

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

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 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.

(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 rate of basic pay set forth in subsection (a) of this section.

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

REFERENCES IN TEXT

Subsection (b) of section 3 of the Speaker's salary directive of June 11, 1968, referred to in subsec. (a), is set out as a note under section 4531 of this title.

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."

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.)

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.

- Sec. 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 (hereinafter 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.

(4) 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.

**(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. 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. 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 exceed 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 counsel<sup>1</sup> 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.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(1), (d), and (e), was in the original "this title", meaning title VII

<sup>1</sup> So in original. Probably should be capitalized.

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.

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 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.)

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