

111TH CONGRESS  
2D SESSION

# H. R. 5481

To give subpoena power to the National Commission on the BP Deepwater  
Horizon Oil Spill and Offshore Drilling.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 2010

Mrs. CAPPS (for herself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. GRIJALVA, Ms. MCCOLLUM, Mr. DEUTCH, Ms. BERKLEY, Mrs. MALONEY, Mr. SHERMAN, Ms. SPEIER, Mr. MICHAUD, Ms. MATSUI, Ms. HIRONO, and Ms. SUTTON) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To give subpoena power to the National Commission on  
the BP Deepwater Horizon Oil Spill and Offshore Drilling.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SUBPOENA POWER OF THE NATIONAL COMMIS-**  
4                               **SION ON THE BP DEEPWATER HORIZON OIL**  
5                               **SPILL AND OFFSHORE DRILLING.**

6       (a) SUBPOENA POWER.—The National Commission  
7 on the BP Deepwater Horizon Oil Spill and Offshore

1 Drilling established by Executive Order No. 13543 of May  
2 21, 2010 (in this section referred to as the “Commis-  
3 sion”), may issue subpoenas to compel the attendance and  
4 testimony of witnesses and the production of books,  
5 records, correspondence, memoranda, and other docu-  
6 ments.

7 (b) ISSUANCE.—

8 (1) AUTHORIZATION.—A subpoena may be  
9 issued under this section only—

10 (A) by agreement of the Co-Chairs of the  
11 Commission; or

12 (B) by the affirmative vote of a majority of  
13 the members of the Commission.

14 (2) SIGNATURE AND SERVICE.—A subpoena  
15 issued under this section may be issued under the  
16 signature of either Co-Chair or any member des-  
17 ignated by a majority of the Commission, and may  
18 be served by any person designated by the Co-Chairs  
19 or a member designated by a majority of the Com-  
20 mission.

21 (c) ENFORCEMENT.—

22 (1) REQUIRED PROCEDURES.—In the case of  
23 contumacy of any person issued a subpoena under  
24 this section or refusal by such person to comply with  
25 the subpoena, the Commission shall request the At-

1       torney General to seek enforcement of the subpoena.  
2       Upon such request, the Attorney General shall seek  
3       enforcement of the subpoena in a court described in  
4       paragraph (2). The court in which the Attorney  
5       General seeks enforcement of the subpoena shall  
6       issue an order requiring the subpoenaed person to  
7       appear at any designated place to testify or to  
8       produce documentary or other evidence, and may  
9       punish any failure to obey the order as a contempt  
10      of that court.

11           (2) JURISDICTION FOR ENFORCEMENT.—Any  
12      United States district court for a judicial district in  
13      which a person issued a subpoena under this section  
14      resides, is served, or may be found, or where the  
15      subpoena is returnable, shall have jurisdiction to en-  
16      force the subpoena as provided in paragraph (1).

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