

**§ 335. Obsolete references in existing law to basic pay rates**

In any case in which—

- (1) the rate of pay of any employee or position, or class of employees or positions, the pay for whom or for which is disbursed by the Chief Administrative Officer of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution; and
- (2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or resolution shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or resolution, under section 334<sup>1</sup> of this title on and after such date.

(Pub. L. 91-510, title IV, §475, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104-186, title II, §210(4), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

Section 334 of this title, referred to in text, was repealed by Pub. L. 104-186, title II, §210(3)(A), Aug. 20, 1996, 110 Stat. 1743.

AMENDMENTS

1996—Par. (1). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

**§ 336. Saving provision**

The provisions of this chapter shall not be construed to—

- (1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, any position for which the pay is disbursed by the Chief Administrative Officer of the House of Representatives; or
- (2) affect the continuity of employment of, or reduce the pay of, any employee whose pay is disbursed by the Chief Administrative Officer of the House.

(Pub. L. 91-510, title IV, §476, Oct. 26, 1970, 84 Stat. 1195; Pub. L. 104-186, title II, §210(5), Aug. 20, 1996, 110 Stat. 1743.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Part”, meaning part 6 (§§471-477) of title IV of Pub. L. 91-510, Oct. 26, 1970, 84 Stat. 1193, which enacted this chapter, amended section 5533 of Title 5, Government Organization and Employees, repealed sections 60g, 60g-1, and 72a of this title, and enacted provisions set out as a note under section 331 of this title. For complete classification of part 6 to the Code, see Tables.

AMENDMENTS

1996—Pars. (1), (2). Pub. L. 104-186 substituted “Chief Administrative Officer” for “Clerk”.

**CHAPTER 11—CITIZENS’ COMMISSION ON PUBLIC SERVICE AND COMPENSATION**

Sec. 351. Establishment.

<sup>1</sup> See References in Text note below.

- Sec. 352. Membership.
- 353. Executive Director; additional personnel; detail of personnel of other agencies.
- 354. Use of United States mails.
- 355. Administrative support services.
- 356. Functions.
- 356a. Omitted.
- 357. Report by Commission to President with respect to pay.
- 358. Recommendations of President with respect to pay.
- 359. Effective date of recommendations of President.
- 360. Effect of recommendations on existing law and prior recommendations.
- 361. Publication of recommendations.
- 362. Requirements applicable to recommendations.
- 363. Additional function.
- 364. Provision relating to certain other pay adjustments.

**§ 351. Establishment**

There is hereby established a commission to be known as the Citizens’ Commission on Public Service and Compensation (hereinafter referred to as the “Commission”).

(Pub. L. 90-206, title II, §225(a), Dec. 16, 1967, 81 Stat. 642; Pub. L. 101-194, title VII, §701(a), Nov. 30, 1989, 103 Stat. 1763.)

AMENDMENTS

1989—Pub. L. 101-194 substituted “Citizens’ Commission on Public Service and Compensation” for “Commission on Executive, Legislative, and Judicial Salaries”.

EFFECTIVE DATE

Chapter 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.

**§ 352. Membership**

(1) The Commission shall be composed of 11 members, who shall be appointed from private life as follows:

- (A) 2 appointed by the President of the United States;
- (B) 1 appointed by the President pro tempore of the Senate, upon the recommendation of the majority and minority leaders of the Senate;
- (C) 1 appointed by the Speaker of the House of Representatives;
- (D) 2 appointed by the Chief Justice of the United States; and
- (E) 5 appointed by the Administrator of General Services in accordance with paragraph (4).

(2) No person shall serve as a member of the Commission who is—

- (A) an officer or employee of the Federal Government;
- (B) registered (or required to register) under the Federal Regulation of Lobbying Act;<sup>1</sup> or
- (C) a parent, sibling, spouse, child, or dependent relative, of anyone under subparagraph (A) or (B).

(3) The persons appointed under subparagraphs (A) through (D) of paragraph (1) shall be selected

<sup>1</sup> See References in Text note below.

without regard to political affiliation, and should be selected from among persons who have experience or expertise in such areas as government, personnel management, or public administration.

(4) The Administrator of General Services shall by regulation establish procedures under which persons shall be selected for appointment under paragraph (1)(E). Such procedures—

(A) shall be designed in such a way so as to provide for the maximum degree of geographic diversity practicable among members under paragraph (1)(E);

(B) shall include provisions under which those members shall be chosen by lot from among names randomly selected from voter registration lists; and

(C) shall otherwise comply with applicable provisions of this section.

(5) The chairperson shall be designated by the President.

(6) A vacancy in the membership of the Commission shall be filled in the manner in which the original appointment was made.

(7) Each member of the Commission shall be paid at the rate of \$100 for each day such member is engaged upon the work of the Commission and shall be allowed travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, when engaged in the performance of services for the Commission.

(8)(A) The terms of office of persons first appointed as members of the Commission shall be for the period of the 1993 fiscal year of the Federal Government, and shall begin not later than February 14, 1993.

(B) After the close of the 1993 fiscal year of the Federal Government, persons shall be appointed as members of the Commission with respect to every fourth fiscal year following the 1993 fiscal year. The terms of office of persons so appointed shall be for the period of the fiscal year with respect to which the appointment is made, except that, if any appointment is made after the beginning and before the close of any such fiscal year, the term of office based on such appointment shall be for the remainder of such fiscal year.

(C)(i) Notwithstanding any provision of subparagraph (A) or (B), members of the Commission may continue to serve after the close of a fiscal year, if the date designated by the President under section 357 of this title (relating to the date by which the Commission is to submit its report to the President) is subsequent to the close of such fiscal year, and only if or to the extent necessary to allow the Commission to submit such report.

(ii) Notwithstanding any provision of section 353 of this title, authority under such section shall remain available, after the close of a fiscal year, so long as members of the Commission continue to serve.

(Pub. L. 90-206, title II, § 225(b), Dec. 16, 1967, 81 Stat. 642; Pub. L. 99-190, § 135(a), Dec. 19, 1985, 99 Stat. 1322; Pub. L. 101-194, title VII, § 701(b), Nov. 30, 1989, 103 Stat. 1763.)

#### REFERENCES IN TEXT

The Federal Regulation of Lobbying Act, referred to in par. (2)(B), is title III of act Aug. 2, 1946, ch. 753, 60

Stat. 839, which was classified generally to chapter 8A (§261 et seq.) of this title, prior to repeal by Pub. L. 104-65, §11(a), Dec. 19, 1995, 109 Stat. 701. For complete classification of this Act to the Code, see Tables.

#### AMENDMENTS

1989—Pub. L. 101-194 amended section generally, substituting pars. (1) to (8) for former pars. (1) to (5).

1985—Par. (3). Pub. L. 99-190 inserted “and with respect to fiscal year 1987” at end of first sentence.

#### § 353. Executive Director; additional personnel; detail of personnel of other agencies

(1) Without regard to the provisions of title 5 governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, and on a temporary basis for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title—

(A) the Commission is authorized to appoint an Executive Director and fix his basic pay at the rate provided for level V of the Executive Schedule by section 5316 of title 5; and

(B) with the approval of the Commission, the Executive Director is authorized to appoint and fix the basic pay (at respective rates not in excess of the maximum rate of the General Schedule in section 5332 of title 5) of such additional personnel as may be necessary to carry out the function of the Commission.

(2) Upon the request of the Commission, the head of any department, agency, or establishment of any branch of the Federal Government is authorized to detail, on a reimbursable basis, for periods covering all or part of any fiscal year referred to in subparagraphs (A) and (B) of section 352(8) of this title, any of the personnel of such department, agency, or establishment to assist the Commission in carrying out its function.

(Pub. L. 90-206, title II, § 225(c), Dec. 16, 1967, 81 Stat. 643; Pub. L. 101-194, title VII, § 701(c), Nov. 30, 1989, 103 Stat. 1764.)

#### REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in par. (1), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

#### AMENDMENTS

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” in pars. (1) and (2).

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

#### § 354. Use of United States mails

The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.