

## [CHAPTER 593]

## AN ACT

To amend section 2 of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918, to increase the authorized percentage of privates, first-class, in the Marine Corps from 25 to 40 per centum of the whole number of privates.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nineteen, and for other purposes", approved July 1, 1918 (40 Stat. 714; title 34 U. S. C., sec. 691c), is hereby amended by striking out the words "twenty-five" appearing in lines 6 and 7 of the said section and substituting therefor the word "forty".

Approved, June 22, 1938.

## [CHAPTER 594]

## JOINT RESOLUTION

To amend sections 101, 102, 103, 104, and 859 of the Revised Statutes of the United States relating to congressional investigations.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That sections 101, 102, 103, 104, and 859 of the Revised Statutes of the United States are hereby amended to read as follows:

"SEC. 101. 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.

"SEC. 102. 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.

"SEC. 103. 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.

"SEC. 104. Whenever a witness summoned as mentioned in section 102 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

June 22, 1938

[S. 3337]

[Public, No. 700]

Marine Corps.  
Privates, first-class;  
percentage increase in.

40 Stat. 714.  
34 U. S. C. § 691c.

June 22, 1938  
[H. J. Res. 699]  
[Pub. Res., No. 123]

Congressional in-  
vestigations.  
R. S. §§ 101-104, 859.  
2 U. S. C. §§ 191-194;  
28 U. S. C. § 634.  
Oaths to witnesses,  
administration.

Refusal of witness  
to testify, etc.

Penalty.

Witness not privi-  
leged to refuse to an-  
swer prejudicial  
questions.

Proceedings against  
witnesses failing to  
testify, produce pa-  
pers, etc.

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."

"Sec. 859. No testimony given by a witness before either House, or before any committee of either House, or before any joint committee established by a joint or concurrent resolution of the two Houses of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege."

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.

Approved, June 22, 1938.

Immunity from criminal proceedings.

Exceptions.

Authority of any Member of either House to administer oaths.

[CHAPTER 595]

JOINT RESOLUTION

To authorize the acceptance of title to the dwelling house and property, the former residence of the late Justice Oliver Wendell Holmes, located at 1720 Eye Street Northwest, in the District of Columbia, and for other purposes.

June 22, 1938  
[H. J. Res. 703]  
[Pub. Res., No. 124]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General, on behalf of the United States of America named as residuary legatee in the will of Oliver Wendell Holmes, is hereby authorized and directed to accept a deed conveying to the United States of America title to the dwelling house and property, the former residence of the late Justice Holmes, situated at 1720 Eye Street Northwest, in the District of Columbia.*

Oliver Wendell Holmes.  
Acceptance of title to former residence of, in District of Columbia, authorized.

SEC. 2. John G. Palfrey, the executor of the estate of Oliver Wendell Holmes, is hereby authorized to convey title to the United States of America rather than to dispose of the dwelling house and property otherwise and deposit the proceeds with the Secretary of the Treasury.

Conveyance of title.

SEC. 3. Pursuant to the suggestion made in a message of the President of the United States to the Congress dated April 25, 1935, a committee of nine members shall be constituted, three to be selected from the House of Representatives by the Speaker of the House, three to be selected from the Senate by the Vice President, and three to be selected from the Supreme Court of the United States by the Chief Justice, which committee shall make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Mr. Justice Holmes.

Recommendations by joint committee concerning use.

Approved, June 22, 1938.

[CHAPTER 596]

AN ACT

To amend section 9 of the Civil Service Retirement Act, approved May 29, 1930, as amended.

June 23, 1938  
[S. 3548]  
[Public, No. 701]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Civil Service Retirement Act, approved May 29, 1930, is amended by striking out that portion of the section following the phrase "as provided in section 12 (a) hereof", and inserting in lieu thereof the*

Civil Service Retirement Act, amendment.  
46 Stat. 475.  
5 U. S. C. § 736b.