§ 335. Obsolete references in existing law to basic pay rates

In any case in which—

(1) the rate of pay of any employee or position, or class of employees or positions, the pay for whom or for which is disbursed by the Chief Administrative Officer of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or resolution, under section 334[1] of this title on and after such date.

(Pub. L. 91–510, title IV, § 475, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104–186, title II, § 210(4), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

Section 334 of this title, referred to in text, was repealed by Pub. L. 104–186, title II, § 210(3)(A), Aug. 20, 1996, 110 Stat. 1743.

AMENDMENTS

1996—Par. (1). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

§ 336. Saving provision

The provisions of this chapter shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, any position for which the pay is disbursed by the Chief Administrative Officer of the House of Representatives; or

(2) affect the continuity of employment of, or reduce the pay of, any employee whose pay is disbursed by the Chief Administrative Officer of the House.

(Pub. L. 91–510, title IV, § 476, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104–186, title II, § 210(5), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Part'', meaning part 6 (§§ 471–477) of title IV of Pub. L. 91–510, Oct. 26, 1970, 84 Stat. 1193, which enacted this chapter, amended section 5533 of Title 5, Government Organization and Employees, repealed sections 60g, 60g–1, and 72a of this title, and enacted provisions set out as a note under section 331 of this title. For complete classification of part 6 to the Code, see Tables.

AMENDMENTS

1996—Pars. (1), (2). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

CHAPTER 11—CITIZENS' COMMISSION ON PUBLIC SERVICE AND COMPENSATION

Sec.
351. Establishment.
352. Membership.
353. Executive Director; additional personnel; detail of personnel of other agencies.
354. Use of United States mails.
355. Administrative support services.
356. Functions.
356a. Omitted.
357. Report by Commission to President with respect to pay.
358. Recommendations of President with respect to pay.
359. Effective date of recommendations of President.
360. Effect of recommendations on existing law and prior recommendations.
361. Publication of recommendations.
362. Requirements applicable to recommendations.
363. Additional function.
364. Provision relating to certain other pay adjustments.

§ 351. Establishment

There is hereby established a commission to be known as the Citizens' Commission on Public Service and Compensation (hereinafter referred to as the ''Commission'').

(Pub. L. 90–206, title II, § 225(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 101–194, title VII, § 701(a), Nov. 30, 1989, 103 Stat. 1763.)

AMENDMENTS

1989—Pub. L. 101–194 substituted ''Citizens' Commission on Public Service and Compensation'' for ''Commission on Executive, Legislative, and Judicial Salaries''.

EFFECTIVE DATE

Chapter effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90–206, set out as a note under section 3110 of Title 5, Government Organization and Employees.

§ 352. Membership

(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

(A) 2 appointed by the President of the United States;

(B) 1 appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;

(C) 1 appointed by the Speaker of the House of Representatives;

(D) 2 appointed by the Chief Justice of the United States; and

(E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

(2) No person shall serve as a member of the Commission who is—

(A) an officer or employee of the Federal Government;

(B) registered (or required to register) under the Federal Regulation of Lobbying Act;[1] or

(C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected

[1] See References in Text note below.

[1] See References in Text note below.

without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

(C) shall otherwise comply with applicable provisions of this section.

(5) The chairperson shall be designated by the President.

(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(7) Each member of the Commission shall be paid at the rate of $100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, when engaged in the performance of services for the Commission.

(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under section 357 of this title (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

(ii) Notwithstanding any provision of section 353 of this title, authority under such section shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve.

(Pub. L. 90–206, title II, §225(b), Dec. 16, 1967, 81 Stat. 642; Pub. L. 99–190, §135(a), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, §701(b), Nov. 30, 1989, 103 Stat. 1763.)

REFERENCES IN TEXT

The Federal Regulation of Lobbying Act, referred to in par. (2)(B), is title III of act Aug. 2, 1946, ch. 753, 60 Stat. 839, which was classified generally to chapter 8A (§261 et seq.) of this title, prior to repeal by Pub. L. 104–65, §11(a), Dec. 19, 1995, 109 Stat. 701. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1989—Pub. L. 101–194 amended section generally, substituting pars. (1) to (8) for former pars. (1) to (5).

1985—Par. (3). Pub. L. 99–190 inserted ''and with respect to fiscal year 1987'' at end of first sentence.

§353. Executive Director; additional personnel; detail of personnel of other agencies

(1) Without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(Pub. L. 90–206, title II, §225(c), Dec. 16, 1967, 81 Stat. 643; Pub. L. 101–194, title VII, §701(c), Nov. 30, 1989, 103 Stat. 1764.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in par. (1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101–194 substituted ''subparagraphs (A) and (B) of section 352(8) of this title'' for ''section 352(2) and (3) of this title'' in pars. (1) and (2).

REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

§354. Use of United States mails

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(Pub. L. 90–206, title II, § 225(d), Dec. 16, 1967, 81 Stat. 643.)

§ 355. Administrative support services

The Administrator of General Services shall provide administrative support services for the Commission on a reimbursable basis.

(Pub. L. 90–206, title II, § 225(e), Dec. 16, 1967, 81 Stat. 643.)

§ 356. Functions

The Commission shall conduct, in each of the respective fiscal years referred to in subparagraphs (A) and (B) of section 352(8) of this title, a review of the rates of pay of—

(A) the Vice President of the United States, Senators, Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives;

(B) offices and positions in the legislative branch referred to in subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426);

(C) justices, judges, and other personnel in the judicial branch referred to in section 403 of the Federal Judicial Salary Act of 1964 (78 Stat. 434; Public Law 88–426) except bankruptcy judges, but including the judges of the United States Court of Federal Claims;

(D) offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5; and

(E) the Governors of the Board of Governors of the United States Postal Service appointed under section 202 of title 39.

Such review by the Commission shall be made for the purpose of determining and providing—

(i) the appropriate pay levels and relationships between and among the respective offices and positions covered by such review, and

(ii) the appropriate pay relationships between such offices and positions and the offices and positions subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates.

In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this section, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.

(Pub. L. 90–206, title II, § 225(f), Dec. 16, 1967, 81 Stat. 643; Pub. L. 91–375, § 6(a), Aug. 12, 1970, 84 Stat. 775; Pub. L. 94–82, title II, § 206(a), Aug. 9, 1975, 89 Stat. 423; Pub. L. 95–598, title III, § 301, Nov. 6, 1978, 92 Stat. 2673; Pub. L. 97–164, title I, § 143, Apr. 2, 1982, 96 Stat. 45; Pub. L. 99–190, § 135(b), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 100–202, § 101(a) [title IV, § 408(c)], Dec. 22, 1987, 101 Stat. 1329, 1329–27; Pub. L. 101–194, title VII, § 701(d), Nov. 30, 1989, 103 Stat. 1764; Pub. L. 102–572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88–426), referred to in par. (B), are subsecs. (a) to (d) of section 203 of Pub. L. 88–426, title II, Aug. 14, 1964, 78 Stat. 415. Subsecs. (a) and (b), which originally related to compensation of the Comptroller General and Assistant Comptroller General, respectively, of the United States, were classified to section 42a of former Title 31, Money and Finance. Subsec. (c), which originally related to compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, the Public Printer, and the Architect of the Capitol, was classified to sections 136a and 1802 of this title, section 51a of former Title 31, and section 39a of former Title 44, Public Printing and Documents. Subsec. (d), which originally related to compensation of the Deputy Librarian of Congress, the Deputy Public Printer, and the Assistant Architect of the Capitol, was classified to section 136a–1 of this title, section 166b of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44. Sections 136a (Librarian of Congress) and 136a–1 (Deputy Librarian of Congress) of this title were omitted from the Code as superseded by section 136a–2 of this title. Sections 42a (Comptroller General and Deputy Comptroller General) and 51a (General Counsel of General Accounting Office) of former Title 31 were repealed, and restated in sections 703(f) and 731(c) of Title 31, Money and Finance, by Pub. L. 97–258, §§ 1, 5(b), Sept. 13, 1982, 96 Stat. 889, 897, 1068. Section 166b (Assistant Architect of the Capitol) of former Title 40 was omitted from the Code as superseded by section 166b–3a of former Title 40 (now section 1848 of this title) and was repealed by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. Section 39a (Public Printer and Deputy Public Printer) of former Title 44 was repealed, and restated in section 303 of Title 44, Public Printing and Documents, by Pub. L. 90–620, §§ 1, 3, Oct. 22, 1968, 82 Stat. 1239, 1306.

The rates of pay of justices, judges, and other personnel in the judicial branch, referred to in par. (C), are set out in section 867 of Title 10, Armed Forces; section 7443 of Title 26, Internal Revenue Code; and sections 5, 44, 135, 173, 213, 252, 603, and 792 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1992—Par. (C). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1989—Pub. L. 101–194 substituted ''subparagraphs (A) and (B) of section 352(8) of this title'' for ''section 352(2) and (3) of this title''.

1987—Par. (C). Pub. L. 100–202 substituted ''except bankruptcy judges, but including'' for ''and magistrates and''.

1985—Pub. L. 99–190 inserted last sentence relating to review of rates of pay of offices or positions.

1982—Par. (C). Pub. L. 97–164 inserted reference to judges of the United States Claims Court.

1978—Par. (C). Pub. L. 95–598 struck out reference to section 402(d) and inserted reference to magistrates.

1975—Par. (A). Pub. L. 94–82 inserted ''the Vice President of the United States'' before ''Senators'', and ''the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives'' after ''Puerto Rico''.

1970—Par. (E). Pub. L. 91–375 added par. (E).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100–202 effective Oct. 1, 1988, and any salary affected by the amendment to be ad-

justed at beginning of first applicable pay period commencing on or after such date, see section 101(a) [title IV, § 408(d)] of Pub. L. 100–202, set out as a note under section 153 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE RATES OF PAY PENDING CHANGES IN RATES PURSUANT TO FEDERAL SALARY ACT OF 1967

Section 206(b) of Pub. L. 94–82 provided that: ''Until such time as a change in the rate of pay of the offices referred to in the amendment made by subsection (a) of this section [amending par. (A) of this section] occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section, such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act [Aug. 9, 1975], as adjusted under sections 203 and 204 of this title [amending sections 31, 60a note, 136a and 136a–1 of this title, section 104 of Title 3, The President, sections 42a and 51a of former Title 31, Money and Finance, sections 162a and 166b of former Title 40, Public Buildings, Property, and Works, and section 303 of Title 44, Public Printing and Documents].''

§ 356a. Omitted

CODIFICATION

Section, Pub. L. 94–440, title II, § 100, Oct. 1, 1976, 90 Stat. 1446, the Legislative Branch Appropriation Act, 1977, which provided salary rate limitations for positions or offices referred to in section 356 of this title, applied to fiscal year 1977 and was not repeated in subsequent appropriation acts. See decision B–145492 of the Comptroller General of the United States, dated Sept. 21, 1976. Pub. L. 94–440, title II, § 100, is set out as a note under section 5318 of Title 5, Government Organization and Employees.

§ 357. Report by Commission to President with respect to pay

The Commission shall submit to the President a report of the results of each review conducted by the Commission with respect to rates of pay for the offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title, together with its recommendations. Each such report shall be submitted on such date as the President may designate but not later than December 15 next following the close of the fiscal year in which the review is conducted by the Commission.

(Pub. L. 90–206, title II, § 225(g), Dec. 16, 1967, 81 Stat. 644; Pub. L. 99–190, § 135(c), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(e), Nov. 30, 1989, 103 Stat. 1764.)

AMENDMENTS

1989—Pub. L. 101–194 amended section catchline generally and in text substituted ''Commission with respect to rates of pay for'' for ''Commission of'' and ''December 15 next following the close of the fiscal year in which the review is conducted by the Commission.'' for ''December 15 of the fiscal year in which the review is conducted by the Commission.''

1985—Pub. L. 99–190 substituted ''December 15'' for ''January 1 next following the close''.

1985 FISCAL YEAR RECOMMENDATIONS ON PAY RATES OF OFFICES AND POSITIONS

Section 135(g) of Pub. L. 99–190 provided that: ''Notwithstanding section 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission in fiscal year 1985.''

§ 358. Recommendations of President with respect to pay

(1) After considering the report and recommendations of the Commission submitted under section 357 of this title, 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 section 356 of this title, 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 section 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 section 357 of this title.

(Pub. L. 90–206, title II, § 225(h), Dec. 16, 1967, 81 Stat. 644; Pub. L. 99–190, § 135(d), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(f), Nov. 30, 1989, 103 Stat. 1765.)

AMENDMENTS

1989—Pub. L. 101–194 amended section generally. Prior to amendment, section read as follows: ''The President shall include, in the budget next transmitted under section 1105(a) of title 31 by him to the Congress after the date of the submission of the report and recommendations of the Commission under section 357 of this title, his recommendations with respect to the exact rates of pay which he deems advisable, for those offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 356 of this title.''

1985—Pub. L. 99–190 inserted reference to section 1105(a) of title 31, and struck out last sentence defining ''budget''.

COMMISSION'S FIRST REPORT AFTER JULY 30, 1983, TO INCLUDE RECOMMENDATION FOR APPROPRIATE SALARY FOR MEMBERS OF CONGRESS; PROHIBITION ON RECEIPT OF HONORARIA

Pub. L. 98–63, title I, § 908(e), July 30, 1983, 97 Stat. 338, which directed Commission on Executive, Legislative, and Judicial Salaries to include in first report required to be submitted by it after July 30, 1983, a recommenda-

tion for an appropriate salary for Members, which recommendation was to assume a prohibition on receipt of honoraria by Members, was repealed by Pub. L. 102–90, title I, § 6(c), Aug. 14, 1991, 105 Stat. 451.

COMPENSATION AND EMOLUMENTS OF ATTORNEY GENERAL

Pub. L. 94–2, Feb. 18, 1975, 89 Stat. 4, provided in part that the compensation and other emoluments attached to the Office of the Attorney General on and after Feb. 4, 1975, shall be those that on or after Feb. 18, 1975, attach to offices and positions at level I of the Executive Schedule (section 5312 of Title 5).

RECOMMENDATIONS FOR INCREASES IN EXECUTIVE, LEGISLATIVE, AND JUDICIAL SALARIES

Transmitted to Congress Jan. 9, 1989

H.Doc. No. 101–21, Cong. Rec., vol. 135, pt. 1, p. 251, Jan. 19, 1989

Dear Mr. Speaker: (Dear Mr. President:)[1]

As required by section 225 of the Federal Salary Act of 1967, Public Law 90–206 (2 U.S.C. 351 *et seq.*), the latest Quadrennial Commission on Executive, Legislative, and Judicial Salaries (''Commission'') has submitted to me recommendations on salaries for Senators, Representatives, Federal judges, Cabinet officers, and other agency heads, and certain other officials in the executive, legislative, and judicial branches.

The statute requires that, in the budget next submitted after receipt of the report of the Commission, I set forth recommendations for adjustment of these salaries. Pursuant to section 225(i), as amended by section 135 of Public Law 99–190 [2 U.S.C. 359], these recommendations will be effective unless Congress disapproves the recommendation by a joint resolution within 30 days following the transmittal of my budget.

The Commission's report, submitted to me on December 14, 1988, documented both the substantial erosion in the real level of Federal executive pay that has occurred since 1969 and the recruitment and retention problems that have resulted, especially for the Federal judiciary. The Commission is to be commended for its diligent and conscientious effort to address the complicated and complex problems associated with Federal pay levels.

The Commission found that Federal executives and legislators have experienced a decline of approximately 35 percent in real salaries since 1969. In contrast, the salaries of General Schedule employees have declined by only 8 percent over the same period. The Commission's recommendations go a long way towards compensating for this salary erosion, but they do not make up the full gap. For example, for an official at Executive Level II, which is also the Congressional salary rate, the salary level adjusted for inflation since 1969 would be $140,340, while the Commission's recommendation is $135,000.

Every one of the Commissions that has met over the past 20 years concluded that a pay increase for key Federal officials was necessary. Each Commission found that pay for senior Government officials fell far behind that of their counterparts in the private sector. They also surmised that we cannot afford a Government composed primarily of those wealthy enough to serve.

In accepting the Commission's salary recommendations, I recognize that we are under a mandate to reduce the Federal deficit and hold the costs of Government to an absolute minimum. Thus, while I have decided to propose a pay increase that accepts in full the salary recommendations made by the Commissioners in their report to me last month, this proposal will not increase the deficit; the funding for the pay increase will be fully absorbed within proposed budget levels.

This increase fulfills my promise made in January 1987, that, assuming continued progress toward eliminating the deficit and favorable economic conditions, I would recommend another step toward overcoming the erosion of real income.

While this represents a substantial increase in salaries, it is coupled with the salutary recommendation of a ban on receipt of all honoraria in all branches of Government. Although my recommendation concerning honoraria has no legal effect, I urge the swiftest possible consideration of this important reform. The Commission further recommended that Congress enact legislation to bar officials in the three branches from receiving honoraria. I endorse these recommendations of the Commission as an appropriate step toward better government. A salary increase and a prohibition on receipt of honoraria together will help ensure that the Government is able to attract and keep talented senior officials and that the questions that arise from outside payments of honoraria are put to rest.

Accordingly, pursuant to subparagraphs (A), (B), (C), and (D) of section 225(f) and section 225(h) of Public Law 90–206 (81 Stat. 643 and 644), as amended [2 U.S.C. 356(A)–(D), 358] [this section]:

For the Vice President of the United States	$175,000
For offices and positions under the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code, as follows:	
Positions at level I	155,000
Positions at level II	135,000
Positions at level III	125,000
Positions at level IV	120,000
Positions at level V	115,000
For the Speaker of the House of Representatives	175,000
For the President Pro Tempore of the Senate, majority leader and minority leader of the Senate, and majority leader and minority leader of the House of Representatives	155,000
For Senators, Members of the House of Representatives, Delegates to the House of Representatives, and the Resident Commissioner from Puerto Rico	135,000
For other officers and positions in the legislative branch as follows:	
Comptroller General of the United States	135,000
Deputy Comptroller General of the United States, Librarian of Congress, and Architect of the Capitol	125,000
General Counsel of the General Accounting Office, Deputy Librarian of Congress, and Assistant Architect of the Capitol	120,000
For Justices, judges, and other personnel in the judicial branch as follows:	
Chief Justice of the United States	175,000
Associate Justices of the Supreme Court	165,000
Judges:	
U.S. Courts of Appeals	140,000
Court of Military Appeals	140,000
U.S. District Courts	135,000
Court of International Trade	135,000
Tax Court of the United States	135,000
U.S. Claims Court	135,000

Sincerely,

RONALD REAGAN.

[1] **Editorial note**. This is the text of identical letters addressed to the Speaker of the House of Representatives and the President of the Senate, which were transmitted on January 9, 1989.

DISAPPROVAL OF SALARY RECOMMENDATIONS FOR 1989 INCREASES

Pub. L. 101–1, Feb. 7, 1989, 102 Stat. 3, provided: ''That the Congress disapproves in their entirety the recommendations transmitted to the Congress by the Presi-

dent on January 9, 1989, under section 225(h) of the Federal Salary Act of 1967.''

PRIOR SALARY RECOMMENDATIONS

A prior recommendation of the President for increases in executive, legislative, and judicial salaries, which was transmitted to Congress on Jan. 5, 1987 (52 F.R. 4125; 101 Stat. 1967), was disapproved by Pub. L. 100–6, § 3, Feb. 12, 1987, 101 Stat. 94. However, such recommendation became effective pursuant to section 359 of this title.

A prior recommendation of the President for increases in executive, legislative, and judicial salaries, which was transmitted to Congress on Jan. 7, 1981 (H.Doc. No. 97–6, Cong. Rec., vol. 127, pt. 1, p. 241, Jan. 9, 1981), was disapproved by House Resolution No. 109, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 89, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 90, Ninety-sixth Congress, Mar. 12, 1981, Senate Resolution No. 91, Ninety-sixth Congress, Mar. 12, 1981, and Senate Resolution No. 92, Ninety-sixth Congress, Mar. 12, 1981.

A prior recommendation of the President for increases in executive, legislative, and judicial salaries was transmitted to Congress on Jan. 17, 1977 (42 F.R. 10297; 91 Stat. 1643).

A prior recommendation of the President for increases in executive, legislative, and judicial salaries was transmitted to Congress on Jan. 15, 1969 (34 F.R. 2241; 83 Stat. 863).

§ 359. Effective date of recommendations of President

(1) None of the President's recommendations under section 358 of this title shall take effect unless approved under paragraph (2).

(2)(A) The recommendations of the President under section 358 of this title 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 relate 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 section 358 of this title, 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 section 358 of this title 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 section 358 of this title) 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, § 225(i), Dec. 16, 1967, 81 Stat. 644; Pub. L. 95–19, title IV, § 401(a), Apr. 12, 1977, 91 Stat. 45; Pub. L. 99–190, § 135(e), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(g), Nov. 30, 1989, 103 Stat. 1765.)

AMENDMENTS

1989—Pub. L. 101–194 amended section generally. Prior to amendment, section read as follows:

''(1) The recommendations of the President which are transmitted to the Congress pursuant to section 358 of this title shall be effective as provided in paragraph (2) of this section unless any such recommendation is disapproved by a joint resolution agreed to by the Congress not later than the last day of the 30-day period which begins on the date of which such recommendations are transmitted to the Congress.

''(2) The effective date of the rate or rates of pay which take effect for an office or position under paragraph (1) of this section shall be the first day of the first pay period which begins for such office or position after the end of the 30-day period described in such paragraph.''

1985—Par. (1). Pub. L. 99–190 amended par. (1) generally, substituting provisions relating to the effective date of Presidential recommendations transmitted to Congress pursuant to section 358 of this title, for provisions relating to voting requirements and procedures for Presidential recommendations to Congress.

Par. (2). Pub. L. 99–190 amended par. (2) generally, substituting provisions relating to effective date of rates of pay for offices or positions under par. (1), for provisions relating to later operative dates of Presidential recommendations.

1977—Par. (1). Pub. L. 95–19 substituted provisions directing each house of the Congress to conduct a separate vote within sixty days on each Presidential recommendation with respect to the offices and positions described in section 356(A), (B), (C), and (D) of this title, with the votes to be recorded so as to reflect the votes of each individual member and with each recommendation, if approved, to become effective for the offices and positions covered at the beginning of the first pay period which begins after the thirtieth day following the approval of the recommendation by the second house of the Congress to approve the recommendation, for provisions directing that all or part of the recommendations of the President transmitted to the Congress in the budget under section 358 of this title be effective at the beginning of the first pay period beginning after the thirtieth day following the transmittal of the recommendations to the budget, but only to the extent that, between the date of transmittal of the recommendations in the budget and the beginning of the pay period, there has not been enacted into law a statute establishing rates of pay other than the rates set in the recommendation, neither house of the Congress specifically disapproves all or part of the recommendations, or both.

Par. (2). Pub. L. 95–19 reenacted par. (2) without change.

§ 360. Effect of recommendations on existing law and prior recommendations

The recommendations of the President taking effect as provided in section 359 of this title shall be held and considered to modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith—

(A) all provisions of law enacted prior to the effective date or dates of all or part (as the case may be) of such recommendations (other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under section 358 of this title and ending on the date of their approval under section 359(2) of this title), and

(B) any prior recommendations of the President which take effect under this chapter.

(Pub. L. 90–206, title II, § 225(j), Dec. 16, 1967, 81 Stat. 644; Pub. L. 95–19, title IV, § 401(b), Apr. 12, 1977, 91 Stat. 46; Pub. L. 99–190, § 135(f), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101–194, title VII, § 701(h), Nov. 30, 1989, 103 Stat. 1766.)

AMENDMENTS

1989—Cl. (A). Pub. L. 101–194 substituted ''(other than any provision of law enacted with respect to such recommendations in the period beginning on the date the President transmits his recommendations to the Congress under section 358 of this title and ending on the date of their approval under section 359(2) of this title), and'' for ''(other than any provision of law enacted in the period specified section 359 of this title with respect to such recommendations), and''.

1985—Pub. L. 99–190 substituted ''taking effect as provided in section 359 of this title shall'' for ''transmitted to the Congress immediately following a review conducted by the Commission in one of the fiscal years referred to in section 352(2) and (3) of this title shall, if approved by the Congress as provided in section 359 of this title,'', and in cl. (A) struck out ''in paragraph (1) of'' before ''section 359 of this title''.

1977—Pub. L. 95–19 inserted '', if approved by the Congress as provided in section 359 of this title,''.

§ 361. Publication of recommendations

The recommendations of the President which take effect shall be printed in the Statutes at Large in the same volume as public laws and shall be printed in the Federal Register and included in the Code of Federal Regulations.

(Pub. L. 90–206, title II, § 225(k), Dec. 16, 1967, 81 Stat. 644.)

§ 362. Requirements applicable to recommendations

Notwithstanding any other provision of this chapter, the recommendations submitted by the Commission to the President under section 357 of this title, and the recommendations transmitted by the President to the Congress under section 358 of this title, shall be in conformance with the following:

(1) Any recommended pay adjustment shall specify the date as of which it is proposed that such adjustment take effect.

(2) The proposed effective date of a pay adjustment may occur no earlier than January 1 of the second fiscal year, and no later than December 31 next following the close of the fifth fiscal year, beginning after the fiscal year in which the Commission conducts its review under section 356 of this title.

(3)(A)(i) The rates of pay recommended for the Speaker of the House of Representatives, the Vice President of the United States, and the Chief Justice of the United States, respectively, shall be equal.

(ii) The rates of pay recommended for the majority and minority leaders of the Senate and the House of Representatives, the President pro tempore of the Senate, and each office or position under section 5312 of title 5 (relating to level I of the Executive Schedule), respectively, shall be equal.

(iii) The rates of pay recommended for a Senator, a Member of the House of Representatives, the Resident Commissioner from Puerto Rico, a Delegate to the House of Representatives, a judge of a district court of the United States, a judge of the United States Court of International Trade, and each office or position under section 5313 of title 5 (relating to level II of the Executive Schedule), respectively, shall be equal.

(B) Nothing in this section shall be considered to require that the rate recommended for any office or position by the President under section 358 of this title be the same as the rate recommended for such office or position by the Commission under section 357 of this title.

(Pub. L. 90–206, title II, § 225(*l*), as added Pub. L. 101–194, title VII, § 701(i), Nov. 30, 1989, 103 Stat. 1766.)

§ 363. Additional function

The Commission shall, whenever it conducts a review under section 356 of this title, also conduct a review under this section relating to any recruitment or retention problems, and any public policy issues involved in maintaining appropriate ethical standards, with respect to any offices or positions within the Federal public service. Any findings or recommendations under this section shall be included by the Commission as part of its report to the President under section 357 of this title.

(Pub. L. 90–206, title II, § 225(m), as added Pub. L. 101–194, title VII, § 701(j), Nov. 30, 1989, 103 Stat. 1767.)

§ 364. Provision relating to certain other pay adjustments

(1) A provision of law increasing the rate of pay payable for an office or position within the purview of subparagraph (A), (B), (C), or (D) of section 356 of this title shall not take effect before the beginning of the Congress following the Congress during which such provision is enacted.

(2) For purposes of this section, a provision of law enacted during the period beginning on the Tuesday following the first Monday of November of an even-numbered year of any Congress and ending at noon on the following January 3 shall be considered to have been enacted during the first session of the following Congress.

(3) Nothing in this section shall be considered to apply with respect to any pay increase—

(A) which takes effect under the preceding sections of this chapter;

(B) which is based on a change in the Employment Cost Index (as determined under section 704(a)(1) of the Ethics Reform Act of 1989) or which is in lieu of any pay adjustment which might otherwise be made in a year based on a change in such index (as so determined); or

(C) which takes effect under section 702 or 703 of the Ethics Reform Act of 1989.

(Pub. L. 90–206, title II, §225(n), as added Pub. L. 101–194, title VII, §701(k), Nov. 30, 1989, 103 Stat. 1767.)

REFERENCES IN TEXT

Sections 702, 703, and 704(a)(1) of the Ethics Reform Act of 1989, referred to in par. (3)(B), (C), are sections 702, 703, and 704(a)(1) of Pub. L. 101–194 which are set out as notes under sections 5303 and 5318 of Title 5, Government Organization and Employees.

CHAPTER 12—CONTESTED ELECTIONS

Sec.
381. Definitions.
382. Notice of contest.
383. Response of contestee.
384. Service and filing of papers other than notice of contest.
385. Default of contestee.
386. Deposition.
387. Notice of depositions.
388. Subpena for attendance at deposition.
389. Officer and witness fees.
390. Penalty for failure to appear, testify, or produce documents.
391. Certification and filing of depositions.
392. Record.
393. Filing of pleadings, motions, depositions, appendixes, briefs, and other papers.
394. Computation of time.
395. Death of contestant.
396. Allowance of party's expenses.

§381. Definitions

For purposes of this chapter:

(1) The term ''election'' means an official general or special election to choose a Representative in, or Delegate or Resident Commissioner to, the Congress, but that term does not include a primary election, or a caucus or convention of a political party.

(2) The term ''candidate'' means an individual (A) whose name is printed on the official ballot for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, or (B) notwithstanding his name is not printed on such ballot, who seeks election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress by write-in votes, provided that he is qualified for such office and that, under the law of the State in which the congressional district is located, write-in voting for such office is permitted and he is eligible to receive write-in votes in such election.

(3) The term ''contestant'' means an individual who contests the election of a Member of the House of Representatives under this chapter.

(4) The term ''contestee'' means a Member of the House of Representatives whose election is contested under this chapter.

(5) The term ''Member of the House of Representatives'' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office but has not taken the oath of office.

(6) The term ''Clerk'' means the Clerk of the House of Representatives.

(7) The term ''committee'' means the Committee on House Oversight of the House of Representatives.

(8) The term ''State'' means a State of the United States and any territory or possession of the United States.

(9) The term ''write-in vote'' means a vote cast for a person whose name does not appear on the official ballot by writing in the name of such person on such ballot or by any other method prescribed by the law of the State in which the election is held.

(Pub. L. 91–138, §2, Dec. 5, 1969, 83 Stat. 284; Pub. L. 104–186, title II, §211(1), (2), Aug. 20, 1996, 110 Stat. 1743, 1744.)

AMENDMENTS

1996—Pub. L. 104–186, §211(1)(A)–(C), substituted ''chapter:'' for ''chapter—'' in introductory provisions, redesignated subdivs. (a) to (i) as pars. (1) to (9), respectively, and realigned margins of pars. (1) to (9).

Par. (1). Pub. L. 104–186, §211(2)(A), substituted '', or Delegate or Resident Commissioner to, the Congress, but that term'' for ''or Resident Commissioner to the Congress of the United States, but''.

Par. (2). Pub. L. 104–186, §211(2)(B), substituted ''office of Representative in, or Delegate or Resident Commissioner to, the Congress'' for ''House of Representatives of the United States'' in subpar. (A) and ''House of Representatives'' in subpar. (B).

Pub. L. 104–186, §211(1)(D), redesignated pars. (1) and (2) as subpars. (A) and (B), respectively.

Pars. (3), (4). Pub. L. 104–186, §211(2)(C), (D), struck out ''of the United States'' after ''House of Representatives''.

Par. (5). Pub. L. 104–186, §211(2)(E), substituted ''term 'Member of the House of Representatives' means an incumbent Representative in, or Delegate or Resident Commissioner to, the Congress, or an individual who has been elected to such office'' for ''term 'Member' means an incumbent Representative in or Resident Commissioner to the Congress of the United States, or an individual who has been elected to either of such offices''.

Par. (6). Pub. L. 104–186, §211(2)(F), struck out ''of the United States'' after ''House of Representatives''.

Par. (7). Pub. L. 104–186, §211(2)(G), substituted ''House Oversight of the House of Representatives'' for ''House Administration of the House of Representatives of the United States''.

Par. (8). Pub. L. 104–186, §211(2)(H), substituted ''means a State of the United States and any territory or'' for ''includes territory and''.

Par. (9). Pub. L. 104–186, §211(1)(A), (C), redesignated former subsec. (i) as par. (9).

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Section 19 of Pub. L. 91–138 provided that: ''The provisions of, and the repeals made by, this Act [enacting this chapter and repealing sections 201 to 226 of this title] shall apply with respect to any general or special election for Representative in, or Resident Commis-