fice is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

''(3) APPEAL.—

''(A) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of State under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

''(B) JURISDICTION.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

''(c) EFFECTIVE DATE.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.''

COMPENSATION AND EMOLUMENTS OF SECRETARY OF THE TREASURY AT LEVEL IN EFFECT ON JANUARY 1, 1989

For provisions limiting compensation and emoluments of Secretary of the Treasury at levels in effect on Jan. 1, 1989, see section 1(a) of Pub. L. 103–2, set out as a note under section 301 of Title 31, Money and Finance.

COMPENSATION AND EMOLUMENTS OF SECRETARY OF STATE; FIXING AT LEVEL IN EFFECT ON JANUARY 1, 1977

Pub. L. 96–241, § 1, May 3, 1980, 94 Stat. 343, limited the compensation and other emoluments attached to the office of Secretary of State to those in effect Jan. 1, 1977, during the period beginning May 3, 1980, and ending on the date on which the first individual appointed to that office after May 3, 1980, ceases to hold that office.

COMPENSATION AND EMOLUMENTS OF ATTORNEY GENERAL; FIXING AT LEVEL IN EFFECT ON JANUARY 1, 1969

Provisions of Pub. L. 93–178, § 1, Dec. 10, 1973, 87 Stat. 697, which fixed the compensation and other emoluments attached to the Office of Attorney General at level in effect on Jan. 1, 1969, notwithstanding any other provision of law enacted or becoming effective during period from noon, Jan. 3, 1969, through noon, Jan. 2, 1975, were repealed by Pub. L. 94–2, Feb. 18, 1975, 89 Stat. 4, effective as of Feb. 4, 1975.

SALARY INCREASES

For adjustment of salaries under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of this title.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of this title.

§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Secretary of Defense.
Deputy Secretary of State.
Deputy Secretary of State for Management and Resources.
Administrator, Agency for International Development.
Administrator of the National Aeronautics and Space Administration.
Deputy Secretary of Veterans Affairs.
Deputy Secretary of Homeland Security.
Under Secretary of Homeland Security for Management.
Deputy Secretary of the Treasury.
Deputy Secretary of Transportation.
Chairman, Nuclear Regulatory Commission.
Chairman, Council of Economic Advisers.
Director of the Office of Science and Technology.
Director of the Central Intelligence Agency.
Secretary of the Air Force.
Secretary of the Army.
Secretary of the Navy.
Administrator, Federal Aviation Administration.
Director of the National Science Foundation.
Deputy Attorney General.
Deputy Secretary of Energy.
Deputy Secretary of Agriculture.
Director of the Office of Personnel Management.
Administrator, Federal Highway Administration.
Administrator of the Environmental Protection Agency.
Under Secretary of Defense for Acquisition, Technology, and Logistics.
Deputy Secretary of Labor.
Deputy Director of the Office of Management and Budget.
Independent Members, Thrift Depositor Protection Oversight Board.
Deputy Secretary of Health and Human Services.
Deputy Secretary of the Interior.
Deputy Secretary of Education.
Deputy Secretary of Housing and Urban Development.
Deputy Director for Management, Office of Management and Budget.
Director of the Federal Housing Finance Agency.
Deputy Commissioner of Social Security, Social Security Administration.
Administrator of the Community Development Financial Institutions Fund.
Deputy Director of National Drug Control Policy.
Members, Board of Governors of the Federal Reserve System.
The[1] Under Secretary of Transportation for Security.
Under Secretary of Transportation for Policy.
Chief Executive Officer, Millennium Challenge Corporation.
Principal Deputy Director of National Intelligence.
Director of the National Counterterrorism Center.

[1] So in original. The word ''The'' probably should not appear.

Director of the National Counter Proliferation Center.

Administrator of the Federal Emergency Management Agency.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 460; Pub. L. 89–670, § 10(d)(2), Oct. 15, 1966, 80 Stat. 948; Pub. L. 90–83, § 1(13), Sept. 11, 1967, 81 Stat. 198; Pub. L. 90–407, § 15(a)(1), July 18, 1968, 82 Stat. 366; Pub. L. 91–644, title I, § 8(b), Jan. 2, 1971, 84 Stat. 1888; Pub. L. 92–255, title II, § 212(a), Mar. 21, 1972, 86 Stat. 69; Pub. L. 92–302, § 2(a), May 18, 1972, 86 Stat. 149; Pub. L. 92–352, title I, § 104(1), July 13, 1972, 86 Stat. 490; Pub. L. 92–596, § 6, Oct. 27, 1972, 86 Stat. 1318; Pub. L. 93–438, title III, § 310(1), Oct. 11, 1974, 88 Stat. 1252; Pub. L. 93–496, § 16(c), Oct. 28, 1974, 88 Stat. 1533; Pub. L. 94–82, title II, § 202(b)(2), Aug. 9, 1975, 89 Stat. 419; Pub. L. 94–237, § 4(c)(6), Mar. 19, 1976, 90 Stat. 244; Pub. L. 94–561, § 1(a), Oct. 19, 1976, 90 Stat. 2643; Pub. L. 95–91, title VII, § 710(d), Aug. 4, 1977, 91 Stat. 609; Pub. L. 95–140, § 3(d)(1), Oct. 21, 1977, 91 Stat. 1173; Pub. L. 95–454, title II, § 201(b)(1), Oct. 13, 1978, 92 Stat. 1121; Pub. L. 96–54, § 2(a)(25)(A), Aug. 14, 1979, 93 Stat. 382; Pub. L. 96–465, title II, § 2302, Oct. 17, 1980, 94 Stat. 2164; Pub. L. 97–449, §§ 3(1), 7(b), Jan. 12, 1983, 96 Stat. 2441, 2444; Pub. L. 98–80, § 2(a)(1), Aug. 23, 1983, 97 Stat. 485; Pub. L. 98–216, § 3(a)(1), Feb. 14, 1984, 98 Stat. 6; Pub. L. 99–348, title V, § 501(d)(1), July 1, 1986, 100 Stat. 708; Pub. L. 99–619, § 2(a)(2), Nov. 6, 1986, 100 Stat. 3491; Pub. L. 100–204, title I, § 178(a)(1), Dec. 22, 1987, 101 Stat. 1362; Pub. L. 100–527, § 13(d), Oct. 25, 1988, 102 Stat. 2643; Pub. L. 100–679, § 11(b), Nov. 17, 1988, 102 Stat. 4070; Pub. L. 101–73, title V, § 501(c), Aug. 9, 1989, 103 Stat. 394; Pub. L. 101–509, title V, § 529 [title I, § 112(b)], Nov. 5, 1990, 104 Stat. 1427, 1454; Pub. L. 101–576, title II, § 207(a), Nov. 15, 1990, 104 Stat. 2846; Pub. L. 102–233, title III, § 315(b), Dec. 12, 1991, 105 Stat. 1772; Pub. L. 102–550, title XIII, § 1351(a), Oct. 28, 1992, 106 Stat. 3969; Pub. L. 103–160, div. A, title IX, § 904(e)(1), Nov. 30, 1993, 107 Stat. 1728; Pub. L. 103–296, title I, § 108(e)(2), Aug. 15, 1994, 108 Stat. 1486; Pub. L. 103–325, title I, § 104(i), Sept. 23, 1994, 108 Stat. 2169; Pub. L. 105–277, div. C, title VII, § 713(a)(2), div. G, subdiv. A, title XII, § 1224(1), title XIII, § 1332(1), Oct. 21, 1998, 112 Stat. 2681–693, 2681–772, 2681–785; Pub. L. 106–65, div. A, title IX, § 911(e), Oct. 5, 1999, 113 Stat. 719; Pub. L. 106–553, § 1(a)(2) [title IV, § 404(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A–96; Pub. L. 106–569, title X, § 1002(a)(2), Dec. 27, 2000, 114 Stat. 3028; Pub. L. 107–71, title I, § 101(c)(1), Nov. 19, 2001, 115 Stat. 602; Pub. L. 107–295, title II, § 215(b), Nov. 25, 2002, 116 Stat. 2102; Pub. L. 107–296, title XVII, § 1702(a)(2), Nov. 25, 2002, 116 Stat. 2313; Pub. L. 108–199, div. D, title VI, § 604(b)(4)(B), Jan. 23, 2004, 118 Stat. 212; Pub. L. 108–458, title I, § 1015(b), Dec. 17, 2004, 118 Stat. 3664; Pub. L. 109–295, title VI, § 612(a)(1), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 110–53, title XXIV, § 2405(e), Aug. 3, 2007, 121 Stat. 550; Pub. L. 110–289, div. A, title I, § 1161(g)(1), July 30, 2008, 122 Stat. 2780; Pub. L. 111–259, title VIII, § 807(a), Oct. 7, 2010, 124 Stat. 2749.)

HISTORICAL AND REVISION NOTES

1966 ACT

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 2211(b) (less (15)).	Aug. 14, 1964, Pub. L. 88–426, § 303(b) (less (15)), 78 Stat. 416.

The proviso in paragraph (15) of former section 2211(b) is carried into section 5314. The remainder of paragraph (15) is omitted but not repealed, see table III. The part of paragraph (15) that is omitted but not repealed provides that the position of Director of the Federal Bureau of Investigation shall be in Level II of the Federal Executive Salary Schedule so long as the position is held by the incumbent of the position on August 14, 1964. The omission of this provision from title 5, without repealing the corresponding provision of the source statute, in effect leaves existing statute unchanged insofar as it relates to the present incumbent of the position of Director of the Federal Bureau of Investigation.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

The deletion of paragraph (6) of 5 U.S.C. 5313 reflects the abolition of the position of ''Administrator of the Housing and Home Finance Agency'' by the act of September 9, 1965, Public Law 89–174, sections 5(a), 9(c), 79 Stat. 669, 671.

AMENDMENTS

2010—Pub. L. 111–259 substituted ''Director of the Central Intelligence Agency'' for ''Director of Central Intelligence''.

2008—Pub. L. 110–289 substituted ''Director of the Federal Housing Finance Agency'' for ''Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development''.

2007—Pub. L. 110–53 inserted item relating to Under Secretary of Homeland Security for Management.

2006—Pub. L. 109–295 inserted item relating to Administrator of the Federal Emergency Management Agency.

2004—Pub. L. 108–458 inserted items relating to Principal Deputy Director of National Intelligence, Director of the National Counterterrorism Center, and Director of the National Counter Proliferation Center.

Pub. L. 108–199 inserted item relating to Chief Executive Officer, Millennium Challenge Corporation.

2002—Pub. L. 107–296 inserted item relating to Deputy Secretary of Homeland Security.

Pub. L. 107–295 inserted item relating to Under Secretary of Transportation for Policy.

2001—Pub. L. 107–71 inserted item relating to Under Secretary of Transportation for Security.

2000—Pub. L. 106–569 struck out item relating to Chairman, Board of Governors of the Federal Reserve System and inserted item relating to Members, Board of Governors of the Federal Reserve System.

Pub. L. 106–553 inserted item relating to Deputy Secretary of State for Management and Resources.

1999—Pub. L. 106–65 substituted ''Under Secretary of Defense for Acquisition, Technology, and Logistics'' for ''Under Secretary of Defense for Acquisition and Technology''.

1998—Pub. L. 105–277, § 1332(1), struck out item relating to Director of the United States Information Agency.

Pub. L. 105–277, § 1224(1), struck out item relating to Director of the United States Arms Control and Disarmament Agency.

Pub. L. 105–277, § 713(a)(2), inserted item relating to Deputy Director of National Drug Control Policy.

1994—Pub. L. 103–325 inserted item relating to Administrator of the Community Development Financial Institutions Fund.

Pub. L. 103–296 inserted item relating to Deputy Commissioner of Social Security, Social Security Administration.

1993—Pub. L. 103–160 substituted ''Under Secretary of Defense for Acquisition and Technology'' for ''Under Secretary of Defense for Acquisition''.

1992—Pub. L. 102–550 inserted item relating to Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development.

1991—Pub. L. 102–233 substituted ''Independent Members, Thrift Depositor Protection Oversight Board'' for ''Independent Members, Oversight Board, Resolution Trust Corporation''.

1990—Pub. L. 101–576 inserted item relating to Deputy Director for Management, Office of Management and Budget.

Pub. L. 101–509 inserted items relating to Deputy Secretary of Health and Human Services, Deputy Secretary of the Interior, Deputy Secretary of Education, and Deputy Secretary of Housing and Urban Development.

1989—Pub. L. 101–73 inserted item relating to Independent Members, Oversight Board, Resolution Trust Corporation.

1988—Pub. L. 100–679 inserted item relating to Deputy Director of Office of Management and Budget and struck out item relating to Director of Office of Management and Budget.

Pub. L. 100–527 substituted ''Deputy Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs''.

1987—Pub. L. 100–204 struck out item relating to Ambassadors at Large.

1986—Pub. L. 99–619 inserted item relating to Deputy Secretary of Labor.

Pub. L. 99–348 inserted item relating to Under Secretary of Defense for Acquisition.

1984—Pub. L. 98–216 substituted ''Director of the Office of Management and Budget'' for ''Director of the Bureau of the Budget''.

1983—Pub. L. 98–80 inserted item relating to Administrator of Environmental Protection Agency.

Pub. L. 97–449, § 3(1), inserted item relating to Administrator, Federal Highway Administration.

1980—Pub. L. 96–465 inserted item relating to Ambassadors at Large.

1979—Pars. (1)–(24). Pub. L. 96–54 struck out paragraph designations for positions listed herein.

1978—Par. (24). Pub. L. 95–454 added par. (24) relating to Director of Office of Personnel Management.

1977—Par. (1). Pub. L. 95–140 substituted ''Deputy Secretary of Defense'' for ''Deputy Secretaries of Defense (2)''.

Par. (22). Pub. L. 95–91 substituted ''Deputy Secretary of Energy'' for ''Administrator of Energy Research and Development Administration''.

1976—Par. (21). Pub. L. 94–237 struck out par. (21) relating to Director of Special Action Office for Drug Abuse Prevention.

Par. (23). Pub. L. 94–561 added par. (23) relating to Deputy Secretary of Agriculture.

1975—Pub. L. 94–82 substituted provisions applying level II of Executive Schedule to positions for which annual rate of basic pay shall be rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title, for provisions applying such level II to positions for which annual rate of basic pay is $30,000.

1974—Par. (7). Pub. L. 93–496 substituted ''Deputy Secretary of Transportation'' for ''Under Secretary for Transportation''.

Par. (8). Pub. L. 93–438 substituted ''Chairman, Nuclear Regulatory Commission'' for ''Chairman, Atomic Energy Commission''.

Par. (22). Pub. L. 93–438 added par. (22) relating to Deputy Secretary of Energy.

1972—Par. (1). Pub. L. 92–596 substituted ''Deputy Secretaries of Defense (2)'' for ''Deputy Secretary of Defense''.

Par. (2). Pub. L. 92–352 substituted ''Deputy Secretary of State'' for ''Under Secretary of State''.

Par. (6). Pub. L. 92–302 added par. (6) relating to Deputy Secretary of the Treasury. A prior par. (6), ''Administrator of the Housing and Home Finance Agency,'' was repealed by Pub. L. 90–83, § 1(13), Sept. 11, 1967, 81 Stat. 198.

Par. (21). Pub. L. 92–255 added par. (21) relating to Director of Special Action Office for Drug Abuse Prevention.

1971—Par. (20). Pub. L. 91–644 added par. (20) relating to position of Deputy Attorney General being formerly level III under former section 5314(1) of this title.

1968—Par. (19). Pub. L. 90–407 added par. (19) relating to Director of National Science Foundation.

1966—Pub. L. 89–670 substituted ''Under Secretary of Transportation'' for ''Administrator of the Federal Aviation Agency'' in item (7), and inserted item (19) relating to Administrator, Federal Aviation Administration.

CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–569 effective on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after Dec. 27, 2000, see section 1002(b) of Pub. L. 106–569, set out as a note under section 5312 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 1224(1) of Pub. L. 105–277 effective Apr. 1, 1999, see section 1201 of Pub. L. 105–277, set out as an Effective Date note under section 6511 of Title 22, Foreign Relations and Intercourse.

Amendment by section 1332(1) of Pub. L. 105–277 effective Oct. 1, 1999, see section 1301 of Pub. L. 105–277, set out as an Effective Date note under section 6531 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–233 effective Feb. 1, 1992, see section 318 of Pub. L. 102–233, set out as a note under section 1441 of Title 12, Banks and Banking.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on first day of first pay period beginning on or after Nov. 5, 1990, with continued service by incumbent Under Secretary of Health and Human Services, Under Secretary of the Interior, Under Secretary of Education, and Under Secretary of Housing and Urban Development, see section 529 [title I, § 112(e)] of Pub. L. 101–509, set out as a note under section 3404 of Title 20, Education.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100–679 effective Jan. 20, 1989, see section 11(e) of Pub. L. 100–679, set out as a note under section 5312 of this title.

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1987 AMENDMENT

Section 178(b) of Pub. L. 100–204 provided that: ''The amendments made by subsection (a) [amending sections 5313 and 5315 of this title] shall take effect 30 days after the date of enactment of this Act [Dec. 22, 1987] and shall not affect the salary of any individual holding the rank of Ambassador at Large immediately before the date of enactment of this Act during the period such individual continues to serve in such position.''

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–619 applicable to incumbent Under Secretary of Labor on Nov. 6, 1986, serving after such date, see section 2(f)(1) of Pub. L. 99–619, set out as a Present Incumbent note under section 552 of Title 29, Labor.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96–465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–54 effective Jan. 1, 1980, see section 2(a)(25)(B) of Pub. L. 96–54, set out as a note under section 5312 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95–454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 5 of Pub. L. 94–561 provided that:

''(a) Except as otherwise provided in this section, this Act [enacting section 2212b of Title 7, Agriculture, amending sections 5313 to 5316 of this title, sections 2210 and 2211 of Title 7, and section 714g of Title 15, Commerce and Trade, and enacting provisions set out as a note under section 2210 of Title 7] shall take effect on its date of enactment [Oct. 19, 1976].

''(b) Subsection (b)(1) of section 3 of this Act [amending section 5316 of this title] shall take effect upon appointment of a Presidential appointee to fill the successor position created by section 2 of this Act [section 2212b of Title 7].''

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment of Pub. L. 93–438 effective 120 days after Oct. 11, 1974, or on such earlier date as President may prescribe and publish in Federal Register, except that officers provided for in sections 5811 to 5820 of Title 42, The Public Health and Welfare, may be nominated and appointed at any time after Oct. 11, 1974, see section 312(a) of Pub. L. 93–438, set out as an Effective Date; Interim Appointments note under section 5801 of Title 42.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–302 effective May 18, 1972, see section 3 of Pub. L. 92–302, May 18, 1972, 86 Stat. 149.

EFFECTIVE DATE OF 1968 AMENDMENT

Section 15(a)(4) of Pub. L. 90–407 provided that: ''The amendments made by this subsection [amending sections 5313, 5314, and 5316 of this title] (and the amendments made by sections 3 and 4 of this Act [amending section 1864 and enacting section 1864a of Title 42, The Public Health and Welfare] insofar as they relate to rates of basic pay) shall take effect on the first day of the first calendar month which begins on or after the date of the enactment of this Act [July 18, 1968].''

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–670 effective April 1, 1967, see section 16(a), formerly § 15(a), of Pub. L. 89–670, and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Office of Director of Office of Science and Technology abolished and functions vested by law in such office transferred to Director of the National Science Foundation by sections 2 and 3(a)(5) of 1973 Reorg. Plan No. 1, effective July 1, 1973, set out in the Appendix to this title.

BONUS ELIGIBILITY OF UNDER SECRETARY OF TRANSPORTATION FOR SECURITY

Pub. L. 107–71, title I, § 101(c)(2), Nov. 19, 2001, 115 Stat. 602, provided that: ''In addition to the annual rate of pay authorized by section 5313 of title 5, United States Code, the Under Secretary may receive a bonus for any calendar year not to exceed 30 percent of the annual rate of pay, based on the Secretary's evaluation of the Under Secretary's performance.''

PAY INCREASE; EFFECTIVE DATE

Persons occupying a position under the Executive Schedule on May 18, 1972, and later appointed to a position created or authorized by Pub. L. 92–302, not eligible to an increase on basic pay until Jan. 21, 1973, see section 3(c) of Pub. L. 92–302, May 18, 1972, 86 Stat. 149.

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF JUSTICE

Director of Federal Bureau of Investigation, Department of Justice to receive compensation at rate prescribed for level II of Federal Executive Salary Schedule [this section], effective as of day following date on which person holding such office on June 19, 1968, ceases to serve as Director, see section 1101(a) of Pub. L. 90–351, June 19, 1968, 82 Stat. 236, set out as a note under section 532 of Title 28, Judiciary and Judicial Procedure.

SALARY INCREASES

For adjustment of salaries under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of this title.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of this title.

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title: