

§ 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 notification 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.)

§ 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.)

§ 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 re-

sponsibilities 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.)

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”.

§ 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 quali-

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