

(b)(1) One of the attorneys appointed under subsection (a) of this section shall be designated by the Parliamentarian as Deputy Parliamentarian. During the absence or disability of the Parliamentarian, or when the office is vacant, the Deputy Parliamentarian shall perform the functions of the Parliamentarian.

(2) The Parliamentarian may delegate to the Deputy Parliamentarian and to other employees appointed under subsection (a) of this section such of the functions of the Parliamentarian as the Parliamentarian considers necessary or appropriate.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

Editorial Notes

CODIFICATION

Section is based on section 3 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

§ 287c. Compensation

(a) The Parliamentarian shall be paid at a per annum gross rate established by the Speaker but not in excess of the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.

(b) Members of the staff of the Office other than the Parliamentarian shall be paid at per annum gross rates fixed by the Parliamentarian with the approval of the Speaker or in accordance with policies approved by the Speaker but not in excess of the applicable rate of pay in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668; Pub. L. 116–94, div. E, title II, § 212(b)(3)(C), Dec. 20, 2019, 133 Stat. 2777.)

Editorial Notes

CODIFICATION

Section is based on section 4 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

PRIOR PROVISIONS

House Resolution No. 904, Eighty-eighth Congress, Oct. 3, 1964, provided: “That effective January 1, 1965, the salary of the Parliamentarian of the House of Representatives shall be at the gross rate of \$28,500. The additional sums necessary to carry out this resolution shall be paid out of the contingent fund of the House until otherwise provided by law.”

AMENDMENTS

2019—Subsec. (a). Pub. L. 116–94, § 212(b)(3)(C)(i), substituted “but not in excess of the greater of \$173,900 or the rate of pay in effect for such position under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title.” for “but not in excess of the rate of basic pay determined from time to time under subsection (b) of section 3 of the Speaker’s salary directive of June 11, 1968.”

Subsec. (b). Pub. L. 116–94, § 212(b)(3)(C)(ii), substituted “but not in excess of the applicable rate of pay

in effect under an order issued by the Speaker of the House of Representatives pursuant to the authority of section 4532 of this title” for “, but not in excess of the rate of basic pay set forth in subsection (a) of this section”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116–94 effective on the later of the first day of the first applicable pay period beginning on or after Jan. 1, 2020, or the first day of the first applicable pay period beginning on or after Dec. 20, 2019, see section 212(c) of Pub. L. 116–94, set out as a note under section 282b of this title.

INCREASES IN COMPENSATION

Increases in compensation for House officers and employees under authority of Federal Salary Act of 1967 (Pub. L. 90–206), Federal Pay Comparability Act of 1970 (Pub. L. 91–656), and Legislative Branch Appropriations Act, 1988 (Pub. L. 100–202), see sections 4531 and 4532 of this title, and Salary Directives of Speaker of the House, set out as notes under those sections.

§ 287d. Expenditures

In accordance with policies and procedures approved by the Speaker, the Parliamentarian may make such expenditures as may be necessary or appropriate for the functioning of the Office.

(Pub. L. 95–94, title I, § 115, Aug. 5, 1977, 91 Stat. 668.)

Editorial Notes

CODIFICATION

Section is based on section 5 of House Resolution No. 502, Ninety-fifth Congress, Apr. 20, 1977, which was enacted into permanent law by Pub. L. 95–94.

CHAPTER 9D—OFFICE OF SENATE LEGAL COUNSEL

Sec.	
288.	Office of Senate Legal Counsel.
288a.	Senate Joint Leadership Group.
288b.	Requirements for authorizing representation activity.
288c.	Defending the Senate, committee, subcommittee, member, officer, or employee of Senate.
288d.	Enforcement of Senate subpoena or order.
288e.	Intervention or appearance.
288f.	Immunity proceedings.
288g.	Advisory and other functions.
288h.	Defense of certain constitutional powers.
288i.	Representation conflict or inconsistency.
288j.	Consideration of resolutions to direct counsel.
288k.	Attorney General relieved of responsibility.
288l.	Procedural provisions.
288m.	Contingent fund.
288n.	Travel and related expenses.

§ 288. Office of Senate Legal Counsel

(a) Establishment; appointment of Counsel and Deputy Counsel; Senate approval; reappointment; compensation

(1) There is established, as an office of the Senate, the Office of Senate Legal Counsel (hereinafter referred to as the “Office”), which shall be headed by a Senate Legal Counsel (hereinafter referred to as the “Counsel”); and there shall be a Deputy Senate Legal Counsel (herein-

after referred to as the “Deputy Counsel”) who shall perform such duties as may be assigned to him by the Counsel and who, during any absence, disability, or vacancy in the position of the Counsel, shall serve as Acting Senate Legal Counsel.

(2) The Counsel and the Deputy Counsel each shall be appointed by the President pro tempore of the Senate from among recommendations submitted by the majority and minority leaders of the Senate. Any appointment made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person appointed as Counsel or Deputy Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during the term of such appointment.

(3)(A) Any appointment made under paragraph (2) shall become effective upon approval by resolution of the Senate. The Counsel and the Deputy Counsel shall each be appointed for a term of service which shall expire at the end of the Congress following the Congress during which the Counsel or Deputy Counsel, respectively, is appointed except that the Senate may, by resolution, remove either the Counsel or the Deputy Counsel prior to the termination of any term of service. The Counsel and the Deputy Counsel may be reappointed at the termination of any term of service.

(B) The first Counsel and the first Deputy Counsel shall be appointed, approved, and begin service within ninety days after January 3, 1979, and thereafter the Counsel and Deputy Counsel shall be appointed, approved, and begin service within thirty days after the beginning of the session of the Congress immediately following the termination of a Counsel’s or Deputy Counsel’s term of service or within sixty days after a vacancy occurs in either position.

(b) Assistant counsels and other personnel; compensation; appointment; removal

(1) The Counsel shall select and fix the compensation of such Assistant Senate Legal Counsels (hereinafter referred to as “Assistant Counsels”) and of such other personnel, within the limits of available funds, as may be necessary to carry out the provisions of this chapter and may prescribe the duties and responsibilities of such personnel. Any selection made under this paragraph shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any individual selected as an Assistant Counsel shall be learned in the law, a member of the bar of a State or the District of Columbia, and shall not engage in any other business, vocation, or employment during his term of service. The Counsel may remove any individual appointed under this paragraph.

(2) For purposes of pay (other than the rate of pay of the Counsel and Deputy Counsel) and employment benefits, right, and privileges, all personnel of the Office shall be treated as employees of the Senate.

(c) Consultants

In carrying out the functions of the Office, the Counsel may procure the temporary (not to ex-

ceed one year) or intermittent services of individual consultants (including outside counsel), or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under section 4301(i) of this title.

(d) Policies and procedures

The Counsel may establish such policies and procedures as may be necessary to carry out the provisions of this chapter.

(e) Delegation of duties

The counsel¹ may delegate authority for the performance of any function imposed by this chapter except any function imposed upon the Counsel under section 288e(b) of this title.

(f) Attorney-client relationship

The Counsel and other employees of the Office shall maintain the attorney-client relationship with respect to all communications between them and any Member, officer, or employee of the Senate.

(Pub. L. 95-521, title VII, §701, Oct. 26, 1978, 92 Stat. 1875; Pub. L. 116-94, div. E, title II, §212(a)(3)(I), Dec. 20, 2019, 133 Stat. 2776.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (d), and (e), was in the original “this title”, meaning title VII of Pub. L. 95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

AMENDMENTS

2019—Subsec. (a)(4). Pub. L. 116-94, §212(a)(3)(I)(i), struck out par. (4) which read as follows: “The Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5314 of title 5. The Deputy Counsel shall receive compensation at a rate equal to the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5.”

Subsec. (b)(1). Pub. L. 116-94, §212(a)(3)(I)(ii), struck out “The compensation fixed for each Assistant Counsel shall not be in excess of a rate equal to the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5.” before “Any selection”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-94 effective on the later of the first day of the first applicable pay period beginning on or after Jan. 1, 2020, or the first day of the first applicable pay period beginning on or after Dec. 20, 2019, see section 212(c) of Pub. L. 116-94, set out as a note under section 282b of this title.

EFFECTIVE DATE

Pub. L. 95-521, title VII, §717, Oct. 26, 1978, 92 Stat. 1885, provided that: “This title [enacting this chapter, section 5504 of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] shall take effect on January 3, 1979.”

SEPARABILITY

Pub. L. 95-521, title VII, §715, Oct. 26, 1978, 92 Stat. 1884, provided that: “If any part of this title or any

¹ So in original. Probably should be capitalized.

amendment made by this title [enacting this chapter, section 5504 of this title, section 1364 of Title 28, Judiciary and Judicial Procedure, amending sections 3210, 3216, and 3219 of Title 39, Postal Service, and enacting provisions set out as notes under this section] is held invalid, the remainder of the title and any amendment made by this title shall not be affected thereby. If any provision of any part of this title or of any amendment made by this title, or the application thereof to any person or circumstance is held invalid, the provisions of other parts and of any amendment made by this title and their application to other persons or circumstances shall not be affected thereby."

INCREASES IN COMPENSATION

Increases in compensation for Senate officers and employees under authority of Federal Pay Comparability Act of 1970 (Pub. L. 91-656), see Salary Directives of President pro tempore of the Senate, set out as notes under section 4571 of this title.

§ 288a. Senate Joint Leadership Group

(a) Accountability of Office

The Office shall be directly accountable to the Joint Leadership Group in the performance of the duties of the Office.

(b) Membership

For purposes of this chapter, the Joint Leadership Group shall consist of the following Members:

- (1) The President pro tempore (or if he so designates, the Deputy President pro tempore) of the Senate.
- (2) The majority and minority leaders of the Senate.
- (3) The Chairman and ranking minority Member of the Committee on the Judiciary of the Senate.
- (4) The Chairman and ranking minority Member of the committee of the Senate which has jurisdiction over the contingent fund of the Senate.

(c) Assistance of Secretary of Senate

The Joint Leadership Group shall be assisted in the performance of its duties by the Secretary of the Senate.

(Pub. L. 95-521, title VII, § 702, Oct. 26, 1978, 92 Stat. 1877.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this title", meaning title VII of Pub. L. 95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288b. Requirements for authorizing representation activity

(a) Direction of Joint Leadership Group or Senate resolution

The Counsel shall defend the Senate or a committee, subcommittee, Member, officer, or em-

ployee of the Senate under section 288c of this title only when directed to do so by two-thirds of the Members of the Joint Leadership Group or by the adoption of a resolution by the Senate.

(b) Civil action to enforce subpoena

The Counsel shall bring a civil action to enforce a subpoena of the Senate or a committee or subcommittee of the Senate under section 288d of this title only when directed to do so by the adoption of a resolution by the Senate.

(c) Intervention or appearance

The Counsel shall intervene or appear as amicus curiae under section 288e of this title only when directed to do so by a resolution adopted by the Senate when such intervention or appearance is to be made in the name of the Senate or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate.

(d) Immunity proceedings

The Counsel shall serve as the duly authorized representative in obtaining an order granting immunity under section 288f of this title of—

- (1) the Senate when directed to do so by an affirmative vote of a majority of the Members present of the Senate; or
- (2) a committee or subcommittee of the Senate when directed to do so by an affirmative vote of two-thirds of the members of the full committee.

(e) Resolution recommendations

The Office shall make no recommendation with respect to the consideration of a resolution under this section.

(Pub. L. 95-521, title VII, § 703, Oct. 26, 1978, 92 Stat. 1877.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288c. Defending the Senate, committee, subcommittee, member, officer, or employee of Senate

(a) Except as otherwise provided in subsection (b), when directed to do so pursuant to section 288b(a) of this title, the Counsel shall—

- (1) defend the Senate, a committee, subcommittee, Member, officer, or employee of the Senate in any civil action pending in any court of the United States or of a State or political subdivision thereof, in which the Senate, such committee, subcommittee, Member, officer, or employee is made a party defendant and in which there is placed in issue the validity of any proceeding of, or action, including issuance of any subpoena or order, taken by the Senate, or such committee, subcommittee, Member, officer, or employee in its or his official or representative capacity; or
- (2) defend the Senate or a committee, subcommittee, Member, officer, or employee of the Senate in any proceeding with respect to any subpoena or order directed to the Senate or such committee, subcommittee, Member, offi-

cer, or employee in its or his official or representative capacity.

(b) Representation of a Member, officer, or employee under subsection (a) shall be undertaken by the Counsel only upon the consent of such Member, officer, or employee.

(Pub. L. 95-521, title VII, §704, Oct. 26, 1978, 92 Stat. 1877.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288d. Enforcement of Senate subpoena or order

(a) Institution of civil actions

When directed to do so pursuant to section 288b(b) of this title, the Counsel shall bring a civil action under any statute conferring jurisdiction on any court of the United States (including section 1365 of title 28), to enforce, to secure a declaratory judgment concerning the validity of, or to prevent a threatened failure or refusal to comply with, any subpoena or order issued by the Senate or a committee or a subcommittee of the Senate authorized to issue a subpoena or order.

(b) Actions in name of committees and subcommittees

Any directive to the Counsel to bring a civil action pursuant to subsection (a) in the name of a committee or subcommittee of the Senate shall, for such committee or subcommittee, constitute authorization to bring such action within the meaning of any statute conferring jurisdiction on any court of the United States.

(c) Consideration of resolutions authorizing actions

It shall not be in order in the Senate to consider a resolution to direct the Counsel to bring a civil action pursuant to subsection (a) in the name of a committee or subcommittee unless—

(1) such resolution is reported by a majority of the members voting, a majority being present, of such committee or committee of which such subcommittee is a subcommittee, and

(2) the report filed by such committee or committee of which such subcommittee is a subcommittee contains a statement of—

(A) the procedure followed in issuing such subpoena;

(B) the extent to which the party subpoenaed has complied with such subpoena;

(C) any objections or privileges raised by the subpoenaed party; and

(D) the comparative effectiveness of bringing a civil action under this section, certification of a criminal action for contempt of Congress, and initiating a contempt proceeding before the Senate.

(d) Rules of Senate

The provisions of subsection (c) are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and

such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules (so far as relating to the procedure in the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(e) Committee reports

A report filed pursuant to subsection (c)(2) shall not be receivable in any court of law to the extent such report is in compliance with such subsection.

(f) Omitted

(g) Certification of failure to testify; contempt

Nothing in this section shall limit the discretion of—

(1) the President pro tempore of the Senate in certifying to the United States Attorney for the District of Columbia any matter pursuant to section 194 of this title; or

(2) the Senate to hold any individual or entity in contempt of the Senate.

(Pub. L. 95-521, title VII, §705, Oct. 26, 1978, 92 Stat. 1878; Pub. L. 99-336, §6(a)(2), June 19, 1986, 100 Stat. 639.)

Editorial Notes

CODIFICATION

Subsec. (f) of this section amended title 28 by adding section 1364 and by adding item 1364 to the chapter analysis.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-336 substituted “section 1365 of title 28” for “section 1364 of title 28”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288e. Intervention or appearance

(a) Actions or proceedings

When directed to do so pursuant to section 288b(c) of this title, the Counsel shall intervene or appear as *amicus curiae* in the name of the Senate, or in the name of an officer, committee, subcommittee, or chairman of a committee or subcommittee of the Senate in any legal action or proceeding pending in any court of the United States or of a State or political subdivision thereof in which the powers and responsibilities of Congress under the Constitution of the United States are placed in issue. The Counsel shall be authorized to intervene only if standing to intervene exists under section 2 of article III of the Constitution of the United States.

(b) Notification; publication

The Counsel shall notify the Joint Leadership Group of any legal action or proceeding in which the Counsel is of the opinion that intervention or appearance as *amicus curiae* under subsection (a) is in the interest of the Senate. Such notifi-

cation shall contain a description of the legal action or proceeding together with the reasons that the Counsel is of the opinion that intervention or appearance as amicus curiae is in the interest of the Senate. The Joint Leadership Group shall cause said notification to be published in the Congressional Record for the Senate.

(c) Powers and responsibilities of Congress

The Counsel shall limit any intervention or appearance as amicus curiae in an action or proceeding to issues relating to the powers and responsibilities of Congress.

(Pub. L. 95-521, title VII, §706, Oct. 26, 1978, 92 Stat. 1880.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288f. Immunity proceedings

When directed to do so pursuant to section 288b(d) of this title, the Counsel shall serve as the duly authorized representative of the Senate or a committee or subcommittee of the Senate in requesting a United States district court to issue an order granting immunity pursuant to section 6005 of title 18.

(Pub. L. 95-521, title VII, §707, Oct. 26, 1978, 92 Stat. 1880.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288g. Advisory and other functions

(a) Cooperation with persons, committees, subcommittees, and offices

The Counsel shall advise, consult, and cooperate with—

(1) the United States Attorney for the District of Columbia with respect to any criminal proceeding for contempt of Congress certified by the President pro tempore of the Senate pursuant to section 194 of this title;

(2) the committee of the Senate with the responsibility to identify any court proceeding or action which is of vital interest to the Senate;

(3) the Comptroller General, the Government Accountability Office, the Office of Legislative Counsel of the Senate, and the Congressional Research Service, except that none of the responsibilities and authority assigned by this chapter to the Counsel shall be construed to affect or infringe upon any functions, powers, or duties of the aforementioned;

(4) any Member, officer, or employee of the Senate not represented under section 288c of this title with regard to obtaining private legal counsel for such Member, officer, or employee;

(5) the President pro tempore of the Senate, the Secretary of¹ Senate, the Sergeant-at-

Arms of the Senate, and the Parliamentarian of the Senate, regarding any subpoena, order, or request for withdrawal of papers presented to the Senate which raises a question of the privileges of the Senate; and

(6) any committee or subcommittee of the Senate in promulgating and revising their rules and procedures for the use of congressional investigative powers and with respect to questions which may arise in the course of any investigation.

(b) Legal research files

The Counsel shall compile and maintain legal research files of materials from court proceedings which have involved Congress, a House of Congress, an office or agency of Congress, or any committee, subcommittee, Member, officer, or employee of Congress. Public court papers and other research memoranda which do not contain information of a confidential or privileged nature shall be made available to the public consistent with any applicable procedures set forth in such rules of the Senate as may apply and the interests of the Senate.

(c) Miscellaneous duties

The Counsel shall perform such other duties consistent with the purposes and limitations of this chapter as the Senate may direct.

(Pub. L. 95-521, title VII, §708, Oct. 26, 1978, 92 Stat. 1880; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(3) and (c), was in the original “this title”, meaning title VII of Pub. L. 95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

AMENDMENTS

2004—Subsec. (a)(3). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288h. Defense of certain constitutional powers

In performing any function under this chapter, the Counsel shall defend vigorously when placed in issue—

(1) the constitutional privilege from arrest or from being questioned in any other place for any speech or debate under section 6 of article I of the Constitution of the United States;

(2) the constitutional power of the Senate to be judge of the elections, returns, and qualifications of its own Members and to punish or expel a Member under section 5 of article I of the Constitution of the United States;

(3) the constitutional power of the Senate to except from publication such parts of its journal as in its judgment may require secrecy;

¹ So in original. Probably should be “of the”.

(4) the constitutional power of the Senate to determine the rules of its proceedings;

(5) the constitutional power of Congress to make all laws as shall be necessary and proper for carrying into execution the constitutional powers of Congress and all other powers vested by the Constitution in the Government of the United States, or in any department or office thereof;

(6) all other constitutional powers and responsibilities of the Senate or of Congress; and

(7) the constitutionality of Acts and joint resolutions of the Congress.

(Pub. L. 95-521, title VII, §709, Oct. 26, 1978, 92 Stat. 1881.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title VII of Pub. L. 95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288i. Representation conflict or inconsistency

(a) Notification

In the carrying out of the provisions of this chapter, the Counsel shall notify the Joint Leadership Group, and any party represented or person affected, of the existence and nature of any conflict or inconsistency between the representation of such party or person and the carrying out of any other provision of this chapter or compliance with professional standards and responsibilities.

(b) Solution; publication in Congressional Record; review

Upon receipt of such notification, the members of the Joint Leadership Group shall recommend the action to be taken to avoid or resolve the conflict or inconsistency. If such recommendation is made by a two-thirds vote, the Counsel shall take such steps as may be necessary to resolve the conflict or inconsistency as recommended. If not, the members of the Joint Leadership Group shall cause the notification of conflict or inconsistency and recommendation with respect to resolution thereof to be published in the Congressional Record of the Senate. If the Senate does not direct the Counsel within fifteen days from the date of publication in the Record to resolve the conflict in another manner, the Counsel shall take such action as may be necessary to resolve the conflict or inconsistency as recommended. Any instruction or determination made pursuant to this subsection shall not be reviewable in any court of law.

(c) Computation of period following publication

For purposes of the computation of the fifteen day period in subsection (b)—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which the Senate is not in session because of an adjournment of more than three days to a date certain are excluded.

(d) Reimbursement

The Senate may by resolution authorize the reimbursement of any Member, officer, or employee of the Senate who is not represented by the Counsel for fees and costs, including attorneys’ fees, reasonably incurred in obtaining representation. Such reimbursement shall be from funds appropriated to the contingent fund of the Senate.

(Pub. L. 95-521, title VII, §710, Oct. 26, 1978, 92 Stat. 1882.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title VII of Pub. L. 95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288j. Consideration of resolutions to direct counsel

(a) Procedure; rules

(1) A resolution introduced pursuant to section 288b of this title shall not be referred to a committee, except as otherwise required under section 288d(c) of this title. Upon introduction, or upon being reported if required under section 288d(c) of this title, whichever is later, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of such resolution. A motion to proceed to the consideration of a resolution shall be highly privileged and not debatable. An amendment to such motion shall not be in order, and it shall not be in order to move to reconsider the vote by which such motion is agreed to.

(2) With respect to a resolution pursuant to section 288b(a) of this title, the following rules apply:

(A) If the motion to proceed to the consideration of the resolution is agreed to, debate thereon shall be limited to not more than ten hours, which shall be divided equally between, and controlled by, those favoring and those opposing the resolution. A motion further to limit debate shall not be debatable. No amendment to the resolution shall be in order. No motion to recommit the resolution shall be in order, and it shall not be in order to reconsider the vote by which the resolution is agreed to.

(B) Motions to postpone, made with respect to the consideration of the resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(C) All appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to the resolution shall be decided without debate.

(b) “Committee” defined

For purposes of this chapter, other than section 288b of this title, the term “committee” includes standing, select, and special committees of the Senate established by law or resolution.

(c) Rules of the Senate

The provisions of this section are enacted—

(1) as an exercise of the rulemaking power of the Senate, and, as such, they shall be considered as part of the rules of the Senate, and such rules shall supersede any other rule of the Senate only to the extent that rule is inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(Pub. L. 95–521, title VII, §711, Oct. 26, 1978, 92 Stat. 1882.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this title”, meaning title VII of Pub. L. 95–521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95–521, set out as a note under section 288 of this title.

§ 288k. Attorney General relieved of responsibility

(a) Upon receipt of written notice that the Counsel has undertaken, pursuant to section 288c(a) of this title, to perform any representational service with respect to any designated party in any action or proceeding pending or to be instituted, the Attorney General shall—

(1) be relieved of any responsibility with respect to such representational service;

(2) have no authority to perform such service in such action or proceeding except at the request or with the approval of the Senate; and

(3) transfer all materials relevant to the representation authorized under section 288c(a) of this title to the Counsel, except that nothing in this subsection shall limit any right of the Attorney General under existing law to intervene or appear as amicus curiae in such action or proceeding.

(b) The Attorney General shall notify Counsel as required by section 530D of title 28.

(Pub. L. 95–521, title VII, §712, Oct. 26, 1978, 92 Stat. 1883; Pub. L. 107–273, div. A, title II, §202(b)(2), Nov. 2, 2002, 116 Stat. 1774; Pub. L. 108–7, div. H, title I, §110(b), Feb. 20, 2003, 117 Stat. 355.)

Editorial Notes

AMENDMENTS

2003—Subsec. (b). Pub. L. 108–7 made technical amendment to reference in original act which appears in text as reference to section 530D of title 28.

2002—Subsec. (b). Pub. L. 107–273 added subsec. (b) and struck out former subsec. (b) which read as follows: “The Attorney General shall notify the Counsel with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 288e of this title.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 effective as if included in the enactment of the 21st Century Department of Justice Appropriations Authorization Act, Pub. L. 107–273, see section 110(c) of Pub. L. 108–7, set out as a note under section 5571 of this title.

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95–521, set out as a note under section 288 of this title.

§ 288l. Procedural provisions

(a) Intervention or appearance

Permission to intervene as a party or to appear as amicus curiae under section 288e of this title shall be of right and may be denied by a court only upon an express finding that such intervention or appearance is untimely and would significantly delay the pending action or that standing to intervene has not been established under section 2 of article III of the Constitution of the United States.

(b) Compliance with admission requirements

The Counsel, the Deputy Counsel, or any designated Assistant Counsel or counsel specially retained by the Office shall be entitled, for the purpose of performing his functions under this chapter, to enter an appearance in any proceeding before any court of the United States or of a State or political subdivision thereof without compliance with any requirement for admission to practice before such court, except that the authorization conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(c) Standing to sue; jurisdiction

Nothing in this chapter shall be construed to confer standing on any party seeking to bring, or jurisdiction on any court with respect to, any civil or criminal action against Congress, either House of Congress, a Member of Congress, a committee or subcommittee of a House of Congress, any office or agency of Congress, or any officer or employee of a House of Congress or any office or agency of Congress.

(Pub. L. 95–521, title VII, §713, Oct. 26, 1978, 92 Stat. 1883.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b) and (c), was in the original “this title”, meaning title VII of Pub. L.

95-521, which enacted this chapter, section 5504 of this title, and section 1364 of Title 28, Judiciary and Judicial Procedure, and amended sections 3210, 3216, and 3219 of Title 39, Postal Service. For complete classification of title VII to the Code, see Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288m. Contingent fund

The expenses of the Office shall be paid from the contingent fund of the Senate in accordance with section 6503 of this title, and upon vouchers approved by the Counsel.

(Pub. L. 95-521, title VII, §716, Oct. 26, 1978, 92 Stat. 1885.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as a note under section 288 of this title.

§ 288n. Travel and related expenses

Funds expended by the Senate Legal Counsel for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(Pub. L. 98-51, title I, §106, July 14, 1983, 97 Stat. 267.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984, and not as part of title VII of Pub. L. 95-521 which in part comprises this chapter.

Section, as it relates to funds expended by the Legislative Counsel of the Senate, is classified to section 276b of this title.

CHAPTER 10—CLASSIFICATION OF EMPLOYEES OF HOUSE OF REPRESENTATIVES

Sec.	
291.	Congressional declaration of purpose.
292.	Positions affected.
293.	Compensation schedules.
293a to 293c.	Omitted.
294.	Position standards and descriptions.
295.	Placement of positions in compensation schedules.
296.	Step increases; waiting periods; service in Armed Forces; automatic advancement.
297.	Appointments and reclassifications to higher compensation levels.
298.	Reductions in compensation level.
299.	Repealed.
300.	Establishment of positions; payment from applicable accounts.
301.	Preservation of existing appointing authorities.
302.	Regulations.
303.	Dual compensation.

§ 291. Congressional declaration of purpose

It is the purpose of this chapter to provide a classification system for the equitable establishment and adjustment of rates of compensation for, and for the efficient utilization of personnel in, certain positions under the House of Representatives to which this chapter applies, through—

(1) the creation and maintenance of orderly and equitable compensation relationships for such positions—

(A) in accordance with the principle of equal pay for substantially equal work, and

(B) with due regard to (i) differences in the levels of difficulty, responsibility, and qualification requirements of the work, (ii) the kind of work performed, (iii) satisfactory performance, and (iv) length of service;

(2) the application of appropriate position standards and position descriptions for such positions; and

(3) the adoption of organization and position titles in the House which accurately reflect the respective functions, duties, and responsibilities of those organizations and positions in the House to which this chapter applies.

(Pub. L. 88-652, §2, Oct. 13, 1964, 78 Stat. 1079.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 88-652, Oct. 13, 1964, 78 Stat. 1079, known as the House Employees Position Classification Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 88-652, §17, Oct. 13, 1964, 78 Stat. 1084, provided that: “This Act [enacting this chapter and amending sections 88c and 4131 of this title] shall become effective on January 1, 1965.”

SHORT TITLE

Pub. L. 88-652, §1, Oct. 13, 1964, 78 Stat. 1079, provided that: “This Act [see Tables for classification] may be cited as the ‘House Employees Position Classification Act’.”

SAVINGS PROVISION

Pub. L. 88-652, §15, Oct. 13, 1964, 78 Stat. 1084, provided that:

“(a) Notwithstanding any provision of this Act [this chapter], the aggregate (gross) rate of compensation of any employee immediately prior to the effective date of this Act [Jan. 1, 1965] shall not be reduced by reason of the enactment of this Act.

“(b) For the purposes of applicable law relating to the payment to any individual of compensation from more than one civilian office or position, each employee of the House to whom this Act applies who, immediately prior to the effective date of this Act—

“(1) is receiving basic compensation from more than one civilian office or position and

“(2) is in compliance with such law shall be held and considered to be in compliance with such law on and after such effective date, notwithstanding the enactment of this Act, so long as such employee continues to receive, without break in service of more than thirty days, the same or lower rate of basic