

**Public Law 94-82
94th Congress**

An Act

To amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, to provide for cost-of-living adjustments of Federal executive salaries, and for other purposes.

Aug. 9, 1975
[H.R. 2559]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—POSTAL SERVICE

SEC. 101. Section 410(b) of title 39, United States Code, is amended—

- (1) by striking out the word “and” at the end of paragraph (5);
 - (2) by striking out the period at the end of paragraph (6) and inserting in lieu of the period a semicolon and the word “and”; and
 - (3) by adding immediately below paragraph (6) the following paragraph:
- “(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).”.

Postal Service,
safety programs;
Federal executive
salary
adjustments.

TITLE II—EXECUTIVE SALARIES

SEC. 201. This title may be cited as the “Executive Salary Cost-of-Living Adjustment Act”.

SEC. 202. (a) Subchapter II of chapter 53 of title 5, United States Code, relating to Executive Schedule pay rates, is amended by adding at the end thereof the following new section:

“§ 5318. Adjustments in rates of pay

“Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title in the rates of pay under the General Schedule, the annual rate of pay for positions at each level of the Executive Schedule shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the percentage of such annual rate of pay which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.”.

(b) (1) That part of section 5312 (relating to level I of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

“Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title.”.

(2) That part of section 5313 (relating to level II of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

Executive Salary
Cost-of-Living
Adjustment Act.
5 USC 5312 note.

5 USC 5318.

5 USC 5305.
5 USC 5332 note.

2 USC 351 *et seq.*

5 USC 5313.

2 USC 351 *et seq.*

“Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title.”.

(3) That part of section 5314 (relating to level III of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

“Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title.”.

(4) That part of section 5315 (relating to level IV of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

“Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title.”.

(5) That part of section 5316 (relating to level V of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

“Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title.”.

(6) The analysis of subchapter II of chapter 53 of title 5, United States Code, is amended by adding the following new item at the end thereof:

“5318. Adjustments in rates of pay.”.

(c) (1) Subsection (a) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence:

“The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.”.

(2) Subsection (c) (1) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence: “The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.”.

SEC. 203. Section 104 of title 3, United States Code, relating to the rate of salary of the Vice President, is amended by striking out “\$62,500, to be paid monthly.” and inserting in lieu thereof “the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Effective at the beginning of the first month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the nearest higher multiple of \$100), equal to the percentage of such per annum rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5)

5 USC 5332 note.

Vice President.

of the adjustment in such rates of pay. Such salary shall be paid on a monthly basis.”.

SEC. 204 (a) Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

“Sec. 601. (a)(1) The annual rate of pay for—

“(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

“(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

“(C) the Speaker of the House of Representatives, shall be the rate determined for such positions under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by paragraph (2) of this subsection.

“(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.”.

(b) Subsections (a) through (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415), relating to the annual rate of pay of certain legislative officials, are amended to read as follows:

“Sec. 203 (a) The compensation of the Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level II of the Executive Schedule of subchapter II of chapter 53 of title 5, United States Code.

“(b) The compensation of the Deputy Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level III of such Executive Schedule.

“(c) The compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, and the Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level IV of such Executive Schedule.

“(d) The compensation of the Deputy Librarian of Congress and the Assistant Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level V of such Executive Schedule.”.

(c) (1) Section 303 of title 44, United States Code, relating to the compensation of the Public Printer and Deputy Public Printer, is amended to read as follows:

§ 303. Public Printer and Deputy Public Printer: pay

“The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule.”.

(2) The item relating to section 303 in the chapter analysis for chapter 3 of title 44, United States Code, is amended to read as follows:

Members of
Congress.

5 USC 5332 note.

Legislative
officials.

31 USC 42a.

5 USC 5313.
31 USC 42a.

5 USC 5314.
2 USC 136a; 31
USC 51a; 40 USC
162a.

5 USC 5315.
2 USC 136a-1; 40
USC 166b.
5 USC 5316.

"303. Public Printer and Deputy Public Printer : pay.".

2 USC 60a note. (d) Section 4(d) of the Federal Pay Comparability Act of 1970 (84 Stat. 1952) is amended by striking out "level V" and "section 5316" and inserting in lieu thereof "level III" and "section 5314", respectively.

SEC. 205. (a) (1) Chapter 21 of title 28, United States Code, relating to general provisions applicable to courts and judges, is amended by adding at the end thereof the following new section:

28 USC 461.

"§ 461. Adjustments in certain salaries"

(a) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule (except as provided in subsection (b)), each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustments in the rates of pay under such Schedule.

(b) Subsection (a) shall not apply to the extent it would reduce the salary of any individual whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.".

(2) The analysis of chapter 21 of such title is amended by adding at the end thereof the following new item:

"461. Adjustments in certain salaries."

(b) (1) Section 5 of title 28, United States Code, relating to salaries of justices of the Supreme Court, is amended to read as follows:

"§ 5. Salaries of justices"

"The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.".

(2) Section 44(d) of title 28, United States Code, relating to salaries of circuit judges, is amended to read as follows:

"(d) Each circuit judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.".

(3) Section 135 of title 28, United States Code, relating to salaries of district judges, is amended to read as follows:

"§ 135. Salaries of district judges"

"Each judge of a district court of the United States shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.".

Supra.

**Court of Claims
judges.**

(4) The second sentence of section 173 of title 28, United States Code, relating to salaries of judges of the Court of Claims, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.".

**Court of Customs
and Patent
Appeals judges.**

(5) The second sentence of section 213 of title 28, United States Code, relating to salaries of judges of the Court of Customs and Patent Appeals, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal

Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.”.

(6) The second sentence of section 252 of title 28, United States Code, relating to judges of the Customs Court, is amended to read as follows: “Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title.”.

Customs Court judges.

(7) So much of the first sentence of section 792(b) (relating to salaries of Court of Claims commissioners) of title 28, United States Code, as precedes “, and also all necessary traveling expenses” is amended to read as follows: “Each commissioner shall receive pay at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted by section 461 of this title”.

Court of Claims commissioners.

(8) The first sentence of section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), relating to compensation of referees in bankruptcy, is amended to read as follows: “Referees shall receive as full compensation for their services salaries to be fixed by the conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, at rates, in the case of full-time referees, not more than the rate determined for such referees under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351-361), as adjusted under section 461 of title 28, United States Code, and in the case of part-time referees, not more than one-half of such rate, as so adjusted.”.

Referees in bankruptcy.

SEC. 206. (a) Section 225(f)(A) of the Federal Salary Act of 1967 (2 U.S.C. 356(A)), is amended—

(1) by inserting “the Vice President of the United States,” immediately before “Senators”;

(2) by striking out “and” immediately after “Representatives”; and

(3) by inserting immediately before the semicolon a comma and the following: “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) 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 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, as adjusted under sections 203 and 204 of this title.

2 USC 356 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-271 (Comm. on Post Office and Civil Service).

SENATE REPORT No. 94-333 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 16, considered and passed House.

July 28, 29, considered and passed Senate, amended.

July 30, House concurred in Senate amendments.