

103^D CONGRESS
2^D SESSION

S. RES. 254

To direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, and to authorize the Office of the Sergeant at Arms of the United States Senate to intervene and to be represented by its counsel of choice, in *Kenneth Riggin, et al. v. Office of Senate Fair Employment Practices*, No. 94-6004 (Fed. Cir.).

IN THE SENATE OF THE UNITED STATES

AUGUST 25 (legislative day, AUGUST 18), 1994

Mr. MITCHELL (for himself and Mr. DOLE) submitted the following resolution;
which was considered and agreed to

RESOLUTION

To direct the Senate Legal Counsel to represent the Office of Senate Fair Employment Practices, and to authorize the Office of the Sergeant at Arms of the United States Senate to intervene and to be represented by its counsel of choice, in *Kenneth Riggin, et al. v. Office of Senate Fair Employment Practices*, No. 94-6004 (Fed. Cir.).

Whereas, in the case of *Kenneth Riggin, et al. v. Office of Senate Fair Employment Practices*, No. 94-6004, pending in the United States Court of Appeals for the Federal Circuit, the Office of Senate Fair Employment Practices is the respondent in a proceeding under section 309 of the Civil Rights Act of 1991 (2 U.S.C. 1209), to review

a final decision concerning allegations of discrimination in Senate employment;

Whereas section 303(f) of the Civil Rights Act of 1991 (2 U.S.C. 1203(f)), provides that for the purpose of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices shall be deemed a committee within the meaning of title VII of the Ethics in Government Act of 1978 (2 U.S.C. 288, et seq.);

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978 (2 U.S.C. 288b(a), 288c(a)(1)) the Senate may direct its counsel to defend a committee of the Senate in any civil action in which there is placed in issue any action taken by such committee in its official capacity; and

Whereas, in accordance with section 2348 of title 28, United States Code, as made applicable by section 309(b) of the Civil Rights Act of 1991 (2 U.S.C. 1209(b)) the Office of the Sergeant at Arms of the United States Senate, as a party in interest in the underlying proceeding within the Senate, may intervene on judicial review of the final decision in that proceeding: Now, therefore, be it

1 *Resolved*, That the Senate Legal Counsel is directed
 2 to represent the Office of Senate Fair Employment Prac-
 3 tices in the case of Kenneth Riggin, et al. v. Office of Sen-
 4 ate Fair Employment Practices.

5 SEC. 2. The Office of the Sergeant at Arms of the
 6 United States Senate may as a matter of statutory right
 7 intervene and be represented by its counsel of choice in

- 1 the case of Kenneth Riggin; et al. v. Office of Senate Fair
- 2 Employment Practices.

