

pay the salary of an individual in a position or office referred to in section 356 of Title 2, The Congress, at a rate exceeding the salary rate for such position or office in effect on Sept. 30, 1976, except increases submitted by the President pursuant to sections 351 to 364 of Title 2.

SUBCHAPTER III—GENERAL SCHEDULE
PAY RATES

§ 5331. Definitions; application

(a) For the purpose of this subchapter, “agency”, “employee”, “position”, “class”, and “grade” have the meanings given them by section 5102 of this title.

(b) This subchapter applies to employees and positions to which chapter 51 applies, other than Senior Executive Service positions, positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and positions to which section 5376 applies.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 467; Pub. L. 95-454, title IV, §408(b)(2), Oct. 13, 1978, 92 Stat. 1173; Pub. L. 100-325, §2(h)(3), May 30, 1988, 102 Stat. 582; Pub. L. 101-509, title V, §529 [title I, §102(c)], Nov. 5, 1990, 104 Stat. 1427, 1444.)

HISTORICAL AND REVISION NOTES

The section is added on authority of former sections 1081, 1082, 1084, and 1091, which are carried into section 5102.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-509 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “This subchapter applies to employees and positions, other than Senior Executive Service positions and positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, to which chapter 51 of this title applies.”

1988—Subsec. (b). Pub. L. 100-325 inserted reference to positions in Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

1978—Subsec. (b). Pub. L. 95-454 inserted reference to Senior Executive Service positions.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415 of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

REFERENCES IN OTHER LAWS TO CHAPTER 51 AND
SUBCHAPTER III OF CHAPTER 53

References in laws to fix pay in accordance with this subchapter and chapter 51 of this title considered to include authority under section 5376 of this title, if applicable, but not to include any authority under section 5304 of this title or section 529 [title III, §302] of Pub. L. 101-509, set out as a note under section 5304 of this title, see section 529 [title I, §101(c)(2)] of Pub. L. 101-509, set out in a References in Other Laws to GS-16, 17, or 18 Pay Rates; Regulations note under section 5376 of this title.

§ 5332. The General Schedule

(a)(1) The General Schedule, the symbol for which is “GS”, is the basic pay schedule for po-

sitions to which this subchapter applies. Each employee to whom this subchapter applies is entitled to basic pay in accordance with the General Schedule.

(2) The General Schedule is a schedule of annual rates of basic pay, consisting of 15 grades, designated “GS-1” through “GS-15”, consecutively, with 10 rates of pay for each such grade. The rates of pay of the General Schedule are adjusted in accordance with section 5303.

(b) When payment is made on the basis of an hourly, daily, weekly, or biweekly rate, the rate is computed from the appropriate annual rate of basic pay named by subsection (a) of this section in accordance with the rules prescribed by section 5504(b) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 467; Pub. L. 90-83, §1(18), Sept. 11, 1967, 81 Stat. 199; Pub. L. 90-206, title II, §202(a), Dec. 16, 1967, 81 Stat. 624; Pub. L. 95-454, title V, §503(e), Oct. 13, 1978, 92 Stat. 1184; Pub. L. 98-615, title II, §204(a)(1), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 102-378, §2(29), Oct. 2, 1992, 106 Stat. 1350; Pub. L. 103-89, §3(b)(1)(F), Sept. 30, 1993, 107 Stat. 982.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 1113 (less (c)).	Oct. 28, 1949, ch. 782, §603 (less (d)), 63 Stat. 965. Oct. 24, 1951, ch. 554, §1(a), 65 Stat. 612. Sept. 1, 1954, ch. 1208, §109 (less (c)), 68 Stat. 1108. June 28, 1955, ch. 189, §2(a), 69 Stat. 172. June 20, 1958, Pub. L. 85-462, §2(a), 72 Stat. 203. July 1, 1960, Pub. L. 86-568, §112(a), 74 Stat. 298. Oct. 11, 1962, Pub. L. 87-793, §602(a), 76 Stat. 843. Aug. 14, 1964, Pub. L. 88-426, §102(a), 78 Stat. 400.
(b)	5 U.S.C. 1113(c).	Oct. 28, 1949, ch. 782, §603 (d), 63 Stat. 965. Sept. 1, 1954, ch. 1208, §109(c), 68 Stat. 1108.

In subsection (a), the words “the symbol for which is ‘GS’” are added on authority of former section 1111 which is carried into section 5104. So much as related to the Crafts, Protective, and Custodial Schedule is omitted as repealed effective not later than Sept. 11, 1955, by the Act of Sept. 1, 1954, §§109(b), 110(b), 68 Stat. 1108.

In subsection (b), reference to payment made on the basis of a “monthly” rate is omitted since section 5504(b), former section 944(c), no longer provides for converting a basic annual rate to a basic monthly rate.

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

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5332(a)	5 App.: 1113(b).	Oct. 29, 1965, Pub. L. 89-301, §2(a), 79 Stat. 1111. July 18, 1966, Pub. L. 89-504, §102(a), 80 Stat. 288.

AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103-89 struck out “, except an employee covered by the performance

management and recognition system established under chapter 54," after "whom this subchapter applies".

1992—Subsec. (a). Pub. L. 102-378 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The General Schedule, the symbol for which is 'GS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, except an employee covered by the performance management and recognition system established under chapter 54 of this title, is entitled to basic pay in accordance with the General Schedule."

1984—Subsec. (a). Pub. L. 98-615 substituted "the performance management and recognition system established under chapter 54" for "the merit pay system established under section 5402".

1978—Subsec. (a). Pub. L. 95-454 inserted in second sentence reference to an employee covered by the merit pay system established under section 5402 of this title.

1967—Subsec. (a). Pub. L. 90-206 increased the compensation in each step of each grade.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-378 effective May 4, 1991, see section 9(b)(4) of Pub. L. 102-378, set out as a note under section 6303 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 205 of Pub. L. 98-615 provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504(a) of Pub. L. 95-454 provided that amendment by Pub. L. 95-454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 220(a)(2) of Pub. L. 90-206 provided, except as otherwise expressly provided, that: "Sections 202 [amending this section and enacting provisions set out as a note under this section], 203 [amending section 3301 of Title 39, The Postal Service], 204 [enacting section 3512A of Title 39, amending sections 3512, and 3513-3531 of Title 39, and enacting provisions set out as a note under section 3512A of Title 39], 205 [amending sections 3542-3544 of Title 39, and enacting provisions set out as notes under sections 3542, 3544, 3552, and 3560 of Title 39], 206 [amending sections 3560, 3573, and 3575 of Title 39, and enacting provisions set out as a note under section 3542 of Title 39], 208 [amending former section 4107 of Title 38, Veterans' Benefits], 209 [amending sections 867 and 870 of Title 22, Foreign Relations and Intercourse, and enacting provisions set out as a note under section 867 of Title 22], 210 [enacting provisions set out as a note under section 590h of Title 16, Conservation], 211 [enacting provisions set out as a note under this section and section 548 of Title 28, Judiciary and Judicial Procedure], 213 (except subsections (d) and (e)) [enacting provisions set out as notes under sections 603, 604, and 753 of Title 28], 214 (except subsections (j), (k), (l), (n), and (o)) [enacting sections 60e-14, 61-2, 74a-2, and 293c of Title 2, The Congress, amending section 1847 of Title 2, and enacting provisions set out as a note under section 8339 of this title], and 216 [enacting provisions set out as a note under section 60e-14 of Title 2] shall become effective as of the beginning of the first pay period which began on or after October 1, 1967."

SHORT TITLE

Section 1 of Pub. L. 90-206 provided: "That this Act [see Tables for classification] may be cited as the 'Postal Revenue and Federal Salary Act of 1967'."

Section 201 of title II of Pub. L. 90-206 provided that: "This title [see Tables for classification] may be cited as the 'Federal Salary Act of 1967'."

ADJUSTMENT OF PAY RATES EFFECTIVE OCTOBER 1, 1972

Pub. L. 93-549, Dec. 26, 1974, 88 Stat. 1743, provided that no officer or employee of the United States shall have his or her pay reduced by reason of Ex. Ord. No. 11777, Apr. 12, 1974.

1970 INCREASE IN PAY RATES

Pub. L. 91-231, Apr. 15, 1970, 84 Stat. 195, known as the Federal Employees Salary Act of 1970, and effective on the first day of the first pay period beginning on or after Dec. 27, 1969, provided for an increase in the rates of basic pay, basic compensation, and salaries contained in the General Schedule, the Postal Field Service Schedule and Rural Carrier Schedule, the schedule relating to certain positions within the Department of Medicine and Surgery of the Veterans' Administration, and the Foreign Service schedules, and also for employees of Agricultural Stabilization and Conservation County Committees, for certain employees of the Legislative and Judicial Branches, for United States Attorneys, and for other employees of the United States Government and the government of the District of Columbia whose rates of pay were fixed by administrative action and not otherwise increased.

INITIAL ADJUSTMENT OF 1967 PAY INCREASES

Pub. L. 90-206, title II, §§ 202(b), 220(a)(2), Dec. 16, 1967, 81 Stat. 625, 639, effective as of the beginning of the first pay period which began on or after Oct. 1, 1967, made various initial adjustments to the rates of basic pay of officers and employees referred to in the General Schedule set forth in the amendment to this section made by section 202(a) of Pub. L. 90-206.

1967 SALARY INCREASE FOR PERSONS WHOSE COMPENSATION RATES ARE FIXED BY ADMINISTRATIVE ACTION

Pub. L. 90-206, title II, §§ 211(b)-(d), 220(a)(2), Dec. 16, 1967, 81 Stat. 633, 639, effective as of the beginning of the first pay period which began on or after Oct. 1, 1967, authorized the increase of the rates of pay of certain officers and employees of the Federal Government and of the municipal government of the District of Columbia by amounts not to exceed the increases provided by title II of Pub. L. 90-206 for corresponding rates of pay in the appropriate schedule or scale of pay.

RETROACTIVE COMPENSATION UNDER 1967 PAY INCREASES

Pub. L. 90-206, title II, § 218, Dec. 16, 1967, 81 Stat. 638, provided for retroactive pay under title II of Pub. L. 90-206 only in the case of an individual in the service of the United States, including service in the Armed Forces, or the municipal government of the District of Columbia on Dec. 16, 1967, subject to certain restrictions.

EX. ORD. NO. 13561. ADJUSTMENTS OF CERTAIN RATES OF PAY

Ex. Ord. No. 13561, Dec. 22, 2010, 75 F.R. 81817, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

SECTION 1. *Statutory Pay Systems.* Pursuant to the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (H.R. 3082) [Pub. L. 111-322], which I signed into law today (the "Continuing Appropriations Act"), the rates of basic pay or salaries of the

statutory pay systems (as defined in 5 U.S.C. 5302(1)) are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102-40) at Schedule 3.

SEC. 2. *Senior Executive Service.* The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

SEC. 3. *Certain Executive, Legislative, and Judicial Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5312-5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), and section 140 of Public Law 97-92) at Schedule 7.

SEC. 4. *Uniformed Services.* The rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed

services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

SEC. 5. *Locality-Based Comparability Payments.* (a) Pursuant to section 5304 of title 5, United States Code, the Non-Foreign Area Retirement Equity Assurance Act of 2009 (Public Law 111-84; 5 U.S.C. 5304 note), and the Continuing Appropriations Act, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the Federal Register.

SEC. 6. *Administrative Law Judges.* Pursuant to section 5372 of title 5, United States Code, the rates of basic pay for administrative law judges are set forth on Schedule 10 attached hereto and made a part hereof.

SEC. 7. *Effective Dates.* Schedule 8 is effective January 1, 2011. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2011.

SEC. 8. *Prior Order Superseded.* Executive Order 13525 of December 23, 2009, is superseded.

BARACK OBAMA.

SCHEDULE 1

General Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$17,803	\$18,398	\$18,990	\$19,579	\$20,171	\$20,519	\$21,104	\$21,694	\$21,717	\$22,269
GS-2	20,017	20,493	21,155	21,717	21,961	22,607	23,253	23,899	24,545	25,191
GS-3	21,840	22,568	23,296	24,024	24,752	25,480	26,208	26,936	27,664	28,392
GS-4	24,518	25,355	26,152	26,969	27,786	28,603	29,420	30,327	31,054	31,871
GS-5	27,431	28,345	29,259	30,173	31,087	32,001	32,915	33,829	34,743	35,657
GS-6	30,577	31,596	32,615	33,634	34,653	35,672	36,691	37,710	38,729	39,748
GS-7	33,979	35,112	36,245	37,378	38,511	39,644	40,777	41,910	43,043	44,176
GS-8	37,631	38,865	40,139	41,393	42,647	43,901	45,155	46,409	47,663	48,917
GS-9	41,563	42,948	44,333	45,718	47,103	48,488	49,873	51,258	52,643	54,028
GS-10	45,771	47,297	48,823	50,349	51,875	53,401	54,927	56,453	57,979	59,505
GS-11	50,287	51,963	53,639	55,315	56,991	58,667	60,343	62,019	63,695	65,371
GS-12	60,274	62,283	64,292	66,301	68,310	70,319	72,328	74,337	76,346	78,355
GS-13	71,674	74,063	76,452	78,841	81,230	83,619	86,008	88,397	90,786	93,175
GS-14	84,697	87,520	90,343	93,166	95,989	98,812	101,635	104,458	107,281	110,104
GS-15	99,628	102,949	106,270	109,591	112,912	116,233	119,554	122,875	126,196	129,517

SCHEDULE 2

Foreign Service Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	\$99,628	\$90,728	\$65,413	\$53,003	\$42,948	\$38,394	\$34,324	\$30,684	\$27,431
2	102,617	83,150	67,375	54,593	44,236	39,546	35,354	31,605	28,254
3	105,695	85,644	69,397	56,231	45,564	40,732	36,414	32,553	29,102
4	108,866	88,214	71,479	57,918	46,930	41,954	37,507	33,529	29,975
5	112,132	90,860	73,623	59,655	48,338	43,213	38,632	34,535	30,874
6	115,496	93,586	75,832	61,445	49,789	44,509	39,791	35,571	31,800
7	118,961	96,393	78,107	63,288	51,282	45,844	40,985	36,638	32,754
8	122,530	99,285	80,450	65,187	52,821	47,220	42,214	37,737	33,737
9	126,206	102,264	82,863	67,143	54,405	48,636	43,481	38,870	34,749
10	129,517	105,332	85,349	69,157	56,037	50,095	44,785	40,036	35,791
11	129,517	108,492	87,910	71,232	57,719	51,598	46,129	41,237	36,865
12	129,517	111,746	90,547	73,369	59,450	53,146	47,512	42,474	37,971
13	129,517	115,099	93,263	75,570	61,234	54,741	48,938	43,748	39,110
14	129,517	118,552	96,061	77,837	63,071	56,383	50,406	45,060	40,283

SCHEDULE 3

Veterans Health Administration Schedules, Department of Veterans Affairs

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Schedule for the Office of the Under Secretary for Health (38 U.S.C. 7306) ¹		
Assistant Under Secretaries for Health		2 \$157,279
(Only applies to incumbents who are not physicians or dentists)		
	Minimum	Maximum
Service Directors	\$116,844	\$145,113
Director, National Center for Preventive Health	99,628	145,113
Physician and Dentist Base and Longevity Schedule ³		
Physician Grade	\$97,987	\$143,725

SCHEDULE 3—Continued

Veterans Health Administration Schedules, Department of Veterans Affairs

Dentist Grade	97,987	143,725
Clinical Podiatrist, Chiropractor, and Optometrist Schedule		
Chief Grade	\$99,628	\$129,517
Senior Grade	84,697	110,104
Intermediate Grade	71,674	93,175
Full Grade	60,274	78,355
Associate Grade	50,287	65,371
Physician Assistant and Expanded-Function Dental Auxiliary Schedule ⁴		
Director Grade	\$99,628	\$129,517
Assistant Director Grade	84,697	110,104
Chief Grade	71,674	93,175
Senior Grade	60,274	78,355

SCHEDULE 3—Continued

Veterans Health Administration Schedules, Department of Veterans Affairs

Intermediate Grade	50,287	65,371
Full Grade	41,563	54,028
Associate Grade	35,766	46,494
Junior Grade	30,577	39,748

¹This schedule does not apply to the Deputy Under Secretary for Health, the Associate Deputy Under Secretary for Health, Assistant Under Secretaries for Health who are physicians or dentists, Medical Directors, the Assistant Under Secretary for Nursing Programs, or the Director of Nursing Services.

²Pursuant to 38 U.S.C. 7404(d), the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is \$145,700.

³Pursuant to section 3 of Public Law 108-445 [see Tables for classification] and 38 U.S.C. 7431, Veterans Health Administration physicians and dentists may also be paid market pay and performance pay.

⁴Pursuant to section 301(a) of Public Law 102-40 [38 U.S.C. 7451 note], these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b), as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4

Senior Executive Service

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

	Minimum	Maximum
Agencies with a Certified SES Performance Appraisal System	\$119,554	\$179,700
Agencies without a Certified SES Performance Appraisal System	\$119,554	\$165,300

SCHEDULE 5

Executive Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Level I	\$199,700
Level II	179,700
Level III	165,300
Level IV	155,500
Level V	145,700

SCHEDULE 6

Vice President and Members of Congress

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Vice President	\$230,700
Senators	174,000
Members of the House of Representatives	174,000
Delegates to the House of Representatives	174,000
Resident Commissioner from Puerto Rico	174,000
President pro tempore of the Senate	193,400
Majority leader and minority leader of the Senate	193,400
Majority leader and minority leader of the House of Representatives	193,400
Speaker of the House of Representatives	223,500

SCHEDULE 7

Judicial Salaries

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Chief Justice of the United States	\$223,500
Associate Justices of the Supreme Court	213,900
Circuit Judges	184,500
District Judges	174,000
Judges of the Court of International Trade	174,000

SCHEDULE 8

Pay of the Uniformed Services

(Effective January 1, 2011)

PART I—MONTHLY BASIC PAY

Years of Service (computed under 37 U.S.C. 205)

Commissioned Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 ² ..	.....	.....	.....	.....	.....
O-9 .....	.....	.....	.....	.....	.....
O-8	\$9,530.70	\$9,842.70	\$10,050.00	\$10,107.90	\$10,366.50
O-7	7,919.10	8,287.20	8,457.30	8,592.60	8,837.70
O-6	5,869.50	6,448.50	6,871.50	6,871.50	6,897.60
O-5	4,893.00	5,512.20	5,893.80	5,965.80	6,203.70

SCHEDULE 8—Continued

Pay of the Uniformed Services

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-4	4,221.90	4,887.30	5,213.40	5,286.00	5,588.70
O-3 ³	3,711.90	4,208.10	4,542.00	4,951.80	5,188.80
O-2 ³	3,207.30	3,652.80	4,207.20	4,349.10	4,438.50
O-1 ³	2,784.00	2,897.40	3,502.50	3,502.50	3,502.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ² ..	.....	.....	.....	.....	.....
O-9 .....	.....	.....	.....	.....	.....
O-8	\$10,798.20	\$10,899.00	\$11,308.80	\$11,426.40	\$11,779.80
O-7	9,079.80	9,359.70	9,638.70	9,918.60	10,798.20
O-6	7,193.40	7,232.40	7,232.40	7,643.40	8,370.30
O-5	6,346.20	6,659.40	6,889.20	7,186.20	7,640.70
O-4	5,913.30	6,317.40	6,632.10	6,851.10	6,976.50
O-3 ³	5,449.20	5,617.80	5,894.70	6,039.00	6,039.00
O-2 ³	4,438.50	4,438.50	4,438.50	4,438.50	4,438.50
O-1 ³	3,502.50	3,502.50	3,502.50	3,502.50	3,502.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ² ..	.....	.....	.....	.....	.....
O-9 .....	.....	.....	.....	.....	.....
O-8	\$12,291.00	12,762.30	13,077.30	13,077.30	13,077.30
O-7	11,540.70	11,540.70	11,540.70	11,540.70	11,599.50
O-6	8,796.90	9,222.90	9,465.60	9,711.30	10,187.70
O-5	7,856.70	8,070.30	8,313.30	8,313.30	8,313.30
O-4	7,049.10	7,049.10	7,049.10	7,049.10	7,049.10
O-3 ³	6,039.00	6,039.00	6,039.00	6,039.00	6,039.00
O-2 ³	4,438.50	4,438.50	4,438.50	4,438.50	4,438.50
O-1 ³	3,502.50	3,502.50	3,502.50	3,502.50	3,502.50
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 ² ..	.....	.....	.....	.....	.....
O-9 .....	.....	.....	.....	.....	.....
O-8	\$16,358.40	\$17,176.20	\$17,176.20	\$18,034.80	\$18,034.80
O-7	14,433.00	15,155.10	15,155.10	15,912.90	15,912.90
O-6	13,077.30	13,404.30	13,404.30	13,739.40	13,739.40
O-5	11,599.50	11,831.70	11,831.70	11,831.70	11,831.70
O-4	10,187.70	10,391.10	10,391.10	10,391.10	10,391.10
O-3 ³	8,313.30	8,313.30	8,313.30	8,313.30	8,313.30
O-2 ³	7,049.10	7,049.10	7,049.10	7,049.10	7,049.10
O-1 ³	6,039.00	6,039.00	6,039.00	6,039.00	6,039.00
	Over 38	Over 40			
O-10 ² ..	.....	.....	
O-9 .....	.....	.....	
O-8	\$18,936.90	\$18,936.90			
O-7	16,708.50	16,708.50			
O-6	13,739.40	13,739.40			
O-5	11,831.70	11,831.70			
O-4	10,391.10	10,391.10			
O-3 ³	8,313.30	8,313.30			
O-2 ³	7,049.10	7,049.10			
O-1 ³	6,039.00	6,039.00			
	Over 42	Over 44			
O-10 ² ..	.....	.....	
O-9 .....	.....	.....	
O-8	\$18,936.90	\$18,936.90			
O-7	16,708.50	16,708.50			
O-6	13,739.40	13,739.40			
O-5	11,831.70	11,831.70			
O-4	10,391.10	10,391.10			
O-3 ³	8,313.30	8,313.30			
O-2 ³	7,049.10	7,049.10			
O-1 ³	6,039.00	6,039.00			

¹Basic pay is limited to the rate of basic pay for level II of the Executive Schedule, which is \$14,975.10 per month for officers at pay grades O-7 through O-10, and limited to the rate of basic pay for level V of the Executive Schedule, which is \$12,141.60 per month, for officers at O-6 and below.

²For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161(c)), basic pay for this grade is calculated to be \$20,263.50 per month, regardless of cumulative years of service computed under 37 U.S.C. 205. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level II of the Executive Schedule, which is \$14,975.10 per month.

³Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

Commissioned Officers With Over 4 Years Active Duty Service as an Enlisted Member or Warrant Officer⁴

Pay Grade	Over 4	Over 6	Over 8	Over 10
O-3E	\$4,951.80	\$5,188.80	\$5,449.20	\$5,617.80
O-2E	4,349.10	4,438.50	4,580.10	4,818.60
O-1E	3,502.50	3,740.40	3,878.70	4,020.30
	Over 12	Over 14	Over 16	Over 18
O-3E	\$5,894.70	\$6,128.10	\$6,262.20	\$6,444.90
O-2E	5,002.80	5,140.20	5,140.20	5,140.20
O-1E	4,158.90	4,349.10	4,349.10	4,349.10
	Over 20	Over 22	Over 24	Over 26
O-3E	\$6,444.90	\$6,444.90	\$6,444.90	\$6,444.90
O-2E	5,140.20	5,140.20	5,140.20	5,140.20
O-1E	4,349.10	4,349.10	4,349.10	4,349.10
	Over 28	Over 30	Over 32	Over 34

Commissioned Officers With Over 4 Years Active Duty Service as an Enlisted Member or Warrant Officer⁴—Continued

Pay Grade	Over 4	Over 6	Over 8	Over 10
O-3E	\$6,444.90	\$6,444.90	\$6,444.90	\$6,444.90
O-2E	5,140.20	5,140.20	5,140.20	5,140.20
O-1E	4,349.10	4,349.10	4,349.10	4,349.10
	Over 36	Over 38	Over 40	
O-3E	\$6,444.90	\$6,444.90	\$6,444.90	
O-2E	5,140.20	5,140.20	5,140.20	
O-1E	4,349.10	4,349.10	4,349.10	

⁴Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

Warrant Officers

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 .....	.....	.....	.....	.....	.....
W-4	\$3,836.10	\$4,126.50	\$4,245.00	\$4,361.40	\$4,562.10
W-3	3,502.80	3,648.90	3,798.60	3,847.80	4,004.70
W-2	3,099.90	3,393.00	3,483.30	3,545.40	3,746.40
W-1	2,721.00	3,013.50	3,092.40	3,258.90	3,456.00
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 .....	.....	.....	.....	.....	.....
W-4	\$4,760.70	\$4,961.40	\$5,264.40	\$5,529.60	\$5,781.90
W-3	4,313.70	4,635.00	4,786.20	4,961.10	5,142.00
W-2	4,059.00	4,213.50	4,366.20	4,552.50	4,698.00
W-1	3,745.80	3,881.40	4,070.40	4,256.70	4,403.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 .....	.....	\$6,820.80	\$7,167.00	\$7,424.70	\$7,710.00
W-4	\$5,988.30	6,189.60	6,485.40	6,728.40	7,005.60
W-3	5,466.00	5,685.30	5,816.40	5,955.60	6,144.90
W-2	4,830.00	4,987.80	5,091.60	5,174.10	5,174.10
W-1	4,538.10	4,701.60	4,701.60	4,701.60	4,701.60
	Over 28	Over 30	Over 32	Over 34	Over 36
W-5	\$7,710.00	\$8,095.80	\$8,095.80	\$8,500.50	\$8,500.50
W-4	7,005.60	7,145.70	7,145.70	7,145.70	7,145.70
W-3	6,144.90	6,144.90	6,144.90	6,144.90	6,144.90
W-2	5,174.10	5,174.10	5,174.10	5,174.10	5,174.10
W-1	4,701.60	4,701.60	4,701.60	4,701.60	4,701.60
	Over 38	Over 40			
W-5	\$8,925.90	\$8,925.90			
W-4	7,145.70	7,145.70			
W-3	6,144.90	6,144.90			
W-2	5,174.10	5,174.10			
W-1	4,701.60	4,701.60			

Enlisted Members

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 ¹ .....	.....	.....	.....	.....	.....
E-8 .....	.....	.....	.....	.....	.....
E-7	\$2,637.30	\$2,878.50	\$2,988.90	\$3,135.00	\$3,249.00
E-6	2,281.20	2,510.10	2,620.80	2,728.50	2,840.70
E-5	2,090.10	2,230.20	2,337.90	2,448.30	2,620.20
E-4	1,916.10	2,014.20	2,123.40	2,230.80	2,325.90
E-3	1,729.80	1,838.70	1,950.00	1,950.00	1,950.00
E-2	1,644.90	1,644.90	1,644.90	1,644.90	1,644.90
E-1 ²	1,467.60	1,467.60	1,467.60	1,467.60	1,467.60
E-1 ³	1,357.20	.....	.....	.....	.....
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 ¹ .....	.....	\$4,634.70	\$4,739.70	\$4,872.00	\$5,027.70
E-8	\$3,794.10	3,961.80	4,065.60	4,190.40	4,325.10
E-7	3,444.60	3,554.70	3,750.90	3,913.50	4,024.50
E-6	3,093.60	3,192.30	3,382.80	3,441.00	3,483.60
E-5	2,800.50	2,947.50	2,965.50	2,965.50	2,965.50
E-4	2,325.90	2,325.90	2,325.90	2,325.90	2,325.90
E-3	1,950.00	1,950.00	1,950.00	1,950.00	1,950.00
E-2	1,644.90	1,644.90	1,644.90	1,644.90	1,644.90
E-1 ²	1,467.60	1,467.60	1,467.60	1,467.60	1,467.60
E-1 ³ .....	.....	.....	.....	.....	.....
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 ¹	\$5,184.60	\$5,436.60	\$5,649.30	\$5,873.40	\$6,215.70
E-8	4,568.40	4,691.70	4,901.70	5,017.80	5,304.60
E-7	4,143.00	4,189.20	4,342.80	4,425.60	4,740.00
E-6	3,533.40	3,533.40	3,533.40	3,533.40	3,533.40
E-5	2,965.50	2,965.50	2,965.50	2,965.50	2,965.50
E-4	2,325.90	2,325.90	2,325.90	2,325.90	2,325.90
E-3	1,950.00	1,950.00	1,950.00	1,950.00	1,950.00
E-2	1,644.90	1,644.90	1,644.90	1,644.90	1,644.90
E-1 ²	1,467.60	1,467.60	1,467.60	1,467.60	1,467.60
E-1 ³ .....	.....	.....	.....	.....	.....

Enlisted Members—Continued

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 28	Over 30	Over 32	Over 34	Over 36
E-9 ¹	\$6,215.70	\$6,526.20	\$6,526.20	\$6,852.90	\$6,852.90
E-8	5,304.60	5,411.10	5,411.10	5,411.10	5,411.10
E-7	4,740.00	4,740.00	4,740.00	4,740.00	4,740.00
E-6	3,533.40	3,533.40	3,533.40	3,533.40	3,533.40
E-5	2,965.50	2,965.50	2,965.50	2,965.50	2,965.50
E-4	2,325.90	2,325.90	2,325.90	2,325.90	2,325.90
E-3	1,950.00	1,950.00	1,950.00	1,950.00	1,950.00
E-2	1,644.90	1,644.90	1,644.90	1,644.90	1,644.90
E-1 ²	1,467.60	1,467.60	1,467.60	1,467.60	1,467.60
E-1 ³ .....	.....	.....	.....	.....	.....
	Over 38	Over 40			
E-9 ¹	\$7,195.80	\$7,195.80			
E-8	5,411.10	5,411.10			
E-7	4,740.00	4,740.00			
E-6	3,533.40	3,533.40			
E-5	2,965.50	2,965.50			
E-4	2,325.90	2,325.90			
E-3	1,950.00	1,950.00			
E-2	1,644.90	1,644.90			
E-1 ²	1,467.60	1,467.60			
E-1 ³ .....	.....	.....	

¹For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is \$7,489.80 per month, regardless of cumulative years of service under 37 U.S.C. 205.

²Applies to personnel who have served 4 months or more on active duty.

³Applies to personnel who have served less than 4 months on active duty.

PART II—RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by 37 U.S.C. 203(c) is \$974.40.

NOTE: As a result of the enactment of sections 602-604 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998 [see Tables for classification], the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9

Locality-Based Comparability Payments

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

Locality Pay Area ¹	Rate
Alaska ²	24.69%
Atlanta-Sandy Springs-Gainesville, GA-AL	19.29%
Boston-Worcester-Manchester, MA-NH-RI-ME	24.80%
Buffalo-Niagara-Cattaraugus, NY	18.98%
Chicago-Naperville-Michigan City, IL-IN-WI	25.10%
Cincinnati-Middletown-Wilmington, OH-KY-IN	18.55%
Cleveland-Akron-Elyria, OH	18.68%
Columbus-Marion-Chillicothe, OH	17.16%
Dallas-Fort Worth, TX	20.67%
Dayton-Springfield-Greenville, OH	16.24%
Denver-Aurora-Boulder, CO	22.52%
Detroit-Warren-Flint, MI	24.09%
Hartford-West Hartford-Willimantic, CT-MA	25.82%
Hawaii ²	16.51%
Houston-Baytown-Huntsville, TX	28.71%
Huntsville-Decatur, AL	16.02%
Indianapolis-Anderson-Columbus, IN	14.68%
Los Angeles-Long Beach-Riverside, CA	27.16%
Miami-Fort Lauderdale-Pompano Beach, FL	20.79%
Milwaukee-Racine-Waukesha, WI	18.10%
Minneapolis-St. Paul-St. Cloud, MN-WI	20.96%
New York-Newark-Bridgeport, NY-NJ-CT-PA	28.72%
Philadelphia-Camden-Vineland, PA-NJ-DE-MD	21.79%
Phoenix-Mesa-Scottsdale, AZ	16.76%
Pittsburgh-New Castle, PA	16.37%
Portland-Vancouver-Beaverton, OR-WA	20.35%
Raleigh-Durham-Cary, NC	17.64%
Richmond, VA	16.47%
Sacramento-Arden-Arcade-Yuba City, CA-NV	22.20%
San Diego-Carlsbad-San Marcos, CA	24.19%
San Jose-San Francisco-Oakland, CA	35.15%
Seattle-Tacoma-Olympia, WA	21.81%

SCHEDULE 9—Continued
 Locality-Based Comparability Payments

Locality Pay Area ¹	Rate
Washington-Baltimore-Northern DC-MD-VA-WV-PA	Virginia, 24.22%
Rest of U.S. ²	14.16%

¹Locality Pay Areas are defined in 5 CFR 531.603.
²Under the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911–1919, Public Law 111–84, October 28, 2009), two-thirds of the applicable locality pay rate will be payable in non-foreign areas effective with the first pay period in January 2011. Those two-thirds payable locality rates are 16.46% in Alaska, 11.01% in Hawaii, and 9.44% in other non-foreign areas (as identified in 5 CFR 591.205(b)(3)–(16)) that are part of the Rest of U.S. locality pay area.

SCHEDULE 10

Administrative Law Judges

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2011)

AL-3/A	\$103,900
AL-3/B	111,800
AL-3/C	119,900
AL-3/D	127,800
AL-3/E	135,900
AL-3/F	143,700
AL-2	151,800
AL-1	155,500

PRIOR ADJUSTMENTS OF CERTAIN RATES OF PAY WERE
 CONTAINED IN THE FOLLOWING:

Ex. Ord. No. 13525, Dec. 23, 2009, 74 F.R. 69231, effective Jan. 1, 2010, superseded by Ex. Ord. No. 13561.
 Ex. Ord. No. 13483, Dec. 18, 2008, 73 F.R. 78587, effective Jan. 1, 2009, superseded by Ex. Ord. No. 13525.
 Ex. Ord. No. 13454, Jan. 4, 2008, 73 F.R. 1481, effective Jan. 1, 2008, superseded by Ex. Ord. No. 13483.
 Ex. Ord. No. 13420, Dec. 21, 2006, 71 F.R. 77571, effective Jan. 1, 2007, superseded by Ex. Ord. No. 13454.
 Ex. Ord. No. 13393, Dec. 22, 2005, 70 F.R. 76655, effective Jan. 1, 2006, superseded by Ex. Ord. No. 13420.
 Ex. Ord. No. 13368, Dec. 30, 2004, 70 F.R. 1147, effective Jan. 1, 2005, superseded by Ex. Ord. No. 13393.
 Ex. Ord. No. 13332, Mar. 3, 2004, 69 F.R. 10891, effective Jan. 1, 2004, superseded by Ex. Ord. No. 13368.
 Ex. Ord. No. 13322, Dec. 30, 2003, 69 F.R. 231, effective Jan. 1, 2004, superseded by Ex. Ord. No. 13332.
 Ex. Ord. No. 13282, Dec. 31, 2002, 68 F.R. 1133, as amended by Ex. Ord. No. 13291, Mar. 21, 2003, 68 F.R. 14525, effective Jan. 1, 2003, superseded by Ex. Ord. No. 13322.
 Ex. Ord. No. 13249, Dec. 28, 2001, 67 F.R. 639, effective Jan. 1, 2002, superseded by Ex. Ord. No. 13282, as amended.
 Ex. Ord. No. 13182, Dec. 23, 2000, 65 F.R. 82879, 66 F.R. 10057, effective Jan. 1, 2001, superseded by Ex. Ord. No. 13249.
 Ex. Ord. No. 13144, Dec. 21, 1999, 64 F.R. 72237, effective Jan. 1, 2000, superseded by Ex. Ord. No. 13182.
 Ex. Ord. No. 13106, Dec. 7, 1998, 63 F.R. 68151, effective Jan. 1, 1999, substantially superseded by Ex. Ord. No. 13144.
 Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, effective Jan. 1, 1998, superseded by Ex. Ord. No. 13106.
 Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, effective Jan. 1, 1997, superseded by Ex. Ord. No. 13071.
 Ex. Ord. No. 12990, Feb. 29, 1996, 61 F.R. 8467, effective Jan. 1, 1996, superseded by Ex. Ord. No. 13033.
 Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, as amended by Ex. Ord. No. 12990, § 3, Feb. 29, 1996, 61 F.R. 8467, effective Jan. 1, 1996, superseded by Ex. Ord. No. 13033.
 Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, effective Jan. 1, 1995, superseded by Ex. Ord. No. 12984, as amended.
 Ex. Ord. No. 12886, Dec. 23, 1993, 58 F.R. 68709, effective Jan. 1, 1994, superseded by Ex. Ord. No. 12944.
 Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, as amended by Ex. Ord. No. 12886, § 3, Dec. 23, 1993, 58 F.R. 68709, effective Jan. 1, 1993, superseded by Ex. Ord. No. 12944.

Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, effective Jan. 1, 1992, superseded by Ex. Ord. No. 12826, as amended.
 Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, effective Jan. 1, 1991, superseded by Ex. Ord. No. 12786.
 Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, effective Jan. 1 and 31, 1990, superseded by Ex. Ord. No. 12736.
 Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, effective Jan. 1, 1989, superseded by Ex. Ord. No. 12698.
 Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, effective Jan. 1, 1988, superseded by Ex. Ord. No. 12663.
 Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, effective Jan. 1, 1987, superseded by Ex. Ord. No. 12622.
 Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, effective Jan. 1, 1985, superseded by Ex. Ord. No. 12578.
 Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended by Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, effective Jan. 1, 1984, superseded by Ex. Ord. No. 12496, as amended.
 Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, effective Oct. 1, 1982, superseded by Ex. Ord. No. 12456, as amended.
 Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, effective Oct. 1, 1981, superseded by Ex. Ord. No. 12387.
 Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, effective Oct. 1, 1980, superseded by Ex. Ord. No. 12330.
 Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 44 F.R. 16443, effective Oct. 1, 1979, superseded by Ex. Ord. No. 12248.
 Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, effective Oct. 1, 1978, superseded by Ex. Ord. No. 12165, as amended.
 Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, effective Oct. 1, 1977, superseded by Ex. Ord. No. 12087.
 Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, effective Oct. 1, 1976, superseded by Ex. Ord. No. 12010.
 Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, effective Oct. 1, 1975, superseded by Ex. Ord. No. 11941, as amended.
 Ex. Ord. No. 11811, Oct. 7, 1974, 39 F.R. 36302, effective Oct. 1, 1974, superseded by Ex. Ord. No. 11883.
 Ex. Ord. No. 11739, Oct. 3, 1973, 38 F.R. 27581, effective Oct. 1, 1973, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11691, Dec. 15, 1972, 37 F.R. 27607, as amended by Ex. Ord. No. 11777, Apr. 12, 1974, 39 F.R. 13519, effective Oct. 1, 1972, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11637, Dec. 22, 1971, 36 F.R. 24911, effective Jan. 1, 1972, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11576, Jan. 8, 1971, 36 F.R. 347, effective Jan. 1, 1971, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11524, Apr. 15, 1970, 35 F.R. 6247, effective first pay period on or after Dec. 27, 1969, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11474, June 16, 1969, 34 F.R. 9605, effective July 1, 1969, superseded by Ex. Ord. No. 11811.
 Ex. Ord. No. 11413, June 11, 1968, 33 F.R. 8641, effective July 1, 1968, superseded by Ex. Ord. No. 11811.

FREEZING FEDERAL EMPLOYEE PAY SCHEDULES AND RATES THAT ARE SET BY ADMINISTRATIVE DISCRETION
 Memorandum of President of the United States, Dec. 22, 2010, 75 F.R. 81829, provided:
 Memorandum for the Heads of Executive Departments and Agencies
 On November 29, 2010, I proposed a two-year freeze in the pay of civilian Federal employees as the first of a number of difficult actions required to put our Nation on a sound fiscal footing. As I said then, Federal workers are not just a line in a budget. They are public servants who, like their private sector counterparts, may be struggling in these difficult economic times.
 Despite the sacrifices that I knew a pay freeze would entail for our dedicated civil servants, I concluded that a two-year freeze in the upward statutory adjustment of pay schedules is a necessary first step in our effort

to address the challenge of our fiscal reality. The Congress responded to my proposal by including such a freeze in the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (H.R. 3082) [Pub. L. 111-322], which I signed into law today (the “Act”). The Act freezes statutory pay adjustments for all executive branch pay schedules for a two-year period. It also generally prohibits executive departments and agencies from providing any base salary increases at all to senior executives or senior level employees, including performance-based increases.

While this legislation will prevent adjustments in executive branch pay schedules that are made by statute, some laws allow such adjustments to be made by agency heads as an exercise of administrative discretion. In order to ensure consistent treatment of executive branch employees and to promote the fiscal purposes of my original proposal, agency heads who have such discretion should not provide any upward adjustments in Federal employees’ pay schedules or rates during the two-year period covered by the statutory pay freeze.

Accordingly, you should suspend any increases to any pay systems or pay schedules covering executive branch employees that could otherwise take effect as a result of an exercise of administrative discretion during the period beginning on January 1, 2011, and ending on December 31, 2012. You also should forgo any general increases (including general increases for a geographic area, such as locality pay) in covered employees’ rates of pay that could otherwise take effect as a result of the exercise of administrative discretion during the same period. To the extent that an agency pay system provides performance-based increases in lieu of general increases, funds allocated for those performance-based increases should be correspondingly reduced to reflect the freezing of the employees’ base pay schedule.

This memorandum shall be carried out to the extent permitted by law and consistent with executive departments’ and agencies’ legal authorities. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Personnel Management shall issue guidance on implementing this memorandum, and is also hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 5333. Minimum rate for new appointments

New appointments shall be made at the minimum rate of the appropriate grade. However, under regulations prescribed by the Office of Personnel Management which provide for such considerations as the existing pay or unusually high or unique qualifications of the candidate, or a special need of the Government for his services, the head of an agency may appoint, with the approval of the Office in each specific case, an individual to a position at such a rate above the minimum rate of the appropriate grade as the Office may authorize for this purpose. The approval of the Office in each specific case is not required with respect to an appointment made by the Librarian of Congress.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 467; Pub. L. 90-83, §1(19), Sept. 11, 1967, 81 Stat. 199; Pub. L. 95-454, title IX, §906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-54, §2(a)(26)(A), Aug. 14, 1979, 93 Stat. 382; Pub. L. 101-509, title V, §529 [title I, §106, title II, §211(b)(1)], Nov. 5, 1990, 104 Stat. 1427, 1449, 1461.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)	5 U.S.C. 1131.	Oct. 28, 1949, ch. 782, §801, 63 Stat. 969. Aug. 14, 1964, Pub. L. 88-426, §103(a), 78 Stat. 401.
(b)	5 U.S.C. 1133.	Oct. 28, 1949, ch. 782, §803, 63 Stat. 970. Sept. 1, 1954, ch. 1208, §104, 68 Stat. 1106. Oct. 11, 1962, Pub. L. 87-793, §604(c), 76 Stat. 848.

In subsection (b), the word “scheduled” is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity.

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

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5333(a)	5 App.: 1131.	July 18, 1966, Pub. L. 89-504, §103, 80 Stat. 289.

AMENDMENTS

1990—Pub. L. 101-509 struck out “; higher rates for supervisors of prevailing rate employees” after “appointments” in section catchline, struck out “(a)” before “New appointments shall”, struck out “in GS-11 or above” after “individual to a position”, and struck out subsec. (b) which read as follows: “Under regulations prescribed by the Office of Personnel Management, an employee in a position to which this subchapter applies, who regularly has responsibility for supervision (including supervision over the technical aspects of the work concerned) over employees whose pay is fixed and adjusted from time to time by wage boards or similar administrative authority as nearly as is consistent with the public interest in accordance with prevailing rates, may be paid at one of the rates for his grade which is above the highest rate of basic pay being paid to any such prevailing-rate employee regularly supervised, or at the maximum rate for his grade, as provided by the regulations.”

1979—Pub. L. 96-54 substituted “prevailing rate” for “wage-board” in section catchline.

1978—Subsecs. (a), (b). Pub. L. 95-454 substituted “Office of Personnel Management” and “Office” for “Civil Service Commission” and “Commission”, respectively, wherever appearing.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 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.

§ 5334. Rate on change of position or type of appointment; regulations

(a) The rate of basic pay to which an employee is entitled is governed by regulations prescribed

by the Office of Personnel Management in conformity with this subchapter and chapter 51 of this title when—

- (1) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter does not apply;
- (2) he is transferred from a position in the legislative, judicial, or executive branch to which this subchapter applies to another such position;
- (3) he is demoted to a position in a lower grade;
- (4) he is reinstated, reappointed, or reemployed in a position to which this subchapter applies following service in any position in the legislative, judicial, or executive branch;
- (5) his type of appointment is changed;
- (6) his employment status is otherwise changed; or
- (7) his position is changed from one grade to another grade.

For the purpose of this subsection, an individual employed by the Appalachian Regional Commission under section 14306(a)(2) of title 40, who was a Federal employee immediately prior to such employment by a commission and within 6 months after separation from such employment is employed in a position to which this subchapter applies, shall be treated as if transferred from a position in the executive branch to which this subchapter does not apply.

(b) An employee who is promoted or transferred to a position in a higher grade is entitled to basic pay at the lowest rate of the higher grade which exceeds his existing rate of basic pay by not less than two step-increases of the grade from which he is promoted or transferred. If, in the case of an employee so promoted or transferred who is receiving basic pay at a rate in excess of the maximum rate of his grade, there is no rate in the higher grade which is at least two step-increases above his existing rate of basic pay, he is entitled to—

- (1) the maximum rate of the higher grade; or
- (2) his existing rate of basic pay, if that rate is the higher.

If an employee so promoted or transferred is receiving basic pay at a rate saved to him under subchapter VI of this chapter on reduction in grade, he is entitled to—

- (A) basic pay at a rate two steps above the rate which he would be receiving if subchapter VI of this chapter were not applicable to him; or
- (B) his existing rate of basic pay, if that rate is the higher.

If an employee's rate after promotion or transfer is greater than the maximum rate of basic pay for the employee's grade, that rate shall be treated as a retained rate under section 5363. The Office of Personnel Management shall prescribe by regulation the circumstances under which and the extent to which special rates under section 5305 (or similar provision of law) or locality-adjusted rates under section 5304 (or similar provision of law) are considered to be basic pay in applying this subsection.

(c) An employee in the legislative branch who is paid by the Secretary of the Senate or the Chief Administrative Officer of the House of

Representatives, and who has completed two or more years of service as such an employee, and a Member of the Senate or House of Representatives who has completed two or more years of service as such a Member, may, on appointment to a position to which this subchapter applies, have his initial rate of pay fixed—

- (1) at the minimum rate of the appropriate grade; or
- (2) at a step of the appropriate grade that does not exceed the highest previous rate of pay received by him during that service in the legislative branch.

(d) The rate of pay established for a teaching position as defined by section 901 of title 20 held by an individual who becomes subject to subsection (a) of this section is deemed increased by an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.

(e) An employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) may, on appointment to a position subject to this subchapter, have the initial rate of basic pay of the employee fixed at—

- (1) the lowest rate of the higher grade that exceeds the rate of basic pay of the employee with the county committee by not less than 2 step-increases of the grade from which the employee was promoted, if the Federal Civil Service position under this subchapter is at a higher grade than the last grade the employee had while an employee of the county committee;
- (2) the same step of the grade as the employee last held during service with the county committee, if the Federal Civil Service position under this subchapter is at the same grade as the last grade the employee had while an employee of the county committee; or
- (3) the lowest step of the Federal grade for which the rate of basic pay is equal to or greater than the highest previous rate of pay of the employee, if the Federal Civil Service position under this subchapter is at a lower grade than the last grade the employee had while an employee of the county committee.

(f)(1) An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, that is subject to this subchapter, may have such employee's initial rate of basic pay fixed at the minimum rate of the appropriate grade or at any step of such grade that does not exceed—

- (A) if the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c) is equal to a rate of the appropriate grade, such rate of the appropriate grade;
- (B) if the employee's highest previous rate of basic pay (as described in subparagraph (A)) is between two rates of the appropriate grade, the higher of those two rates; or

(C) if the employee's highest previous rate of basic pay (as described in subparagraph (A)) exceeds the maximum rate of the appropriate grade, the maximum rate of the appropriate grade.

(2) In the case of a nonappropriated fund employee who is moved involuntarily from such nonappropriated fund instrumentality without a break in service of more than 3 days and without substantial change in duties to a position that is subject to this subchapter, the employee's pay shall be set at a rate (not above the maximum for the grade, except as may be provided for under section 5365) that is not less than the employee's rate of basic pay under the nonappropriated fund instrumentality immediately prior to so moving.

(g) In the case of an employee who—

- (1) moves to a new official duty station, and
- (2) by virtue of such move, becomes subject to a different pay schedule,

any rate adjustment under the preceding provisions of this section, with respect to such employee in connection with such move, shall be made—

(A) first, by determining the rate of pay to which such employee would be entitled at the new official duty station based on such employee's position, grade, and step (or relative position in the rate range) before the move, and

(B) then, by applying the provisions of this section that would otherwise apply (if any), treating the rate determined under subparagraph (A) as if it were the rate last received by the employee before the rate adjustment.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 468; Pub. L. 90-103, title I, §105, Oct. 11, 1967, 81 Stat. 257; Pub. L. 90-367, §1, June 29, 1968, 82 Stat. 277; Pub. L. 90-623, §1(6), (24), Oct. 22, 1968, 82 Stat. 1312, 1314; Pub. L. 95-454, title V, §503(f), title VIII, §801(a)(2), (3)(F), (G), title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1184, 1221, 1222, 1224; Pub. L. 96-54, §2(a)(27), Aug. 14, 1979, 93 Stat. 383; Pub. L. 98-615, title II, §204(a)(1), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 99-251, title III, §306(b), Feb. 27, 1986, 100 Stat. 27; Pub. L. 101-508, title VII, §7202(d), Nov. 5, 1990, 104 Stat. 1388-335; Pub. L. 103-89, §3(b)(1)(G), Sept. 30, 1993, 107 Stat. 982; Pub. L. 104-186, title II, §215(4), Aug. 20, 1996, 110 Stat. 1745; Pub. L. 105-85, div. A, title XI, §1104(a), Nov. 18, 1997, 111 Stat. 1923; Pub. L. 105-393, title II, §223, Nov. 13, 1998, 112 Stat. 3626; Pub. L. 107-171, title X, §10701, May 13, 2002, 116 Stat. 515; Pub. L. 108-178, §4(a), Dec. 15, 2003, 117 Stat. 2640; Pub. L. 108-411, title III, §301(a)(3), Oct. 30, 2004, 118 Stat. 2315; Pub. L. 110-181, div. A, title XI, §1114, Jan. 28, 2008, 122 Stat. 360.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)-(d)	5 U.S.C. 1132.	Oct. 28, 1949, ch. 782, §802, 63 Stat. 969. Sept. 1, 1954, ch. 1208, §112 (as applicable to §802(b)), 68 Stat. 1108. May 29, 1958, Pub. L. 85-432, §4(a), (b), 72 Stat. 151. July 31, 1959, Pub. L. 86-122, §2(a), 73 Stat. 268.

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(e)	5 U.S.C. 2357.	Oct. 11, 1962, Pub. L. 87-793, §604(a), (b), 76 Stat. 847. July 17, 1959, Pub. L. 86-91, §9, 73 Stat. 216.

In subsection (b), the words “under any provision of law” are omitted from the second sentence as unnecessary.

In subsection (e), the words “as defined by section 901 of title 20” are added on authority of former section 2351, which section is scheduled for transfer to section 901 of title 20.

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

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-181 designated first sentence as par. (1), substituted “does not exceed—” for “does not exceed the highest previous rate of basic pay received by that employee during the employee's service described in section 2105(c).”, added subpars. (A) to (C), and designated second sentence as par. (2).

2004—Subsec. (b). Pub. L. 108-411, §301(a)(3)(A), inserted concluding provisions.

Subsec. (g). Pub. L. 108-411, §301(a)(3)(B), added subsec. (g).

2003—Subsec. (a). Pub. L. 108-178 substituted “section 14306(a)(2) of title 40” for “section 106(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)”.

2002—Subsec. (e). Pub. L. 107-171 added subsec. (e) and struck out former subsec. (e) which read as follows: “An employee of a county committee established pursuant to section 590h(b) of title 16 may, upon appointment to a position subject to this subchapter, have his initial rate of basic pay fixed at the minimum rate of the appropriate grade, or at any step of such grade that does not exceed the highest previous rate of basic pay received by him during service with such county committee.”

1998—Subsec. (a). Pub. L. 105-393 substituted “the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)” for “title 40, appendix, or by a regional commission established pursuant to section 3182 of title 42, under section 3186(a)(2) of that title”.

1997—Subsec. (d). Pub. L. 105-85 substituted “an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.” for “20 percent to determine the yearly rate of pay of the position.”

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

1993—Subsec. (c)(2). Pub. L. 103-89, §3(b)(1)(G)(i), substituted “step” for “step, or for an employee appointed to a position covered by the performance management and recognition system established under chapter 54 of this title, any dollar amount.”

Subsecs. (f), (g). Pub. L. 103-89, §3(b)(1)(G)(ii), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: “In the case of an employee covered by the performance management and recognition system established under chapter 54 of this title, all references in this section to ‘two steps’ or ‘two step-increases’ shall be deemed to mean 6 percent.”

1990—Subsec. (g). Pub. L. 101-508 added subsec. (g).

1986—Subsec. (e). Pub. L. 99-251 substituted “may, upon appointment to a position” for “may upon appointment to a position under the Department of Agriculture.”

1984—Subsecs. (c)(2), (f). Pub. L. 98-615 substituted “the performance management and recognition system established under chapter 54” for “the merit pay system established under section 5402”.

1979—Subsec. (a). Pub. L. 96-54 substituted “106(2)” for “106(a)” and “3186(a)(2)” for “3186(2)”.

1978—Subsec. (a). Pub. L. 95-454, §906(a)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (b). Pub. L. 95-454, §801(a)(3)(F), substituted “subchapter VI of this chapter” for “section 5337 of this title” wherever appearing.

Subsec. (c). Pub. L. 95-454, §503(f)(1), in par. (2) inserted reference to an employee appointed to a position covered by the merit pay system established under section 5402 of this title.

Subsecs. (d) to (f). Pub. L. 95-454, §801(a)(2), (3)(G), redesignated subsecs. (e) and (f) as (d) and (e), respectively. Former subsec. (d), which related to regulations governing the retention of the rate of basic pay of an employee and his position covered by this subchapter and chapter 51 of this title, was struck out.

Pub. L. 95-454, §503(f)(2), added a new subsec. (f).

1968—Subsec. (a). Pub. L. 90-623, §1(6), substituted “title 40, appendix” for “the Appalachian Regional Development Act of 1965”, “section 3182 of title 42, under section 3186(2) of that title” for “section 502 of the Public Works and Economic Development Act of 1965, under section 506(2) of such Act”, and “6” for “six”.

Subsec. (f). Pub. L. 90-623, §1(24), substituted “section 590h(b) of title 16” for “section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))”.

Pub. L. 90-367 added subsec. (f).

1967—Subsec. (a). Pub. L. 90-103 provided for treatment as a transfer from a position in the executive branch to which this subchapter does not apply of certain regional commission employees who were Federal employees immediately prior to employment by a commission and were employed within six months after separation from the commission in a position subject to this subchapter.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-411 effective on the first day of the first applicable pay period beginning on or after the 180th day after Oct. 30, 2004, with provisions relating to conversion rules, see section 301(d) of Pub. L. 108-411, set out as a note under section 5363 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-178, §5, Dec. 15, 2003, 117 Stat. 2642, provided that: “This Act [see Tables for classification] and amendments and repeals made by this Act are effective August 21, 2002.”

EFFECTIVE DATE OF 1997 AMENDMENT

Section 1104(b) of Pub. L. 105-85 provided that:

“(1) The amendment made by subsection (a) [amending this section] shall take effect 180 days after the date of the enactment of this Act [Nov. 18, 1997].

“(2) In the case of a person who is employed in a teaching position referred to in section 5334(d) of title 5, United States Code, on the day before the effective date under paragraph (1), the rate of pay of that person determined under that section (as in effect on that day) may not be reduced by reason of the amendment made by subsection (a) for so long as the person continues to serve in that position or another such position without a break in service of more than three days on or after that day.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast

Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 205 of Pub. L. 98-615 provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504(a) of Pub. L. 95-454 provided that amendment by section 503(f) of Pub. L. 95-454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

Amendment by section 801(a)(2), (3)(F), (G) of Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of this title.

Amendment by section 906(a)(2) of 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 1968 AMENDMENT

Section 6 of Pub. L. 90-623 provided that:

“(a) Sections 1-5 of this Act [amending this section, sections 559, 2108, 3102, 3502, 5314, 5315, 5316, 5352, 5353, 5516, 5521, 5527, 5537, 5546, 5724, 6104, 6305, 6312, 6323, 6324, 8143, 8191, 8331, and 8347 of this title, sections 101, 510 [now 12102], 815, 1124, 3534, 4342, 5149, 6483, 6954, and 9342 of Title 10, Armed Forces, sections 101, 212, 205, 305, 306, 307, 308, 311, 406, 417, 554, 703, 904, 1001, and 1006 of Title 37, Pay and Allowances of the Uniformed Services, and sections 2727 and 2994b of Title 42, The Public Health and Welfare, and repealing section 8339 note of this title] restate, without substantive change, the laws replaced by those sections on the effective date of this Act. Laws effective after June 30, 1968, that are inconsistent with this Act [Oct. 22, 1968] supersede it to the extent of the inconsistency.

“(b) References made by other laws, regulations, and orders to the laws restated by this Act are deemed to refer to the corresponding provisions of this Act.

“(c) Actions taken under the laws restated by this Act are deemed to have been taken under the corresponding provisions of this Act.

“(d) Sections 1(2) and 1(14) of this Act [amending sections 2108 and 5724 of this title] are effective as of September 11, 1967, for all purposes.

“(e) Sections 1(13)(B) and 1(17) of this Act [amending sections 5546 and 6323 of this title] are effective as of September 6, 1966, for all purposes.”

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.

§ 5335. Periodic step-increases

(a) An employee paid on an annual basis, and occupying a permanent position within the scope of the General Schedule, who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of—

- (1) each 52 calendar weeks of service in pay rates 1, 2, and 3;
- (2) each 104 calendar weeks of service in pay rates 4, 5, and 6; or
- (3) each 156 calendar weeks of service in pay rates 7, 8, and 9;

subject to the following conditions:

(A) the employee did not receive an equivalent increase in pay from any cause during that period; and

(B) the work of the employee is of an acceptable level of competence as determined by the head of the agency.

(b) Under regulations prescribed by the Office of Personnel Management, the benefit of successive step-increases shall be preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

(c) When a determination is made under subsection (a) of this section that the work of an employee is not of an acceptable level of competence, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within his agency under uniform procedures prescribed by the Office of Personnel Management. If the determination is affirmed on reconsideration, the employee is entitled to appeal to the Merit Systems Protection Board. If the reconsideration or appeal results in a reversal of the earlier determination, the new determination supersedes the earlier determination and is deemed to have been made as of the date of the earlier determination. The authority of the Office to prescribe procedures and the entitlement of the employee to appeal to the Board do not apply to a determination of acceptable level of competence made by the Librarian of Congress.

(d) An increase in pay granted by statute is not an equivalent increase in pay within the meaning of subsection (a) of this section.

(e) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

(f) In computing periods of service under subsection (a) in the case of an employee who moves without a break in service of more than 3 days from a position under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) to a position under the Department of Defense or the Coast Guard, respectively, that is subject to this subchapter, service under such instrumentality shall, under regulations prescribed by the Office, be deemed service in a position subject to this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 469; Pub. L. 90-83, §1(20), Sept. 11, 1967, 81 Stat. 199; Pub. L.

95-251, §2(a)(1), Mar. 27, 1978, 92 Stat. 183; Pub. L. 95-454, title V, §503(g), title IX, §906(a)(2), (8), Oct. 13, 1978, 92 Stat. 1184, 1224, 1225; Pub. L. 96-54, §2(a)(28), Aug. 14, 1979, 93 Stat. 383; Pub. L. 98-615, title II, §§203, 204(a)(1), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 101-508, title VII, §7202(e), Nov. 5, 1990, 104 Stat. 1388-336; Pub. L. 101-509, title V, §529 [title I, §104(d)(2)], Nov. 5, 1990, 104 Stat. 1427, 1447; Pub. L. 103-89, §3(b)(1)(H), Sept. 30, 1993, 107 Stat. 982.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a)-(c)	5 U.S.C. 1121.	Oct. 11, 1962, Pub. L. 87-793, §603 "Sec. 701", 76 Stat. 847.
(d)	5 U.S.C. 1123 (as applicable to 5 U.S.C. 1121).	Oct. 11, 1962, Pub. L. 87-793, §603 "Sec. 703 (as applicable to §701)", 76 Stat. 847.

In subsection (a), the words "General Schedule" are substituted for "compensation schedules fixed by this chapter" since the General Schedule is now the only compensation schedule in that chapter. The word "scheduled" is omitted since section 603 of the Act of Oct. 11, 1962, Pub. L. 87-793, 76 Stat. 847, eliminated the necessity of referring to rates as scheduled or longevity.

In subsection (a)(B), the words "except a hearing examiner appointed under section 3105 of this title" are added on authority of the third sentence of former section 1010 and the fifth sentence of former section 1011, which are carried into sections 5362 and 559, respectively, and of section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

Title VII (sections 701-705) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 967-969, as amended by the following Acts is omitted from the derivation and repealed (see Table II) as superseded by the Act of Oct. 11, 1962, Pub. L. 87-793, §603, 76 Stat. 847, which is carried into this section and section 5336:

June 28, 1950, ch. 382, §2, 64 Stat. 262.

Sept. 30, 1950, ch. 1123, §§9, 10, 64 Stat. 1100.

Oct. 24, 1951, ch. 554, §1(e), 65 Stat. 613.

Sept. 1, 1954, ch. 1208, §§102(a), 103(a), 112 (less applicability to §802(b)), 305(a), 68 Stat. 1105, 1108, 1113.

June 28, 1955, ch. 189, §2(e), 69 Stat. 175.

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

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5335(c)	5 App.: 1121(c).	Oct. 29, 1965, Pub. L. 89-301, §3, 79 Stat. 1112.

The word "officer" is omitted as included in "employee", and the word "agency" is substituted for "department" to conform to the definition in 5 U.S.C. 5331.

AMENDMENTS

1993—Subsec. (e). Pub. L. 103-89, §3(b)(1)(H)(i), struck out "covered by the performance management and recognition system established under chapter 54 of this title, or," after "individual".

Subsecs. (f), (g). Pub. L. 103-89, §3(b)(1)(H)(ii), redesignated subsec. (g) as (f) and struck out former subsec. (f) which read as follows: "Notwithstanding subsection (b) or (e) of this section, an increase in pay granted under section 5404 of this title is an equivalent increase in pay within the meaning of subsection (a) of this section and shall be taken into account in the case of any employee who, before becoming subject to this section, was granted such an increase while covered by the per-

formance management and recognition system established under chapter 54 of this title.”

1990—Subsec. (a)(B). Pub. L. 101-509 struck out “, except an administrative law judge appointed under section 3105 of this title,” after “work of the employee”.

Subsec. (g). Pub. L. 101-508 added subsec. (g).

1984—Subsec. (e). Pub. L. 98-615, §204(a)(1), substituted “the performance management and recognition system established under chapter 54” for “the merit pay system established under section 5402”.

Subsec. (f). Pub. L. 98-615, §203, added subsec. (f).

1979—Subsec. (a)(3)(B). Pub. L. 96-54 substituted “an administrative law judge” for “a administrative law judge”.

1978—Subsec. (a). Pub. L. 95-251 substituted “administrative law judge” for “hearing examiner”.

Subsec. (b). Pub. L. 95-454, §906(a)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (c). Pub. L. 95-454, §906(a)(8), substituted references to Office of Personnel Management and Merit Systems Protection Board and Office and Board, respectively, for references to Civil Service Commission wherever appearing in text.

Subsec. (e). Pub. L. 95-454, §503(g), inserted reference to merit pay system established under section 5402 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of this title.

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

Amendment by Pub. L. 101-508 applicable with respect to any individual who, on or after Jan. 1, 1987, moves from employment in nonappropriated fund instrumentality of Department of Defense or Coast Guard, that is described in section 2105(c) of this title, to employment in Department or Coast Guard, that is not described in section 2105(c), or who moves from employment in Department or Coast Guard, that is not described in section 2105(c), to employment in nonappropriated fund instrumentality of Department or Coast Guard, that is described in section 2105(c), see section 7202(m)(1) of Pub. L. 101-508, set out as a note under section 2105 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 205 of Pub. L. 98-615 provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-54 effective July 12, 1979, see section 2(b) of Pub. L. 96-54, set out as a note under section 305 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504(a) of Pub. L. 95-454 provided that amendment by section 503(g) of Pub. L. 95-454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

Amendment by section 906(a)(2), (8) of 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities

and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.

PAY INCREASES DEEMED EQUIVALENT INCREASES IN PAY

Section 5(a) of Pub. L. 103-89 provided that: “Notwithstanding the amendment made by section 3(b)(1)(H)(ii) [amending this section], an increase in pay granted under section 5404 of title 5, United States Code, before November 1, 1993, shall be deemed to be an equivalent increase in pay within the meaning of section 5335(a) of such title.”

§ 5336. Additional step-increases

(a) Within the limit of available appropriations and under regulations prescribed by the Office of Personnel Management, the head of each agency may grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. However, an employee is eligible under this section for only one additional step-increase within any 52-week period.

(b) A step-increase under this section is in addition to those under section 5335 of this title and is not an equivalent increase in pay within the meaning of section 5335(a) of this title.

(c) This section does not apply to the pay of an individual appointed by the President, by and with the advice and consent of the Senate.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 469; Pub. L. 95-454, title V, §503(h), title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1184, 1224; Pub. L. 98-615, title II, §204(a)(1), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 103-89, §3(b)(1)(I), Sept. 30, 1993, 107 Stat. 982.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a), (b)	5 U.S.C. 1122.	Oct. 11, 1962, Pub. L. 87-793, §603 “Sec. 702”, 76 Stat. 847.
(c)	5 U.S.C. 1123 (less applicability to 5 U.S.C. 1121).	Oct. 11, 1962, Pub. L. 87-793, §603 “Sec. 703 (less applicability to §701)”, 76 Stat. 847.

For repeal of Title VII (sections 701-705) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 967-969, as amended, see revision note for section 5335.

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

AMENDMENTS

1993—Subsec. (c). Pub. L. 103-89 struck out “covered by the performance management and recognition system established under chapter 54 of this title, or,” after “individual”.

1984—Subsec. (c). Pub. L. 98-615 substituted “the performance management and recognition system established under chapter 54” for “the merit pay system established under section 5402”.

1978—Subsec. (a). Pub. L. 95-454, §906(a)(2), substituted “Office of Personnel Management” for “Civil Service Commission”.

Subsec. (c). Pub. L. 95-454, §503(h), inserted reference to merit pay system established under section 5402 of this title.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-89 effective Nov. 1, 1993, see section 3(c) of Pub. L. 103-89, set out as a note under section 3372 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 205 of Pub. L. 98-615 provided that amendment by Pub. L. 98-615 was effective Oct. 1, 1984, and applicable with respect to pay periods commencing on or after that date, with certain exceptions and qualifications.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 504(a) of Pub. L. 95-454 provided that amendment by section 503(h) of Pub. L. 95-454 was effective on first day of first applicable pay period which began on or after Oct. 1, 1981, except it could take effect with respect to any category or categories of positions before such day to extent prescribed by Director of Office of Personnel Management.

Amendment by section 906(a)(2) of 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.

[§ 5337. Repealed. Pub. L. 95-454, title VIII, § 801(a)(2), Oct. 13, 1978, 92 Stat. 1221]

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 470; Pub. L. 92-392, § 3, Aug. 19, 1972, 86 Stat. 573, set forth provisions relating to pay saving for employees reduced in grade from a grade in the General Schedule. See section 5361 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, and an employee receiving pay on day before such effective date not to have such pay reduced or terminated and, unless section 5362 applies, employee is entitled to continuation of such pay, etc., see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of this title.

§ 5338. Regulations

The Office of Personnel Management may prescribe regulations necessary for the administration of this subchapter.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 470; Pub. L. 95-454, title IX, § 906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

The section is added on authority of former sections 1072 and 1072a, which are carried into section 5115.

AMENDMENTS

1978—Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

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.

SUBCHAPTER IV—PREVAILING RATE SYSTEMS

§ 5341. Policy

It is the policy of Congress that rates of pay of prevailing rate employees be fixed and adjusted from time to time as nearly as is consistent with the public interest in accordance with prevailing rates and be based on principles that—

(1) there will be equal pay for substantially equal work for all prevailing rate employees

who are working under similar conditions of employment in all agencies within the same local wage area;

(2) there will be relative differences in pay within a local wage area when there are substantial or recognizable differences in duties, responsibilities, and qualification requirements among positions;

(3) the level of rates of pay will be maintained in line with prevailing levels for comparable work within a local wage area; and

(4) the level of rates of pay will be maintained so as to attract and retain qualified prevailing rate employees.

(Added Pub. L. 92-392, § 1(a), Aug. 19, 1972, 86 Stat. 564.)

PRIOR PROVISIONS

A prior section 5341, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 471; Pub. L. 90-83, § 1(97), Sept. 11, 1967, 81 Stat. 220; Pub. L. 90-560, § 4, Oct. 12, 1968, 82 Stat. 997, provided prevailing rate system for trades and crafts and is covered by sections 5343(c), (d) and 5349(a) of this title.

EFFECTIVE DATE

Section 15(a) of Pub. L. 92-392 provided that: “The provisions of this Act [enacting this subchapter and section 5550 of this title, amending sections 2105, 5337, 5541, 5544, 5548, 6101, 7154, and 8704 of this title, repealing section 6102 of this title, and enacting provisions set out as notes under sections 5341 and 5343 of this title and sections 60a-1 and 60a-2 of Title 2, The Congress] are effective on the first day of the first applicable pay period which begins on or after the ninetieth day after the date of enactment of this Act [Aug. 19, 1972], except that, in the case of those employees referred to in section 5342(a)(2)(B) and (C) of title 5, United States Code (as amended by the first section of this Act), such provisions are effective on the first day of the first applicable pay period which begins on or after the one hundred and eightieth day after such date of enactment or on such earlier date (not earlier than the ninetieth day after such date of enactment) as the Civil Service Commission may prescribe. Notwithstanding the provisions of this subsection, section 5343(e)(1)(D) and (E) and (e)(2)(C), as enacted by the first section of this Act, shall not be effective until the first day of the first pay period commencing after (1) the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 [formerly set out as a note under section 1904 of Title 12, Banks and Banking] to stabilize wages and salaries, or (2) April 30, 1973, whichever occurs first.”

REPEALS

Section 13 of Pub. L. 92-392 provided that:

“(a) All laws or parts of laws inconsistent with this Act [see Effective Date note above] are hereby repealed to the extent of such inconsistency.

“(b) Subsection (a) of this section does not repeal or otherwise affect section 5102(d) of title 5, United States Code, section 305 of title 44 of such Code, or the provisions contained in section 180 of former title 31, United States Code.”

§ 5342. Definitions; application

(a) For the purpose of this subchapter—

(1) “agency” means an Executive agency; but does not include—

- (A) a Government controlled corporation;
- (B) the Tennessee Valley Authority;
- (C) the Virgin Islands Corporation;
- (D) the Atomic Energy Commission;
- (E) the Central Intelligence Agency;