

Public Law 91-563

AN ACT

December 19, 1970
[H. R. 12979]

To amend title 5, United States Code, to revise, clarify, and extend the provisions relating to court leave for employees of the United States and the District of Columbia.

U.S. and D.C.
employees.
Court leave.
80 Stat. 522.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6322 of title 5, United States Code, is amended to read:

"§ 6322. Leave for jury or witness service; official duty status for certain witness service

80 Stat. 409;
82 Stat. 757.

"(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is entitled to leave, without loss of, or reduction in, pay, leave to which he otherwise is entitled, credit for time or service, or performance of efficiency rating, during a period of absence with respect to which he is summoned, in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve—

"(1) as a juror; or

"(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party;

in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For the purpose of this subsection, 'judicial proceeding' means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"Judicial proceeding."

"(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia is performing official duty during the period with respect to which he is summoned, or assigned by his agency, to—

"(1) testify or produce official records on behalf of the United States or the District of Columbia; or

"(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

"(c) The Civil Service Commission may prescribe regulations for the administration of this section."

(b) Item 6322 in the analysis of chapter 63 of title 5, United States Code, is amended to read:

"6322. Leave for jury or witness service; official duty status for certain witness service."

80 Stat. 478.

SEC. 2. (a) Section 5515 of title 5, United States Code, is amended to read:

"§ 5515. Crediting amounts received for jury or witness service

"An amount received by an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia for service as a juror or witness during a period for which he is entitled to leave under section 6322(a) of this title, or is performing official duty under section 6322(b) of this title, shall be credited against pay

Supra.

payable to him by the United States or the District of Columbia with respect to that period."

(b) Item 5515 in the analysis of chapter 55 of title 5, United States Code, is amended to read:

"5515. Crediting amounts received for jury or witness service."

SEC. 3. (a) Section 5537 of title 5, United States Code, is amended to read:

80 Stat. 484.

"§ 5537. Fees for jury and witness service

"(a) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) or an individual employed by the government of the District of Columbia may not receive fees for service—

80 Stat. 409;
82 Stat. 757.

"(1) as a juror in a court of the United States or the District of Columbia; or

"(2) as a witness on behalf of the United States or the District of Columbia.

"(b) An official of a court of the United States or the District of Columbia may not receive witness fees for attendance before a court, commissioner, or magistrate where he is officiating.

"(c) For the purpose of this section, 'court of the United States' has the meaning given it by section 451 of title 28 and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands."

"Court of the
United States."
62 Stat. 907.

(b) Item 5537 in the analysis of chapter 55 of title 5, United States Code, is amended to read:

"5537. Fees for jury and witness service."

SEC. 4. (a) Chapter 57 of title 5, United States Code, is amended by inserting at the end thereof the following new subchapter:

80 Stat. 497.
5 USC 5701-
5742.

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"§ 5751. Travel expenses of witnesses

"(a) Under such regulations as the Attorney General may prescribe, an employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) summoned, or assigned by his agency, to testify or produce official records on behalf of the United States is entitled to travel expenses under subchapter I of this chapter. If the case involves the activity in connection with which he is employed, the travel expenses are paid from the appropriation otherwise available for travel expenses of the employee under proper certification by a certifying official of the agency concerned. If the case does not involve its activity, the employing agency may advance or pay the travel expenses of the employee, and later obtain reimbursement from the agency properly chargeable with the travel expenses.

"(b) An employee as defined by section 2105 of this title (except an individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives) summoned, or assigned by his agency, to testify in his official capacity or produce official records, on behalf of a party other than the United States, is entitled to travel expenses under subchapter I of this chapter, except to the extent that travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned."

(b) The analysis of chapter 57 of title 5, United States Code, is amended by inserting at the end thereof:

"SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

"5751. Travel expenses of witnesses."

Repeal.
62 Stat. 950.

SEC. 5. (a) Section 1823 of title 28, United States Code, is repealed.
(b) The analysis of chapter 119 of title 28, United States Code, is amended by striking out item 1823.

Definitions.

SEC. 6. (a) For purposes of this section—

(1) "employee" means any individual whose pay is disbursed by the Secretary of the Senate or the Clerk of the House of Representatives; and

62 Stat. 907.

(2) "court of the United States" has the meaning given it by section 451 of title 28, United States Code, and includes the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.

Pay.

(b) The pay of an employee shall not be reduced during a period of absence with respect to which the employee is summoned (and permitted to respond to such summons by the appropriate authority of the House of the Congress disbursing his pay), in connection with a judicial proceeding by a court or authority responsible for the conduct of that proceeding, to serve—

(1) as a juror; or

(2) as a witness on behalf of a party other than the United States, the District of Columbia, or a private party; in the District of Columbia, a State, territory, or possession of the United States including the Commonwealth of Puerto Rico, the Canal Zone, or the Trust Territory of the Pacific Islands. For purposes of this subsection, "judicial proceeding" means any action, suit, or other judicial proceeding, including any condemnation, preliminary, informational, or other proceeding of a judicial nature, but does not include an administrative proceeding.

"Judicial proceedings."

Official duty.

(c) An employee is performing official duty during the period with respect to which he is summoned (and is authorized to respond to such summons by the House of the Congress disbursing his pay), or is assigned by such House, to—

(1) testify or produce official records on behalf of the United States or the District of Columbia; or

(2) testify in his official capacity or produce official records on behalf of a party other than the United States or the District of Columbia.

Fees, prohibition.

(d) (1) An employee may not receive fees for service—

(A) as juror in a court of the United States or the District of Columbia; or

(B) as a witness on behalf of the United States or the District of Columbia.

Pay, remittal.

(2) If an employee receives an amount (other than travel expenses) for service as a juror or witness during a period in which his pay may not be reduced under subsection (b) of this section, or for which he is performing official duty under subsection (c) of this section, the employee shall remit such amount to the officer who disburses the pay of the employee, which amount shall be covered into the general fund of the Treasury as miscellaneous receipts.

Travel expenses.

(e) (1) An employee summoned (and authorized to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify or produce official records on behalf of the United States is entitled to travel expenses. If the case involves an activity in connection with which he is employed, the travel expenses shall be paid from funds otherwise available for the payment of travel

expenses of such House in accordance with travel regulations of that House. If the case does not involve such an activity, the department, agency, or independent establishment of the United States on whose behalf he is so testifying or producing records shall pay to the employee his travel expenses out of appropriations otherwise available, and in accordance with regulation applicable, to that department, agency, or independent establishment for the payment of travel expenses.

(2) An employee summoned (and permitted to respond to such summons by the House of the Congress disbursing his pay), or assigned by such House, to testify in his official capacity or produce official records on behalf of a party other than the United States, is entitled to travel expenses, unless any travel expenses are paid to the employee for his appearance by the court, authority, or party which caused him to be summoned.

(f) The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives are authorized to prescribe, for employees of their respective Houses, such rules and regulations as may be necessary to carry out the provisions of this section.

(g) No provision of this section shall be construed to confer the consent of either House of the Congress to the production of official records of that House or to testimony by an employee of that House concerning activities related to his employment.

Approved December 19, 1970.

Rules, authorization.

Public Law 91-564

AN ACT

December 19, 1970
[S. 4187]

To authorize the Secretary of the Army to convey certain lands at Fort Ruger Military Reservation, Hawaii, to the State of Hawaii in exchange for certain other lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Army, or his designee, is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Army, or his designee, shall deem to be in the public interest, all right, title, and interest of the United States in and to certain lands, with the improvements thereon, within the Fort Ruger Military Reservation, Hawaii, as described in section 3 of this Act.

Fort Ruger Military Reservation, Hawaii.
Land exchange.

SEC. 2. In consideration for the conveyance by the United States of the aforesaid property, the State of Hawaii shall convey, or provide for the conveyance, to the United States of certain lands, described in section 3 of this Act, acceptable to the Secretary of the Army, or his designee, as replacement land for use as military family housing sites or other purposes in connection with the Fort Shafter-Tripler Army Hospital area, Oahu, Hawaii, and shall, at its sole expense, perform on this replacement land certain site preparations which will, in the opinion of the Secretary of the Army, or his designee, equal in cost the dollar value difference between the appraised fair market value of the property being conveyed to the State and the appraised fair market value of the land being conveyed to the United States. The site preparation shall be in accordance with plans and specifications to be approved by the Secretary of the Army, or his designee.

Replacement land.

Site preparation.

SEC. 3. The lands authorized to be exchanged and referred to in sections 1 and 2 of this Act are located on the island of Oahu, Hawaii,

Land description.