

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO: [REDACTED]

**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**
FGJ 05-02(WPB)-Fri./No. OLY-24

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse
701 Clematis Street
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

December 1, 2006
9:30 am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Any and all records related to your employment with Jeffrey Epstein, including but not limited to paystubs, W-2 forms, correspondence, employment applications, and employment reviews. Any and all information regarding methods to contact Jeffrey Epstein directly or via any secretaries/assistants from 1/1/2004 to the present, including but not limited to, telephone numbers, cellular telephone numbers, Blackberry addresses, e-mail addresses, and mailing addresses. Any and all information regarding appointments for massages performed on Jeffrey Epstein in Palm Beach, Florida or elsewhere.

Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED] Federal Bureau of Investigation, Telephone: [REDACTED]

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK



DATE:

November 13, 2006

(BY) DEPUTY CLERK

The
of

orney

*If no

be used in lieu of AO110

FORM ORD-227
JAN.86

Case No. 08-80736-CV-MARRA

P-000213

EFTA00223896

RETURN OF SERVICE¹

RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE

SERVED ON (NAME)

SERVED BY

TITLE

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVICE²

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
DATE

Signature of Server

Address of Server

ADDITIONAL INFORMATION

1.As to who may serve a subpoena and the manner of its service see Rule 17(d). Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

2."Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rule 17(b) Federal Rules of Criminal Procedure)"

United States District Court
SOUTHERN DISTRICT OF FLORIDA

TO:



**SUBPOENA TO TESTIFY
BEFORE GRAND JURY**
FGJ 05-02(WPB)-Fri./No. OLY-24

SUBPOENA FOR:



PERSON



DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse
701 Clematis Street
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

December 1, 2006
9:30 am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Any and all records related to your employment with Jeffrey Epstein, including but not limited to paystubs, W-2 forms, correspondence, employment applications, and employment reviews. Any and all information regarding methods to contact Jeffrey Epstein directly or via any secretaries/assistants from 1/1/2004 to the present, including but not limited to, telephone numbers, cellular telephone numbers, Blackberry addresses, e-mail addresses, and mailing addresses. Any and all information regarding appointments for massages performed on Jeffrey Epstein in Palm Beach, Florida or elsewhere.

Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with Special Agent [REDACTED] Federal Bureau of Investigation, Telephone: [REDACTED]

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

(BY) DEPUTY CLERK



DATE:

November 13, 2006

Case No. 08-80736-CV-MARRA

P-000216

EFTA00223898

United States District Court

SOUTHERN DISTRICT OF FLORIDA

TO: [REDACTED]

SUBPOENA TO TESTIFY BEFORE GRAND JURY

FGJ 05-02(WPB)-Fri./No. OLY-24-2

SUBPOENA FOR:

PERSON

DOCUMENTS OR OBJECT[S]

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date and time specified below.

PLACE:

United States District Courthouse
701 Clematis Street
West Palm Beach, Florida 33401

ROOM:

Grand Jury Room

DATE AND TIME:

January 12, 2007

9:30 am*

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):

Any and all records related to your employment with Jeffrey Epstein, including but not limited to paystubs, W-2 forms, correspondence, employment applications, and employment reviews. Any and all information regarding methods to contact Jeffrey Epstein directly or via any secretaries/assistants from 1/1/2004 to the present, including but not limited to, telephone numbers, cellular telephone numbers, Blackberry addresses, e-mail addresses, and mailing addresses. Any and all information regarding appointments for massages performed on Jeffrey Epstein in Palm Beach, Florida or elsewhere.

*Please coordinate your compliance with this subpoena and confirm the date and time, and location of your appearance with S [REDACTED] Federal Bureau of Investigation, Telephone: [REDACTED]

This subpoena shall remain in effect until you are granted leave to depart by the court or by an officer acting on behalf of the court.

CLERK

(BY) DEPUTY CLERK



DATE:

December 18, 2006

LAW OFFICES

LYONS AND SANDERS

CHARTERED

DALE R. SANDERS *
BRUCE M. LYONS **
HOWARD L. GREITZER

EDWARD D. BERGER
(1959-1987)

*ALSO ADMITTED IN WYOMING
**ALSO ADMITTED IN COLORADO

600 NORTHEAST 3RD AVENUE
FORT LAUDERDALE, FLORIDA 33304

TELEPHONE [REDACTED]

TELEFAX [REDACTED]

MAILING ADDRESS

P. O. BOX 1778

FORT LAUDERDALE, FL 33302-1778

February 14, 2007

VIA US MAIL
[REDACTED]

Assistant US Attorney
500 South Australian Ave
Ste 400
West Palm Beach, FL

Re: [REDACTED] Grand Jury Subpoena
[REDACTED]

By agreement, on January 25, 2007, Agents [REDACTED] and [REDACTED] served me with a grand jury subpoena for my client, [REDACTED] appear on February 13, 2007. I indicated that [REDACTED] would assert her rights under the Fifth Amendment and on consent, the appearance has been extended. You have asked me to set out the basis for my request and that you apply through appropriate channels for a formal grant of use immunity for [REDACTED] I do so here.

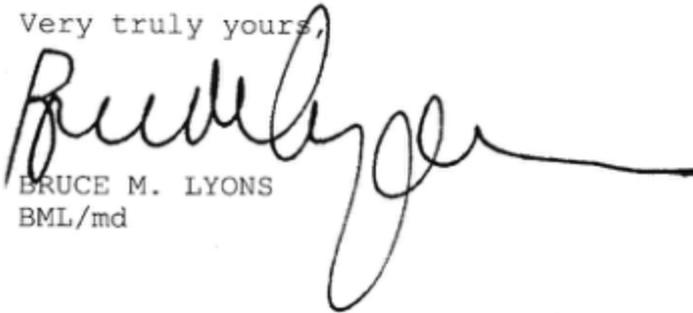
As I indicated to you when we conversed last week, Ms. [REDACTED] is no longer employed by Mr. Epstein, but has read much of what can be found on the Internet about the investigation of Mr. Epstein. From that review, she is aware that the police considered charging several persons close to Mr. Epstein, including at least one employee. Given that, and the seemingly broad scope of the investigation, Ms. [REDACTED] asserts her rights under the Fifth Amendment.

Indeed, considering that both the state authorities in Palm Beach County and your office are conducting investigations, there is every reason for her to be concerned and therefore to assert her constitutional rights. If you continue to want her to appear before a grand jury, be advised that she will assert

her rights under the Fifth Amendment unless there is a formal grant of immunity.

If you should have any questions regarding the above, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bruce M. Lyons", with a long horizontal flourish extending to the right.

BRUCE M. LYONS
BML/md

9-27.600 Entering into Non-prosecution Agreements in Return for Cooperation -- Generally

- A. Except as hereafter provided, the attorney for the government may, with supervisory approval, enter into a non-prosecution agreement in exchange for a person's cooperation when, in his/her judgment, the person's timely cooperation appears to be necessary to the public interest and other means of obtaining the desired cooperation are unavailable or would not be effective.
- B. Comment.
1. In many cases, it may be important to the success of an investigation or prosecution to obtain the testimonial or other cooperation of a person who is himself/herself implicated in the criminal conduct being investigated or prosecuted. However, because of his/her involvement, the person may refuse to cooperate on the basis of his/her Fifth Amendment privilege against compulsory self-incrimination. In this situation, there are several possible approaches the prosecutor can take to render the privilege inapplicable or to induce its waiver.
 - a. First, if time permits, the person may be charged, tried, and convicted before his/her cooperation is sought in the investigation or prosecution of others. Having already been convicted himself/herself, the person ordinarily will no longer have a valid privilege to refuse to testify and will have a strong incentive to reveal the truth in order to induce the sentencing judge to impose a lesser sentence than that which otherwise might be found appropriate.
 - b. Second, the person may be willing to cooperate if the charges or potential charge against him/her are reduced in number or degree in return for his/her cooperation and his/her entry of a guilty plea to the remaining charges. An agreement to file a motion pursuant to Sentencing Guideline 5K1.1 or Rule 35 of the Federal Rules of Criminal Procedure after the defendant gives full and complete cooperation is the preferred method for securing such cooperation. Usually such a concession by the government will be all that is necessary, or warranted, to secure the cooperation sought. Since it is certainly desirable as a matter of policy that an offender be required to incur at least some liability for his/her criminal conduct, government attorneys should attempt to secure this result in all appropriate cases, following the principles set forth in USAM 9-27.430 to the extent practicable.
 - c. The third method for securing the cooperation of a potential defendant is by means of a court order under 18 U.S.C. §§ 6001-6003. Those statutory provisions govern the conditions under which uncooperative witnesses may be compelled to testify or provide information notwithstanding their invocation of the privilege against compulsory self-incrimination. In brief, under the so-called "use immunity" provisions of those statutes, the court may order the person to testify or provide other information, but neither his/her testimony nor the information he/she provides may be used against him/her, directly or indirectly, in any criminal case except a prosecution for perjury or other failure to comply with the order. Ordinarily, these "use immunity" provisions should be relied on in cases in which attorneys for the government need to obtain sworn testimony or the production of information before a grand jury or at trial, and in which there is reason to believe that the person will refuse to testify or provide the information on the basis of his/her privilege against compulsory self-incrimination. See USAM 9-23.000. Offers of immunity and immunity agreements should be in writing. Consideration should be given to documenting the evidence available prior to the immunity offer.
 - d. Finally, there may be cases in which it is impossible or impractical to employ the methods described above to secure the necessary information or other assistance, and in which the person is willing to cooperate only in return for an agreement that he/she will not be prosecuted at all for what he/she has done. The provisions set forth hereafter describe the conditions that should be met before such an agreement is made, as well as the procedures recommended for such cases.

Exhibit 15

It is important to note that these provisions apply only if the case involves an agreement with a person who might otherwise be prosecuted. If the person reasonably is viewed only as a potential witness rather than a potential defendant, and the person is willing to cooperate, there is no need to consult these provisions.

USAM 9-27.600 describes three circumstances that should exist before government attorneys enter into non-prosecution agreements in return for cooperation: the unavailability or ineffectiveness of other means of obtaining the desired cooperation; the apparent necessity of the cooperation to the public interest; and the approval of such a course of action by an appropriate supervisory official

- 2. Unavailability or Ineffectiveness of Other Means.** As indicated above, non-prosecution agreements are only one of several methods by which the prosecutor can obtain the cooperation of a person whose criminal involvement makes him/her a potential subject of prosecution. Each of the other methods--seeking cooperation after trial and conviction, bargaining for cooperation as part of a plea agreement, and compelling cooperation under a "use immunity" order--involves prosecuting the person or at least leaving open the possibility of prosecuting him/her on the basis of independently obtained evidence. Since these outcomes are clearly preferable to permitting an offender to avoid any liability for his/her conduct, the possible use of an alternative to a non-prosecution agreement should be given serious consideration in the first instance.

Another reason for using an alternative to a non-prosecution agreement to obtain cooperation concerns the practical advantage in terms of the person's credibility if he/she testifies at trial. If the person already has been convicted, either after trial or upon a guilty plea, for participating in the events about which he/she testifies, his/her testimony is apt to be far more credible than if it appears to the trier of fact that he/she is getting off "scot free." Similarly, if his/her testimony is compelled by a court order, he/she cannot properly be portrayed by the defense as a person who has made a "deal" with the government and whose testimony is, therefore, suspect; his/her testimony will have been forced from him/her, not bargained for.

In some cases, however, there may be no effective means of obtaining the person's timely cooperation short of entering into a non-prosecution agreement. The person may be unwilling to cooperate fully in return for a reduction of charges, the delay involved in bringing him/her to trial might prejudice the investigation or prosecution in connection with which his/her cooperation is sought and it may be impossible or impractical to rely on the statutory provisions for compulsion of testimony or production of evidence. One example of the latter situation is a case in which the cooperation needed does not consist of testimony under oath or the production of information before a grand jury or at trial. Other examples are cases in which time is critical, or where use of the procedures of 18 U.S.C. § 6003 would unreasonably disrupt the presentation of evidence to the grand jury or the expeditious development of an investigation, or where compliance with the statute of limitations or the Speedy Trial Act precludes timely application for a court order.

Only when it appears that the person's timely cooperation cannot be obtained by other means, or cannot be obtained effectively, should the attorney for the government consider entering into a non-prosecution agreement.

- 3. Public Interest.** If he/she concludes that a non-prosecution agreement would be the only effective method for obtaining cooperation, the attorney for the government should consider whether, balancing the cost of foregoing prosecution against the potential benefit of the person's cooperation, the cooperation sought appears necessary to the public interest. This "public interest" determination is one of the conditions precedent to an application under 18 U.S.C. § 6003 for a court order compelling testimony. Like a compulsion order, a non-prosecution agreement limits the government's ability to undertake a subsequent prosecution of the witness. Accordingly, the same "public interest" test should be applied in this situation as well. Some of the considerations that may be relevant to the application of this test are set forth in USAM 9-27.620.

4. **Supervisory Approval.** Finally, the prosecutor should secure supervisory approval before entering into a non-prosecution agreement. Prosecutors working under the direction of a United States Attorney must seek the approval of the United States Attorney or a supervisory Assistant United States Attorney. Departmental attorneys not supervised by a United States Attorney should obtain the approval of the appropriate Assistant Attorney General or his/her designee, and should notify the United States Attorney or Attorneys concerned. The requirement of approval by a superior is designed to provide review by an attorney experienced in such matters, and to ensure uniformity of policy and practice with respect to such agreements. This section should be read in conjunction with USAM 9-27.640, concerning particular types of cases in which an Assistant Attorney General or his/her designee must concur in or approve an agreement not to prosecute in return for cooperation.

9-27.620 Entering into Non-prosecution Agreements in Return for Cooperation -- Considerations to be Weighed

- A. In determining whether, a person's cooperation may be necessary to the public interest, the attorney for the government, and those whose approval is necessary, should weigh all relevant considerations, including:
 1. The importance of the investigation or prosecution to an effective program of law enforcement;
 2. The value of the person's cooperation to the investigation or prosecution; and
 3. The person's relative culpability in connection with the offense or offenses being investigated or prosecuted and his/her history with respect to criminal activity.
- B. Comment. This paragraph is intended to assist Federal prosecutors, and those whose approval they must secure, in deciding whether a person's cooperation appears to be necessary to the public interest. The considerations listed here are not intended to be all-inclusive or to require a particular decision in a particular case. Rather they are meant to focus the decision-maker's attention on factors that probably will be controlling in the majority of cases.
 1. **Importance of Case.** Since the primary function of a Federal prosecutor is to enforce the criminal law, he/she should not routinely or indiscriminately enter into non-prosecution agreements, which are, in essence, agreements not to enforce the law under particular conditions. Rather, he/she should reserve the use of such agreements for cases in which the cooperation sought concerns the commission of a serious offense or in which successful prosecution is otherwise important in achieving effective enforcement of the criminal laws. The relative importance or unimportance of the contemplated case is therefore a significant threshold consideration.
 2. **Value of Cooperation.** An agreement not to prosecute in return for a person's cooperation binds the government to the extent that the person carries out his/her part of the bargain. *See Santobello v. New York* 404 U.S. 257 (1971); *Wade v. United States*, 112 S. Ct. 1840 (1992). Since such an agreement forecloses enforcement of the criminal law against a person who otherwise may be liable to prosecution, it should not be entered into without a clear understanding of the nature of the quid pro quo and a careful assessment of its probable value to the government. In order to be in a position adequately to assess the potential value of a person's cooperation, the prosecutor should insist on an "offer of proof" or its equivalent from the person or his/her attorney. The prosecutor can then weigh the offer in terms of the investigation or prosecution in connection with which cooperation is sought. In doing so, he/she should consider such questions as whether the cooperation will in fact be forthcoming, whether the testimony or other information provided will be credible, whether it can be corroborated by other evidence, whether it will materially assist the investigation or prosecution, and whether substantially the same benefit can be obtained from someone else without an agreement not to prosecute. After assessing all of these factors, together with any others that may be relevant, the prosecutor can judge the strength of his/her case with and without the person's cooperation, and determine whether it may be in the public interest to agree to forego prosecution under the circumstances.

3. **Relative Culpability and Criminal History.** In determining whether it may be necessary to the public interest to agree to forego prosecution of a person who may have violated the law in return for that person's cooperation, it is also important to consider the degree of his/her apparent culpability relative to others who are subjects of the investigation or prosecution as well as his/her history of criminal involvement. Of course, ordinarily it would not be in the public interest to forego prosecution of a high-ranking member of a criminal enterprise in exchange for his/her cooperation against one of his/her subordinates, nor would the public interest be served by bargaining away the opportunity to prosecute a person with a long history of serious criminal involvement in order to obtain the conviction of someone else on less serious charges. These are matters with regard to which the attorney for the government may find it helpful to consult with the investigating agency or with other prosecuting authorities who may have an interest in the person or his/her associates.

It is also important to consider whether the person has a background of cooperation with law enforcement officials, either as a witness or an informant, and whether he/she has previously been the subject of a compulsion order under 18 U.S.C. § 6003 or has escaped prosecution by virtue of an agreement not to prosecute. The information regarding compulsion orders may be available by telephone from the Immunity Unit in the Office of Enforcement Operations of the Criminal Division.

9-27.630 Entering into Non-prosecution Agreements in Return for Cooperation -- Limiting the Scope of Commitment

- A. In entering into a non-prosecution agreement, the attorney for the government should, if practicable, explicitly limit the scope of the government's commitment to:
 1. Non-prosecution based directly or indirectly on the testimony or other information provided; or
 2. Non-prosecution within his/her district with respect to a pending charge, or to a specific offense then known to have been committed by the person.
- B. Comment. The attorney for the government should exercise extreme caution to ensure that his/her non-prosecution agreement does not confer "blanket" immunity on the witness. To this end, he/she should, in the first instance, attempt to limit his/her agreement to non-prosecution based on the testimony or information provided. Such an "informal use immunity" agreement has two advantages over an agreement not to prosecute the person in connection with a particular transaction: first, it preserves the prosecutor's option to prosecute on the basis of independently obtained evidence if it later appears that the person's criminal involvement was more serious than it originally appeared to be; and second, it encourages the witness to be as forthright as possible since the more he/she reveals the more protection he/she will have against a future prosecution. To further encourage full disclosure by the witness, it should be made clear in the agreement that the government's forbearance from prosecution is conditioned upon the witness's testimony or production of information being complete and truthful, and that failure to testify truthfully may result in a perjury prosecution.

Even if it is not practicable to obtain the desired cooperation pursuant to an "informal use immunity" agreement, the attorney for the government should attempt to limit the scope of the agreement in terms of the testimony and transactions covered, bearing in mind the possible effect of his/her agreement on prosecutions in other districts.

It is important that non-prosecution agreements be drawn in terms that will not bind other Federal prosecutors or agencies without their consent. Thus, if practicable, the attorney for the government should explicitly limit the scope of his/her agreement to non-prosecution within his/her district. If such a limitation is not practicable and it can reasonably be anticipated that the agreement may affect prosecution of the person in other districts, the attorney for the government contemplating such an agreement shall communicate the relevant facts to the Assistant Attorney General with supervisory responsibility for the subject matter. United States Attorneys may not make agreements which prejudice civil or tax liability without the express agreement of all affected Divisions and/or agencies. See also 9-16.000 et seq. for more information regarding plea agreements.

Finally, the attorney for the government should make it clear that his/her agreement relates only to non-prosecution and that he/she has no independent authority to promise that the witness will be admitted into the Department's Witness Security program or that the Marshal's Service will provide any benefits to the witness in exchange for his/her cooperation. This does not mean, of course, that the prosecutor should not cooperate in making arrangements with the Marshal's Service necessary for the protection of the witness in appropriate cases. The procedures to be followed in such cases are set forth in USAM 9-21.000.

9-27.640 Agreements Requiring Assistant Attorney General Approval

- A. The attorney for the government should not enter into a non-prosecution agreement in exchange for a person's cooperation without first obtaining the approval of the Assistant Attorney General with supervisory responsibility over the subject matter, or his/her designee, when:
1. Prior consultation or approval would be required by a statute or by Departmental policy for a declination of prosecution or dismissal of a charge with regard to which the agreement is to be made; or
 2. The person is:
 - a. A high-level Federal, state, or local official;
 - b. An official or agent of a Federal investigative or law enforcement agency; or
 - c. A person who otherwise is, or is likely to become of major public interest.
- B. Comment. USAM 9-27.640 sets forth special cases that require approval of non-prosecution agreements by the responsible Assistant Attorney General or his/her designee. Subparagraph (1) covers cases in which existing statutory provisions and departmental policies require that, with respect to certain types of offenses, the Attorney General or an Assistant Attorney General be consulted or give his/her approval before prosecution is declined or charges are dismissed. For example, *see* USAM 6-4.245 (tax offenses); USAM 9-41.010 (bankruptcy frauds); USAM 9-90.020 (internal security offenses); (*see* USAM 9-2.400 for a complete listing of all prior approval and consultation requirements). An agreement not to prosecute resembles a declination of prosecution or the dismissal of a charge in that the end result in each case is similar: a person who has engaged in criminal activity is not prosecuted or is not prosecuted fully for his/her offense. Accordingly, attorneys for the government should obtain the approval of the appropriate Assistant Attorney General, or his/her designee, before agreeing not to prosecute in any case in which consultation or approval would be required for a declination of prosecution or dismissal of a charge.

Subparagraph (2) sets forth other situations in which the attorney for the government should obtain the approval of an Assistant Attorney General, or his/her designee, of a proposed agreement not to prosecute in exchange for cooperation. Generally speaking, the situations described will be cases of an exceptional or extremely sensitive nature, or cases involving individuals or matters of major public interest. In a case covered by this provision that appears to be of an especially sensitive nature, the Assistant Attorney General should, in turn, consider whether it would be appropriate to notify the Attorney General or the Deputy Attorney General.

PART V—IMMUNITY OF WITNESSES

Chapter	Section	HISTORICAL AND STATUTORY NOTES
601. Immunity of witnesses	6001	1970 Amendment Pub.L. 91-452, Title II, § 201(a), Oct. 15, 1970, 84 Stat. 926, added Part V and items 6001 to 6005.

CHAPTER 601—IMMUNITY OF WITNESSES

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

HISTORICAL AND STATUTORY NOTES

1994 Amendments

Pub.L. 103-322, Title XXXIII, § 330013(1), Sept. 13, 1994, 108 Stat. 2146, added chapter heading.

§ 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 subpoenas 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 bank-

ruptcy 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, and amended Pub.L. 95-405, § 25, Sept. 30, 1978, 92 Stat. 877; Pub.L. 95-598, Title III, § 314(i), 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. 4519; 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.)

HISTORICAL AND STATUTORY NOTES

Effective and Applicability Provisions

1995 Acts. Amendment by Pub.L. 104-88 effective Jan. 1, 1996, see section 2 of Pub.L. 104-88, set out as a note under section 701 of Title 49, Transportation.

1992 Acts. Except as otherwise provided, amendment by Pub.L. 102-550 effective Oct. 28, 1992, see section 2 of Pub.L. 102-550, set out as a note under section 5301 of Title 42, The Public Health and Welfare.

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

1980 Acts. 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 an Effective Date of 1980 Amendment note under section 251 of Title 28, Judiciary and Judicial Procedure.

1978 Acts. Amendment by Pub.L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub.L. 95-598, set out as an Effective Dates 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 an Effective Date of 1978 Amendment note under section 2 of Title 7, Agriculture.

Complete Annotation Materials, see Title 18, U.S.C.A.

1970 Acts. 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, 87(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 Title 46, Shipping, section 409(l) of Title 47, Telegraphs, Telephones, and Radiotelegraphs, sections 9, 43, 46, 47, 48, 916, and 1017 of former Title 49, Transportation, and section 1484 of Title 49, Appendix, 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."

Change of Name

References to United States Claims Court deemed to refer to United States Court of Federal Claims and references to Claims Court deemed to refer to Court of Federal Claims, see section 902(b) of Pub.L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

Savings Provisions

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 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 set out under this section], any other provision of law inconsistent with the provisions of part V of title 18, United States Code (added by title II of this Act) [this part], is to that extent amended or repealed."

Abolition of the Atomic Energy Commission

The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (unless otherwise specifically provided) by section 5814 of Title 42, The Public Health and Welfare. The Energy Research and Development Administration was terminated and functions vested by law in the Administrator thereof were transferred to the Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of Title 42.

Termination of Civil Aeronautics Board and Transfer of Certain Functions

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by former section 1551 of Title 49, Transportation, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

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.

Subversive Activities Control Board

The Subversive Activities Control Board was established by Act Sept. 23, 1950, c. 1024, § 12, 64 Stat. 997, and ceased to operate June 30, 1973.

§ 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, and amended Pub.L. 103-322, Title XXXIII, § 330013(4), Sept. 13, 1994, 108 Stat. 2146.)

§ 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, and 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.)

§ 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, and amended Pub.L. 103-322, Title XXXIII, § 330013(4), Sept. 13, 1994, 108 Stat. 2146.)

§ 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, and 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.)