

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).

Statutory Notes and Related Subsidiaries

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 adjusted 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 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.

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

Pub. L. 94-82, title II, § 206(b), Aug. 9, 1975, 89 Stat. 423, 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 60a note, 136a, 136a-1, and 4501 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

Editorial Notes

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.] was formerly 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.)

Editorial Notes

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”.

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.

1985 FISCAL YEAR RECOMMENDATIONS ON PAY RATES OF OFFICES AND POSITIONS

Pub. L. 99-190, § 135(g), Dec. 19, 1985, 99 Stat. 1323, provided that notwithstanding section 357 of this title, the Commission on Executive, Legislative, and Judicial Salaries should not make recommendations on the pay rates of certain offices and positions under section 356 of this title in connection with rate reviews 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.)

Editorial Notes

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".

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.

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 recommendation 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).

Executive Documents

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.

[Pub. L. 101-1, Feb. 7, 1989, 103 Stat. 3, provided: "That the Congress disapproves in their entirety the recommendations transmitted to the Congress by the President 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.)