

§ 192. Refusal of witness to testify or produce papers

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months.

(R.S. § 102; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 102 derived from act Jan. 24, 1857, ch. 19, § 1, 11 Stat. 155.

AMENDMENTS

1938—Act June 22, 1938, reenacted section without change.

§ 193. Privilege of witnesses

No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous.

(R.S. § 103; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 103 derived from act Jan. 24, 1862, ch. 11, 12 Stat. 333.

AMENDMENTS

1938—Act June 22, 1938, reenacted section without change.

§ 194. Certification of failure to testify or produce; grand jury action

Whenever a witness summoned as mentioned in section 192 of this title fails to appear to testify or fails to produce any books, papers, records, or documents, as required, or whenever any witness so summoned refuses to answer any question pertinent to the subject under inquiry before either House, or any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or any committee or subcommittee of either House of Congress, and the fact of such failure or failures is reported to either House while Congress is in session or when Congress is not in session, a statement of fact constituting such failure is reported to and filed with the President of the Senate or the Speaker of the House, it shall be the duty of the said President of the Senate or Speaker of the House, as the case may be, to certify, and he shall so certify, the statement of facts aforesaid under the seal of the Senate or House, as the case may be, to the appropriate

United States attorney, whose duty it shall be to bring the matter before the grand jury for its action.

(R.S. § 104; July 13, 1936, ch. 884, 49 Stat. 2041; June 22, 1938, ch. 594, 52 Stat. 942.)

CODIFICATION

R.S. § 104 derived from act Jan. 24, 1857, ch. 19, § 3, 11 Stat. 156.

AMENDMENTS

1938—Act June 22, 1938, substituted “section 102” for “section 102 of the Revised Statutes” and inserted “or any joint committee established by a joint or concurrent resolution of the two Houses of Congress”.

1936—Act July 13, 1936, substituted “section 102 of the Revised Statutes” for “section 102”, inserted provisions as to failure to produce and refusal to answer, required a statement of facts constituting the failure to be reported to and filed with the President of the Senate or the Speaker of the House, and directed that said President or Speaker certify the facts to the appropriate United States attorney in lieu of prior certification to the district attorney for the District of Columbia.

§ 194a. Request by Congressional committees to officers or employees of Federal departments, agencies, etc., concerned with foreign countries or multilateral organizations for expression of views and opinions

Upon the request of a committee of either House of Congress, a joint committee of Congress, or a member of such committee, any officer or employee of the Department of State, the Agency for International Development, or any other department, agency, or independent establishment of the United States Government primarily concerned with matters relating to foreign countries or multilateral organizations may express his views and opinions, and make recommendations he considers appropriate, if the request of the committee or member of the committee relates to a subject which is within the jurisdiction of that committee.

(Pub. L. 92-352, title V, § 502, July 13, 1972, 86 Stat. 496; Pub. L. 93-126, § 17, Oct. 18, 1973, 87 Stat. 455; Pub. L. 105-277, div. G, subdiv. A, title XII, § 1225(g), title XIII, § 1335(n), Oct. 21, 1998, 112 Stat. 2681-775, 2681-789.)

AMENDMENTS

1998—Pub. L. 105-277, § 1335(n), struck out “the United States Information Agency,” after “Department of State.”.

Pub. L. 105-277, § 1225(g), struck out “the United States Arms Control and Disarmament Agency,” after “International Development.”.

1973—Pub. L. 93-126 substituted “or employee of” for “appointed by the President, by and with the advice and consent of the Senate, to a position in”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1225(g) of Pub. L. 105-277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105-277, set out as an Effective Date note under section 6511 of Title 22, Foreign Relations and Intercourse.

Amendment by section 1335(n) of Pub. L. 105-277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105-277, set out as an Effective Date note under section 6531 of Title 22, Foreign Relations and Intercourse.

§ 194b. Omitted

CODIFICATION

Section, Pub. L. 100-418, title V, § 5421, Aug. 23, 1988, 102 Stat. 1468, which directed President or head of ap-

propriate department or agency to include in every recommendation or report made to Congress on legislation which might affect ability of United States firms to compete in domestic and international commerce a statement of impact of such legislation on international trade and public interest and ability of United States firms engaged in the manufacture, sale, distribution, or provision of goods or services to compete in foreign or domestic markets, ceased to be effective six years from Aug. 23, 1988, pursuant to subsec. (c) of section.

§ 195. Fees of witnesses in District of Columbia

Witnesses residing in the District of Columbia and not in the service of the government of said District or of the United States, who shall be summoned to give testimony before any committee of the House of Representatives, shall not be allowed exceeding \$2 for each day's attendance before said committee.

(May 1, 1876, ch. 88, 19 Stat. 41.)

HOUSE RULE ON PAY OF WITNESSES

Rule XI, clause 5, Rules of the House of Representatives, provides that: "Witnesses appearing before the House or any of its committees shall be paid the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members, Delegates, the Resident Commissioner, and employees of the House, plus actual expenses of travel to or from the place of examination. Such per diem may not be paid when a witness has been summoned at the place of examination."

§ 195a. Restriction on payment of witness fees or travel and subsistence expenses to persons subpoenaed by Congressional committees

No part of any appropriation disbursed by the Secretary of the Senate shall be available on and after July 12, 1960, for the payment to any person, at the time of the service upon him of a subpoena requiring his attendance at any inquiry or hearing conducted by any committee of the Congress or of the Senate or any subcommittee of any such committee, of any witness fee or any sum of money as an advance payment of any travel or subsistence expense which may be incurred by such person in responding to that subpoena.

(Pub. L. 86-628, July 12, 1960, 74 Stat. 449.)

§ 195b. Fees for witnesses requested to appear before Majority Policy Committee or Minority Policy Committee

Any witness requested to appear before the Majority Policy Committee or the Minority Policy Committee shall be entitled to a witness fee for each full day spent in traveling to and from the place at which he is to appear, and reimbursement of actual and necessary transportation expenses incurred in traveling to and from that place, at rates not to exceed those rates paid witnesses appearing before committees of the Senate.

(Pub. L. 93-371, § 7, Aug. 13, 1974, 88 Stat. 431.)

§ 196. Senate resolutions for investigations; limit of cost

Senate resolutions providing for inquiries and investigations shall contain a limit of cost of such investigation, which limit shall not be ex-

ceeded except by vote of the Senate authorizing additional amounts.

(Mar. 3, 1926, ch. 44, § 1, 44 Stat. 162.)

§ 197. Compensation of employees

The rate of compensation for any position under the appropriations now available for, or hereafter made for, expenses of inquiries and investigations of the Senate or expenses of special and select committees of the House of Representatives shall not exceed the rates fixed under chapter 51 and subchapter III of chapter 53 of title 5, for positions with comparable duties; and the salary limitations of \$3,600 attached to appropriations heretofore made for expenses of inquiries and investigations of the Senate or for expenses of special and select committees of the House of Representatives are repealed.

(Feb. 9, 1937, ch. 9, title I, § 1, 50 Stat. 9; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" substituted in text for "the Classification Act of 1949" on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1949—Act Oct. 28, 1949, substituted "Classification Act of 1949" for "Classification Act of 1923".

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 198. Adjournment

(a) Unless otherwise provided by the Congress, the two Houses shall—

(1) adjourn sine die not later than July 31 of each year; or

(2) in the case of an odd-numbered year, provide, not later than July 31 of such year, by concurrent resolution adopted in each House by roll-call vote, for the adjournment of the two Houses from that Friday in August which occurs at least thirty days before the first Monday in September (Labor Day) of such year to the second day after Labor Day.

(b) This section shall not be applicable in any year if on July 31 of such year a state of war exists pursuant to a declaration of war by the Congress.

(Aug. 2, 1946, ch. 753, title I, § 132, 60 Stat. 831; Pub. L. 91-510, title IV, § 461(b), Oct. 26, 1970, 84 Stat. 1193.)

AMENDMENTS

1970—Pub. L. 95-110, in amending section generally, incorporated existing subject matter in subsec. (a)(1), substituted therein an adjournment date not later than July 31 of each year for prior provision for a date not later than last day (Sundays excepted) in month of July in each year, added subsec. (a)(2), added subsec. (b) which incorporated former exception to adjournment in time of war, and deleted another exception to adjournment during national emergency proclaimed by the President.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub.