their budget submissions to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

(b) As used in this section—

(1) the term ''offices and agencies of the legislative branch'' means, the office of the Clerk of the House, the office of the Secretary of the Senate, the office of the Architect of the Capitol, the General Accounting Office, the Government Printing Office, the Library of Congress, the Congressional Research Service, the Congressional Budget Office, the Chief Administrative Officer of the House of Representatives, and the Sergeant at Arms of the Senate; and

(2) the term ''technology'' refers to any form of computer hardware and software; computer-based systems, services, and support for the creation, processing, exchange, and delivery of information; and telecommunications systems, and the associated hardware and software, that provide for voice, data, or image communication.

(Pub. L. 104–197, title III, § 314, Sept. 16, 1996, 110 Stat. 2415.)

§ 182. Cooperative Acquisitions Program Revolving Fund

(a) Establishment

Effective October 1, 1997, there is established in the Treasury of the United States a revolving fund to be known as the Cooperative Acquisitions Program Revolving Fund (in this section referred to as the ''revolving fund''). Moneys in the revolving fund shall be available to the Librarian of Congress, without fiscal year limitation, for financing the cooperative acquisitions program (in this section referred to as the ''program'') under which the Library acquires foreign publications and research materials on behalf of participating institutions on a cost-recovery basis. Obligations under the revolving fund are limited to amounts specified in the appropriations Act for that purpose for any fiscal year.

(b) Amounts deposited

The revolving fund shall consist of—

(1) any amounts appropriated by law for the purposes of the revolving fund;

(2) any amounts held by the Librarian as of October 1, 1997 or October 7, 1997, whichever is later, that were collected as payment for the Library's indirect costs of the program; and

(3) the difference between (A) the total value of the supplies, equipment, gift fund balances, and other assets of the program, and (B) the total value of the liabilities (including unfunded liabilities such as the value of accrued annual leave of employees) of the program.

(c) Credits to revolving fund

The revolving fund shall be credited with all advances and amounts received as payment for purchases under the program and services and supplies furnished to program participants, at rates estimated by the Librarian to be adequate to recover the full direct and indirect costs of the program to the Library over a reasonable period of time.

(d) Unobligated balances

Any unobligated and unexpended balances in the revolving fund that the Librarian determines to be in excess of amounts needed for activities financed by the revolving fund, shall be deposited in the Treasury of the United States as miscellaneous receipts. Amounts needed for activities financed by the revolving fund means the direct and indirect costs of the program, including the costs of purchasing, shipping, binding of books and other library materials; supplies, materials, equipment and services needed in support of the program; salaries and benefits; general overhead; and travel.

(e) Annual report

Not later than March 31 of each year, the Librarian of Congress shall prepare and submit to Congress an audited financial statement for the revolving fund for the preceding fiscal year. The audit shall be conducted in accordance with Government Auditing Standards for financial audits issued by the Comptroller General of the United States.

(Pub. L. 105–55, title II, § 207, Oct. 7, 1997, 111 Stat. 1193.)

CHAPTER 6—CONGRESSIONAL AND COMMITTEE PROCEDURE; INVESTIGATIONS

Sec.
190 to 190c. Repealed.
190d. Legislative review by standing committees of the Senate and the House of Representatives.
(a) Scope of assistance.
(b) Reports to the Senate and the House of Representatives.
(c) Exceptions.
190e. Repealed.
190f. General appropriation bills.
(a) Repealed.
(b) Standard appropriation classification schedule.
(c) Nonconsideration if a provision reappropriates unexpended balances.
190g. Nonconsideration of certain private bills and resolutions.
190h to 190k. Repealed.
190*l*. Private claims pending before Congress; taking of testimony.
190m. Subpoena for taking testimony; compensation of officers and witnesses; return of depositions.
191. Oaths to witnesses.
192. Refusal of witness to testify or produce papers.
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194. Certification of failure to testify or produce; grand jury action.
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.
194b. Omitted.
195. Fees of witnesses in District of Columbia.
195a. Restriction on payment of witness fees or travel and subsistence expenses to persons subpenaed by Congressional committees.
195b. Fees for witnesses requested to appear before Majority Policy Committee or Minority Policy Committee.
196. Senate resolutions for investigations; limit of cost.
197. Compensation of employees.

Sec.
198. Adjournment.
199. Member of commission, board, etc., appointed by President pro tempore of Senate; recommendation process; applicability.

§ 190. Repealed. S. Res. 4, § 301(b), Feb. 4, 1977

Section, act Aug. 2, 1946, ch. 753, title I, § 137, 60 Stat. 832, directed that controversies arising as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation be decided by the presiding officer of the Senate in favor of the committee having jurisdiction over the subject matter which predominated in the proposed legislation.

§§ 190a to 190a–2. Repealed. S. Res. 274, § 2(a), Nov. 14, 1979

Section 190a, acts Aug. 2, 1946, ch. 753, title I, § 133, 60 Stat. 381; Oct. 26, 1970, Pub. L. 91–510, title I, §§ 102(a), 103(a), 104(a), 105(a), 106(a), 107(a), 108(a), 110(a), 84 Stat. 1143–1149; Dec. 16, 1970, Pub. L. 91–552, § 1(2), 84 Stat. 1440; Oct. 11, 1971, Pub. L. 92–136, § 3(a), (b), 85 Stat. 377; S. Res. 9, § 2, Nov. 5, 1975, related to meetings of the standing committees of the Senate. See the Standing Rules of the Senate.

Section 190a–1, act Aug. 2, 1946, ch. 753, title I, § 133A, as added Oct. 26, 1970, Pub. L. 91–510, title I, §§ 111(a)(1), 112(a), 113(a), 114(a), 115(a), 116(a), 84 Stat. 1151–1153; S. Res. 9, § 2, Nov. 5, 1975, related to Senate committee hearing procedures. See Standing Rules of the Senate.

Section 190a–2, act Aug. 2, 1946, ch. 753, title I, § 133B, as added Oct. 26, 1970, Pub. L. 91–510, title I, § 130(a), 84 Stat. 1163, related to Senate committee rules. See Standing Rules of the Senate.

§ 190a–3. Repealed. S. Res. 9, § 2, Nov. 5, 1975

Section, Pub. L. 93–344, title I, § 102(d), July 12, 1974, 88 Stat. 301, provided that meetings of Senate Committee on the Budget or any subcommittee thereof be open to public except in certain specified instances.

§§ 190b, 190c. Repealed. S. Res. 274, § 2(a), Nov. 14, 1979

Section 190b, acts Aug. 2, 1946, ch. 753, title I, § 134(a), (c), 60 Stat. 831, 832; Oct. 26, 1970, Pub. L. 91–510, title I, § 117(a), 84 Stat. 1155; Dec. 16, 1970, Pub. L. 91–552, § 1(6), 84 Stat. 1440; July 12, 1974, Pub. L. 93–344, title IX, § 903(a), 88 Stat. 331; S. Res. 4, § 402(c), Feb. 4, 1977, related to authority of Senate standing committees and subcommittees. See Standing Rules of the Senate.

Section 190c, acts Aug. 2, 1946, ch. 753, title I, § 135, 60 Stat. 832; Oct. 26, 1970, Pub. L. 91–510, title I, § 125(a)(2), 84 Stat. 1159, related to Senate conference reports. See Standing Rules of the Senate.

§ 190d. Legislative review by standing committees of the Senate and the House of Representatives

(a) Scope of assistance

In order to assist the Congress in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee of the Senate and the House of Representatives shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Congress. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) Reports to the Senate and the House of Representatives

In each odd-numbered year beginning on or after January 1, 1973, each standing committee of the Senate shall submit, not later than March 31, to the Senate, and each standing committee of the House shall submit, not later than January 2, to the House, a report on the activities of that committee under this section during the Congress ending at noon on January 3 of such year.

(c) Exceptions

The preceding provisions of this section do not apply to the Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget, House Oversight, Rules, and Standards of Official Conduct of the House.

(Aug. 2, 1946, ch. 753, title I, § 136, 60 Stat. 832; Pub. L. 91–510, title I, § 118(a)(1), Oct. 26, 1970, 84 Stat. 1156; Pub. L. 92–136, § 1, Oct. 11, 1971, 85 Stat. 376; Pub. L. 93–344, title VII, § 701, title IX, § 903(b), July 12, 1974, 88 Stat. 325, 331; Pub. L. 104–186, title II, § 206(1), Aug. 20, 1996, 110 Stat. 1742.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

1974—Subsec. (a). Pub. L. 93–344, § 701, authorized the committees to carry out the required analysis, appraisal, and evaluation themselves, or by contract, or to require a Government agency to do so and furnish a report thereon to the Congress, and authorized the committees to rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

Subsec. (c). Pub. L. 93–344, § 903(b), substituted ''Committees on Appropriations and the Budget of the Senate and the Committees on Appropriations, the Budget,'' for ''Committee on Appropriations of the Senate and the Committee on Appropriations,''.

1971—Subsec. (a). Pub. L. 92–136 substituted ''Congress'' for ''Senate'' in provisions preceding cl. (1) and inserted reference to the House of Representatives in provisions following cl. (2).

Subsec. (b). Pub. L. 92–136 substituted ''In each odd-numbered year beginning on or after January 1, 1973, each'' for ''Each'' and ''March 31, to the Senate, and each standing committee of the House shall submit, not later than January 2, to the House,'' for ''March 31 of each odd-numbered year beginning on and after January 1, 1973, to the Senate''.

Subsec. (c). Pub. L. 92–136 inserted reference to Committees on Appropriations, House Administration, Rules, and Standards of Official Conduct of the House.

1970—Subsec. (a). Pub. L. 91–510 incorporated existing subject matter in provisions designated as subsec. (a), restricted the text to standing committees of Senate,

revised phraseology to require standing committees to review and study, on a continuing basis, application, administration, and execution of laws and parts of laws for prior provision for exercise of continuous watchfulness of execution of laws by administrative agencies concerned, and in providing for assistance to the Senate, rather than the Congress, included analysis and evaluation of laws enacted by Congress and substituted provision for formulation, consideration, and enactment of modifications or changes in the laws and of additional legislation as necessary or appropriate for prior provisions for assistance in developing amendments or related legislation as may be necessary.

Subsecs. (b), (c). Pub. L. 91–510 added subsecs. (b) and (c).

EFFECTIVE DATE OF 1971 AMENDMENT

Section 9(a) of Pub. L. 92–136 provided that: ''The amendments made by the first section [amending this section] section 2, and section 5 of this Act [amending section 72a of this title] shall become effective as of noon on January 3, 1971.''

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. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190e. Repealed. Pub. L. 91–510, title II, § 242(b)(1), Oct. 26, 1970, 84 Stat. 1172

Section, act Aug. 2, 1946, ch. 753, title I, § 138, 60 Stat. 832, related to report of legislative budget by Committee on Ways and Means and Committee on Appropriations of House and Committee on Finance and Committee on Appropriations of Senate, its contents, and concurrent resolution adopting the budget. See Rules of the House of Representatives and Standing Rules of the Senate.

EFFECTIVE DATE OF REPEAL

Repeal effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91–510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 190f. General appropriation bills

(a) Repealed. Pub. L. 91–510, title I, § 108(d), Oct. 26, 1970, 84 Stat. 1149

(b) Standard appropriation classification schedule

The Committees on Appropriations of the two Houses are authorized and directed, acting jointly, to develop a standard appropriation classification schedule which will clearly define in concise and uniform accounts the subtotals of appropriations asked for by agencies in the executive branch of the Government. That part of the printed hearings containing each such agency's request for appropriations shall be preceded by such a schedule.

(c) Nonconsideration if a provision reappropriates unexpended balances

No general appropriation bill or amendment thereto shall be received or considered in either House if it contains a provision reappropriating unexpended balances of appropriations; except that this provision shall not apply to appropriations in continuation of appropriations for public works on which work has commenced.

(Aug. 2, 1946, ch. 753, title I, § 139(a), (b), (c), 60 Stat. 833; Pub. L. 91–510, title I, § 108(d), Oct. 26, 1970, 84 Stat. 1149.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

CODIFICATION

Section constitutes subsections (a) to (c) of section 139 of act Aug. 2, 1946. Subsection (d) of section 139, which required the two Houses of Congress to make a study of existing permanent appropriations with a view to limiting the number thereof and to recommending what permanent appropriations should be discontinued, and of the disposition of funds resulting from the sale of Government property or services by all departments and agencies in the executive branch of the Government with a view to recommending a uniform system of control with respect to those funds, was omitted from the Code as being of a temporary character.

AMENDMENTS

1970—Subsec. (a). Pub. L. 91–510 repealed prohibition against consideration of any general appropriation bill in either House unless prior to such consideration printed committee hearings and reports on the bill have been available for at least three calendar days for the Members of the House considering the bill, which was incorporated in section 190a(f) of this title.

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. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190g. Nonconsideration of certain private bills and resolutions

No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, for personal injuries or death for which suit may be instituted under the Federal Tort Claims Act, or for a pension (other than to carry out a provision of law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered in either the Senate or the House of Representatives.

(Aug. 2, 1946, ch. 753, title I, § 131, 60 Stat. 831.)

PARTIAL REPEAL

Section 2(a), S. Res. 274, Ninety-sixth Congress, Nov. 14, 1979, provided in part that this section, insofar as it relates to the Senate, is repealed. See Standing Rules of the Senate.

REFERENCES IN TEXT

The Federal Tort Claims Act, referred to in text, is classified generally to section 1346(b) and chapter 171 (§ 2671 et seq.) of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 190h. Repealed. S. Res. 9, § 2, Nov. 5, 1975

Section, Pub. L. 91–510, title II, § 242(a), Oct. 26, 1970, 84 Stat. 1171, provided that each meeting conducted by Senate Committee on Appropriations be open to the public except when testimony to be taken might relate to a matter of national security, tend to reflect adversely on character or reputation of witness or other individual, or divulge matters deemed confidential under other provisions of law or regulations.

§§ 190i to 190k. Repealed. S. Res. 274, § 2(b), Nov. 14, 1979

Section 190i, Pub. L. 91–510, title II, § 243, Oct. 26, 1970, 84 Stat. 1173, related to actions and procedures of the Committee on Appropriations of Senate. See Standing Rules of the Senate.

Section 190j, Pub. L. 91–510, title II, § 252(a), Oct. 26, 1970, 84 Stat. 1173; Aug. 1, 1946, ch. 724, § 302(d), as added Aug. 30, 1954, ch. 1073, § 1, as added Sept. 20, 1977, Pub. L. 95–110, § 1, 91 Stat. 884, related to cost estimates in reports of Senate committees accompanying certain legislative measures and to other Senate committee operations. See Standing Rules of the Senate.

Section 190k, Pub. L. 91–510, title II, § 253(a), (b), Oct. 26, 1970, 84 Stat. 1174, related to appropriations on an annual basis for continuing programs and activities and review by Senate and joint committees. See Standing Rules of the Senate.

§ 190*l*. Private claims pending before Congress; taking of testimony

Any committee of either House of Congress before which any private claim against the United States may at any time be pending, being first thereto authorized by the House appointing them, may order testimony to be taken, and books and papers to be examined, and copies thereof proved, before any standing master in chancery within the judicial district where such testimony or evidence is to be taken. Such master in chancery, upon receiving a copy of the order of such committee, signed by its chairman, setting forth the time and place when and where such examination is to be had, the questions to be investigated, and, so far as may be known to the committee, the names of the witnesses to be examined on the part of the United States, and the general nature of the books, papers, and documents to be proved, if known, shall proceed to give to such private parties reasonable notice of the time and place of such examination, unless such notice shall have been or shall be given by such committee or its chairman, or by the attorney or agent of the United States, or waived by such private party. And such master shall issue subpoenas for such witnesses as may have been named in the order of such committee, and such others as the agent or other representative of the United States hereinafter mentioned shall request. And he shall also issue subpoenas at the request of such private party, or parties, for such witnesses within such judicial district as they may desire: *Provided*, That the United States shall not be liable for the fees of any officer for serving any subpoena for any private party, nor for the fees of any witness on behalf of such party. Said committee may inform the United States attorney for the district where the testimony is to be taken of the time, place, and object of such examination, and request his attendance in behalf of the Government in conducting such examination, in which case it shall be his duty to attend in person, or by an assistant employed by him, to conduct such examination on the part of the United States, or such committee may, at its option, appoint an agent or attorney, or one of its own members, for that purpose, as they may deem best; and in that event, if the committee shall not be unanimous, the minority of the committee may also appoint such agent or attorney or member of such committee to attend and take part in such examination.

(Feb. 3, 1879, ch. 40, § 1, 20 Stat. 278; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

CODIFICATION

This section and section 190m of this title were an act entitled "An act to provide for taking testimony, to be used before Congress, in cases of private claims against the United States."

The original text referred to "any standing master in chancery of the circuit of the United States within the judicial district where such testimony or evidence is to be taken." The words "of the circuit of the United States" were omitted as inappropriate since the abolition of circuit courts by act Mar. 3, 1911.

Section was formerly classified to section 229 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.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 190m of this title.

§ 190m. Subpoena for taking testimony; compensation of officers and witnesses; return of depositions

It shall be the duty of the marshal of the United States for the district in which the testimony is to be taken to serve, or cause to be served, all subpoenas issued in behalf of the United States under this section and section 190*l* of this title, in the same manner as if issued by the district court for his district; and he shall, upon being first paid his fees therefor, serve any subpoenas that may be issued at the instance of such private party or parties. And the said master may, in his discretion, appoint any other person to serve any subpoena. Such master shall have full power to administer oaths to witnesses, and the same power to issue attachments to compel the attendance of witnesses and the production of books, papers, and documents, as the district court of his district would have in a case pending before it; and it shall be his duty to report the conduct of contumacious witnesses before him to the House of Congress appointing such committee. The compensation of such master in chancery, and the fees of marshals and deputy marshals, and of any person appointed to serve papers, shall be the same as for like services in equity cases in the district court of the United States; and the compensation of witnesses shall be the same as for like attendance and travel of witnesses before such district

courts; and all such fees and compensation of officers and witnesses on behalf of the United States, and other expenses of all investigations which may be had under the provisions of this section and section 190*l* of this title on the part of the United States, shall be paid out of the 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. Said master, when the examination is concluded, shall attach together all the depositions and exhibits, and attach thereto his certificate setting forth or referring to the authority by which they were taken, any notices he may have given, the names of the witnesses for whom subpoenas or attachments were issued, the names of witnesses who attended, with the time of attendance and mileage and fees of each witness on behalf of the United States, which he may require to be shown by affidavit, his own fees, the fees of the marshal, his deputies or other persons serving papers, giving the items, and such other facts in relation to the circumstances connected with the taking of the depositions as he may deem material. He shall then seal up such depositions and papers securely, direct them to the chairman of such committee at Washington, stating briefly on the outside the nature of the contents, and place the same in the post office, paying the postage thereon; and said package shall be opened only in the presence of such committee. The chairman of any committee ordering testimony to be taken under this section and section 190*l* of this title shall, at least ten days before the time fixed for such examination, and within two days after the adoption of such order, cause a copy thereof to be directed and delivered to the Attorney General of the United 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.

CROSS REFERENCES

Presiding officer of Senate, power to administer oaths, see section 23 of this title.

Secretary of Senate or assistant secretary, power to administer oaths, see section 24 of this title.

§ 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.

CROSS REFERENCES

Minor offenses tried by United States magistrate judges as excluding offenses punishable under this section, see section 3401 of Title 18, Crimes and Criminal Procedure.

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.

(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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 288d, 288g of this title.

§ 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 United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, 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.)

AMENDMENTS

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''.

UNITED STATES INFORMATION AGENCY

The United States Information Agency, referred to in text, was abolished and replaced by the International Communication Agency pursuant to Reorg. Plan No. 2 of 1977, 42 F.R. 62461, 91 Stat. 1636, set out in the Appendix to Title 5, Government Organization and Employees, effective on or before July 1, 1978, at such time as specified by the President. The International Communication Agency was redesignated the United States Information Agency by section 303 of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 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 appropriate 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 XXXV, Rules of the House of Representatives, provides that: ''The rule for paying witnesses to appear

before the House or any of its committees shall be as follows: For each day a witness shall attend, the same per diem rate as established, authorized, and regulated by the Committee on House Oversight for Members and employees of the House, and actual expenses of travel in coming to or going from the place of examination; but no per diem shall 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 subpenaed 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 subpena 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 subpena.

(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 exceeded 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. L. 91–510, set out as a note under section 72a of this title.

EFFECTIVE DATE

Section effective Jan. 2, 1947, see section 142 of act Aug. 2, 1946.

§ 199. Member of commission, board, etc., appointed by President pro tempore of Senate; recommendation process; applicability

(a) Any provision of law which provides that any member of a commission, board, committee, advisory group, or similar body is to be appointed by the President pro tempore of the Senate shall be construed to require that the appointment be made—

(1) upon recommendation of the Majority Leader of the Senate, if such provision of law specifies that the appointment is to be made on the basis of the appointee's affiliation with the majority political party,

(2) upon the recommendation of the Minority Leader of the Senate, if such provision of

law specifies that the appointment is to be made on the basis of the appointee's affiliation with the minority party, and

(3) upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate, if such provision of law does not specify that the appointment is to be made on the appointee's affiliation with the majority or minority political party.

(b) The provisions of subsection (a) of this section shall be applicable in the case of appointments made after December 22, 1980, pursuant to provisions of law enacted on, before, and after, December 22, 1980.

(Pub. L. 96–576, § 3, Dec. 22, 1980, 94 Stat. 3355.)

CHAPTER 7—CONTESTED ELECTIONS

§§ 201 to 226. Repealed. Pub. L. 91–138, § 18, Dec. 5, 1969, 83 Stat. 290

The subject matter of former sections 201 to 226 of this title is covered generally by chapter 12 of this title.

Section 201, R.S. § 105, provided that whenever any person intended to contest an election of any member of House of Representatives he had to give notice in writing to that member within thirty days of result of such election.

Section 202, R.S. § 106, provided that a member of House of Representatives whose election was contested serve an answer within thirty days after service of notice upon him.

Section 203, R.S. § 107; Mar. 2, 1875, ch. 119, § 2, 18 Stat. 338, provided time and order for taking testimony.

Section 204, R.S. § 108, provided for taking of depositions upon notice to other party.

Section 205, R.S. § 109, provided that testimony in contested election cases could be taken at two or more places at same time.

Section 206, R.S. § 110; June 7, 1878, ch. 160, 20 Stat. 99; July 1, 1898, ch. 541, § 38, 30 Stat. 555, made provision for issuance of subpoenas by specified officers.

Section 207, R.S. § 111, set forth requisite contents of subpoenas.

Section 208, R.S. § 112, authorized issuance of subpoenas by justices of the peace.

Section 209, R.S. § 113, made provision for taking of depositions by written consent.

Section 210, R.S. § 114, required that each witness be served with a subpoena at least five days prior to date he was required to attend.

Section 211, R.S. § 115, exempted witness from attendance at examinations out of county in which they resided or were served with a subpoena.

Section 212, R.S. § 116, mandated a $20 penalty to be recovered by party issuing subpoena, and a possible indictment for a misdemeanor, for failure of party summoned to attend or testify, unless prevented by sickness or unavoidable necessity.

Section 213, R.S. § 117, provided that depositions of witnesses residing outside district be taken before any officer authorized to take testimony in contested election cases in district in which witness resided.

Section 214, R.S. § 118, required selection of qualified officers to officiate jointly with officer named in notice.

Section 215, R.S. § 119, provided that at taking of any deposition under this chapter, either party could appear and act in person, or by agent or attorney.

Section 216, R.S. § 120, made provision for examination of witnesses through device of taking their depositions before a qualified officer.

Section 217, R.S. § 121, provided that testimony to be taken by either party be confined to proof or disproof of facts alleged or denied in notice and answer.

Section 218, R.S. § 122, required officer to reduce to writing testimony of witnesses, together with questions proposed by parties, and have this writing duly attested by witnesses.

Section 219, R.S. § 123, empowered officer to require production of papers.

Section 220, R.S. § 124, provided that taking of testimony might, if so stated in notice, be adjourned from day to day.

Section 221, R.S. § 125, provided that notice to take depositions, with proof of service thereof, and a copy of the subpoena, where one has been served, be attached to depositions when completed.

Section 222, R.S. § 126, provided that a copy of notice of contest and of answer of returned member, be prefixed to depositions taken and transmitted with them to Clerk of House of Representatives.

Section 223, R.S. § 127; Mar. 2, 1875, ch. 119, § 1, 18 Stat. 338; Mar. 2, 1887, ch. 318, 24 Stat. 445, covered procedure followed by Clerk of House of Representatives once the sealed testimony was forwarded to him by officer who took testimony.

Section 224, R.S. § 128, fixed witness fees to be paid by party at whose instance witness was summoned.

Section 225, R.S. § 129, provided that each officer employed pursuant to this chapter be entitled to receive from party who employed him, such fees as were allowed for similar services in State wherein such service was rendered.

Section 226, R.S. § 130; Mar. 3, 1879, ch. 182, § 1, 20 Stat. 400, limited payments of expenses to contestee or contestant to $2,000, and then, only upon filing of a detailed account of expenses with Clerk of Committee on Elections.

EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to any general or special election for Representative in, or Resident Commissioner to, the Congress of the United States occurring after December 5, 1969, see section 19 of Pub. L. 91–138, set out as an Effective Date note under section 381 of this title.

CHAPTER 8—FEDERAL CORRUPT PRACTICES

§§ 241 to 248. Repealed. Pub. L. 92–225, title IV, § 405, Feb. 7, 1972, 86 Stat. 20

Sections, act Feb. 28, 1925, ch. 368, title III, §§ 302–309, 43 Stat. 1070–1073, provided for:

Section 241, amended Dec. 23, 1971, Pub. L. 92–220, § 2, 85 Stat. 795, definitions;

Section 242, chairman and treasurer of political committees, duties as to contributions, and accounts and receipts;

Section 243, accounts of contributions received;

Section 244, statements by treasurer filed with Clerk of House of Representatives;

Section 245, statements by others than political committee filed with Clerk of House of Representatives;

Section 246, statements by candidates for Senator, Representative, Delegate, or Resident Commissioner filed with Secretary of Senate and Clerk of House of Representatives;

Section 247, statements: verification, preservation, and inspection; and

Section 248, limitation upon amount of expenditures by candidate.

Such former provisions are covered generally by chapter 14 (§ 431 et seq.) of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 60 days after Feb. 7, 1972, see section 408 of Pub. L. 92–225, set out as an Effective Date note under section 431 of this title.

§§ 249 to 251. Repealed. June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948

Section 249, act Feb. 28, 1925, ch. 368, title III, § 310, 43 Stat. 1073, related to promises or pledges by candidates.