

(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.)

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.

§ 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.)

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.”

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.

§ 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.)

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.

§ 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.)

§ 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.)