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PAY INCREASES

Citizens' Commission on Public Service and Compensation

[2 U.S.C. 358 and 359]

Procedure for Pay Increases

[Sec. 358. Recommendations of the President with respect to pay]

(1) After considering the report and recommendations of the Commission submitted under subsection (g), the President shall transmit to Congress his recommendations with respect to the exact rates of pay, for offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of subsection (f), which the President considers to be fair and reasonable in light of the Commission's report and recommendations, the prevailing market value of the services rendered in the offices and positions involved, the overall economic condition of the country, and the fiscal condition of the Federal Government.

(2) The President shall transmit his recommendations under this subsection to Congress on the first Monday after January 3 of the first calendar year beginning after the date on which the Commission submits its report and recommendations to the President under subsection (g). (Pub. L. 90-206, Title II, Sec. 225(h), Dec. 16, 1967, 81 Stat. 644, as amended by Sec. 701(f) of the Ethics Reform Act of 1989, Pub. L. 101-194.)

Subsections (A), (B), (C), and (D) mentioned above refer to Members of Congress of both Houses, the heads of certain congressional agencies, justices, judges, and certain other personnel in the judicial branch, and levels I-V of the Executive Schedule.

[§ 359. Same; Effective Date]

(1) None of the President's recommendations under subsection (h) shall take effect unless approved under paragraph (2).

(2)(A) The recommendations of the President under subsection (h) shall be considered approved under this paragraph if there is enacted into law a bill or joint resolution approving such recommendations in their entirety. This bill or joint resolution shall be passed by recorded vote to reflect the vote of each Member of Congress thereon.

(B)(i) The provisions of this subparagraph are enacted by the Congress—

(I) as an exercise of the rulemaking power of the Senate and the House of Representatives and as such shall be considered

as part of the rules of each House, and shall supersede other rules only to the extent that they are inconsistent therewith; and

(II) with full recognition of the constitutional right of either House to change the rules (so far as they related to the procedures of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(ii) During the 60-calendar-day period beginning on the date that the President transmits his recommendations to the Congress under subsection (h), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill or joint resolution, if offered by the majority leader of such House (or a designee), approving such recommendations in their entirety.

(3) Except as provided in paragraph (4), any recommended pay adjustment approved under paragraph (2) shall take effect as of the date proposed by the President under subsection (h) with respect to such adjustment.

(4)(A) Notwithstanding the approval of the President's pay recommendations in accordance with paragraph(2), none of those recommendations shall take effect unless, between the date on which the bill or resolution approving those recommendations is signed by the President (or otherwise becomes law) and the earliest date as of which the President proposes (under subsection (h)) that any of those recommendations take effect, an election of Representatives shall have intervened.

(B) For purposes of this paragraph, the term "election of Representatives" means an election held on the Tuesday following the first Monday of November in any even-numbered calendar year. (Pub. L. 90-206, Title II, Sec. 225(i), Dec. 16, 1967, 81 Stat. 644, as amended by Sec. 701(g) of the Ethics Reform Act of 1989.)

Federal Pay Comparability Act of 1974

Congressional Procedure To Invalidate Pay Increases Under Alternative Pay Plan:

In 1971, Congress enacted Public Law 91-656 (84 Stat. 1946; 5 U.S.C. 5305) establishing a Federal pay comparability system with respect to the General Schedule, the Foreign Service, and the Department of Medicine and Surgery, Veterans' Administration. That Act directed the President to transmit to Congress reports on pay adjustment, and if he finds it inappropriate to make a pay adjustment, which he shall transmit to Congress before September 1st of that year, giving an "alternative plan with respect to a pay adjustment as he considers appropriate," which will become effective on the first day of the first applicable pay period commencing on or after October 1 of

the applicable year and continues in effect unless, before the end of the first period of 30 calendar days of continuous session of Congress after the date on which the alternative plan is transmitted, . . ." either House adopts a resolution disapproving the plan.

Any such resolution on the alternative plan is privileged business and after its reference, if the committee does not file a report on the resolution within 10 calendar days, a motion to discharge the committee will be privileged and voted upon after 1 hour debate. Once such a resolution is before the Senate, it is debatable for 2 hours, and a motion to take it up is privileged and not debatable. The resolution may not be recommitted, reconsidered, or amended. For details on procedure and control of debate on such resolutions, *see* 5 U.S.C. 5305 (84 Stat. 1946).

Pay Increase Raise Disapproval Resolution:

A resolution disapproving an alternative plan for a pay adjustment for Federal employees is not amendable as provided under the rule.[1]

The Senate reached a unanimous consent agreement for the control of the time between the opponents and proponents during the consideration of the resolution for disapproval of the President's plan for withholding pay for Federal employees. The law specified the amount of time to be divided between the opponents and proponents, but nothing is stipulated therein as to who shall control the time.[2]

PENDING BUSINESS

Pending business becomes the unfinished business upon adjournment, when there is no unfinished business. *See* "Consideration, Question of," pp. 655–682; "Unfinished Business," pp. 1370–1380.

A bill taken up by unanimous consent becomes the pending business on the taking of a recess when there is no unfinished business.[1]

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[1] *See* Sept. 18, 1975, 94–1, *Record*, pp. 29267–68.
[2] Oct. 7, 1971, 92–1, *Record*, p. 35470; *See also* same procedure on Sept. 19, 1974, 93–2, *Record*, p. 31899.
[1] *See* July 23, 1942, 77–2, *Record*, p. 6534.