

subpoena. The court may issue an order requiring the subpoenaed person to appear before the Attorney General to produce records, if so ordered, or to give testimony concerning the production and authentication of such records. Any failure to obey the order of the court may be punished by the court as a contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

(d) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any Federal, State, or local law, any person, including officers, agents, and employees, receiving a subpoena under this section, who complies in good faith with the subpoena and thus produces the materials sought, shall not be liable in any court of any State or the United States to any customer or other person for such production or for nondisclosure of that production to the customer.

(e) LIMITATION ON USE.—(1) Health information about an individual that is disclosed under this section may not be used in, or disclosed to any person for use in, any administrative, civil, or criminal action or investigation directed against the individual who is the subject of the information unless the action or investigation arises out of and is directly related to receipt of health care or payment for health care or action involving a fraudulent claim related to health; or if authorized by an appropriate order of a court of competent jurisdiction, granted after application showing good cause therefor.

(2) In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services.

(3) Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(Added Pub. L. 104-191, title II, § 248(a), Aug. 21, 1996, 110 Stat. 2018; amended Pub. L. 105-277, div. A, § 101(b) [title I, § 122], Oct. 21, 1998, 112 Stat. 2681-50, 2681-72; Pub. L. 105-314, title VI, § 606(a)(1), Oct. 30, 1998, 112 Stat. 2984; Pub. L. 106-544, § 5(a), (b)(1), (c), Dec. 19, 2000, 114 Stat. 2716, 2718; Pub. L. 108-21, title V, § 509, Apr. 30, 2003, 117 Stat. 684; Pub. L. 110-457, title II, § 224(b), Dec. 23, 2008, 122 Stat. 5072.)

PRIOR PROVISIONS

A prior section 3486, acts June 25, 1948, ch. 645, 62 Stat. 833; Aug. 20, 1954, ch. 769, § 1, 68 Stat. 745; Aug. 28, 1965, Pub. L. 89-141, § 2, 79 Stat. 581, set forth procedure for granting of immunity to witnesses compelled to testify or produce evidence in course of any Congressional investigation, or case or proceeding before any grand jury or court of the United States, involving interference with or endangering of national security or defense of the United States, prior to repeal by Pub. L. 91-452, title II, § 228(a), Oct. 15, 1970, 84 Stat. 930, effective on sixtieth day following Oct. 15, 1970. See section 6001 et seq. of this title.

AMENDMENTS

2008—Subsec. (a)(1)(D). Pub. L. 110-457 inserted “1591,” after “1201.”

2003—Subsec. (a)(1)(C)(i). Pub. L. 108-21 substituted “the information specified in section 2703(c)(2)” for

“the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized”.

2000—Pub. L. 106-544, § 5(b)(1), struck out “in Federal health care investigations” after “subpoenas” in section catchline.

Subsec. (a)(1). Pub. L. 106-544, § 5(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In any investigation relating to any act or activity involving a Federal health care offense, or any act or activity involving a Federal offense relating to the sexual exploitation or other abuse of children, the Attorney General or the Attorney General’s designee may issue in writing and cause to be served a subpoena—

“(A) requiring the production of any records (including any books, papers, documents, electronic media, or other objects or tangible things), which may be relevant to an authorized law enforcement inquiry, that a person or legal entity may possess or have care, custody, or control; or

“(B) requiring a custodian of records to give testimony concerning the production and authentication of such records.”

Subsec. (a)(3). Pub. L. 106-544, § 5(a)(2), inserted “relating to a Federal health care offense” after “production of records” and inserted at end “The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.”

Subsec. (a)(4). Pub. L. 106-544, § 5(c)(1), substituted “subpoenaed” for “summoned”.

Subsec. (a)(5) to (10). Pub. L. 106-544, § 5(a)(3), added pars. (5) to (10).

Subsec. (d). Pub. L. 106-544, § 5(c)(2), substituted “subpoena” for “summons” in two places.

1998—Pub. L. 105-314 substituted “Administrative subpoenas in Federal health care investigations” for “Authorized investigative demand procedures” in section catchline.

Subsec. (a)(1). Pub. L. 105-277 inserted “or any act or activity involving a Federal offense relating to the sexual exploitation or other abuse of children,” after “health care offense,” in introductory provisions.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

[§ 3486A. Repealed. Pub. L. 106-544, § 5(b)(3), Dec. 19, 2000, 114 Stat. 2718]

Section, added Pub. L. 105-314, title VI, § 606(a)(2), Oct. 30, 1998, 112 Stat. 2984, related to administrative subpoenas in cases involving child abuse and child sexual exploitation.

§ 3487. Refusal to pay as evidence of embezzlement

The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the Government Accountability Office, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized of-