

107TH CONGRESS
1ST SESSION

S. 1129

To increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2001

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

A BILL

To increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROVISIONS RELATING TO CERTAIN OFFICES**

4 **AND POSITIONS WITHIN THE EXECUTIVE**
5 **BRANCH.**

6 (a) EXECUTIVE SCHEDULE PAY RATES.—

7 (1) IN GENERAL.—Section 5318 of title 5,
8 United States Code, is amended—

1 (A) by redesignating subsection (a) as sub-
2 section (a)(1) and subsection (b) as paragraph
3 (2); and

4 (B) by adding at the end the following:

5 “(b)(1)(A) Effective at the beginning of the first ap-
6 plicable pay period commencing on or after the first day
7 of the month in which any comparability payment becomes
8 payable under section 5304 or 5304a with respect to Gen-
9 eral Schedule employees within the District of Columbia
10 during any year, the annual rate of pay for positions at
11 each level of the Executive Schedule (exclusive of any pre-
12 vious adjustment under this subsection) shall be adjusted
13 by an amount, rounded to the nearest multiple of \$100
14 (or if midway between multiples of \$100, to the next high-
15 est multiple of \$100) equal to the percentage of such an-
16 nual rate of pay which corresponds to the percentage ad-
17 justment becoming so payable with respect to General
18 Schedule employees within the District of Columbia under
19 such section 5304 or 5304a (as applicable).

20 “(B) If an adjustment under this subsection is sched-
21 uled to take effect on the same date as an adjustment
22 under subsection (a), the adjustment under subsection (a)
23 shall be made first.

24 “(2) An annual rate of pay, as adjusted under para-
25 graph (1), shall for all purposes be treated as the annual

1 rate of pay for the positions involved, except as otherwise
 2 provided in subsection (a), paragraph (1), or any other
 3 provision of law.

4 “(3) Nothing in this subsection shall be considered
 5 to permit or require the continuation of an adjustment
 6 under paragraph (1) after the comparability payment (for
 7 General Schedule employees within the District of Colum-
 8 bia) on which it was based has been terminated or super-
 9 seded.”.

10 (2) CONTRACT APPEALS BOARD MEMBERS.—

11 Section 5372a of title 5, United States Code, is
 12 amended—

13 (A) in subsection (b)(2) by striking “97
 14 percent of the rate under paragraph (1)” and
 15 inserting “no less than 97 percent of the rate
 16 under paragraph (1)”;

17 (B) in subsection (b)(3) by striking “94
 18 percent of the rate under paragraph (1)” and
 19 inserting “no less than 94 percent of the rate
 20 under paragraph (1)”; and

21 (C) by adding at the end the following:

22 “(d) Subject to subsection (b), effective at the begin-
 23 ning of the first applicable pay period commencing on or
 24 after the first day of the month in which an adjustment
 25 takes effect under section 5303 in the rates of basic pay

1 under the General Schedule, each rate of basic pay for
 2 contract appeals board members shall be adjusted by an
 3 amount determined by the President to be appropriate.”.

4 (3) CONFORMING AMENDMENTS.—Section 5318
 5 of title 5, United States Code, is amended—

6 (A) in the first sentence of subsection

7 (a)(1) (as redesignated)—

8 (i) by striking “Subject to subsection

9 (b),” and inserting “Subject to paragraph

10 (2),”; and

11 (ii) by inserting “(exclusive of any

12 previous adjustment under subsection (b))”

13 after “Executive Schedule”; and

14 (B) in subsection (a)(2) (as redesignated),

15 by striking “subsection (a)” and inserting

16 “paragraph (1)”.

17 (b) AMENDMENTS RELATING TO CERTAIN LIMITA-
 18 TION AND OTHER PROVISIONS.—

19 (1) PROVISIONS TO BE APPLIED BY EXCLUDING

20 EXECUTIVE SCHEDULE COMPARABILITY ADJUST-

21 MENT.—Sections 5303(f), 5304(h)(1)(F), 5306(e),

22 and 5373(a) of title 5, United States Code, are each

23 amended by inserting “, exclusive of any adjustment

24 under section 5318(b)” after “Executive Schedule”.

1 (2) LIMITATION ON CERTAIN PAYMENTS.—Sec-
 2 tion 5307(a) of title 5, United States Code, is
 3 amended by adding at the end the following:

4 “(3) In the case of an employee who is receiving basic
 5 pay under section 5372a, 5376, or 5383, paragraph (1)
 6 shall be applied by substituting ‘the annual rate of salary
 7 of the Vice President of the United States’ for ‘the annual
 8 rate of basic pay payable for level I of the Executive
 9 Schedule’. Regulations under subsection (c) may extend
 10 the application of the preceding sentence to other equiva-
 11 lent categories of employees.”.

12 (3) REFERENCES TO LEVEL IV OF THE EXECU-
 13 TIVE SCHEDULE.—Sections 5372(b)(1)(C),
 14 5372a(b)(1), 5376(b)(1)(B), and 5382(b) of title 5,
 15 United States Code, are each amended by striking
 16 “level IV” each place it appears and inserting “level
 17 III”.

18 **SEC. 2. PROVISIONS RELATING TO CERTAIN OFFICES AND**
 19 **POSITIONS WITHIN THE JUDICIAL BRANCH.**

20 (a) INCREASE IN MAXIMUM RATES OF BASIC PAY
 21 ALLOWABLE.—

22 (1) FOR POSITIONS COVERED BY SECTION
 23 604(a)(5) OF TITLE 28, UNITED STATES CODE.—Sec-
 24 tion 604(a)(5) of title 28, United States Code, is
 25 amended by striking “by law” and inserting “by law

(except that the rate of basic pay fixed under this paragraph for any such employee may not exceed the rate for level IV of the Executive Schedule)’’.

(2) FOR CIRCUIT EXECUTIVES.—Section 332(f)(1) of title 28, United States Code, is amended by striking “level IV of the Executive Schedule pay rates under section 5315” and inserting “level III of the Executive Schedule pay rates under section 5314”.

(3) FOR PERSONNEL OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—

(A) IN GENERAL.—Section 3(a) of the Administrative Office of the United States Courts Personnel Act of 1990 (28 U.S.C. 602 note) is amended—

(i) in paragraph (1), by striking “level V” and inserting “level IV”; and

(ii) in paragraph (10), by striking “level IV” and inserting “level III”.

(B) PROVISIONS RELATING TO CERTAIN ADDITIONAL POSITIONS.—Section 603 of title 28, United States Code, is amended by striking “level IV of the Executive Schedule under section 5315” and inserting “level III of the Executive Schedule under section 5314”.

1 (b) SALARY OF THE DIRECTOR OF THE ADMINISTRA-
2 TIVE OFFICE OF THE UNITED STATES COURTS.—Section
3 603 of title 28, United States Code, is amended by strik-
4 ing “district” and inserting “circuit”.

5 **SEC. 3. EFFECTIVE DATE.**

6 The amendments made by this Act shall be effective
7 with respect to pay periods beginning on or after the date
8 of enactment of this Act.

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