

**§ 287b. Staff; Deputy Parliamentarian; delegation of functions**

(a) With the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker, the Parliamentarian shall appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office. Any such appointment shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed may be removed by the Parliamentarian with the approval of the Speaker, or in accordance with policies and procedures approved by the Speaker.

(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 Rep-

resentatives 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**

<p>Sec. 288. 288a. 288b.  288c.  288d. 288e. 288f. 288g. 288h. 288i. 288j.</p>	<p>Office of Senate Legal Counsel. Senate Joint Leadership Group. Requirements for authorizing representation activity. Defending the Senate, committee, subcommittee, member, officer, or employee of Senate. Enforcement of Senate subpoena or order. Intervention or appearance. Immunity proceedings. Advisory and other functions. Defense of certain constitutional powers. Representation conflict or inconsistency. Consideration of resolutions to direct counsel.</p>
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Sec.	
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.

#### (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 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; 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 subssecs. (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”.

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