a subpoena receives a copy of SEC Form 1662 - the Commission's "Supplemental Information Form." This form provides information on and including Privacy Act notices, the Fifth Amendment, the right to counsel, false statements and documents, perjury, transcript availability, going off the record and additional procedures for submitting statements to the Commission.</p> <p>When the Commission subpoenas "financial records" of a "customer" at a "financial institution," the Commission provides the required notices under the Right to Financial Privacy Act (RFPA). The Commission's Division of Enforcement has prepared an "RFPA Manual" to assist its staff when preparing such subpoenas. Division policy requires that subpoenas and certificates of</p>	<p>Subpoenas are served in accordance with the procedures contained in Rule 232 of the Commission's Rules of Practice, 17 CFR 201.232. See 17 CFR 203.8 ("[s]ervice of subpoenas in formal investigative proceedings shall be effected in the manner prescribed by Rule [of Practice] 232(c)").</p> <p>Section 203.7 of the Commission's Rules Relating to Investigations contains additional provisions describing the rights of witnesses in Commission investigations. 17 CFR 203.7.</p> <p>The Commission has delegated authority to the Director of the Division of Enforcement to institute subpoena enforcement proceedings in federal district court. 17 CFR 200.30-4(a)(10).</p> <p>Typically, the Commission authorizes the issuance of subpoenas by issuing an "Order Directing Private Investigation and Designating Officers To Take Testimony."</p>
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				<p>compliance must be signed by a staff member at the GS-15 or higher level.</p> <p>In order to rely on the exemption contained in RFPA Section 1113(h), it is the policy of the Division of Enforcement that Division staff must obtain the consent of the Division Director.</p> <p>Before notice to a customer can be delayed pursuant to RFPA Section 1109 or Exchange Act Section 21(h), the staff must obtain Commission consent to seek the required court order.</p> <p>Under Section 2703 of the Electronic Communications Privacy Act (ECPA), 18 U.S.C. 2703, if a governmental entity uses an administrative subpoena to seek the contents of electronic communications that have been in either electronic storage for over 180 days or in a remote computing service, prior notice to the services' subscriber or customer is required. Under Section 2705,</p>	<p>Generally, such authorizations are limited to a particular investigation. The Commission order specifically identifies each member of the staff authorized to issue a subpoena. If additional staff are subsequently added to an investigation, the order will be amended to include the names of the additional staff. Such orders are commonly referred to as "formal orders."</p> <p>The Commission issued 324, 345, 282, and 275 formal orders in fiscal years 2001, 2000, 1999, and 1998 respectively. Because the number of subpoenas can vary in any individual investigation, the number of subpoenas is a multiple of the number of formal orders.</p>
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				<p>there is a procedure for delaying the subscriber / customer notification upon written certification by a supervisory official. The Division of Enforcement has prepared an ECPA procedures outline for use when the Commission staff is seeking information or records from persons who provide computerized services to the public.</p>	
<p>Securities and Exchange Commission</p>	<p>Securities Exchange Act of 1934, Pub. L. No. 73-291 (as amended), Secs. 21(a) -(c), (e), and (h), 15 U.S.C. 78u(a) - (c), and (e); 17 CFR 200.30-4(a)(10); Rule of Practice 232, 17 CFR 201.232; and 17 CFR 203.7.</p>	<p>Under Exchange Act Section 21(b), any member of the Commission, or any officer designated by the Commission, may subpoena witnesses, compel their attendance, take evidence, and require the production of documentary evidence deemed relevant or material to an investigation under the Exchange Act. Such attendance and production may be required from anywhere in the United States at any designated place of hearing.</p>	<p>Section 21(c) provides that in the case of refusal to obey a subpoena by any person, any court of the United States within the jurisdiction of the investigation or proceeding may issue an order requiring that the person appear before the Commission, or a designated examiner, to produce or give evidence. Failure to obey such an order may be punished by contempt.</p> <p>Section 21(c) also provides that failure or refusal to attend and</p>	<p>Same as above description for the Securities Act.</p>	<p>Same as above description for the Securities Act</p>

		<p>In addition, when conducting an investigation under Section 21(a)(1), the Commission may require or permit any person to file with it a statement in writing, under oath or otherwise, as to all facts and circumstances concerning the matter to be investigated.</p> <p>Under Section 21(a)(2), the Commission may use its subpoena authority when conducting an investigation pursuant to a request from a foreign securities regulator.</p>	<p>justify or to answer any lawful inquiry or to produce documents in response to a subpoena is a misdemeanor punishable by fine and/or imprisonment or both.</p>		
<p>Securities and Exchange Commission</p>	<p>Public Utility Holding Company Act of 1935, Pub. L. No. 74-333 (as amended), Sec. 18, 15 U.S.C. 79r; 17 CFR 200.30-4(a)(10); Rule of Practice 232, 17 CFR 201.232; and 17 CFR 203.7.</p>	<p>Section 18(c) of the Public Utility Holding Company Act is virtually identical to Section 21(b) of the Exchange Act.</p> <p>In addition, Section 18(a) contains an authority provision similar to Section 21(a) of the Exchange Act.</p>	<p>Section 25 of the Public Utility Holding Company Act provides the U.S. district courts with jurisdiction to enforce compliance with any Commission order issued pursuant to the Act.</p> <p>Section 18(d) of the Public Utility Holding Company Act is virtually identical to Section 21(c) of the Exchange Act.</p>	<p>Same as above description for the Securities Act.</p>	<p>Same as above description for the Securities Act.</p>
<p>Securities and Exchange Commission</p>	<p>Public Utility Holding Company Act of 1935, Pub. L. No. 74-333 (as amended), Sec. 18, 15</p>	<p>Section 18(c) of the Public Utility Holding Company Act is virtually identical to Section 21(b) of the</p>	<p>Section 25 of the Public Utility Holding Company Act provides the U.S. district courts</p>	<p>Same as above description for the Securities Act.</p>	<p>Same as above description for the Securities Act.</p>

	U.S.C. 79r; 17 CFR 200.30-4(a)(10); Rule of Practice 232, 17 CFR 201.232; and 17 CFR 203.7.	<p>Exchange Act.</p> <p>In addition, Section 18(a) contains an authority provision similar to Section 21(a) of the Exchange Act.</p>	<p>with jurisdiction to enforce compliance with any Commission order issued pursuant to the Act.</p> <p>Section 18(d) of the Public Utility Holding Company Act is virtually identical to Section 21(c) of the Exchange Act.</p>		
Securities and Exchange Commission	Trust Indenture Act of 1939, Pub. L. No. 76-253 (as amended), Sec. 321, 15 U.S.C. 77uuu; 17 CFR 203.7; and Rule of Practice 232, 17 CFR 201.232.	The authority under Section 321(a) of the Trust Indenture Act is essentially identical to that in the Securities Act.	Section 321(a) provides that the Commission's powers to enforce the Trust Indenture Act and any rules, regulations or orders issued pursuant to the Act are the same as those in Sections 20 and 22(b) of the Securities Act.	Same as above description for the Securities Act.	Same as above description for the Securities Act except that the Commission has not delegated authority to institute subpoena enforcement actions under the Trust Indenture Act.
Securities and Exchange Commission	Investment Company Act of 1940, Pub. L. No. 76-768 (as amended), Sec. 42, 15 U.S.C. 80a-41; 17 CFR 200.30-4(a)(10); 17 CFR 203.7; and Rule of Practice 232, 17 CFR 201.232.	<p>Section 42(b) of the Investment Company Act is virtually identical to Section 21(b) of the Exchange Act.</p> <p>In addition, Section 42(a) contains an authority provision similar to but somewhat more limited than Section 21(a) of the Exchange Act.</p>	<p>Section 42(c) of the Investment Company Act contains enforcement provisions virtually identical to Section 21(c) of the Exchange Act.</p> <p>Section 44 of the Investment Company Act provides the U.S. district courts with jurisdiction to enforce compliance with any Commission order issued pursuant to the Act.</p>	Same as above description for the Securities Act.	Same as above description for the Securities Act.

<p>Securities and Exchange Commission</p>	<p>Investment Advisers Act of 1940, Pub. L. No. 76-768 (as amended), Sec. 209, 15 U.S.C. 80b-9; 17 CFR 200.30-4(a)(10); 17 CFR 203.7; and Rule of Practice 232, 17 CFR 201.232.</p>	<p>Section 209(b) of the Investment Advisers Act is virtually identical to Section 21(b) of the Exchange Act.</p> <p>In addition, Section 209(a) contains an authority provision similar to Section 21(a) of the Exchange Act.</p>	<p>Section 209(c) of the Investment Advisers Act contains enforcement provisions virtually identical to Section 21(c) of the Exchange Act.</p> <p>Section 214 of the Investment Advisers Act provides the U.S. district courts the jurisdiction to enforce compliance with any Commission order issued pursuant to the Act.</p>	<p>Same as above description for the Securities Act.</p>	<p>Same as above description for the Securities Act.</p>
<p>Securities and Exchange Commission</p>	<p>Rules 111(b), 180, and 232 of the Commission's Rules of Practice, 17 CFR 201.111(b), 201.180 and 201.232; and Administrative Procedure Act (APA), 5 U.S.C. 555(d) and 556(c)(2).</p>	<p>The Commission's Rules of Practice provide that the powers of a hearing officer include issuing subpoenas authorized by law and revoking, quashing, or modifying any such subpoena. Rule of Practice 111(b), 17 CFR 201.111(b).</p> <p>In connection with any hearing, a party may request the issuance of subpoenas requiring the attendance and testimony of witnesses at the designated time and place of hearing, and subpoenas requiring the production of documentary or other tangible evidence returnable at any designated time or place.</p>	<p>Subpoenas issued by a hearing officer are enforceable in federal district court under the relevant provision of the law authorizing the proceeding. See, Securities Act Section 22(b); Exchange Act Section 21(c); Public Utility Holding Company Act Section 18(d); Investment Adviser Act Section 209(c); Investment Company Act Section 42(c); and Trust Indenture Act Section 321(a).</p> <p>Contemptuous conduct by any person before the Commission or a hearing officer during</p>	<p>Unless made on the record at a hearing, requests for issuance of a subpoena are required to be made in writing and served upon each party. Rule 232(a) of the Rules of Practice, 17 CFR 201.232(a).</p> <p>Any person to whom a subpoena is directed or who is an owner, creator or the subject of the documents that are to be produced may, under certain circumstances, request that the subpoena be quashed or modified. Such requests are to be made by application Rule 232(e)(1), 17 CFR 201.232(e)(1). If</p>	<p>The standards for issuance of subpoenas in connection with hearings are contained in Rule 232(b) of the Commission's Rules of Practice. This provision, based upon Section 555(d) of the Administrative Procedure Act, 5 U.S.C. 555(d), states: "Where it appears to the person asked to issue the subpoena that the subpoena sought may be unreasonable, oppressive, excessive in scope, or unduly burdensome, he or she may, in his or her discretion, as a condition precedent to the issuance of the subpoena, require</p>

		17 CFR 201.232(a).	any proceeding is grounds for (i) exclusion of that person from such hearing, or any portion thereof; and/or (ii) summary suspension of that person from representing others in the proceeding in which such conduct occurred for the duration, or any portion, of the proceeding. 17 CFR 201.180(a). See generally, Rule 180 of the Commission's Rules of Practice, 17 CFR 201.180.	compliance with the subpoena would be unreasonable, oppressive or unduly burdensome, the hearing officer or the Commission shall quash or modify the subpoena, or may order return of the subpoena only upon specified conditions. Rule 232(e)(2), 17 CFR 201.232(e)(2).	the person seeking the subpoena to show the general relevance and reasonable scope of the testimony or other evidence sought. If after consideration of all the circumstances, the person requested to issue the subpoena determines that the subpoena or any of its terms is unreasonable, oppressive, excessive in scope, or unduly burdensome, he or she may refuse to issue the subpoena, or issue it only upon such conditions as fairness requires. In making the foregoing determination, the person issuing the subpoena may inquire of the other participants whether they will stipulate to the facts sought to be proved.” Additional procedures for the unavailability of a hearing officer, service, tender of required fees, applications to quash or modify, and witness fees and mileage are set forth in the Rules of Practice at 201.232(a), (c), (d), (e), and (f), respectively.
Securities and	Inspector General Act	Section 6(a)(4) of the	Under Section 6(a)(4)	The Inspector General	It is the practice of the

<p>Exchange Commission</p>	<p>of 1978, Pub. L. No. 95-452 (as amended), Sec. 6, 5 U.S.C. App. 3.</p>	<p>Inspector General Act (IG Act) provides that the Inspector General may subpoena all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by the Act.</p>	<p>of the IG Act, subpoenas are enforceable by order of any appropriate United States district court.</p>	<p>(IG) provides Privacy Act notices in conjunction with the issuance of a subpoena. When the IG subpoenas “financial records” of a “customer” at a “financial institution,” the IG provides the required notices under the Right to Financial Privacy Act (RFPA).</p>	<p>IG’s office that each subpoena is prepared by an attorney and reviewed and signed by the Inspector General.</p>
<p>Small Business Administration</p>					
<p>Small Business Administration</p>	<p>Inspector General (IG) subpoenas (Inspector General Act of 1978, as amended; Pub. L. 95-452; 5 U.S.C. app 3, § 6(a)(4).</p>	<p>Production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence (regardless of medium) necessary for the performance of the functions assigned under the Inspector General Act (essentially a subpoena duces tecum).</p>	<p>In case of refusal to obey, enforcement is obtained by order of any appropriate U.S. district court.</p>	<p>Notification requirements of ten days from the date of service or fourteen days from the date of mailing of notice apply when records at a financial institution are sought of customers covered by the Right to Financial Privacy Act, 12 U.S.C. §§ 3401, et seq. Customers have a right to challenge in an appropriate U.S. district court during the notice period.</p>	<p>The scope of IG subpoenas and methods of service are promulgated in 13 C.F.R. §§ 101.302-101.303. Internal standards and procedures have been issued in a SBA Office of Inspector General Manual.</p>
<p>Small Business Administration*</p>	<p>SBA Regulations (13 C.F.R. § 134.214)</p>	<p>Upon the request of a party or upon the Judge’s own initiative, the Judge may issue a subpoena requiring a witness to appear and testify or to produce particular</p>	<p>O H A h a s n o enforcement powers or remedies.</p>	<p>A request for the issuance of a subpoena must be filed and served on all parties. It must clearly identify the witness, the documents to be subpoenaed, and</p>	<p>The Standard for issuance of a subpoena is relevance to the issues to be adjudicated. A motion to limit or quash the subpoena may be filed and responded to,</p>

		documents.		<p>the relevance of the documents or testimony sought. A party obtaining a subpoena must serve the subpoena by personal delivery and file and serve a copy of the subpoena and affidavit of service with all parties within 2 days of service.</p> <p>With respect to privacy protections, the public has no access to information subject to a Protective Order, proprietary or confidential information withheld in accordance with Section 134, or information excluded from disclosure by law or regulation. 13 C.F.R. § 225.</p>	but no oral argument will be heard, unless the Judge decides otherwise.
<p>Small Business Administration</p> <p>Small Business Investment Division</p>	<p>Small Business Investment Act, Section 310 (P. L. 85-699; 15 U.S.C. 587b).</p>	<p>The Administration may investigate to determine whether a licensee or other person has engaged in any conduct constituting a violation of the Act. For the purpose of any investigation regarding such a violation, the Administration may compel the attendance of witnesses, take evidence, and require production of any books, papers, and documents, which are</p>	<p>The Administration may invoke the aid of any court of the United States within the appropriate jurisdiction in requiring the testimony of witnesses or the production of documents</p>	<p>There are currently no implementing regulations or procedures. Investigations are generally referred to the OIG.</p>	N/A

		<p>relevant to the inquiry. Attendance of witnesses and production of documents may be required from any place in the United States.</p>			
<p>Small Business Administration†</p>	<p>15 U.S.C. § 687a</p>	<p>Administration may subpoena witnesses and documents relevant to investigation of compliance with provisions for small business investment companies</p>			
<p>Small Business Administration†</p>	<p>15 U.S.C. § 687b</p>	<p>Administration may subpoena witnesses and documents relevant to investigation of compliance with provisions for small business investment companies</p>	<p>The Administration may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Administration, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey</p>		

			such order of the court may be punished by such court as a contempt thereof.		
Small Business Administration†	15 U.S.C. §634	(b)(11) authorizes the Administrator to make such investigations as necessary to determine whether a recipient of or participant in any assistance under this chapter or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this chapter, or of any rule or regulation under this chapter, or of any order issued under this chapter. The Administration shall permit any person to file with it a statement in writing, under oath or otherwise as the Administration shall determine, as to all the facts and circumstances concerning the matter to be investigated. For the purpose of any investigation, the Administration is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books,	Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpoena issued to, any person, including a recipient or participant, the Administration may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Administration, there to produce records, if so ordered, or to give testimony touching the matter		

		<p>papers, and documents which are relevant to the inquiry.</p> <p>15 U.S.C. §634 (11).</p>	<p>under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found;</p> <p>15 U.S.C. §634 (11).</p>		
Smithsonian Institution					
Smithsonian Institution	<p>Holds no general subpoena authority. The Smithsonian Institution is a trust instrumentality of the United States and is not in the Executive Branch, not is it an authority of the Government. The Smithsonian Institution does not exercise any administrative subpoena authority.</p> <p>Notwithstanding, Congress has chosen to identify the Smithsonian Institution as a “designated Federal entity” under Section 8G of the</p>				

	Inspector General Act of 1978, as amended, 5 U.S.C. App. 3.				
Tennessee Valley Authority					
Tennessee Valley Authority	Inspector General (IG) subpoenas (Inspector General Act of 1978, as amended; Publ. L. 95-452; 5 U.S.C. app 3, § 6(a)(4).	Production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence (regardless of medium) necessary for the	In case of refusal to obey, enforcement is obtained by order of any appropriate U.S. district court.	Notification requirements of ten days from the date of service or fourteen days from the date of mailing of notice apply when records at a financial institution are sought of	Internal standards and procedures have been issue in a TVA Office of Inspector General Handbook.

		performance of the functions assigned under the Inspector General Act (essentially a subpoena duces tecum).		customers covered by the Right to Financial Privacy Act. 12 U.S.C. §§3402, et seq. Customers have a right to challenge in an appropriate U.S. district court during the notice period.	
<u>Miscellaneous</u>	<u>Additional</u>	<u>Authorities</u>			
Civil Rights Commission					
Civil Rights Commission†	42 U.S.C. § 1975a(e)(2)	The Commission may issue subpoenas for the attendance of witnesses and the production of written or other matter. Such a subpoena may not require the presence of a witness more than 100 miles outside the place where the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process.	The Attorney General may obtain an enforcement order in U.S. district court.		
Corporation of Foreign Security Holders					
Corporation of Foreign Security Holders†	15 U.S.C. §77dd	“The Corporation shall have power to ... to require from trustees, financial agents, or dealers in foreign securities information			

		<p>relative to the original or present holders of foreign securities and such other information as may be required, and to issue subpoenas therefor.”</p> <p>15 U.S.C. §77dd</p>			
Congressional-Executive Commission on the People’s Republic of China					
The Congressional-Executive Commission on the People’s Republic of China†	22 U.S.C. § 6916	<p>Subpoenas may be issued only pursuant to a two-thirds vote of members of the Commission present and voting. The subpoena may require the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, documents, and electronically recorded data.</p>			
Equal Employment Opportunity Commission					
Equal Employment Opportunity Commission†	29 U.S.C. § 626	<p>Subpoenas used in investigations carried out under the Age Discrimination in Employment Act.</p>			

Federal Trade Commission & Federal Energy Administration					
Federal Trade Commission & Federal Energy Administration†	42 U.S.C. § 6299	Energy conservation program for consumer products other than automobiles: The Commission and the Secretary may each sign and administer subpoenas for the attendance and testimony of witnesses and the production of relevant books, records, paper, and other documents, and may each administer oaths.	Enforcement available in U.S. district court.		
Foreign Claims Settlement Commission of the United States					
Foreign Claims Settlement Commission of the United States†	50 App. U.S.C. § 2001	War claims (expires, September, 2003): Authority to require a person to appear and testify or produce documents for the purpose of certain hearings, examinations, or investigations	May bring enforcement action in U.S. district court		
General Services Administration					

General Services Administration†	41 U.S.C. § 113	War Contractor Claims: contracting agency may require the war contractor to submit information and comply with audits as reasonably required to settle a termination claim.			
Inspectors General					
Inspectors General†	41 U.S.C. § 254d	Examination of records of a contractor			
National Indian Gaming Commission					
National Indian Gaming Commission†	25 U.S.C. § 2715	Subpoenas may be issued in any matter under consideration or investigation (by a vote of not less than two members).			
President					
President†	10 U.S.C. §2507 Data collection authority of the President related to national defense technology, etc.	(a) Authority.--The President shall be entitled, by regulation, subpoena, or otherwise, to obtain such information from, require such reports and the keeping of such records by, make such inspection of the books, records, and other writings, premises or property of, and take the sworn testimony of, and administer oaths and affirmations to, any	(c) Penalty for noncompliance.--Any person who willfully performs any act prohibited or willfully fails to perform any act required by the provisions of subsection (a), or any rule, regulation, or order thereunder, shall be fined under title 18 or imprisoned not more than one year, or both.	10 U.S.C. §2507(c).(d) Limitations on disclosure of information.--Information obtained under section (a) which the President deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the President	10 U.S.C. §2507(d).(e) Regulations.--The President may make such rules, regulations, and orders as he considers necessary or appropriate to carry out the provisions of this section. Any regulation or order under this section may be established in such form and manner, may contain such classification and

		<p>person as may be necessary or appropriate, in the President's discretion, to the enforcement or the administration of this chapter and the regulations issued under this chapter.</p> <p>(b) Condition for use of authority.--The President shall issue regulations insuring that the authority of this section will be used only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency.</p> <p>****</p> <p>(f) Definitions.--In this section: (1) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any</p>		<p>determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall be fined under title 18 or imprisoned not more than one year, or both.</p>	<p>differentiations, and may provide for such adjustments and reasonable exceptions as in the judgment of the President are necessary or proper to effectuate the purposes of this section, or to prevent circumvention or evasion, or to facilitate enforcement of this section, or any rule, regulation, or order issued under this section.</p> <p>10 U.S.C. §2507(e).</p>
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		<p>of its political subdivisions, or any agency of any of the foregoing, except that no punishment provided by this section shall apply to the United States, or to any such government, political subdivision, or government agency.</p> <p>10 U.S.C. §2507</p>			
Railroad Retirement Board					
Railroad Retirement Board†	45 U.S.C. § 362	<p>Railroad unemployment insurance: For the purpose of any investigation or other proceeding relative to the determination of any right to benefits, the Board has the power to require the presence and testimony of witnesses, and the production of any evidence, documentary or otherwise, that relates to any matter under investigation or in question, before the Board, or any member, employee, or representative thereof.</p>	<p>The Board may seek enforcement in a U.S. district court, and refusal to comply may be treated as contempt of court.</p>		
Surface Transportation Board					

Surface Transportation Board†	49 U.S.C. § 721	The Board may subpoena witnesses and records related to a proceeding of the Board.	Subpoena may be enforced in U.S. district court, and refusal to comply may be punished as contempt.		
Social Security Administration					
Social Security Administration†	42 U.S.C. § 405(b)(1)	Federal old-age, survivors, and disability insurance benefits: In the course of any hearing, investigation or other proceeding, the commissioner may administer oaths and affirmations, examine witnesses and receive evidence.			
United Nations Educational, Scientific, and Cultural Organization (International Organization)					
United Nations Educational, Scientific, and Cultural Organization† (International Organization)	22 U.S.C. § 287c(c)(3)(A)	Certification in importation of Rhodesian chromium. The Secretary may promulgate regulations to require the attendance and testimony of witnesses and the production of evidence.			
[Authority under					

<p>the Export Control Act of 1949 or the Export Administration Act of 1969]</p>					
<p>The head of any department or agency exercising any function under the Export Control Act of 1949 or the Export Administration Act of 1969†</p>	<p>50 App. U.S.C. § 2411</p>	<p>War and National Defense - export regulation: may make inspection of books, records, other writings, premises or property of, and take sworn testimony of any person</p>	<p>Enforceable in U.S. district court</p>		
<p>[Trading with the Enemy Act]</p>					
<p>“The officer or agency empowered to entertain claims”†</p>	<p>50 App. U.S.C. § 35</p>	<p>Authority under the Trading with the Enemy Act of 1917 to hold hearings and issue subpoenas</p>			