

§ 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.)

§ 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 130f 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.)

§ 288m. Contingent fund

The expenses of the Office shall be paid from the contingent fund of the Senate in accordance with section 68 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.)

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

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§ 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.)

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 enacted this chapter and amended sections 88c and 123b of this title. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 17 of Pub. L. 88-652 provided that: “This Act [enacting this chapter and amending sections 88c and 123b of this title] shall become effective on January 1, 1965.”

SHORT TITLE

Section 1 of Pub. L. 88-652 provided that: “This Act [enacting this chapter and amending sections 88c and 123b of this title] may be cited as the ‘House Employees Position Classification Act’.”

SAVINGS PROVISION

Section 15 of Pub. L. 88-652 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 compensation in a position to which this Act does not apply.”

§ 292. Positions affected

This chapter shall apply to—

(1) all positions under the Clerk, the Sergeant at Arms, the Chief Administrative Officer, and the Inspector General of the House of Representatives, except the positions of telephone operator and positions on the United States Capitol Police force;

(2) the position of minority pair clerk in the House;