

tion 506 of Title 33, Navigation and Navigable waters, sections 405(f) and 2201 of Title 42, The Public Health and Welfare, sections 157 and 362 of Title 45, Railroads, sections 827 and 1124 of former Title 46, Shipping, section 409(i) of Title 47, Telecommunications, sections 9, 43, 46, 47, 48, 916, 1017, and 1484 of former Title 49, Transportation, sections 792 and 4555 of Title 50, War and National Defense, and former sections 643a, 1152, and 2026 of the former Appendix to Title 50], shall take effect on the sixtieth day following the date of the enactment of this Act [Oct. 15, 1970]. No amendment to or repeal of any provision of law under title II of this Act shall affect any immunity to which any individual is entitled under such provision by reason of any testimony or other information given before such day."

SAVINGS PROVISION

Amendment by section 314 of Pub. L. 95-598 not to affect the application of chapter 9 (§151 et seq.), chapter 96 (§1961 et seq.), or section 2516, 3057, or 3284 of this title to any act of any person (1) committed before Oct. 1, 1979, or (2) committed after Oct. 1, 1979, in connection with a case commenced before such date, see section 403(d) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

AMENDMENT OR REPEAL OF INCONSISTENT PROVISIONS

Section 259 of Pub. L. 91-452 provided that: "In addition to the provisions of law specifically amended or specifically repealed by this title [see Effective Date note above], any other provision of law inconsistent with the provisions of part V of title 18, United States Code (adding by title II of this Act) [this part], is to that extent amended or repealed."

TERMINATION OF FEDERAL POWER COMMISSION

The Federal Power Commission, referred to in par. (1) was terminated and the functions, personnel, property, funds, etc., thereof were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

§ 6002. Immunity generally

Whenever a witness refuses, on the basis of his privilege against self-incrimination, to testify or provide other information in a proceeding before or ancillary to—

- (1) a court or grand jury of the United States,
- (2) an agency of the United States, or
- (3) either House of Congress, a joint committee of the two Houses, or a committee or a subcommittee of either House,

and the person presiding over the proceeding communicates to the witness an order issued under this title, the witness may not refuse to comply with the order on the basis of his privilege against self-incrimination; but no testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information) may be used against the witness in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with the order.

(Added Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 927; amended Pub. L. 103-322, title XXXIII, §330013(4), Sept. 13, 1994, 108 Stat. 2146.)

AMENDMENTS

1994—Pub. L. 103-322 substituted "under this title" for "under this part" in concluding provisions.

§ 6003. Court and grand jury proceedings

(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to a court of the United States or a grand jury of the United States, the United States district court for the judicial district in which the proceeding is or may be held shall issue, in accordance with subsection (b) of this section, upon the request of the United States attorney for such district, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this title.

(b) A United States attorney may, with the approval of the Attorney General, the Deputy Attorney General, the Associate Attorney General, or any designated Assistant Attorney General or Deputy Assistant Attorney General, request an order under subsection (a) of this section when in his judgment—

- (1) the testimony or other information from such individual may be necessary to the public interest; and
- (2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(Added Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 927; amended Pub. L. 100-690, title VII, §7020(e), Nov. 18, 1988, 102 Stat. 4396; Pub. L. 103-322, title XXXIII, §330013(4), Sept. 13, 1994, 108 Stat. 2146.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted "title" for "part" before period at end.

1988—Subsec. (b). Pub. L. 100-690 inserted "the Associate Attorney General" after "Deputy Attorney General", and "or Deputy Assistant Attorney General" after "Assistant Attorney General".

§ 6004. Certain administrative proceedings

(a) In the case of any individual who has been or who may be called to testify or provide other information at any proceeding before an agency of the United States, the agency may, with the approval of the Attorney General, issue, in accordance with subsection (b) of this section, an order requiring the individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this title.

(b) An agency of the United States may issue an order under subsection (a) of this section only if in its judgment—

- (1) the testimony or other information from such individual may be necessary to the public interest; and
- (2) such individual has refused or is likely to refuse to testify or provide other information on the basis of his privilege against self-incrimination.

(Added Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 927; amended Pub. L. 103-322, title XXXIII, §330013(4), Sept. 13, 1994, 108 Stat. 2146.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322 substituted “title” for “part” before period at end.

§ 6005. Congressional proceedings

(a) In the case of any individual who has been or may be called to testify or provide other information at any proceeding before or ancillary to either House of Congress, or any committee, or any subcommittee of either House, or any joint committee of the two Houses, a United States district court shall issue, in accordance with subsection (b) of this section, upon the request of a duly authorized representative of the House of Congress or the committee concerned, an order requiring such individual to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination, such order to become effective as provided in section 6002 of this title.

(b) Before issuing an order under subsection (a) of this section, a United States district court shall find that—

(1) in the case of a proceeding before or ancillary to either House of Congress, the request for such an order has been approved by an affirmative vote of a majority of the Members present of that House;

(2) in the case of a proceeding before or ancillary to a committee or a subcommittee of either House of Congress or a joint committee

of both Houses, the request for such an order has been approved by an affirmative vote of two-thirds of the members of the full committee; and

(3) ten days or more prior to the day on which the request for such an order was made, the Attorney General was served with notice of an intention to request the order.

(c) Upon application of the Attorney General, the United States district court shall defer the issuance of any order under subsection (a) of this section for such period, not longer than twenty days from the date of the request for such order, as the Attorney General may specify.

(Added Pub. L. 91-452, title II, §201(a), Oct. 15, 1970, 84 Stat. 928; amended Pub. L. 103-322, title XXXIII, §330013(4), Sept. 13, 1994, 108 Stat. 2146; Pub. L. 104-292, §5, Oct. 11, 1996, 110 Stat. 3460; Pub. L. 104-294, title VI, §605(o), Oct. 11, 1996, 110 Stat. 3510.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-292, §5(1), inserted “or ancillary to” after “any proceeding before”.

Subsec. (b)(1), (2). Pub. L. 104-292, §5(2)(A), inserted “or ancillary to” after “a proceeding before”.

Subsec. (b)(3). Pub. L. 104-292, §5(2)(B), and Pub. L. 104-294, amended par. (3) identically, inserting period at end.

1994—Subsec. (a). Pub. L. 103-322 substituted “title” for “part” before period at end.