(Added Pub. L. 93–415, title V, § 508, Sept. 7, 1974, 88 Stat. 1137; amended Pub. L. 95–115, § 8(b), Oct. 3, 1977, 91 Stat. 1060; Pub. L. 98–473, title II, § 1202, Oct. 12, 1984, 98 Stat. 2150; Pub. L. 103–322, title XIV, § 140005, Sept. 13, 1994, 108 Stat. 2032; Pub. L. 104–294, title VI, § 601(f)(16), (*o*), Oct. 11, 1996, 110 Stat. 3500, 3502.)

REFERENCES IN TEXT

Section 401 of the Controlled Substances Act, referred to in subsecs. (d) and (f), is classified to section 841 of Title 21, Food and Drugs.

Sections 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act, referred to in subsecs. (d) and (f), are classified to sections 951(a), 955, and 959, respectively, of Title 21.

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–294, § 601(f)(16), substituted ''section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act'' for ''section 841, 952(a), 955, or 959 of title 21''.

Subsec. (f). Pub. L. 104–294 substituted ''section 401 of the Controlled Substances Act or section 1001(a), 1005, or 1009 of the Controlled Substances Import and Export Act'' for ''section 841, 952(a), 955, or 959 of title 21'', ''juvenile has been found guilty'' for ''juvenille has been found guilty'', and ''the Federal Bureau of Investigation'' for ''the Federal Bureau of Investigation, Identification Division,''.

1994—Subsec. (f). Pub. L. 103–322 inserted ''or whenever a juvenile has been found guilty of committing an act after his 13th birthday which if committed by an adult would be an offense described in the second sentence of the fourth paragraph of section 5032 of this title,'' after ''title 21,''.

1984—Pub. L. 98–473 amended section generally, striking out in subsec. (a) provisions that, upon completion of any delinquency proceedings the court shall order the entire record and file to be sealed, substituting a new subsec. (d) for a former subsec. (d) which provided that unless a juvenile is prosecuted as an adult neither fingerprints nor photographs shall be taken without the consent of the judge and the juveniles name and picture shall not be made available to any public medium of communication and adding subsecs. (e) and (f).

1977—Subsec. (a)(6). Pub. L. 95–115 added par. (6).

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–115 effective Oct. 1, 1977, see section 263(c) of Pub. L. 93–415, as added by Pub. L. 95–115, set out as a note under section 5601 of Title 42, The Public Health and Welfare.

§ 5039. Commitment

No juvenile committed, whether pursuant to an adjudication of delinquency or conviction for an offense, to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

(Added Pub. L. 93–415, title V, § 509, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 103–322, title XIV, § 140003, Sept. 13, 1994, 108 Stat. 2032.)

AMENDMENTS

1994—Pub. L. 103–322 inserted '', whether pursuant to an adjudication of delinquency or conviction for an offense,'' after ''committed'' in first par.

§ 5040. Support

The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for ''support of United States prisoners'' or such other appropriations as he may designate.

(Added Pub. L. 93–415, title V, § 510, Sept. 7, 1974, 88 Stat. 1138.)

[§ 5041. Repealed. Pub. L. 98–473, title II, § 214(b), Oct. 12, 1984, 98 Stat. 2014]

Section, added Pub. L. 93–415, title V, § 511, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 94–233, § 11, Mar. 15, 1976, 90 Stat. 233, related to parole for juvenile delinquents.

EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such repeal, with section to remain in effect for five years as to an individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98–473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of this title.

§ 5042. Revocation of probation

Any juvenile probationer shall be accorded notice and a hearing with counsel before his probation can be revoked.

(Added Pub. L. 93–415, title V, § 512, Sept. 7, 1974, 88 Stat. 1138; amended Pub. L. 98–473, title II, § 214(c), Oct. 12, 1984, 98 Stat. 2014.)

AMENDMENTS

1984—Pub. L. 98–473 struck out ''parole or'' before ''probation'' in section catchline and text, and struck out ''parolee or'' before ''probationer'' in text.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98–473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, with section as in effect prior to such amendment to remain in effect for five years as and individual who committed an offense or an act of juvenile delinquency before Nov. 1, 1987, and as to a term of imprisonment during the period described in section 235(a)(1)(B) of Pub. L. 98–473, see section 235(a)(1), (b)(1)(D) of Pub. L. 98–473, set out as an Effective Date note under section 3551 of this title.

PART V—IMMUNITY OF WITNESSES

CHAPTER 601—IMMUNITY OF WITNESSES

Sec.
6001. Definitions.
6002. Immunity generally.
6003. Court and grand jury proceedings.
6004. Certain administrative proceedings.
6005. Congressional proceedings.

AMENDMENTS

1994—Pub. L. 103–322, title XXXIII, § 330013(1), Sept. 13, 1994, 108 Stat. 2146, added heading for chapter 601.

1970—Pub. L. 91–452, title II, § 201(a), Oct. 15, 1970, 84 Stat. 926, added part V and items 6001 to 6005.

§ 6001. Definitions

As used in this chapter—

(1) ''agency of the United States'' means any executive department as defined in section 101 of title 5, United States Code, a military department as defined in section 102 of title 5, United States Code, the Nuclear Regulatory Commission, the Board of Governors of the Federal Reserve System, the China Trade Act registrar appointed under 53 Stat. 1432 (15 U.S.C. sec. 143), the Commodity Futures Trading Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Maritime Commission, the Federal Power Commission, the Federal Trade Commission, the Surface Transportation Board, the National Labor Relations Board, the National Transportation Safety Board, the Railroad Retirement Board, an arbitration board established under 48 Stat. 1193 (45 U.S.C. sec. 157), the Securities and Exchange Commission, or a board established under 49 Stat. 31 (15 U.S.C. sec. 715d);

(2) ''other information'' includes any book, paper, document, record, recording, or other material;

(3) ''proceeding before an agency of the United States'' means any proceeding before such an agency with respect to which it is authorized to issue subpenas and to take testimony or receive other information from witnesses under oath; and

(4) ''court of the United States'' means any of the following courts: the Supreme Court of the United States, a United States court of appeals, a United States district court established under chapter 5, title 28, United States Code, a United States bankruptcy court established under chapter 6, title 28, United States Code, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District Court of Guam, the District Court of the Virgin Islands, the United States Court of Federal Claims, the Tax Court of the United States, the Court of International Trade, and the Court of Appeals for the Armed Forces.

(Added Pub. L. 91–452, title II, § 201(a), Oct. 15, 1970, 84 Stat. 926; amended Pub. L. 95–405, § 25, Sept. 30, 1978, 92 Stat. 877; Pub. L. 95–598, title III, § 314(*l*), Nov. 6, 1978, 92 Stat. 2678; Pub. L. 96–417, title VI, § 601(1), Oct. 10, 1980, 94 Stat. 1744; Pub. L. 97–164, title I, § 164(1), Apr. 2, 1982, 96 Stat. 50; Pub. L. 102–550, title XV, § 1543, Oct. 28, 1992, 106 Stat. 4069; Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103–272, § 4(d), July 5, 1994, 108 Stat. 1361; Pub. L. 103–322, title XXXIII, § 330013(2), (3), Sept. 13, 1994, 108 Stat. 2146; Pub. L. 103–337, div. A, title IX, § 924(d)(1)(B), Oct. 5, 1994, 108 Stat. 2832; Pub. L. 104–88, title III, § 303(2), Dec. 29, 1995, 109 Stat. 943.)

AMENDMENTS

1995—Par. (1). Pub. L. 104–88 substituted ''Surface Transportation Board'' for ''Interstate Commerce Commission''.

1994—Pub. L. 103–322, § 330013(3), substituted ''chapter'' for ''part'' in introductory provisions.

Par. (1). Pub. L. 103–322, § 330013(2), substituted ''Nuclear Regulatory Commission'' for ''Atomic Energy Commission'' and struck out ''the Subversive Activities Control Board,'' after ''Securities and Exchange Commission,''.

Pub. L. 103–272 struck out ''the Civil Aeronautics Board,'' before ''the Commodity Futures''.

Par. (4). Pub. L. 103–337 substituted ''Court of Appeals for the Armed Forces'' for ''Court of Military Appeals''.

1992—Par. (1). Pub. L. 102–550 inserted ''the Board of Governors of the Federal Reserve System,'' after ''the Atomic Energy Commission,''.

Par. (4). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Par. (4). Pub. L. 97–164 substituted ''the United States Claims Court'' for ''the United States Court of Claims, the United States Court of Customs and Patent Appeals''.

1980—Par. (4). Pub. L. 96–417 redesignated the Customs Court as the Court of International Trade.

1978—Par. (1). Pub. L. 95–405 inserted ''the Commodity Futures Trading Commission,'' after ''Civil Aeronautics Board,''.

Par. (4). Pub. L. 95–598 inserted ''a United States bankruptcy court established under chapter 6, title 28, United States Code,'' after ''title 28, United States Code,''.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104–88 effective Jan. 1, 1996, see section 2 of Pub. L. 104–88, set out as an Effective Date note under section 701 of Title 49, Transportation.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–417 effective Nov. 1, 1980, and applicable with respect to civil actions pending on or commenced on or after such date, see section 701(a) of Pub. L. 96–417, set out as a note under section 251 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1978 AMENDMENTS

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Amendment by Pub. L. 95–405 effective Oct. 1, 1978, see section 28 of Pub. L. 95–405, set out as a note under section 2 of Title 7, Agriculture.

EFFECTIVE DATE; SAVINGS PROVISION

Section 260 of Pub. L. 91–452 provided that: ''The provisions of part V of title 18, United States Code, added by title II of this Act [this part], and the amendments and repeals made by title II of this Act [sections 835, 895, 1406, 1954, 2424, 2514 and 3486 of this title, sections 15, 87f(f), 135c, 499m(f), and 2115 of Title 7, Agriculture, section 25 of former Title 11, Bankruptcy, section 1820 of Title 12, Banks and Banking, sections 32, 33, 49, 77v, 78u(d), 79r(e), 80a–41, 80b–9, 155, 717m, 1271, and 1714 of Title 15, Commerce and Trade, section 825f of Title 16, Conservation, section 1333 of Title 19, Customs Duties, section 373 of Title 21, Food and Drugs, sections 4874 and 7493 of Title 26, Internal Revenue Code, section 161(3) of Title 29, Labor, section 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(*l*) of Title 47, Telegraphs, Telephones, and Radiotelegraphs, sections 9, 43, 46, 47, 48, 916, 1017, and 1484 of former Title 49, Transportation, section 792 of Title 50, War and National Defense, and sections 643a, 1152, 2026, and 2155(b) of Title 50, Appendix], 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.