

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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.

§ 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 begin-