



28 USC 461 - Sec. 461. Adjustments in certain salaries

28 USC - US Code - Title 28: Judiciary and Judicial Procedure (January 2003)

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U.S. Code - Title 5: Government Organization and Employees - 5 USC 5318 - Sec. 5318. Adjustments in rates of pay

U.S. Code - Title 5: Government Organization and Employees - 5 USC 5305 - Sec. 5305. Special pay authority

U.S. Code - Title 5: Government Organization and Employees - 5 USC 5303 - Sec. 5303. Annual adjustments to pay schedules

See other documents that cite the same legislation

Text:

(a)(1) Subject to paragraph (2), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule (except as provided in subsection (b)), each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect. (2) In no event shall the percentage adjustment taking effect under paragraph (1) in any calendar year (before rounding), in any salary rate, exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule. (b) Subsection (a) shall not apply to the extent it would reduce the salary of any individual whose compensation may



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not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.

References In Text

The General Schedule, referred to in subsec. (a), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in subsec. (a)(1), is section 704(a)(1) of Pub. L. 101-194, which is set out as a note under section 5318 of Title 5.

Amendments

1994 - Subsec. (a). Pub. L. 103-356 designated existing provisions as par. (1), substituted "Subject to paragraph (2), effective" for "Effective", and added par. (2). 1990 - Subsec. (a). Pub. L. 101-509 substituted "5303" for "5305". 1989 - Subsec. (a). Pub. L. 101-194 substituted "corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect" for "corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustments in the rates of pay under such Schedule."

EFFECTIVE DATE OF 1994 AMENDMENT

Section 101 of Pub. L. 101-356 provided that the amendment made by that section is effective as of Dec. 31, 1994.

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, Sec. 305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 704(b) of Pub. L. 101-194, set out as a note under section 5318 of Title 5, Government Organization and Employees.

SALARY ADJUSTMENTS Pub. L. 107-77, title III, Sec. 305, Nov. 28, 2001, 115 Stat. 783, provided in part that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2002, to receive a salary adjustment in accordance with [28 U.S.C. 461](#)". Pub. L. 106-553, Sec. 1(a)(2) [title III, Sec. 309], Dec. 21, 2000, 114 Stat. 2762, 2762A-89, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2001, to receive a salary adjustment in accordance with [28 U.S.C. 461](#), only if for the purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] ([5 U.S.C. 5318](#) note), adjustments under section 5303 of title 5, United States Code, shall take effect in fiscal year 2001". Pub. L. 106-113, div. B, Sec. 1000(a)(1) [title III, Sec. 304], Nov. 29, 1999, 113 Stat. 1535, 1501A-36, provided in part that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 2000, to receive a salary adjustment in accordance with [28 U.S.C. 461](#)". Pub. L. 105-119, title III, Sec. 306, Nov. 26, 1997, 111 Stat. 2493, provided in part that: "Pursuant to section 140 of Public Law 97-92 [set out below], justices and judges of the United States are authorized during fiscal year 1998, to receive a salary adjustment in accordance with [28 U.S.C. 461](#)". Pub. L. 102-395, title III, Sec. 304, Oct. 6, 1992, 106 Stat. 1859, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 1993, to receive a salary adjustment in accordance with [28 U.S.C. 461](#)." Pub. L. 102-140, title III, Sec. 305, Oct. 28, 1991, 105 Stat. 810, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during fiscal year 1992, to receive a salary adjustment in accordance with [28 U.S.C. 461](#)." Pub. L. 101-520, title III, Sec. 321, Nov. 5, 1990, 104 Stat. 2285, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], Justices and judges of the United States are authorized during calendar year 1991 to receive a salary adjustment in accordance with 28 U.S.C. section 461." Pub. L. 101-194, title VII, Sec. 703(a)(3), Nov. 30, 1989, 103 Stat. 1768, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100). For purposes of section 140 of Pub. L. 97-92 (set out below), appropriate salary increases were authorized for Federal judges and Justices of the Supreme Court pursuant to section 702(a) of Pub. L. 101-194 which provided that effective for pay periods beginning on or after Nov. 30, 1989, the rate of basic pay for any office or position in the judicial branch of the Government shall be determined as if section 620(b) of Pub. L. 100-440 ([5 U.S.C. 5303](#) note) and section 619(b) of Pub. L. 101-136 ([5 U.S.C. 5303](#) note) had never been enacted, see section 702 of Pub. L. 101-194, set out as a note under section 5303 of Title 5. Pub. L. 100-202, Sec. 101(a) [title IV, Sec. 406], Dec. 22, 1987, 101 Stat. 1329, 1329-26, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], during fiscal year 1988, justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to [5 U.S.C. 5305](#))." Pub. L. 99-500, Sec. 101(b) [title IV, Sec. 406], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, Sec. 101(b) [title IV, Sec. 406], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64, provided that: "Pursuant to section 140 of Public Law 97-92 [set out below], during fiscal year 1987, justices and judges of the United States shall receive the same percentage increase in salary accorded to employees paid under the General Schedule (pursuant to [5 U.S.C. 5305](#))." Pub. L. 99-88, title I, Sec. 100, Aug. 15, 1985, 99 Stat. 310, provided in part that: "Effective on the first day of the first applicable pay period commencing on or after January 1, 1985, each rate of pay subject to adjustment by section 461 of title 28, United States Code, shall be increased by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the overall percentage of the adjustment taking effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule during fiscal year 1985." Pub. L. 98-369, div. B, title II, Sec. 2207, July 18, 1984, 98 Stat. 1060, provided that: "Effective on the first day of the first applicable pay period commencing on or after January 1, 1984, each rate of pay subject to

adjustment by section 461 of title 28, United States Code, shall be increased by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the overall percentage of the adjustment taking effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule during fiscal year 1984." SPECIFIC CONGRESSIONAL AUTHORIZATION REQUIRED FOR SALARY INCREASES FOR FEDERAL JUDGES AND JUSTICES OF THE SUPREME COURT Pub. L. 97-92, Sec. 140, Dec. 15, 1981, 95 Stat. 1200, as amended by Pub. L. 107-77, title VI, Sec. 625, Nov. 28, 2001, 115 Stat. 803, provided that: "Notwithstanding any other provision of law or of this joint resolution [Pub. L. 97-92], none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution [Dec. 15, 1981], any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted: Provided, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court.

This section shall apply to fiscal year 1981 and each fiscal year thereafter." SALARY RATE LIMITATIONS ON USE OF FUNDS 1982 - Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97-276, as amended, set out as a note under section 5318 of Title 5, Government Organization and Employees. 1981 - Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92, set out as a note under section 5318 of Title 5. 1980 - Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(c) of Pub. L. 96-536, as amended, set out as a note under section 5318 of Title 5. 1979 - Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101 of Pub. L. 96-86, set out as a note under section 5318 of Title 5. 1978 - Limitations on use of funds for fiscal year ending Sept. 30, 1979, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal or above level V of the Executive Schedule, see section 304 of Pub. L. 95-391 and section 613 of Pub. L. 95-429, set out as a note under section 5318 of Title 5. 1977 COMPARABILITY ADJUSTMENT NOT EFFECTIVE FOR JUSTICES, JUDGES, COMMISSIONERS, AND REFEREES Pub. L. 95-66, Sec. 1(3), July 11, 1977, 91 Stat. 270, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that the first adjustment which, but for the enactment of Pub. L. 95-66, would have been made in the salary and rate of pay of justices, judges, commissioners, and referees under this section after July 11, 1977, would not take effect.

Section Referred To In Other Sections

This section is referred to in sections 5, 44, 135, 213, 252, 371, 792 of this title.

Other documents:

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tion of this chapter, except sections 5109 and 5114.¹
(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 457; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1072.	Oct. 28, 1949, ch. 782, §1101, 63 Stat. 971.
.....	5 U.S.C. 1072a.	Sept. 1, 1954, ch. 1208, §113, 68 Stat. 1108.

Former sections 1072 and 1072a are combined and restated for clarity. The remainder of the authority is carried into sections 3324, 5338, and 7154.

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

REFERENCES IN TEXT

Section 5114, referred to in text, was repealed by Pub. L. 99-386, title I, §110(a), Aug. 22, 1986, 100 Stat. 822.

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.

CHAPTER 53—PAY RATES AND SYSTEMS

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

- Sec. 5301. Policy.
- 5302. Definitions.
- 5303. Annual adjustments to pay schedules.
- 5304. Locality-based comparability payments.
- 5304a. Authority to fix an alternative level of comparability payments.
- 5305. Special pay authority.
- 5306. Pay fixed by administrative action.
- 5307. Limitation on certain payments.
- [5308. Omitted.]

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

- 5311. The Executive Schedule.
- 5312. Positions at level I.
- 5313. Positions at level II.
- 5314. Positions at level III.
- 5315. Positions at level IV.
- 5316. Positions at level V.
- 5317. Presidential authority to place positions at levels IV and V.
- 5318. Adjustments in rates of pay.

SUBCHAPTER III—GENERAL SCHEDULE PAY RATES

- 5331. Definitions; application.
- 5332. The General Schedule.
- 5333. Minimum rate for new appointments.
- 5334. Rate on change of position or type of appointment; regulations.
- 5335. Periodic step-increases.
- 5336. Additional step-increases.
- [5337. Repealed.]
- 5338. Regulations.

SUBCHAPTER IV—PREVAILING RATE SYSTEMS

- 5341. Policy.

- Sec. 5342. Definitions; application.
- 5343. Prevailing rate determinations; wage schedules; night differentials.
- 5344. Effective date of wage increase; retroactive pay.
- [5345. Repealed.]
- 5346. Job grading system.
- 5347. Federal Prevailing Rate Advisory Committee.
- 5348. Crews of vessels.
- 5349. Prevailing rate employees; legislative, judicial, Bureau of Engraving and Printing, and government of the District of Columbia.

SUBCHAPTER V—STUDENT-EMPLOYEES

- 5351. Definitions.
- 5352. Stipends.
- 5353. Quarters, subsistence, and laundry.
- 5354. Effect of detail or affiliation; travel expenses.
- 5355. Effect on other statutes.
- 5356. Appropriations.

SUBCHAPTER VI—GRADE AND PAY RETENTION

- 5361. Definitions.
- 5362. Grade retention following a change of positions or reclassification.
- 5363. Pay retention.
- 5364. Remedial actions.
- 5365. Regulations.
- 5366. Appeals.

SUBCHAPTER VII—MISCELLANEOUS PROVISIONS

- 5371. Health care positions.
- 5372. Administrative law judges.
- 5372a. Contract appeals board members.
- 5372b. Administrative appeals judges.
- 5373. Limitation on pay fixed by administrative action.
- 5374. Miscellaneous positions in the executive branch.
- 5375. Police force of the National Zoological Park.
- 5376. Pay for certain senior-level positions.
- 5377. Pay authority for critical positions.
- 5378. Police forces of the Bureau of Engraving and Printing and the United States Mint.
- 5379. Student loan repayments.
- [5380. Repealed.]

SUBCHAPTER VIII—PAY FOR THE SENIOR EXECUTIVE SERVICE

- 5381. Definitions.
- 5382. Establishment and adjustment of rates of pay for the Senior Executive Service.¹
- 5383. Setting individual senior executive pay.
- 5384. Performance awards in the Senior Executive Service.
- 5385. Regulations.

SUBCHAPTER IX—SPECIAL OCCUPATIONAL PAY SYSTEMS

- 5391. Definitions.
- 5392. Establishment of special occupational pay systems.

AMENDMENTS

2000—Pub. L. 106-554, §1(a)(3) [title VI, §645(a)(3)], Dec. 21, 2000, 114 Stat. 2763, 2763A-170, added item 5372b.
1992—Pub. L. 102-378, §8(a), Oct. 2, 1992, 106 Stat. 1359, repealed Pub. L. 100-510, §1206(i)(2). See 1990 Amendment note below.

Pub. L. 102-378, §2(24), Oct. 2, 1992, 106 Stat. 1348, substituted “repayments” for “repayment” in item 5379 and struck out “Sec.” before item 5391.

1990—Pub. L. 101-510, div. A, title XII, §1206(i)(2), Nov. 5, 1990, 104 Stat. 1663, which added item 5380 “Pay authority for critical positions”, was repealed by Pub. L.

¹ See References in Text note below.

¹ Section catchline amended by Pub. L. 108-136 without corresponding amendment of chapter analysis.



5 USC 5318 - Sec. 5318. Adjustments in rates of pay

5 USC - U.S. Code - Title 5: Government Organization and Employees (January 2004)

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[U.S. Code - Title 2: The Congress - 2 USC 356 - Sec. 356. Functions](#)

[U.S. Code - Title 2: The Congress - 2 USC 31 - Sec. 31. Compensation of Members of Congress](#)

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Text:

(a) Subject to subsection (b), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 of this title in the rates of pay under the General Schedule, the annual rate of pay for positions at each level of the Executive Schedule shall be



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adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the next higher multiple of \$100), equal to the percentage of such annual rate of pay which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect. (b) In no event shall the percentage adjustment taking effect under subsection (a) in any calendar year (before rounding), in any rate of pay, exceed the percentage adjustment taking effect in such calendar year under section 5303 in the rates of pay under the General Schedule.

References In Text

The General Schedule, referred to in text, is set out under section 5332 of this title.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in subsec. (a), is section 704(a)(1) of Pub. L. 101-194, which is set out below.

Amendments

1994 - Pub. L. 103-356 designated existing provisions as subsec. (a), substituted "Subject to subsection (b), effective" for "Effective", and added subsec. (b). 1990 - Pub. L. 101-509 substituted "5303" for "5305". 1989 - Pub. L. 101-194 substituted "corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect" for "corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 101 of Pub. L. 103-356 provided that the amendment made by that section is effective as of Dec. 31, 1994.

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, Sec. 305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 704(b) of Pub. L. 101-194 provided that: "This section and the amendments made by this section [amending this section, section 31 of Title 2, The Congress, section 104 of Title 3, The President, and section 461 of Title 28, Judiciary and Judicial Procedure, and enacting provisions set out as a note under this section] shall take effect on January 1, 1991." SALARY LEVELS OF SENIOR GOVERNMENT OFFICIALS Pub. L. 102-90, title I, Sec. 6(a), Aug. 14, 1991, 105 Stat. 450, provided that: "The rate of pay for the offices referred to under section 703(a)(2)(B) of the Ethics Reform Act of 1989 [Pub. L. 101-194] ([5 U.S.C. 5318](#) note) shall be the rate of pay that would be payable for each such office if the provisions of sections 703(a)(2)(B) and 1101(a)(1)(A) of such Act ([5 U.S.C. 5318](#) note and 5305 note) had not been enacted." Section 703 of Pub. L. 101-194 provided that: "(a) Salary Levels. - (1) Executive positions. - Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for positions in the Executive Schedule shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100). (2) Legislative positions; office of the vice president. - (A) Generally. - Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the offices and positions under subparagraphs (A) and (B) of section 225(f) of the Federal Salary Act of 1967 ([2 U.S.C. 356](#)(A) and (B)) shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100), except as provided in subparagraph (B). (B) Exceptions. - Nothing in subparagraph (A) shall affect the rate of basic pay for a Senator, the President pro tempore of the Senate, or the majority leader or the minority leader of the Senate. (3) Judicial positions. - Effective the first day of the first applicable pay period that begins on or after January 1, 1991, the rate of basic pay for the Chief Justice of the United States, an associate justice of the Supreme Court of the United States, a judge of a United States circuit court, a judge of a district court of the United States, and a judge of the United States Court of International Trade shall be increased in the amount of 25 percent of their respective rates (as last in effect before the increase), rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100). (b) Coordination Rule. - If a pay adjustment under subsection (a) is to be made for an office or position as of the same date as any other pay adjustment affecting such office or position, the adjustment under subsection (a) shall be made first." REVISION IN METHOD BY WHICH ANNUAL PAY ADJUSTMENTS FOR CERTAIN EXECUTIVE, LEGISLATIVE, AND JUDICIAL POSITIONS ARE TO BE MADE Section 704(a) of Pub. L. 101-194 provided that: "(a) Percent Change in the Employment Cost Index. - (1) Method for computing percent change in the eci. - (A) Definitions. - For purposes of this paragraph - (i) the term 'Employment Cost Index' or 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics; and (ii) the term 'base quarter' means the 3-month period ending on December 31 of a year. (B) Method. - For purposes of the provisions of law amended by paragraph (2), the 'most recent percentage change in the ECI', as of any date, shall be one-half of 1 percent less than the percentage (rounded to the nearest one-tenth of 1 percent) derived by - (i) reducing - (I) the ECI for the last base quarter prior to that date, by (II) the ECI for the second to last base quarter prior to that date, (ii) dividing the difference under clause (i) by the ECI for the base quarter referred to in clause (i)(II), and (iii) multiplying the quotient under clause (ii) by 100, except that no percentage change determined under this paragraph shall be - (I) less than zero; or (II) greater than 5 percent. (2) Provisions through which new method is to be implemented. - (A) Amendment to titles 3, 5, and 28 of the United States Code. - Section 104 of title 3, United States Code, section 5318 of title 5, United States Code, and section 461(a) of title 28, United States Code, are amended by striking 'corresponds to' and all that follows thereafter through the period, and inserting the following: 'corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.'. (B) Amendment to

the legislative reorganization act of 1946. - Section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) is amended by striking 'corresponds to' and all that follows thereafter through the period and inserting the following: 'corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.'" REDUCTION OF RATE OF SALARY OR BASIC PAY OF OFFICES OR POSITIONS IN THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES TO THE SALARY OR BASIC PAY RATE PAYABLE AS OF JULY 14, 1983 Pub. L. 98-51, title III, Sec. 304, July 14, 1983, 97 Stat. 279, provided that: "(a) Except as provided in subsection (b), the rate of salary or basic pay prescribed by law as of the date of the enactment of this Act [July 14, 1983] shall be reduced to the salary or basic pay rate payable as of such date in the case of - "(1) any office or position at level I, II, or III of the Executive Schedule, "(2) any Member of Congress, and "(3) any other office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, for which the rate of salary or basic pay that is payable on such date of enactment is less than the rate then prescribed by law. "(b) In the case of any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, for which the maximum rate of salary or basic pay that is payable on the date of the enactment of this Act [July 14, 1983] is less than the maximum rate then prescribed by law, the maximum rate prescribed by law as of such date of enactment shall be reduced to the maximum rate payable as of such date. "(c) In determining the amount of the reduction under this section in the case of any Senator, the provisions of section 129, of Public Law 97-377 [set out as a note below] shall be applied without regard to subsection (c) of this section." LIMITATION ON MAXIMUM RATE OF SALARY INCREASES FOR SENIOR EXECUTIVE, JUDICIAL, AND LEGISLATIVE POSITIONS (INCLUDING MEMBERS OF CONGRESS); SERVICES PERFORMED AFTER DECEMBER 17, 1982; APPLICABILITY TO SENATORS; CONSTRUCTION WITH PROVISIONS RELATING TO ANNUAL RATES OF COMPENSATION OF OFFICERS AND EMPLOYEES OF THE SENATE Pub. L. 97-377, title I, Sec. 129(b)-(d), Dec. 21, 1982, 96 Stat. 1914, provided that: "(b) In lieu of payment of salary increases of up to 27.2 percent as authorized by law for senior executive, judicial, and legislative positions (including Members of Congress), it is the purpose of this section [enacting this provision and amending section 101(e) of Pub. L. 97-276, set out below] to limit such increases to 15 percent.

Notwithstanding the provisions of section 306 of S. 2939 [set out below] made applicable by subsection (a) of this section, nothing in subsection (a) shall (or be construed to) require that the rate of salary or pay payable to any individual for or on account of services performed after December 17, 1982, be limited to an amount less than the rate (or maximum rate, if higher) of salary or pay payable as of such date for the position involved increased by 15 percent and rounded in accordance with section 5318 of title 5, United States Code. "(c) Subsection (b) shall not apply to Senators. "(d) For the purposes of any rule, regulation, or order having the force and effect of law and limiting the annual rates of compensation of officers and employees of the Senate by reference to the annual rate of pay of Senators, the annual rate of pay of Senators shall be deemed to be the annual rate of pay that would be payable to Senators without regard to subsection (c) of this section." FISCAL YEAR 1983 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 97-276, Sec. 101(e), Oct. 2, 1982, 96 Stat. 1189, as amended by Pub. L. 97-377, title I, Sec. 129(a), Dec. 21, 1982, 96 Stat. 1914, provided in part that: "the provisions of section 306(a), (b), and (d) of S. 2939 [Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982] shall apply to any appropriation, fund, or authority made available for the period October 1, 1982, through September 30, 1983, by this or any other Act." Section 306(a), (b), and (d) of S. 2939, Ninety-seventh Congress, 2nd Session, as reported Sept. 22, 1982, provided that: "(a) No part of the funds appropriated for the fiscal year ending September 30, 1983, by this Act or any other Act may be used to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1982, if the rate of salary or basic pay for that office or position is - "(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or "(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law or congressional resolution. "(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1982, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed - "(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch. "(d) For purposes of administering any provisions of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay." FISCAL YEAR 1982 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 97-92, Sec. 101(g), Dec. 15, 1981, 95 Stat. 1190, provided that: "The provisions of section 305(a), (b), and (d) of H.R. 4120, entitled the Legislative Branch Appropriation Act, 1982, shall apply to any appropriation, fund, or authority made available for the period October 1, 1981, through September 30, 1982, by this or any other Act." Section 305(a), (b), and (d) of H.R. 4120, as reported July 9, 1981, provided that: "(a) No part of the funds appropriated for the fiscal year ending September 30, 1982, by this Act or any other Act may be used to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1981, if the rate of salary or basic pay for that office or position is - "(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the executive Schedule under section 5316 of title 5, United States Code, or "(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law or congressional resolution. "(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1981, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed - "(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch. "(d) For purposes of administering any provision of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay." Similar provisions were contained in Pub. L. 97-51, Sec. 101(c), Oct. 1, 1981, 95 Stat. 959, as amended Pub. L. 97-85, Nov. 23, 1981, 95 Stat. 1098. Pub. L. 97-92, Sec. 141, Dec. 15, 1981, 95 Stat. 1200, provided that: "(a) Notwithstanding the provisions of section 305 of H.R. 4120 made applicable by section 101(g) of this joint resolution [set out above], but subject to subsection (b) of this section, nothing in section 101(g) shall (or shall be construed to) require that the rate of salary or basic pay, payable to any individual for or on account of services performed after December 31, 1981, be limited to or reduced to an amount which is less than - "(1) \$59,500, if such individual has an office or position the salary or

pay for which corresponds to the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code; "(2) \$58,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code; or "(3) \$57,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code. "(b)(1) For purposes of subsection (a), any rate of salary or pay shall be considered to correspond to the basic pay for a level of the Executive Schedule if the rate of salary or pay for that office or position is (i) fixed at a rate which is equal to or greater than the rate of basic pay for that level of the Executive Schedule or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law (other than the provisions of such section 305, as made applicable by section 101(g) of this joint resolution) or congressional resolution. "(2) In applying subsection (a) for any office or position for which the rate of salary or basic pay is limited to a percentage of such a maximum rate, there shall be substituted, in lieu of the amount specified in subsection (a) for that office or position, an amount equal to such percentage of the specified amount. "(c) Any adjustment pursuant to this section made to the pay of any employee or class of employees whose pay is disbursed by the Clerk of the House should be of such amount as to assure, to the maximum extent practicable, that such employees are not paid at rates at less than employees or classes of employees whose pay is disbursed by the Secretary of the Senate and who hold equivalent positions." FISCAL YEAR 1981 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 96-536, Sec. 101(c), Dec. 16, 1980, 94 Stat. 3167, as amended by Pub. L. 97-12, title IV, Sec. 401, June 5, 1981, 95 Stat. 95, making further continuing appropriations for fiscal year 1981, provided in part that: "the provisions of section 306(a), (b), and (d) of H.R. 7593 (providing salary pay cap limitations for executive, legislative, and judicial employees and officials) [as passed the House of Representatives, July 21, 1980] shall apply to any appropriation, fund, or authority made available for the period October 1, 1980, through September 30, 1981, by this or any other Act." Section 306(a), (b), and (d) of H.R. 7593, as passed the House of Representatives on July 21, 1980, provided that: "(a) No part of the funds appropriated for the fiscal year ending September 30, 1981, by this Act or any other Act may be used to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1980, if the rate of salary or basic pay for that office or position is - "(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or "(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law or congressional resolution. "(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1980, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed - "(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch. "(d) For purposes of administering any provision of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay." Similar provisions were contained in Pub. L. 96-369, Sec. 101(c), Oct. 1, 1980, 94 Stat. 1352. FISCAL YEAR 1980 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 96-86, Sec. 101(c), Oct. 12, 1979, 93 Stat. 657, provided in part that: "For the fiscal year 1980, funds available for payment to executive employees, which includes Members of Congress, who under existing law are entitled to approximately 12.9 percent increase in pay, shall not be used to pay any such employee or elected or appointed official any sum in excess of 5.5 percent increase in existing pay and such sum if accepted shall be in lieu of the 12.9 percent due for such fiscal year. "Provided, further, That for the purpose of carrying out this provision and notwithstanding the provisions of the Federal Pay Comparability Act of 1970 [Pub. L. 91-656], the Executive Salary Cost-Of-Living Adjustment Act [Pub. L. 94-82], or any other related provision of law, which would provide an approximate 12.9 percent increase in pay for certain Federal officials for pay periods beginning on or after October 1, 1979, and notwithstanding section 102 of this joint resolution, the provisions of section 304 of the Legislative Branch Appropriation Act, 1979 [set out below], which limit the pay for certain Federal offices and positions, shall apply to funds appropriated by this joint resolution or any Act for the fiscal year 1980, except that in applying such limitation the term 'at a rate which exceeds by more than 5.5 percent the rate' shall be substituted for the term 'at a rate which exceeds the rate' where it appears in subsection (a) of such section for the purpose of limiting pay increases to 5.5 percent." FISCAL YEAR 1979 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 95-429, title VI, Sec. 613, Oct. 10, 1978, 92 Stat. 1017, provided that: "(a) No part of the funds appropriated for the fiscal year ending September 30, 1979, by this Act or any other Act may be used to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeds the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for September 30, 1978, if the rate of salary or basic pay for such office or position is - "(1) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or "(2) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code or any other provision of law or congressional resolution. "(b) For purposes of subsection (a), the rate or maximum rate (as the case may be) of salary or basic pay payable for September 30, 1978, for any office or position which was not in existence on such date shall be deemed to be the rate or maximum rate (as the case may be) of salary or basic pay payable to individuals in comparable offices or positions for such date, as determined under regulations prescribed - "(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(2) jointly by the Speaker of the House and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch. "(c) For purposes of administering any provision of law, rule, or regulation which provides retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay." Identical provisions were enacted by Pub. L. 95-391, title III, Sec. 304, Sept. 30, 1978, 92 Stat. 788. 1977 COMPARABILITY ADJUSTMENT NOT EFFECTIVE FOR CERTAIN POSITIONS Pub. L. 95-66, July 11, 1977, 91 Stat. 270, provided that: "The first adjustment which, but for this Act, would be made after the date of enactment of this Act under the following provisions of law in the salary or rate of pay of positions or individuals to which such provisions apply, shall not take effect: "(1) the second sentence of section 104 of title 3, United States Code, relating to comparability adjustments in the salary of the Vice President of the United States; "(2) paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31), relating to comparability adjustments in the annual rate of pay of Members of Congress; "(3) section 461 of title 28, United States Code, relating to comparability adjustments in the salary and rate of pay of justices, judges, commissioners, and referees; and "(4) section 5318 of title 5, United States Code, relating to comparability adjustments in the annual rate of pay for positions in the Executive Schedule." FISCAL YEAR 1977 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS Pub. L. 94-440, title II, Sec. 100, Oct. 1, 1976, 90 Stat. 1446, provided that: "No part of the funds appropriated in this Act or any other Act shall be used to pay the salary of an individual in a position or office

referred to in section 225(f) of the Federal Salary Act of 1967, as amended ([2 U.S.C. 356](#)), including a Delegate to the House of Representatives, at a rate which exceeds the salary rate in effect on September 30, 1976, for such position or office except increases submitted by the President pursuant to section 225 of the Federal Salary Act of 1967."

Section Referred To In Other Sections

This section is referred to in sections 5312, 5313, 5314, 5315, 5316 of this title.

Other documents:

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5 USC 5305 - Sec. 5305. Special pay authority

5 USC - U.S. Code - Title 5: Government Organization and Employees (January 2004)

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Text:

(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are, or are likely to become, significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level.

However, a minimum rate so established may not exceed the maximum pay rate prescribed by statute for the grade or level by more than 30 percent, and no rate may be established under this section (disregarding any amount payable under subsection (g)) in excess of the rate of basic pay payable for level V of the Executive Schedule.

The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointment in the



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competitive service, by such other agency as he may designate. (b) The circumstances referred to in subsection (a) are - (1) rates of pay offered by non-Federal employers being significantly higher than those payable by the Government within the area, location, occupational group, or other class of positions under the pay system involved; (2) the remoteness of the area or location involved; (3) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or (4) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate. (c) Authority under subsection (a) may be exercised with respect to positions paid under - (1) a statutory pay system; or (2) any other pay system established by or under Federal statute for civilian positions within the executive branch. (d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as he may designate.

The actions and revisions have the force and effect of statute. (e) An increase in a rate of basic pay established under this section is not an equivalent increase in pay within the meaning of section 5335. (f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system specified in subsection (c) of this section, shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate. (g)(1) The benefit of any comparability payments under section 5304 shall be available to individuals receiving rates of basic pay established under this section to such extent as the President (or his designated agency) considers appropriate, subject to paragraph (2) and subsection (h). (2) Payments under this subsection may not be made if, or to the extent that, when added to basic pay otherwise payable, such payments would cause the total to exceed the rate of basic pay payable for level IV of the Executive Schedule. (h) The rate of basic pay payable to an individual under this section may not, at any time, be less than the rate which would then be payable to such individual (taking comparability payments under section 5304 into account) if this section had never been enacted.

References In Text

Levels IV and V of the Executive Schedule, referred to in subsecs. (a) and (g)(2), are set out in sections 5315 and 5316, respectively, of this title.

The provisions of this title governing appointment in the competitive service, referred to in subsec. (a), are classified generally to section 3301 et seq. of this title.

Amendments

1990 - Pub. L. 101-509 amended section generally, substituting provisions authorizing President to make special pay increases whenever recruitment or retention efforts are handicapped for provisions requiring annual pay reports and adjustments, authorizing alternative plan in years of emergency or when economic conditions affect the general welfare, and setting forth procedure where Congressional committee disapproves such alternative plan. 1975 - Subsec. (a)(3). Pub. L. 94-82, Sec. 202(c)(1), inserted provision relating to specification in the report to the Congress of the overall percentage of the adjustment in the rates of pay under the General Schedule and under other statutory pay systems.

Subsec. (c)(1). Pub. L. 94-82, Sec. 202(c)(2), inserted provision relating to specification in the report to the Congress of the overall percentage of the adjustment in the rates of pay under the General Schedule and under other statutory pay systems.

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, Sec. 305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

Delegation Of Functions

For delegation of authorities of President under this section, see Ex. Ord. No. 12748, Sec. 3, Feb. 1, 1991, 56 F.R. 4521, eff. Feb. 3, 1991, set out as a note under section 5301 of this title.

Staffing Differentials

Section 529 [title II, Sec. 209] of Pub. L. 101-509, as amended by Pub. L. 102-378, Sec. 3(3), Oct. 2, 1992, 106 Stat. 1355, provided that: "(a) In General. - Effective on the first day of the first applicable pay period beginning on or after January 1, 1991, the President may establish staffing differentials equal to 5 percent of basic pay, which may be paid to each General Schedule employee whose position is in - "(1) grade GS-5 or 7 of the General Schedule; "(2) a 2-grade-interval occupational series, as determined by the Office of Personnel Management; or "(3) any combination of classes of positions described in paragraph (1) or (2) for which the President determines a recruiting difficulty exists. "(b) Manner of Payment; Reduction or Elimination. - A staffing differential under this section - "(1) shall be paid in the same manner and at the same time as the employee's basic pay is paid, but may not be considered to be part of basic pay for any purpose; and "(2) may be reduced or eliminated by the Office of Personnel Management in its sole discretion as the

amendments made by this Act take effect [see Effective Date of 1990 Amendment and Short Title of 1990 Amendment notes set out under section 5301 of this title], except that no such reduction or elimination shall have the effect of reducing the total amount of pay (determined by adding basic pay and staffing differential) which any employee is receiving." [Authority of President under section 529 [title II, Sec. 209] of Pub. L. 101-509, set out above, delegated to Office of Personnel Management by Ex. Ord. No. 12748, Feb. 1, 1991, 56 F.R. 4521, eff. May 4, 1991, set out as a note under section 5301 of this title.] FEDERAL LAW ENFORCEMENT PAY REFORM Pub. L. 106-554, Sec. 1(a)(4) [div. B, title IX, Sec. 907(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A-309, provided that: "Beginning on the effective date of this Act [see section 1(a)(4) [div. B, title IX, Sec. 909] of Pub. L. 106-554, set out in a Conversion to New Salary Schedule note under section 204 of Title 3, The President] - "(1) no existing special salary rates shall be authorized for members of the United States Park Police under section 5305 of title 5, United States Code (or any previous similar provision of law); and "(2) no special rates of pay or special pay adjustments shall be applicable to members of the United States Park Police pursuant to section 405 of the Federal Law Enforcement Pay Reform Act of 1990 [section 529 [title IV, Sec. 405] of Pub. L. 101-509, set out in a note below]." Section 529 [title IV, Secs. 401-407] of Pub. L. 101-509, as amended by Pub. L. 102-378, Sec. 3(5)-(9), Oct. 2, 1992, 106 Stat. 1356; Pub. L. 103-123, title VI, Sec. 628, Oct. 28, 1993, 107 Stat. 1266; Pub. L. 103-178, title III, Sec. 303(a), Dec. 3, 1993, 107 Stat. 2034; Pub. L. 105-61, title I, Sec. 118(e), Oct. 10, 1997, 111 Stat. 1288; Pub. L. 106-554, Sec. 1(a)(4) [div. B, title IX, Sec. 907(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-309, provided that: "SEC. 401. SHORT TITLE. "This title [section 529 [title IV, Secs. 401-412] of Pub. L. 101-509, enacting sections 4521 to 4523 of this title, amending sections 5541, 5542, 5547, 8335, and 8425 of this title, enacting provisions set out as notes under this section and sections 4521, 5541, and 8335 of this title, and amending provisions set out as a note under section 5541 of this title] may be cited as the 'Federal Law Enforcement Pay Reform Act of 1990'. "SEC. 402. DEFINITION. "For the purposes of this title, except as otherwise provided, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 5541(3) of title 5, United States Code, with respect to whom the provisions of chapter 51 of such title apply. "SEC. 403. SPECIAL RATES FOR LAW ENFORCEMENT OFFICERS. "(a) Notwithstanding the procedures of section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law, higher minimum rates and corresponding increases in all step rates of each designated General Schedule grade shall be established for law enforcement officers in accordance with the provisions of this section. "(b)(1) Effective on the first day of the first applicable pay period beginning on or after January 1, 1992, the higher minimum rates to be established are as follows: "GS-3 Step 4 "GS-4 Step 4 "GS-5 Step 4 "GS-6 Step 3 "GS-7 Step 3 "GS-8 Step 3 "GS-9 Step 2 "GS-10 Step 2 "(2) Effective on the first day of the first applicable pay period beginning on or after January 1, 1993, the higher minimum rates to be established are as follows: "GS-3 Step 7 "GS-4 Step 7 "GS-5 Step 8 "GS-6 Step 6 "GS-7 Step 5 "GS-8 Step 3 "GS-9 Step 2 "GS-10 Step 2 "(c) The higher minimum rates and corresponding higher rates for each step rate of each designated grade shall apply to every law enforcement officer in the designated grades (except in the case of any law enforcement officer for whom a higher rate is authorized under section 5305 of title 5, United States Code, as amended by section 101 of this Act, or similar provision of law) in the same manner as rates established under section 5305 of such title, as so amended, and may be increased in accordance with subsection (f) of such section 5305. "(d) Any interim entry-level adjustment under section 209 of this Act [section 529 [title II, Sec. 209] of Pub. L. 101-509, set out as a note above] which a law enforcement officer is receiving shall be eliminated on the day before the effective date of the higher minimum rates under subsection (b)(1). "SEC. 404. SPECIAL PAY ADJUSTMENTS FOR LAW ENFORCEMENT OFFICERS IN SELECTED CITIES. "(a) A law enforcement officer shall be paid any applicable special pay adjustment in accordance with the provisions of this section, but such special pay adjustment shall be reduced by the amount of any applicable interim geographic adjustment under section 302 of this Act [section 529 [title III, Sec. 302] of Pub. L. 101-509, set out as a note under section 5304 of this title], any applicable locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and, to the extent determined appropriate by the Office of Personnel Management, any applicable special rate of pay under section 5305 of such title, as so amended, or any similar provision of law (other than section 403). "(b)(1) Except as provided in subsection (a), effective on the first day of the first applicable pay period beginning on or after January 1, 1992, each law enforcement officer whose post of duty is in one of the following areas shall receive an adjustment, which shall be a percentage of the officer's rate of basic pay, as follows: "Area Differe ntial

Boston-Lawrence-Salem, MA-NH Consolidated 16% Metropolitan Statistical Area Chicago-Gary-Lake County, IL-IN-WI Consolidated 4% Metropolitan Statistical Area Los Angeles-Anaheim-Riverside, CA Consolidated 16% Metropolitan Statistical Area New York-Northern New Jersey-Long Island, NY-NJ-CT 16% Consolidated Metropolitan Statistical Area Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD 4% Consolidated Metropolitan Statistical Area San Francisco-Oakland-San Jose, CA Consolidated 16% Metropolitan Statistical Area San Diego, CA Metropolitan Statistical Area 8% Washington-Baltimore DC-MD-VA-WV Consolidated 4% Metropolitan Statistical Area

"(2) In the case of any area specified in paragraph (1) that includes a portion, but not all, of a county, the Office of Personnel Management may, at the request of the head of 1 or more law enforcement agencies, extend the area specified in paragraph (1) to include, for the purposes of this section, the entire county, if the Office determines that such extension would be in the interests of good personnel administration.

Any such extension shall be applicable to each law enforcement officer whose post of duty is in the area of the extension. "(c)(1) A special pay adjustment under this section shall be administered, to the extent practicable, in the same manner as a locality-based comparability payment under section 5304 of title 5, United States Code, as amended by section 101 of this Act, and shall be considered part of basic pay to the same degree as such a locality-based comparability payment. "(2) The Office of Personnel Management may prescribe such regulations as it considers necessary concerning the payment of special pay adjustments to law enforcement officers under this section. "SEC. 405. SAME BENEFITS FOR OTHER LAW ENFORCEMENT OFFICERS. "(a) The appropriate agency head (as defined in subsection (c)) shall prescribe regulations under which the purposes of sections 403, 404, and 407 shall be carried out with respect to individuals holding positions described in subsection (b). "(b) This subsection applies with respect to any - "(1) special agent within the Diplomatic Security Service; "(2) probation officer (referred to in section 3672 of title 18, United States Code); or "(3) pretrial services officer (referred to in section 3153 of title 18, United States Code). "(c) For purposes of this section, the term 'appropriate agency head' means - "(1) with respect to any individual under subsection (b)(1), the Secretary of State; or "(2) with respect to any individual under subsection (b)(2) or (b)(3), the Director of the Administrative Office of the United States Courts. "SEC. 406. FBI NEW YORK FIELD DIVISION. "(a) The total pay of an employee of the Federal Bureau of Investigation assigned to the New York Field Division before the date of September 29, 1993, in a position covered by the demonstration project conducted under section 601 of the Intelligence Authorization Act for Fiscal Year 1989 (Public Law 100-453) [102 Stat. 1911] shall not be reduced as a result of the termination of the demonstration project during the period that employee remains employed after that date in a position covered by the demonstration project. "(b) Beginning on September 30, 1993, any periodic payment under section 601(a)(2) of the Intelligence Authorization Act for Fiscal Year 1989 [Pub. L. 100-453, 102 Stat. 1911] for any such employee shall be reduced by the amount of any increase in basic pay under title 5, United States Code, including the following provisions: an annual adjustment under section 5303, locality-based comparability payment under section 5304, initiation or increase in a special pay rate under section 5305, promotion under section 5334, periodic step increase under section 5335, merit increase under section 5404, or other increase to basic pay under any provision of law. "SEC. 407. RELOCATION PAYMENTS. "Notwithstanding section 5753(b)(1)(A) of title 5, United States Code, as added by this Act, a law enforcement officer whose rate of basic pay is less than \$60,000 may receive a relocation payment of up to \$15,000 under section

5753." [Section 303(b) of Pub. L. 103-178 provided that: "The amendment made by subsection (a) [amending section 529 [title IV, Sec. 406] of Pub. L. 101-509, set out above] shall take effect as of September 30, 1993, and shall apply to the pay of employees to whom the amendment applies that is earned on or after that date."] [For effective dates of amendments by section 3(5)-(9) of Pub. L. 102-378 to section 529 [title IV, Secs. 402, 403(d), 404(a), (b), 405(a)] of Pub. L. 101-509, set out above, see section 9(a), (b)(6), (9) of Pub. L. 102-378, set out as an Effective Date of 1992 Amendment note under section 6303 of this title.] REPORTING REQUIREMENT Section 529 [title IV, Sec. 412] of Pub. L. 101-509 provided that: "Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan."

Section Referred To In Other Sections

This section is referred to in sections 3326, 5363, 5542, 5543, 5545, 5547 of this title; title 18 section 3006A; title 21 section 848; title 31 section 325; title 49 section 1113.

Other documents:

Anuncio de la Resolución del 12 de julio de 2007 de la Dirección General del Centro Informático para la gestión tributar... | Macerich. | acordao n 01339-2006-382-04-00-0 (ro) of tribunal regional do trabalho - 4 regio (porto alegre - rs), of march 26, 2009 | Acórdão N° 99571 of Primeira Turma, of March 09, 1984 | Arrete du 11 septembre 1990 fixant les modalites d'attribution et les taux des indemnites de certains collaborateurs de l'Institut international d'administration... | acórdão nº 115863 of segunda turma of may 08 1992 | Acordao N 70022731673 of Tribunal de Justica do RS - Decima Oitava Camara Cível, of February 14, 2008 | Decisão Monocrática N° 70011863065 of Tribunal de Justiça do RS Décima Primeira Câmara Cível of June 01 2005 | regulatory organizations proposed rule changes American Stock Exchange LLC, | Boston Scientific Ltd. v. Johnson & Johnson Inc., 2004 FCA 354 (2004)



5 USC 5303 - Sec. 5303. Annual adjustments to pay schedules

5 USC - U.S. Code - Title 5: Government Organization and Employees (January 2004)

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[U.S. Code - Title 2: The Congress - 2 USC 31 - Sec. 31. Compensation of Members of Congress](#)

[US Code - Title 28: Judiciary and Judicial Procedure - 28 USC 461 - Sec. 461. Adjustments in certain salaries](#)

[U.S. Code - Title 1: General Provisions - 1 USC 1 - Sec. 1. Words denoting number, gender, and so forth](#)

[U.S. Code - Title 16: Conservation - Secs. 588 to 590. Repealed. Pub. L. 89-554, Sec. 8\(a\), Sept. 6, 1966, 80 Stat. 648](#)

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Text:

(a) Effective as of the first day of the first applicable pay period beginning on or after January 1 of each calendar year, the rates of basic pay for each statutory pay system shall be increased by the percentage (rounded to the nearest one-tenth of 1 percent) equal to one-half of 1 percentage point less than the percentage by which the ECI for the base quarter of the year before the preceding calendar year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all). (b)(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President should consider the pay adjustment which would otherwise be required by subsection (a) in any year to be inappropriate, the President shall - (A) prepare and transmit to Congress before September 1 of the preceding calendar year a plan for such alternative pay adjustments as he considers appropriate, together with the reasons therefor; and (B) adjust the rates of pay of each statutory pay system, in accordance with such plan, effective on the same day as the increase under subsection (a) would otherwise take effect. (2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including, but not limited to, the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures. (3) The President shall include in the report to Congress under paragraph (1)(A) his assessment of the impact that the alternative pay adjustments under this subsection will have on the Government's ability to recruit and retain well-qualified employees. (c) The rates of basic pay that take effect under this section - (1) shall modify, supersede, or render inapplicable, as the case may be, to the extent inconsistent therewith, any prior rates of basic pay under the statutory pay system involved (as last adjusted under this section or prior provisions of law); and (2) shall be printed in the Federal Register and the Code of Federal Regulations. (d) An increase in rates of basic pay that takes effect under this section is not an equivalent increase in pay within the meaning of section 5335. (e) This section does not impair any authority pursuant to which rates of basic pay may be fixed by administrative action. (f) Pay may not be paid, by reason of any provision of this section (disregarding any comparability payment payable), at a rate in excess of the rate of basic pay payable for level V of the Executive Schedule. (g) Any rate of pay under this section shall be initially adjusted, effective on the effective date of the rate of pay, under conversion rules prescribed by the President or by such agency or agencies as the President may designate.

Historical And Revision Notes

Derivation U.S. Code Revised Statutes and Statutes at Large

5 U.S.C. 1173. Oct. 11, 1962, Pub. L. 87-793, Sec. 504, 76 Stat. 842. Aug. 14, 1964, Pub. L. 88-426, Sec. 123, 78 Stat. 412.

In subsection (a), the words "the provisions of this title governing appointment in the competitive service" are substituted for "the civil service laws and regulations". In subsections (a), (b), and (d), the word "agency" is substituted for "agency or agencies" because the singular imports the plural, see [1 U.S.C. 1](#). In subsection (d), the word "officer" is omitted as included in "employee", "agency" is substituted for "department", and "rules" is omitted as included in "regulations". Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

References In Text

Level V of the Executive Schedule, referred to in subsec. (f), is set out in section 5316 of this title.

Amendments

1990 - Pub. L. 101-509 amended section generally, substituting provisions relating to annual adjustments to pay schedules for provisions relating to President's authority to set higher minimum rates of basic pay. 1980 - Subsec. (a)(4). Pub. L. 96-465 substituted "section 403 of the Foreign Service Act of 1980" for "sections 867 and 870 of title 22". 1978 - Subsec. (a). Pub. L. 95-454 substituted "Office of Personnel Management" for "Civil Service Commission". 1975 - Subsec. (c). Pub. L. 94-183 struck out "and section 3552 of title 39" after "of section 5335(a) of this title". 1970 - Subsec. (a)(2). Pub. L. 91-375 repealed cl. (2) making positions paid under provisions of part III of title 39 relating to employees in the postal field service subject to higher minimum rates established by the President. 1967 - Subsec. (a). Pub. L. 90-206, Sec. 207(a), substituted "maximum pay rate" for "seventh pay rate". Subsec. (d). Pub. L. 90-206, Sec. 207(b), inserted provisions that permitted an initial adjustment to be made to statutory increases which become effective prior to, on, or after the date of enactment of the statute.

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, Sec. 305] of Pub. L. 101-509, set out as a note under section 5301 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

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

EFFECTIVE DATE OF 1978 AMENDMENT

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

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90-206, set out as an Effective Date note under section 3110 of this title.

Delegation Of Functions

For designation of agencies to perform functions of President under subsec. (g) of this section, see Ex. Ord. No. 12748, Sec. 1, Feb. 1, 1991, 56 F.R. 4521, eff. Feb. 3, 1991, set out as a note under section 5301 of this title.

Pay Raises For Programs Funded By Energy And Water Development

APPROPRIATIONS ACTS TO BE ABSORBED WITHIN SUCH ACTS Pub. L. 102-377, title V, Sec. 506, Oct. 2, 1992, 106 Stat. 1343, provided that: "Such sums as may be necessary for Federal employee pay raises for programs funded by this Act or subsequent Energy and Water Development Appropriations Acts hereafter shall be absorbed within the levels appropriated in such Acts." SENSE OF CONGRESS Section 529 [title I, Sec. 101(e)] of Pub. L. 101-509 provided that: "It is the sense of the Congress that the total funds dedicated to adjustments under sections 5303 and 5304 [of this title] for any year be no less than the total funds that would have been dedicated to adjustments under such section 5303 for such year had the full change in the ECI been applied to pay rates for such year." FEDERAL EMPLOYEE PAY ADJUSTMENTS Pub. L. 108-7, div. J, title VI, Sec. 637, Feb. 20, 2003, 117 Stat. 472, provided that: "(a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2003 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.1 percent and shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2003. "(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2003." 2001 - Pub. L. 107-67, title VI, Sec. 646, Nov. 12, 2001, 115 Stat. 556, provided that: "(a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2002 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.6 percent. "(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2002." 2000 - Pub. L. 106-554, Sec. 1(a)(4) [div. B, title I, Sec. 140], Dec. 21, 2000, 114 Stat. 2763, 2763A-235, provided that: "(a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2001 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.7 percent. "(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2001." 1999 - Pub. L. 106-58, title VI, Sec. 646, Sept. 29, 1999, 113 Stat. 478, provided that: "(a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 2000 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 4.8 percent. "(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 2000." 1998 - Pub. L. 105-277, div. A, Sec. 101(h) [title VI, Sec. 621], Oct. 21, 1998, 112 Stat. 2681-480, 2681-518, provided that: "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1999 in the rates of basic pay for the statutory pay systems." Pub. L. 105-277, div. A, Sec. 101(h) [title VI, Sec. 647], Oct. 21, 1998, 112 Stat. 2681-480, 2681-527, provided that: "(a) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1999 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.6 percent. "(b) Funds used to carry out this section shall be paid from appropriations which are made to each applicable department or agency for salaries and expenses for fiscal year 1999." 1996 - Pub. L. 104-208, div. A, title I, Sec. 101(f) [title VI, Sec. 637], Sept. 30, 1996, 110 Stat. 3009-314, 3009-364, provided that: "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1997 in the rates of basic pay for the statutory pay systems." 1995 - Pub. L. 104-52, title VI, Sec. 633, Nov. 19, 1995, 109 Stat. 507, provided that: "For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1996 in the rates of basic pay for the statutory pay systems." 1994 - Pub. L. 103-329, title VI, Sec. 630(a), Sept. 30, 1994, 108 Stat. 2424, provided that: "(1) The adjustment in rates of basic pay for the statutory pay systems that takes effect in fiscal year 1995 under section 5303 of title 5, United States Code, shall be an increase of 2 percent. "(2) For purposes of each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 [Pub. L. 101-194] (5 U.S.C. 5318 note), no adjustment under section 5303 of title 5, United States Code, shall be considered to have taken effect in fiscal year 1995 in the rates of basic pay for the statutory pay systems. "(3) For purposes of this subsection, the term 'statutory pay system' shall have the meaning given such term by section 5302(1) of title 5, United States Code." 1993 - Pub. L. 103-123, title V, Sec. 517B, Oct. 28, 1993, 107 Stat. 1253, provided that: "(a) Any adjustment required by section 5303 of title 5, United States Code, to become effective in fiscal year 1994 in the rates of basic pay for the statutory pay systems shall not be made. "(b) For the purpose of this section, the term 'statutory pay system' has the meaning given such term by section 5302(1) of title 5, United States Code." 1990 - Pub. L. 101-509, title VI, Sec. 618, Nov. 5, 1990, 104 Stat. 1475, provided that: "(a) Notwithstanding any other provision of law, in the

case of fiscal year 1991, the overall average percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent. "(b) Any increase in a pay rate or schedule which takes effect under such section 5305 in fiscal year 1991 (in accordance with subsection (a)) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1991." Pub. L. 101-509, title VI, Sec. 633, Nov. 5, 1990, 104 Stat. 633, provided that: "(a) In General. - Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 [see Short Title of 1990 Amendment note set out under section 5301 of this title] and any provision of law amended by such Act), for purposes of any adjustment scheduled to take effect under section 5303 of title 5, United States Code (as amended by section 101 [section 529 [title I, Sec. 101] of Pub. L. 101-509]) during the period beginning on October 1, 1991, and ending on September 30, 1994, the provisions of section 5303 of such title (as so amended) shall be applied in accordance with the following: "(1) For purposes of the adjustment taking effect in each of fiscal years 1992 and 1993, respectively, deem subsection (a) to be amended by striking 'one-half of 1 percentage point less than'. "(2) Deem subsection (b) to be amended as follows: "(A) In paragraph (1), strike 'if' and all that follows thereafter through 'welfare,' and insert 'Subject to paragraph (2), if'. "(B) Redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively. "(C) Insert after paragraph (1) the following: "'(2) Authority to provide alternative pay adjustments under this subsection in any year may not be exercised except in accordance with the following: "'(A) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be 5 percent or less, no reduction may be made unless necessary because a state of war or severe economic conditions exist. "'(B) If the adjustment which (but for this subsection) would otherwise take effect under this section in a fiscal year would be greater than 5 percent, no reduction may be made - "'(i) to a level of 5 percent or greater, unless necessary because of national emergency or serious economic conditions affecting the general welfare; or "'(ii) to a level of less than 5 percent, unless necessary because of either of the reasons set forth in subparagraph (A)."' "(D) Add after paragraph (4) (as so redesignated by subparagraph (B) the following: "'(5) For the purpose of this subsection, 'severe economic conditions' shall be considered to exist relative to an adjustment scheduled to take effect on a given date if, during the 12-month period ending 2 calendar quarters before such date, there occurred 2 consecutive quarters of negative growth in the GNP.'" "(b) References. - Notwithstanding any other provision of law (including any provision of the Federal Employees Pay Comparability Act of 1990 [see Short Title of 1990 Amendment note set out under section 5301 of this title] and any provision of law amended made by such Act), effective for purposes of any pay adjustment scheduled to take effect during the period described in subsection (a), any reference in a provision of law to section 5303 of title 5, United States Code, as amended by section 101 [section 529 [title I, Sec. 101] of Pub. L. 101-509] (or to the effective date of a pay adjustment, the size of an adjustment, a rate payable after an adjustment, or other related matter under such section 5303) shall be considered a reference to such section as applied in accordance with this section (or to the corresponding matter, as determined under such section 5303, as applied in accordance with this section)." 1989 - Pub. L. 101-194, title VII, Sec. 702, Nov. 30, 1989, 103 Stat. 1767, provided that: "(a) Restoration. - "(1) In general. - Effective for pay periods beginning on or after the date of enactment of this Act [Nov. 30, 1989], the rate of basic pay for any office or position in the executive, legislative, or judicial branch of the Government or in the government of the District of Columbia shall be determined as if the provisions of law cited in paragraph (2) had never been enacted. "(2) Citations. - The provisions of law referred to in paragraph (1) are as follows: "(A) Section 620(b) of the Treasury, Postal Service and General Government Appropriations Act, 1989 (2 U.S.C. 5305 note) [Pub. L. 100-440, set out below]. "(B) Section 619(b) of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136) [set out below]. "(b) Exceptions. - Notwithstanding any other provision of this section, the rate of basic pay for a Senator, the President pro tempore of the Senate, and the majority leader and the minority leader of the Senate shall be determined as if subsection (a) had not been enacted. "(c) Specific Authority. - For purposes of section 140 of Public Law 97-92 (28 U.S.C. 461 note), appropriate salary increases are hereby authorized for Federal judges and Justices of the Supreme Court pursuant to subsection (a). "(d) Special Rule. - Notwithstanding any other provision of this section, no adjustment in any rate of pay shall become effective, as a result of the enactment of this section, before the first applicable pay period beginning on or after the date as of which the order issued by the President on October 16, 1989, pursuant to section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 [2 U.S.C. 901] is rescinded." Pub. L. 101-194, title XI, Sec. 1101(a), Nov. 30, 1989, 103 Stat. 1781, provided that: "(1) Adjustments in Rates of Pay. - Notwithstanding any other provision of law (including any provision of this Act or amendment made by this Act), effective as provided in paragraph (2), the rate of pay of each office and position of United States Senator, the President pro tempore of the Senate, and the majority and minority leaders of the Senate shall be increased by - "(A) the percentage increase that would have taken effect in fiscal year 1988 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each such office and position in effect on January 1, 1988 without regard to section 108 of the resolution entitled 'Joint resolution making further continuing appropriations for the fiscal year 1988, and for other purposes', approved December 22, 1987 [Pub. L. 100-202]; (101 Stat. 1329-434; 5 U.S.C. 5305 note [set out below]); "(B) the percentage increase that would have taken effect in fiscal year 1989 if the provisions of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) were applied to the rate of pay of each such office and position in effect on January 1, 1989 (as adjusted under subparagraph (A) of this paragraph) without regard to subsection (b) of section 620 of the Treasury, Postal Service and General Government Appropriations Act, 1989 (Public Law 100-440; 102 Stat. 1756; 5 U.S.C. 5305 note [set out below]); and "(C) the percentage increase that would take effect in fiscal year 1990 by the application of section 601(a)(2) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31(2)) (as adjusted under subparagraphs (A) and (B) of this paragraph) without regard to subsection (b) of section 619 of the Treasury, Postal Service and General Government Appropriations Act, 1990 (Public Law 101-136) [set out below]. "(2) The increase in the rates of pay for each office and position described under paragraph (1) shall be effective on the first day of the first pay period beginning on or after January 1, 1990." Pub. L. 101-136, title VI, Sec. 619, Nov. 3, 1989, 103 Stat. 820, provided that: "(a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1990, the overall average percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 3.6 percent. "(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1990. "(b)(1) Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1989, and before October 1, 1990, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia - "(A) if the rate of salary or basic pay payable for that office or position as of September 30, 1989, was equal to or greater than the rate of basic pay described in paragraph (3); or "(B) to a rate exceeding the rate of basic pay described in paragraph (3) if, as of September 30, 1989, the rate of salary or basic pay payable for that office or position was less than the rate described in such paragraph. "(2) For purposes of paragraph (1), the rate of salary or basic pay payable as of September 30, 1989, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date, as determined under regulations prescribed - "(A) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(B) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(C) by the Chief Justice of the United States, in the case of any office or position within the judicial branch. "(3) The rate of basic pay described in this paragraph is the rate equal to the rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, as of September 30, 1989, increased by

3.6 percent." 1988 - Pub. L. 100-440, title VI, Sec. 620, Sept. 22, 1988, 102 Stat. 1756, provided that: "(a)(1) Notwithstanding any other provision of law, in the case of fiscal year 1989, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 4.1 percent. "(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1989. "(b)(1) Notwithstanding any other provision of this Act or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1988, and before October 1, 1989, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia - "(A) if the rate of salary or basic pay payable for that office or position as of September 30, 1988, was equal to or greater than the rate of basic pay then payable for level III of the Executive Schedule under section 5314 of title 5, United States Code; or "(B) to a rate exceeding the rate of basic pay payable for level III of the Executive Schedule under such section 5314 as of September 30, 1988, if, as of that date, the rate of salary or basic pay payable for that office or position was less than the rate of basic pay then payable for such level III. "(2) For purposes of paragraph (1), the rate of salary or basic pay payable as of September 30, 1988, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date, as determined under regulations prescribed - "(A) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(B) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(C) by the Chief Justice of the United States, in the case of any office or position within the judicial branch." 1987 - Pub. L. 100-202, Sec. 108, Dec. 22, 1987, 101 Stat. 1329-434, provided that: "(a) Notwithstanding any other provision of this resolution or any other law, no adjustment in rates of pay under section 5305 of title 5, United States Code, which becomes effective on or after October 1, 1987, and before October 1, 1988, shall have the effect of increasing the rate of salary or basic pay for any office or position in the legislative, executive, or judicial branch or in the government of the District of Columbia - "(1) if the rate of salary or basic pay payable for that office or position as of September 30, 1987, was equal to or greater than the rate of basic pay then payable for level V of the Executive Schedule under section 5316 of title 5, United States Code; or "(2) to a rate exceeding the rate of basic pay payable for level V of the Executive Schedule under such section 5316 as of September 30, 1987, if, as of that date, the rate of salary or basic pay payable for that office or position was less than the rate of basic pay then payable for such level V. "(b) For purposes of subsection (a), the rate of salary or basic pay payable as of September 30, 1987, for any office or position which was not in existence on such date shall be deemed to be the rate of salary or basic pay payable to individuals in comparable offices or positions on such date, as determined under regulations prescribed - "(1) by the President, in the case of any office or position within the executive branch or in the government of the District of Columbia; "(2) jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, in the case of any office or position within the legislative branch; or "(3) by the Chief Justice of the United States, in the case of any office or position within the judicial branch." Pub. L. 100-202, Sec. 110(a), Dec. 22, 1987, 101 Stat. 1329-436, provided that: "(1) Two-percent increase. - Notwithstanding any other provision of law, in the case of fiscal year 1988, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems (as defined by section 5301(c) of such title), shall be an increase of 2 percent. "(2) Uniform adjustments; delayed effective date. - Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage and shall take effect as of the beginning of the first applicable pay period beginning on or after January 1, 1988." 1986 - Pub. L. 99-500, Sec. 144(a), Oct. 18, 1986, 100 Stat. 1783-350, and Pub. L. 99-591, Sec. 144(a), Oct. 30, 1986, 100 Stat. 3341-353, provided that: "(1) Notwithstanding any other provision of law, in the case of fiscal year 1987, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems, shall be an increase of 3 percent. "(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1, 1987. "(3)(A) Notwithstanding any other provision of law, determinations relating to amounts to be appropriated in order to provide for the adjustment described in paragraph (1) shall be made based on the assumption that the various departments and agencies of the Government will, in the aggregate, absorb 50 percent of the increase in total pay for fiscal year 1987. "(B) Subparagraph (A) does not apply with respect to the Department of Defense or pay for employees of the Department of Defense. "(4) For purposes of this subsection - "(A) the term 'total pay' means, with respect to a fiscal year, the total amount of basic pay which will be payable to employees covered by statutory pay systems for service performed during such fiscal year; "(B) the term 'increase in total pay' means, with respect to a fiscal year, that part of total pay for such year which is attributable to the adjustment taking effect under this section during such year; and "(C) the term 'statutory pay system' has the meaning given such term by section 5301(c) of title 5, United States Code." Pub. L. 99-272, title XV, Sec. 15201(a), Apr. 7, 1986, 100 Stat. 332, provided that: "(1) The rates of pay under the General Schedule and the rates of pay under the other statutory pay systems referred to in section 5301(c) of title 5, United States Code, shall not be adjusted under section 5305 of such title during fiscal year 1986. "(2)(A)(i) For fiscal years 1987 and 1988, the President shall provide for the adjustment of rates of pay under section 5305 of title 5, United States Code, as appropriate to reduce outlays, relating to pay of officers and employees of the Federal Government, by at least \$746,000,000 in fiscal year 1987 and \$1,264,000,000 in fiscal year 1988 (without regard to reductions in outlays which result by reason of subparagraph (B)(ii) of this paragraph, paragraph (1) of this subsection, subsection (b) of this section, and the application of section 1009 of title 37, United States Code), computed using the baseline used for the First Concurrent Resolution on the Budget for Fiscal Year 1986 (S. Con. Res. 32, 99th Congress), agreed to on August 1, 1985. "(ii) Clause (i) of this subparagraph shall not be construed to suspend the requirements of section 5305 of title 5, United States Code, with respect to fiscal years 1987 and 1988. "(B) Each adjustment in a pay rate or schedule which takes effect pursuant to subparagraph (A) of this paragraph - "(i) shall, to the maximum extent practicable, be of the same percentage; and "(ii) shall be effective with respect to pay periods beginning on or after January 1 of the fiscal year involved." 1984 - Pub. L. 98-270, title II, Sec. 202(a), Apr. 18, 1984, 98 Stat. 158, provided that: "(1) Notwithstanding any other provision of law, in the case of fiscal year 1984, the overall percentage of the adjustment under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, and in the rates of pay under the other statutory pay systems, shall be an increase of 4 percent. "(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect as of the first day of the first applicable pay period commencing on or after January 1 of such fiscal year." 1982 - Pub. L. 97-253, title III, Sec. 310(a), Sept. 8, 1982, 96 Stat. 799, provided that: "(1) Notwithstanding any other provision of law, if - "(A) before September 1, 1982, the President transmits to the Congress pursuant to section 5305(c)(1) of title 5, United States Code, an alternative plan which provides for an overall percentage pay adjustment which is less than 4 percent, and "(B) the alternative plan referred to in subparagraph (A) is disapproved pursuant to such section 5305, the rates of pay under the General Schedule and the rates of pay under the other statutory pay systems shall be increased under the provisions of such section 5305 by 4 percent in the case of fiscal year 1983. "(2) Each increase in a pay rate or schedule which takes effect pursuant to paragraph (1) shall, to the maximum extent practicable, be of the same percentage, and shall take effect on the first day of the first applicable pay period commencing on or after October 1 of such fiscal year." 1981 - Pub. L. 97-35, title XVII, Sec. 1701(a), Aug. 13, 1981, 95 Stat. 753, provided that: "Notwithstanding any other provision of law, the overall percentage of the adjustment of the rates of pay under the General Schedule or any other statutory pay system under section 5305 of title 5, United States Code, which is to become effective with

the first applicable pay period commencing on or after October 1, 1981, shall not exceed 4.8 percent." 1978 - Pub. L. 95-429, title VI, Sec. 614, Oct. 10, 1978, 92 Stat. 1018, provided that: "(a) No part of any of the funds appropriated for the fiscal year ending September 30, 1979, by this Act or any other Act, may be used to pay the salary or pay of any individual in any office or position in an amount which exceeds the rate of salary or basic pay payable for such office or position on September 30, 1978, by more than 5.5 percent, as a result of any adjustments which take effect during such fiscal year under - "(1) section 5305 of title 5, United States Code; "(2) any other provision of law if such adjustment is determined by reference to such section 5305; or "(3) section 5343 of title 5, United States Code, if such adjustment is granted pursuant to a wage survey (but only with respect to prevailing rate employees described in section 5342(a)(2)(A) of that title). "(b) For the purpose of administering any provision of law, rule, or regulation which provides premium pay, retirement, life insurance, or other employee benefit, which requires any deduction or contribution, or which imposes any requirement or limitation, on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay." 1971 - Pub. L. 92-210, Sec. 3, Dec. 22, 1971, 85 Stat. 753, provided that: "Notwithstanding any provision of section 3(c) of the Federal Pay Comparability Act of 1970 (Public Law 91-656), or of section 5305 of title 5, United States Code, as added by section 3(a) of Public Law 91-656, and the provisions of the alternative plan submitted by the President to the Congress pursuant thereto on August 31, 1971, such comparability adjustments in the rates of pay of each Federal statutory pay system as may be required under such sections 5305 and 3(c), based on the 1971 Bureau of Labor Statistics survey - "(1) shall not be greater than the guidelines established for the wage and salary adjustments for the private sector that may be authorized under authority of any statute of the United States, including the Economic Stabilization Act of 1970 (Public Law 91-379; 84 Stat. 799), as amended [formerly set out as a note under section 1904 of Title 12, Banks and Banking], and that may be in effect on December 31, 1971; and "(2) shall be placed into effect on the first day of the first pay period that begins on or after January 1, 1972. Nothing in this section shall be construed to provide any adjustments in rates of pay of any Federal statutory pay system which are greater than the adjustments based on the 1971 Bureau of Labor Statistics survey." Section 3(c) of Pub. L. 91-656 provided that: "The President may make the initial adjustment required by subchapter I of chapter 53 of title 5, United States Code, as amended by this Act, without regard to the provisions of such subchapter relating to the Advisory Committee on Federal Pay and the Federal Employees Pay Council.

Notwithstanding any provision of such subchapter I prescribing an effective date of October 1 for any pay adjustment made by the President, the initial adjustment based on the 1970 Bureau of Labor Statistics survey and the adjustment based on the 1971 Bureau of Labor Statistics survey shall become effective on the first day of the first applicable pay period that begins on or after January 1, 1971, and January 1, 1972, respectively.

Notwithstanding the provisions of such subchapter I, the President's agent for purposes of the 1971 and 1972 adjustments shall be the Director, Office of Management and Budget and the Chairman, United States Civil Service Commission.

Adjustments under the provisions of such subchapter I shall not apply to employees of the Post Office Department whose basic pay is fixed under the General Schedule." 1967 - Pub. L. 90-206, title II, Sec. 212, Dec. 16, 1967, 81 Stat. 634, provided that: "In order to complete the implementation of the policy of the Congress set forth in paragraph (2) of section 5301 of title 5, United States Code, the President, after seeking the views of such employee organizations as he considers appropriate and in such manner as he may provide, shall - "(1) effective on the first day of the first pay period beginning on or after July 1, 1968, adjust the rates of basic pay, basic compensation, and salary, as in effect by reason of the enactment of the provisions of this title [see Short Title note under section 5332 of this title] other than this section and sections 205, 210, 213, 214, 215, and 219 - "(A) by amounts equal, as nearly as may be practicable, to one-half of the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1967 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code, or "(B) by 3 per centum, whichever is greater; and "(2) effective on the first day of the first pay period beginning on or after July 1, 1969, adjust the rates he has established under subparagraph (1) of this section, and the rates established by Postal Field Service Schedule II, and Rural Carrier Schedule II (contained in the amendments made by subsections (a) and (b) of section 205 [amending sections 3542 and 3543 of Title 39, Postal Service], by amounts equal, as nearly as may be practicable, to the amounts by which such rates are exceeded by rates of pay paid for the same levels of work in private enterprise as determined on the basis of the 1968 annual survey conducted by the Bureau of Labor Statistics in accordance with the provisions of section 5302 of title 5, United States Code. Adjustments made by the President under this section shall have the force and effect of statute.

The rates of pay of personnel subject to sections 210, 213 (except subsections (d) and (e)), and 214 of this title [see Short Title note under section 5332 of this title], and any minimum or maximum rate, limitation, or allowance applicable to any such personnel, shall be adjusted, by amounts which are equal, insofar as practicable and with such exceptions as may be necessary to provide for appropriate relationships between positions, to the amounts of the adjustments made by the President under subparagraphs (1) and (2) of this section, by the following authorities - "(i) the President pro tempore of the Senate, with respect to the United States Senate; "(ii) the Speaker of the House of Representatives with respect to the United States House of Representatives; "(iii) the Architect of the Capitol, with respect to the Office of the Architect of the Capitol; "(iv) the Director of the Administrative Office of the United States Courts, with respect to the judicial branch of the Government; and "(v) the Secretary of Agriculture, with respect to persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)). Such adjustments shall be made in such manner as the appropriate authority concerned deems advisable and shall have the force and effect of statute.

Nothing in this section shall impair any authority pursuant to which rates of pay may be fixed by administrative action." [Section 212 of Pub. L. 90-206 effective Dec. 16, 1967, see section 220(a)(1) of Pub. L. 90-206, set out as a note under section 3110 of this title.]

Section Referred To In Other Sections

This section is referred to in sections 5304, 5304a, 5306, 5318, 5332, 5372, 5376, 5392, 5404 of this title; title 2 sections 31, 57a, 60a-1, 60a-1b, 60a-2, 60a-2a, 906; title 3 section 104; title 10 section 1076a; title 22 section 3963; title 28 section 461; title 31 section 325; title 38 section 7451; title 42 section 2541.

Other documents:

notificación de propuestas de resoluciones de expedientes sancionadores en materia de tráfico circulación de vehículos a motor y seguridad vial. | anuncio de adjudicación. | LJN AH9696 Rechtbank s-Gravenhage AWB 03/30979 | Nicole Kidman:

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SCHEDULE 3—Continued

Veterans Health Administration Schedules, Department of Veterans Affairs

Physician Assistant and Expanded-Function Dental Auxiliary Schedule⁴

Director Grade	\$95,390	\$124,010
Assistant Director Grade	81,093	105,420
Chief Grade	68,625	89,217
Senior Grade	57,709	75,025
Intermediate Grade	48,148	62,593
Full Grade	39,795	51,738
Associate Grade	34,244	44,513
Junior Grade	29,276	38,060

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 \$139,600.

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, 2008)

	Minimum	Maximum
Agencies with a Certified SES Performance Appraisal System	\$114,468	\$172,200
Agencies without a Certified SES Performance Appraisal System	\$114,468	\$158,500

SCHEDULE 5

Executive Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Level I	\$191,300
Level II	172,200
Level III	158,500
Level IV	149,000
Level V	139,600

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, 2008)

Vice President	\$221,100
Senators	169,300
Members of the House of Representatives	169,300
Delegates to the House of Representatives	169,300
Resident Commissioner from Puerto Rico	169,300
President pro tempore of the Senate	188,100
Majority leader and minority leader of the Senate	188,100
Majority leader and minority leader of the House of Representatives	188,100
Speaker of the House of Representatives	217,400

SCHEDULE 7

Judicial Salaries

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2008)

Chief Justice of the United States	\$217,400
Associate Justices of the Supreme Court	208,100
Circuit Judges	179,500
District Judges	169,300
Judges of the United States Court of International Trade	169,300

SCHEDULE 8

Pay of the Uniformed Services (Effective on January 1, 2008)

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	\$8,706.60	\$8,991.60	\$9,180.90	\$9,233.70	\$9,469.80
O-7	7,234.50	7,570.50	7,726.20	7,849.80	8,073.60
O-6	5,362.50	5,890.80	6,277.20	6,277.20	6,301.20
O-5	4,470.00	5,035.50	5,384.40	5,449.80	5,667.00
O-4	3,856.80	4,464.60	4,762.50	4,829.10	5,105.70
O-3 ³	3,390.90	3,844.20	4,149.30	4,523.70	4,740.00
O-2 ³	2,929.50	3,336.90	3,843.30	3,973.20	4,054.80
O-1 ³	2,543.40	2,646.90	3,199.80	3,199.80	3,199.80
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 ² ..					
O-9					
O-8	\$9,864.60	\$9,956.40	\$10,331.10	\$10,438.20	\$10,761.30
O-7	8,294.40	8,550.30	8,805.30	9,061.20	9,864.60
O-6	6,571.50	6,606.90	6,606.90	6,982.50	7,646.40
O-5	5,797.50	6,083.70	6,293.40	6,564.30	6,979.80
O-4	5,401.80	5,770.80	6,058.80	6,258.60	6,373.20
O-3 ³	4,977.90	5,132.10	5,385.30	5,516.70	5,516.70
O-2 ³	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80
O-1 ³	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 ² ..					
O-9					
O-8	\$11,227.80	11,658.60	11,946.30	11,946.30	11,946.30
O-7	10,543.20	10,543.20	10,543.20	10,543.20	10,596.60
O-6	8,036.10	8,425.50	8,647.20	8,871.30	9,306.90
O-5	7,177.20	7,372.80	7,594.20	7,594.20	7,594.20
O-4	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80
O-3 ³	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70
O-2 ³	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80
O-1 ³	3,199.80	3,199.80	3,199.80	3,199.80	3,199.80
	Over 28	Over 30	Over 32	Over 34	Over 36
O-10 ² ..					
O-9	¹ \$14,943.90	¹ \$15,690.90	¹ \$15,690.90	¹ 16,475.70	¹ \$16,475.70
O-8	13,185.30	13,844.70	13,844.70	¹ 14,536.80	¹ 14,536.80
O-7	11,946.30	12,245.10	12,245.10	12,551.40	12,551.40
O-6	10,596.60	10,808.40	10,808.40	10,808.40	10,808.40
O-5	9,306.90	9,492.90	9,492.90	9,492.90	9,492.90
O-4	7,594.20	7,594.20	7,594.20	7,594.20	7,594.20
O-3 ³	6,439.80	6,439.80	6,439.80	6,439.80	6,439.80
O-2 ³	5,516.70	5,516.70	5,516.70	5,516.70	5,516.70
O-1 ³	4,054.80	4,054.80	4,054.80	4,054.80	4,054.80
	Over 38	Over 40			
O-10 ² ..					
O-9	¹ \$17,299.50	¹ \$17,299.50			
O-8	¹ 15,263.70	¹ 15,263.70			
O-7	12,551.40	12,551.40			
O-6	10,808.40	10,808.40			
O-5	9,492.90	9,492.90			
O-4	7,594.20	7,594.20			
O-3 ³	6,439.80	6,439.80			
O-2 ³	5,516.70	5,516.70			
O-1 ³	4,054.80	4,054.80			

¹Basic pay is limited to the rate of basic pay for level II of the Executive Schedule, which is \$14,349.90 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 \$11,633.40 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 \$18,511.20 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 \$14,349.90 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 and/or warrant officer⁴

Pay Grade	Over 4	Over 6	Over 8	Over 10
O-3E	\$4,523.70	\$4,740.00	\$4,977.90	\$5,132.10
O-2E	3,973.20	4,054.80	4,183.80	4,401.60
O-1E	3,199.80	3,417.30	3,543.30	3,672.60
	Over 12	Over 14	Over 16	Over 18

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