

In reviewing the rates of pay of the offices or positions referred to in subparagraph (D) of this section, the Commission shall determine and consider the appropriateness of the executive levels of such offices and positions.

(Pub. L. 90-206, title II, §225(f), Dec. 16, 1967, 81 Stat. 643; Pub. L. 91-375, §6(a), Aug. 12, 1970, 84 Stat. 775; Pub. L. 94-82, title II, §206(a), Aug. 9, 1975, 89 Stat. 423; Pub. L. 95-598, title III, §301, Nov. 6, 1978, 92 Stat. 2673; Pub. L. 97-164, title I, §143, Apr. 2, 1982, 96 Stat. 45; Pub. L. 99-190, §135(b), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 100-202, §101(a) [title IV, §408(c)], Dec. 22, 1987, 101 Stat. 1329, 1329-27; Pub. L. 101-194, title VII, §701(d), Nov. 30, 1989, 103 Stat. 1764; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Subsections (a), (b), (c), and (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415; Public Law 88-426), referred to in par. (B), are subsecs. (a) to (d) of section 203 of Pub. L. 88-426, title II, Aug. 14, 1964, 78 Stat. 415. Subsecs. (a) and (b), which originally related to compensation of the Comptroller General and Assistant Comptroller General, respectively, of the United States, were classified to section 42a of former Title 31, Money and Finance. Subsec. (c), which originally related to compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, the Public Printer, and the Architect of the Capitol, was classified to sections 136a and 1802 of this title, section 51a of former Title 31, and section 39a of former Title 44, Public Printing and Documents. Subsec. (d), which originally related to compensation of the Deputy Librarian of Congress, the Deputy Public Printer, and the Assistant Architect of the Capitol, was classified to section 136a-1 of this title, section 166b of former Title 40, Public Buildings, Property, and Works, and section 39a of former Title 44. Sections 136a (Librarian of Congress) and 136a-1 (Deputy Librarian of Congress) of this title were omitted from the Code as superseded by section 136a-2 of this title. Sections 42a (Comptroller General and Deputy Comptroller General) and 51a (General Counsel of General Accounting Office) of former Title 31 were repealed, and restated in sections 703(f) and 731(c) of Title 31, Money and Finance, by Pub. L. 97-258, §§1, 5(b), Sept. 13, 1982, 96 Stat. 889, 897, 1068. Section 166b (Assistant Architect of the Capitol) of former Title 40 was omitted from the Code as superseded by section 166b-3a of former Title 40 (now section 1848 of this title) and was repealed by Pub. L. 107-217, §6(b), Aug. 21, 2002, 116 Stat. 1304. Section 39a (Public Printer and Deputy Public Printer) of former Title 44 was repealed, and restated in section 303 of Title 44, Public Printing and Documents, by Pub. L. 90-620, §§1, 3, Oct. 22, 1968, 82 Stat. 1239, 1306.

The rates of pay of justices, judges, and other personnel in the judicial branch, referred to in par. (C), are set out in section 867 of Title 10, Armed Forces; section 7443 of Title 26, Internal Revenue Code; and sections 5, 44, 135, 173, 213, 252, 603, and 792 of Title 28, Judiciary and Judicial Procedure.

AMENDMENTS

1992—Par. (C). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1989—Pub. L. 101-194 substituted “subparagraphs (A) and (B) of section 352(8) of this title” for “section 352(2) and (3) of this title”.

1987—Par. (C). Pub. L. 100-202 substituted “except bankruptcy judges, but including” for “and magistrates and”.

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).

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 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

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.)

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”.

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 225(g) of such Act (2 U.S.C. 357), the Commission on Executive, Legislative, and Judicial Salaries shall not make recommendations on the rates of pay of offices and positions within the purview of subparagraphs (A), (B), (C), and (D) of section 225(f) of such Act (2 U.S.C. 356) in connection with the review of rates of pay of such offices and positions conducted by the Commission 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.)

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”.

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).

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