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 positions 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

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

| *Section of title 5* | *Source (U.S. Code)* | *Source (Statutes at Large)* |
|---|---|---|
| 5332(a) ..... | 5 App.: 1113(b). | Oct. 29, 1965, Pub. L. 89–301, § 2(a), 79 Stat. 1111.<br>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. 13594. ADJUSTMENTS OF CERTAIN RATES OF PAY

Ex. Ord. No. 13594, Dec. 19, 2011, 76 F.R. 80191, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322), which freezes certain pay schedules for civilian Federal employees at 2010 levels through 2012 and provides for the phase-in of the full applicable locality pay rates in non-foreign areas pursuant to the Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note), it is hereby ordered as follows:

SECTION 1. *Statutory Pay Systems*. Pursuant to the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; December 22, 2010), 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 (5 U.S.C. 5304 note), and the Continuing Appropriations and Surface Transportation Extensions Act, 2011 (Public Law 111–322; December 22, 2010), 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, 2012. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2012.

SEC. 8. *Prior Order Superseded*. Executive Order 13561 of December 22, 2010, 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, 2012)

| | 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 | 25,335 | 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 | 38,885 | 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, 2012)

| Step | Class 1 | Class 2 | Class 3 | Class 4 | Class 5 | Class 6 | Class 7 | Class 8 | Class 9 |
|---|---|---|---|---|---|---|---|---|---|
| 1 | $99,628 | $80,728 | $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, 2012)

| | Minimum | Maximum |
|---|---|---|
| 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) | | |
| 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 |
| 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 |

[1] This 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.

[2] Pursuant 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.

[3] Pursuant 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.

[4] Pursuant 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, 2012)

| | 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, 2012)

| | |
|---|---|
| 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, 2012)

| | |
|---|---|
| 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, 2012)

| | |
|---|---|
| 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, 2012)

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 | $9,683.10 | $10,000.20 | $10,210.80 | $10,269.60 | $10,532.40 |
| O–7 | 8,045.70 | 8,419.80 | 8,592.60 | 8,730.00 | 8,979.00 |
| O–6 | 5,963.40 | 6,551.70 | 6,981.30 | 6,981.30 | 7,008.00 |
| O–5 | 4,971.30 | 5,600.40 | 5,988.00 | 6,061.20 | 6,303.00 |
| O–4 | 4,289.40 | 4,965.60 | 5,296.80 | 5,370.60 | 5,678.10 |
| O–3[3] | 3,771.30 | 4,275.30 | 4,614.60 | 5,031.00 | 5,271.90 |
| O–2[3] | 3,258.60 | 3,711.30 | 4,274.40 | 4,418.70 | 4,509.60 |
| O–1[3] | 2,828.40 | 2,943.90 | 3,558.60 | 3,558.60 | 3,558.60 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| O–10[2] | ..... | ..... | ..... | ..... | ..... |
| O–9 | ..... | ..... | ..... | ..... | ..... |
| O–8 | $10,971.00 | $11,073.30 | $11,489.70 | $11,609.10 | $11,968.20 |
| O–7 | 9,225.00 | 9,509.40 | 9,792.90 | 10,077.30 | 10,971.00 |
| O–6 | 7,308.60 | 7,348.20 | 7,348.20 | 7,765.80 | 8,504.10 |
| O–5 | 6,447.60 | 6,765.90 | 6,999.30 | 7,301.10 | 7,763.10 |
| O–4 | 6,007.80 | 6,418.50 | 6,738.30 | 6,960.60 | 7,088.10 |
| O–3[3] | 5,536.50 | 5,707.80 | 5,988.90 | 6,135.60 | 6,135.60 |
| O–2[3] | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 |
| O–1[3] | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| O–10[2] | ..... | [1] $15,647.10 | [1] $15,723.30 | [1] $16,050.60 | [1] $16,620.00 |
| O–9 | ..... | 13,685.10 | 13,882.50 | 14,167.20 | 14,664.00 |
| O–8 | $12,487.80 | 12,966.60 | 13,286.40 | 13,286.40 | 13,286.40 |
| O–7 | 11,725.50 | 11,725.50 | 11,725.50 | 11,725.50 | 11,785.20 |
| O–6 | 8,937.60 | 9,370.50 | 9,617.10 | 9,866.70 | 10,350.60 |
| O–5 | 7,982.40 | 8,199.30 | 8,446.20 | 8,446.20 | 8,446.20 |
| O–4 | 7,161.90 | 7,161.90 | 7,161.90 | 7,161.90 | 7,161.90 |
| O–3[3] | 6,135.60 | 6,135.60 | 6,135.60 | 6,135.60 | 6,135.60 |
| O–2[3] | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 |
| O–1[3] | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 |
| | Over 28 | Over 30 | Over 32 | Over 34 | Over 36 |
| O–10[2] | [1] $16,620.00 | [1] $17,451.00 | [1] $17,451.00 | [1] $18,323.40 | [1] $18,323.40 |
| O–9 | 14,664.00 | [1] 15,397.50 | [1] 15,397.50 | [1] 16,167.60 | [1] 16,167.60 |
| O–8 | 13,286.40 | 13,618.80 | 13,618.80 | 13,959.30 | 13,959.30 |
| O–7 | 11,785.20 | 12,021.00 | 12,021.00 | 12,021.00 | 12,021.00 |
| O–6 | 10,350.60 | 10,557.30 | 10,557.30 | 10,557.30 | 10,557.30 |

SCHEDULE 8—Continued

*Pay of the Uniformed Services*

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| O–5 | 8,446.20 | 8,446.20 | 8,446.20 | 8,446.20 | 8,446.20 |
| O–4 | 7,161.90 | 7,161.90 | 7,161.90 | 7,161.90 | 7,161.90 |
| O–3[3] | 6,135.60 | 6,135.60 | 6,135.60 | 6,135.60 | 6,135.60 |
| O–2[3] | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 | 4,509.60 |
| O–1[3] | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 | 3,558.60 |
| | Over 38 | Over 40 | | | |
| O–10[2] | [1] $19,239.90 | [1] $19,239.90 | | | |
| O–9 | [1] 16,975.80 | [1] 16,975.80 | | | |
| O–8 | 13,959.30 | 13,959.30 | | | |
| O–7 | 12,021.00 | 12,021.00 | | | |
| O–6 | 10,557.30 | 10,557.30 | | | |
| O–5 | 8,446.20 | 8,446.20 | | | |
| O–4 | 7,161.90 | 7,161.90 | | | |
| O–3[3] | 6,135.60 | 6,135.60 | | | |
| O–2[3] | 4,509.60 | 4,509.60 | | | |
| O–1[3] | 3,558.60 | 3,558.60 | | | |

[1] Basic 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.

[2] For 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 $20,587.80 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.

[3] Does 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 Officer[4]

| Pay Grade | Over 4 | Over 6 | Over 8 | Over 10 |
|---|---|---|---|---|
| O–3E | $5,031.00 | $5,271.90 | $5,536.50 | $5,707.80 |
| O–2E | 4,418.70 | 4,509.60 | 4,653.30 | 4,895.70 |
| O–1E | 3,558.60 | 3,800.10 | 3,940.80 | 4,084.50 |
| | Over 12 | Over 14 | Over 16 | Over 18 |
| O–3E | $5,988.90 | $6,226.20 | $6,362.40 | $6,548.10 |
| O–2E | 5,082.90 | 5,222.40 | 5,222.40 | 5,222.40 |
| O–1E | 4,225.50 | 4,418.70 | 4,418.70 | 4,418.70 |
| | Over 20 | Over 22 | Over 24 | Over 26 |
| O–3E | $6,548.10 | $6,548.10 | $6,548.10 | $6,548.10 |
| O–2E | 5,222.40 | 5,222.40 | 5,222.40 | 5,222.40 |
| O–1E | 4,418.70 | 4,418.70 | 4,418.70 | 4,418.70 |
| | Over 28 | Over 30 | Over 32 | Over 34 |
| O–3E | $6,548.10 | $6,548.10 | $6,548.10 | $6,548.10 |
| O–2E | 5,222.40 | 5,222.40 | 5,222.40 | 5,222.40 |
| O–1E | 4,418.70 | 4,418.70 | 4,418.70 | 4,418.70 |
| | Over 36 | Over 38 | Over 40 | |
| O–3E | $6,548.10 | $6,548.10 | $6,548.10 | |
| O–2E | 5,222.40 | 5,222.40 | 5,222.40 | |
| O–1E | 4,418.70 | 4,418.70 | 4,418.70 | |

[4] Reservists 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 | $3,897.60 | $4,192.50 | $4,312.80 | $4,431.30 | $4,635.00 |
| W–3 | 3,558.90 | 3,707.40 | 3,859.50 | 3,909.30 | 4,068.90 |
| W–2 | 3,149.40 | 3,447.30 | 3,539.10 | 3,602.10 | 3,806.40 |
| W–1 | 2,764.50 | 3,061.80 | 3,141.90 | 3,311.10 | 3,511.20 |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| W–5 | ..... | ..... | ..... | ..... | ..... |
| W–4 | $4,836.90 | $5,040.90 | $5,348.70 | $5,618.10 | $5,874.30 |
| W–3 | 4,382.70 | 4,709.10 | 4,862.70 | 5,040.60 | 5,224.20 |
| W–2 | 4,123.80 | 4,281.00 | 4,436.10 | 4,625.40 | 4,773.30 |
| W–1 | 3,805.80 | 3,943.50 | 4,135.50 | 4,324.80 | 4,473.60 |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| W–5 | ..... | $6,930.00 | $7,281.60 | $7,543.50 | $7,833.30 |

Warrant Officers—Continued

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| W–4 | $6,084.00 | 6,288.60 | 6,589.20 | 6,836.10 | 7,117.80 |
| W–3 | 5,553.60 | 5,776.20 | 5,909.40 | 6,051.00 | 6,243.30 |
| W–2 | 4,907.40 | 5,067.60 | 5,173.20 | 5,256.90 | 5,256.90 |
| W–1 | 4,610.70 | 4,776.90 | 4,776.90 | 4,776.90 | 4,776.90 |
| | Over 28 | Over 30 | Over 32 | Over 34 | Over 36 |
| W–5 | $7,833.30 | $8,225.40 | $8,225.40 | $8,636.40 | $8,636.40 |
| W–4 | 7,117.80 | 7,260.00 | 7,260.00 | 7,260.00 | 7,260.00 |
| W–3 | 6,243.30 | 6,243.30 | 6,243.30 | 6,243.30 | 6,243.30 |
| W–2 | 5,256.90 | 5,256.90 | 5,256.90 | 5,256.90 | 5,256.90 |
| W–1 | 4,776.90 | 4,776.90 | 4,776.90 | 4,776.90 | 4,776.90 |
| | Over 38 | Over 40 | | | |
| W–5 | $9,068.70 | $9,068.70 | | | |
| W–4 | 7,260.00 | 7,260.00 | | | |
| W–3 | 6,243.30 | 6,243.30 | | | |
| W–2 | 5,256.90 | 5,256.90 | | | |
| W–1 | 4,776.90 | 4,776.90 | | | |

Enlisted Members

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 |
|---|---|---|---|---|---|
| E–9[1] | ..... | ..... | ..... | ..... | ..... |
| E–8 | ..... | ..... | ..... | ..... | ..... |
| E–7 | $2,679.60 | $2,924.70 | $3,036.60 | $3,185.10 | $3,300.90 |
| E–6 | 2,317.80 | 2,550.30 | 2,662.80 | 2,772.30 | 2,886.30 |
| E–5 | 2,123.40 | 2,265.90 | 2,375.40 | 2,487.60 | 2,662.20 |
| E–4 | 1,946.70 | 2,046.30 | 2,157.30 | 2,266.50 | 2,363.10 |
| E–3 | 1,757.40 | 1,868.10 | 1,981.20 | 1,981.20 | 1,981.20 |
| E–2 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 |
| E–1[2] | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 |
| E–1[3] | 1,378.80 | ..... | ..... | ..... | ..... |
| | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 |
| E–9[1] | ..... | $4,708.80 | $4,815.60 | $4,950.00 | $5,108.10 |
| E–8 | $3,854.70 | 4,025.10 | 4,130.70 | 4,257.30 | 4,394.40 |
| E–7 | 3,499.80 | 3,611.70 | 3,810.90 | 3,976.20 | 4,089.00 |
| E–6 | 3,143.10 | 3,243.30 | 3,436.80 | 3,496.20 | 3,539.40 |
| E–5 | 2,845.20 | 2,994.60 | 3,012.90 | 3,012.90 | 3,012.90 |
| E–4 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 |
| E–3 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 |
| E–2 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 |
| E–1[2] | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 |
| E–1[3] | ..... | ..... | ..... | ..... | ..... |
| | Over 18 | Over 20 | Over 22 | Over 24 | Over 26 |
| E–9[1] | $5,267.70 | $5,523.60 | $5,739.60 | $5,967.30 | $6,315.30 |
| E–8 | 4,641.60 | 4,766.70 | 4,980.00 | 5,098.20 | 5,389.50 |
| E–7 | 4,209.30 | 4,256.10 | 4,412.40 | 4,496.40 | 4,815.90 |
| E–6 | 3,589.80 | 3,589.80 | 3,589.80 | 3,589.80 | 3,589.80 |
| E–5 | 3,012.90 | 3,012.90 | 3,012.90 | 3,012.90 | 3,012.90 |
| E–4 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 |
| E–3 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 |
| E–2 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 |
| E–1[2] | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 |
| E–1[3] | ..... | ..... | ..... | ..... | ..... |
| | Over 28 | Over 30 | Over 32 | Over 34 | Over 36 |
| E–9[1] | $6,315.30 | $6,630.60 | $6,630.60 | $6,962.40 | $6,962.40 |
| E–8 | 5,389.50 | 5,497.80 | 5,497.80 | 5,497.80 | 5,497.80 |
| E–7 | 4,815.90 | 4,815.90 | 4,815.90 | 4,815.90 | 4,815.90 |
| E–6 | 3,589.80 | 3,589.80 | 3,589.80 | 3,589.80 | 3,589.80 |
| E–5 | 3,012.90 | 3,012.90 | 3,012.90 | 3,012.90 | 3,012.90 |
| E–4 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 | 2,363.10 |
| E–3 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 | 1,981.20 |
| E–2 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 | 1,671.30 |
| E–1[2] | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 | 1,491.00 |
| E–1[3] | ..... | ..... | ..... | ..... | ..... |
| | Over 38 | Over 40 | | | |
| E–9[1] | $7,311.00 | $7,311.00 | | | |
| E–8 | 5,497.80 | 5,497.80 | | | |
| E–7 | 4,815.90 | 4,815.90 | | | |
| E–6 | 3,589.80 | 3,589.80 | | | |
| E–5 | 3,012.90 | 3,012.90 | | | |
| E–4 | 2,363.10 | 2,363.10 | | | |
| E–3 | 1,981.20 | 1,981.20 | | | |
| E–2 | 1,671.30 | 1,671.30 | | | |
| E–1[2] | 1,491.00 | 1,491.00 | | | |
| E–1[3] | ..... | ..... | | | |

[1] For 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 $7,609.50 per month, regardless of cumulative years of service under 37 U.S.C. 205.

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

[3] Applies 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 $990.00.

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, 2012)

| 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 | 16.98% |
| 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% |
| Washington-Baltimore-Northern Virginia, DC–MD–VA–WV–PA | 24.22% |
| Rest of U.S.[2] | 14.16% |

[1] Locality Pay Areas are defined in 5 CFR 531.603.

[2] Under the Non-Foreign Area Retirement Equity Assurance Act of 2009 (sections 1911–1919, Public Law 111–84, October 28, 2009), the full amount of the applicable locality pay rate approved by the President applies in non-foreign areas effective with the first pay period beginning in January 2012. Alaska and Hawaii have separate locality pay rates as shown above. Other non-foreign areas (as identified in 5 CFR 591.205(b)(3)–(16)) 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, 2012)

| | |
|---|---|
| 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. 13561, Dec. 22, 2010, 75 F.R. 81817, effective Jan. 1, 2011, superseded by Ex. Ord. No. 13594.

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

| *Derivation* | *U.S. Code* | *Revised Statutes and Statutes at Large* |
|---|---|---|
| (a) ..... | 5 U.S.C. 1131. | Oct. 28, 1949, ch. 782, § 801, 63 Stat. 969.<br>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.<br>Sept. 1, 1954, ch. 1208, § 104, 68 Stat. 1106.<br>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

| *Section of title 5* | *Source (U.S. Code)* | *Source (Statutes at Large)* |
|---|---|---|
| 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