

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of disapproval resolutions and such procedures supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(B) For purposes of this subsection, the term “disapproval resolution” means only a joint resolution of either House of Congress the matter after the resolving clause of which is as follows: “That the Congress disapproves the action taken under section 232 of the Trade Expansion Act of 1962 with respect to petroleum imports under \_\_\_\_\_ dated \_\_\_\_\_.”, the first blank space being filled with the number of the proclamation, Executive order, or other Executive act issued under the authority of subsection (c) of this section for purposes of adjusting imports of petroleum or petroleum products and the second blank being filled with the appropriate date.

(C)(i) All disapproval resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all disapproval resolutions introduced in the Senate shall be referred to the Committee on Finance.

(ii) No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this clause by unanimous consent.

## 12. Federal Salary Act of 1967, § 225(h)–(j) [2 U.S.C. 358–60]

SEC. 225. CITIZENS’ COMMISSION ON PUBLIC SERVICE AND  
COMPENSATION.— \* \* \*

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(h) RECOMMENDATIONS OF THE PRESIDENT WITH RESPECT TO PAY [2 U.S.C. 358].— \* \* \* (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) [2 U.S.C. 357].

(i) EFFECTIVE DATE OF RECOMMENDATIONS OF THE PRESIDENT [2 U.S.C. 359].—(1) None of the President's recommendations under subsection (h) [2 U.S.C. 358] shall take effect unless approved under paragraph (2).

(2)(A) The recommendations of the President under subsection (h) [2 U.S.C. 358] 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 subsection (h) [2 U.S.C. 358], 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) [2 U.S.C. 358] 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) [2 U.S.C. 358]) 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.

(j) EFFECT OF RECOMMENDATIONS ON EXISTING LAW AND PRIOR RECOMMENDATIONS [2 U.S.C. 360].—The recommendations of the President taking effect as provided in section 225(i) [2 U.S.C. 359] 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 subsection (h) [2 U.S.C. 358] and ending on the date of their approval under subsection (i)(2) [2 U.S.C. 359(2)]), and

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

In 1985, the Salary Act was amended to require a salary commission report with respect to fiscal year 1987. The President transmitted recommendations concerning that report in the fiscal year 1988 Budget message (Jan. 5, 1987, H. Doc. 100–11). Because not disapproved by the Congress in accordance with the Salary Act (2 U.S.C. 359), those recommendations took effect on March 1, 1987. On return to the normal quadrennial cycle, the President transmitted with the fiscal year 1990 Budget message recommendations concerning a salary commission report with respect to fiscal year 1989 (Jan. 9, 1989, H. Doc. 101–21). Those recommendations were disapproved by Public Law 101–1 (H. J. Res. 129, 101st Cong., Feb. 7, 1989, p. 1708). In 1989, the Salary Act was amended to redesignate the Commission, refine the parameters for quadrennial adjustments, and provide for privileged consideration of legislation to approve adjustments recommended by the President. The quadrennial review contemplated by the statute has not occurred since 1993. Adjustments are to maintain equal levels of pay among the Speaker, the Vice President, and the Chief Justice; among the Majority and Minority Leaders, the President pro tempore of the Senate, and level I of the Executive Schedule; and among Representatives, Senators, certain judges, and level II of the Executive Schedule (2 U.S.C. 362).

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Under section 311(d) of the Legislative Branch Appropriations Act, 1988 (2 U.S.C. 60a-2a), the Speaker may adjust pay levels for officers and employees of the House to maintain certain relationships with comparable levels in the Senate and in the other branches of government. This authority to issue “pay orders” is stated as follows:

“Sec. 311. \* \* \* (d)(1) Notwithstanding any other provision of this Act, or any other provision of law, rule, or regulation, hereafter each time the President pro tempore of the Senate exercises any authority pursuant to any of the amendments made by this section with respect to rates of pay or any other matter relating to personnel whose pay is disbursed by the Secretary of the Senate, or whenever any of the events described in paragraph (2) occurs, the Speaker of the House of Representatives may adjust the rates of pay (and any minimum or maximum rate, limitation, or allowance) applicable to personnel whose pay is disbursed by the Chief Administrative Officer of the House of Representatives to the extent necessary to ensure—

“(A) appropriate pay levels and relationships between and among positions held by personnel of the House of Representatives; and

“(B) appropriate pay relationships between—

“(i) positions referred to in subparagraph (A); and

“(ii)(I) positions under subparagraphs (A) through (D) of section 225(f) of the Federal Salary Act of 1967 [2 U.S.C. 356];

“(II) positions held by personnel whose pay is disbursed by the Secretary of the Senate; and

“(III) positions to which the General Schedule applies.

“(2) The other events permitting an exercise of authority under this subsection are either—

“(A) an adjustment under section 5303 of title 5, United States Code, in rates of pay under the General Schedule; or

“(B) an adjustment in rates of pay for Members of the House of Representatives (other than an adjustment which occurs by virtue of an adjustment described in subparagraph (A)).

“(3) For the purpose of this subsection, the term ‘Member of the House of Representatives’ means a Member of the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.”