

States, or sent to him by mail at the Department of Justice, to enable him to give such instructions as he may deem best to the United States attorney of the district where such testimony is to be taken, who may, and, if required by the Attorney General, shall, though not requested by the committee, appear for the United States in person or by assistant, and take such part in such examination as the Attorney General shall direct.

(Feb. 3, 1879, ch. 40, § 2, 20 Stat. 279; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909; Pub. L. 104-186, title II, § 206(2), Aug. 20, 1996, 110 Stat. 1742.)

CODIFICATION

Upon its incorporation into the Code, references in this section to the circuit courts were omitted or changed to refer to the district courts to conform to act Mar. 3, 1911, which abolished the circuit courts.

Section was formerly classified to section 230 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97-258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104-186 substituted “contingent fund of the Senate, in the case of a committee of the Senate, or the applicable accounts of the House of Representatives, in the case of a committee of the House of Representatives,” for “contingent fund of the branch of Congress appointing such committee.”

CHANGE OF NAME

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney of the United States”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes thereunder.

§ 191. Oaths to witnesses

The President of the Senate, the Speaker of the House of Representatives, or a chairman of any joint committee established by a joint or concurrent resolution of the two Houses of Congress, or of a committee of the whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Any member of either House of Congress may administer oaths to witnesses in any matter depending in either House of Congress of which he is a Member, or any committee thereof.

(R.S. § 101; June 26, 1884, ch. 123, 23 Stat. 60; June 22, 1938, ch. 594, 52 Stat. 942, 943.)

CODIFICATION

R.S. § 101 derived from acts May 3, 1798, ch. 36, § 1, 1 Stat. 554, and Feb. 8, 1817, ch. 10, 3 Stat. 345.

R.S. § 101 constitutes first sentence, and act June 26, 1884, constitutes second sentence.

AMENDMENTS

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

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 194 of this title.

§ 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.