Federal Register

Vol. 70, No. 3

Wednesday, January 5, 2005

Presidential Documents

Title 3—

Executive Order 13368 of December 30, 2004

The President

Adjustments of Certain Rates of Pay

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

- **Section 1.** Statutory Pay Systems. The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof: (a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1; (b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and (c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.
- **Sec. 2.** Senior Executive Service. The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.
- **Sec. 3.** Certain Executive, Legislative and Judicial Salaries. The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:
 - (a) The Executive Schedule (5 U.S.C. 5312–5318) at Schedule 5;
- (b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and
- (c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and section 306 of Division B of Public Law 108–447) at Schedule 7.
- **Sec. 4.** *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–375, the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.
- **Sec. 5.** Locality-Based Comparability Payments. (a) Pursuant to section 5304 of title 5, United States Code, and section 640 of Division H of Public Law 108–447, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.
- (b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.
- **Sec. 6.** Administrative Law Judges. The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.
- **Sec. 7.** Effective Dates. Schedule 8 is effective on January 1, 2005. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2005.

Sec. 8. Prior Order Superseded. Executive Order 13332 of March 3, 2004, is superseded.

Au Be

THE WHITE HOUSE, December 30, 2004.

Billing code 3195-01-P

SCHEDULE 1--GENERAL SCHEDULE

on the first day of the first applicable pay period beginning on or after January 1, 2005) (Effective on the first day

	•	2	m	7	ĸ	9	7	œ	6	10
GS-1	\$16,016	\$16,550	\$17,083	\$17,613	\$18,146	\$18,459	\$18,984	\$19,515	\$19,537	\$20,036
GS-2	18,007	18,435	19,031	19,537	19,755	20,336	20,917	21,498	22,079	22,660
GS-3	19,647	20,302	20,957	21,612	22,267	22,922	23,577	24,232	24,887	25,542
GS-4	22,056	22,791	23,526	24,261	24,996	25,731	26,466	27,201	27,936	28,671
GS-5	24,677	25,500	26,323	27,146	27,969	28,792	29,615	30,438	31,261	32,084
9-85	27,507	28,424	29,341	30,258	31,175	32,092	33,009	33,926	34,843	35,760
GS-7	30,567	31,586	32,605	33,624	34,643	35,662	36,681	37,700	38,719	39,738
GS-8	33,852	34,980	36,108	37,236	38,364	39,492	40,620	41,748	42,876	44,004
6-S5	37,390	38,636	39,882	41,128	42,374	43,620	44,866	46,112	47,358	48,604
GS-10	41,175	42,548	43,921	45,294	46,667	48,040	49,413	50,786	52,159	53,532
GS-11	45,239	46,747	48,255	49,763	51,271	52,779	54,287	55,795	57,303	58,811
GS-12	54,221	56,028	57,835	59,642	61,449	63,256	65,063	028,99	68,677	70,484
GS-13	64,478	66,627	911,89	70,925	73,074	75,223	77,372	79,521	81,670	83,819
GS-14	76,193	78,733	81,273	83,813	86,353	88,893	91,433	93,973	96,513	99,053
GS-15	89,625	92,613	95,601	685'86	101,577	104,565	107,553	110,541	113,529	116,517

SCHEDULE 2 -- FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Class	9 \$24,677	25,417	26,180	26,965	27,774	28,607	29,466	30,350	31,260	32,198	33,164	34,159	35,184	36,239
Class	8 \$27,604	28,432	29,285	30,164	31,069	32,001	32,961	33,949	34,968	36,017	37,097	38,210	39,357	40,537
Class	7 \$30,878	31,804	32,758	33,741	34,753	35,796	36,870	37,976	39,115	40,289	41,497	42,742	44,025	45,345
Class	6 \$34,540	35,576	36,643	37,743	38,875	40,041	41,243	42,480	43,754	45,067	46,419	47,811	49,246	50,723
Class	5 \$38,636	39,795	40,989	42,219	43,485	44,790	46,133	47,517	48,943	50,411	51,924	53,481	55,086	56,738
Class	4 \$47,682	49,112	50,586	52,103	53,667	55,277	56,935	58,643	60,402	62,214	64,081	66,003	67,983	70,023
Class	3 \$58,845	60,610	62,429	64,302	66,231	68,217	70,264	72,372	74,543	16,779	79,083	81,455	83,899	86,416
Class	2 \$72,622	74,801	77,045	79,356	81,737	84,189	86,714	89,316	91,995	94,755	94,798	100,526	103,542	106,648
Class	1 \$89,625	92,314	95,083	91,936	100,874	103,900	107,017	110,227	113,534	116,517	116,517	116,517	116,517	116,517
	Step 1	2	m	4	2	9	7	∞	6	10	11	12	13	14

SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Schedule for the Office of the Under Secretary for Health (38 U.S.C. 7306)*

Deputy Under Secretary for Health	86 ***
Medical Directors Minimum \$136,83 Service Directors Director, National Center for Preventive Health 89,625 130,56	18 *** 43
Physician and Dentist Schedule	
Director Grade \$105,113 \$130,55 Executive Grade 97,061 123,70 Chief Grade 89,625 116,55 Senior Grade 76,193 99,00 Intermediate Grade 64,478 83,8 Full Grade 54,221 70,4 Associate Grade 45,239 58,8	01 17 53 19 84
Clinical Podiatrist, Chiropractor, and Optometrist Schedule	
Chief Grade \$89,625 \$116,5 Senior Grade 76,193 99,0 Intermediate Grade 64,478 83,8 Full Grade 54,221 70,4 Associate Grade 45,239 58,8	53 19 84
Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****	
Director Grade. \$89,625 \$116,5 Assistant Director Grade. 76,193 99,0 Chief Grade. 64,478 83,8 Senior Grade. 54,221 70,4 Intermediate Grade. 45,239 58,8 Full Grade. 37,390 48,6 Associate Grade 32,175 41,8 Junior Grade. 27,507 35,7	53 19 84 11 04 32

^{*} This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

^{**} Pursuant to section 3 of Public Law 108-445 and section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$140,300.

^{***} Pursuant to section 3 of Public Law 108-445 and section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is \$131,400.

^{****} Pursuant to section 301(a) of Public Law 102-40, 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, 2005)

Agencies with a Certified SES Performance Appraisal System				•	•	Minimum \$107,550	<u>Maximum</u> \$162,100
Agencies without a Certified Performance Appraisal System						\$107,550	\$149,200

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Level	I															\$180,100
Level	ΙI															162,100
Level	III	Γ.												•		149,200
Level	IV			•												140,300
Level	V															131,400

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, 2005)

Vice President	3,100
Senators	2,100
Members of the House of Representatives	2,100
Delegates to the House of Representatives	2,100
Resident Commissioner from Puerto Rico	2,100
President pro tempore of the Senate),100
Majority leader and minority leader of the Senate 180),100
Majority leader and minority leader of the House	
of Representatives),100
Speaker of the House of Representatives	3,100

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005

Chief Justice of the United States	\$208,100
Associate Justices of the Supreme Court	199,200
Circuit Judges	171,800
District Judges	162,100
Judges of the United States Court of International Trade	

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES

(Effective on January 1, 2005)

Part I-MONTHLY BASIC PAY

205)

(COMPUTED UNDER 37 U.S.C.

SERVICE

YEARS OF

		40*	10	09	80	50	50	70	20	20	10		0	0	0	
Over 26		\$13,769.40*	12,149.10	11,007.60	9,763.80	8,575.50	6,997.50	5,933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60	3,660.90	
Over 24		\$13,297.50*	11,737.20	11,007.60	9,714.60	8,174.10	6,997.50	5,933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60	3,660.90	
Over 22		\$13,026.60*	11,501.10	11,007.60	9,714.60	7,967.70	6,997.50	5;933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60	3,660.90	
Over 20		\$12,963.00*	11,337.90	10,742.40	9,714.60	7,763.40	6,793.20	5,933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60	3,660.90	
Over 18		1	1	\$10,345.50	9,714.60	7,404.60	6,613.20	5,933.70	5,083.20	3,736.20	2,948.10	2 00	\$5,424.60	4,326.60	3,660.90	
Over 16		•	1	\$9,915.30	9,089.40	7,045.50	6,431.10	5,872.20	5,083.20	3,736.20	2,948.10	COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER****	\$5,271.00	4,326.60	3,660.90	
Over 14	ICERS	,	ı	\$9,618.00	8,349.00	6,433.80	6,048.60	5,766.60	5,083.20	3,736.20	2,948.10	EARS ACTIVI WARRANT OFF	\$5,158.50	4,326.60	3,660.90	
Over 12	COMMISSIONED OFFICERS	ı	•	\$9,519.00	8,113.50	6,087.90	5,799.00	5,582.70	4,962.00	3,736.20	2,948.10	TH OVER 4 1 BER AND/OR	\$4,962.00	4,211.10	3,500.70	
Over 10	COMMI	1	1	\$9,173.70	7,878.30	6,087.90	5,605.50	5,317.50	4,728.60	3,736.20	2,948.10	SSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SE AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER****	\$4,728.60	4,055.70	3,383.70	
Over 8		ı	ı	\$9,089.40	7,642.50	6,054.90	5,341.80	4,977.60	4,586.70	3,736.20	2,948.10	MMISSIONED AS AN E	\$4,586.70	3,855.30	3,264.90	
Over 6		1	1	\$8,725.50	7,439.10	5,805.90	5,221.50	4,704.30	4,367.70	3,736.20	2,948.10	8	\$4,367.70	3,736.20	3,148.80	
Over 4		ı	1	\$8,508.30	7,233.00	5,784.00	5,021.40	4,449.60	4,168.20	3,660.90	2,948.10		\$4,168.20			
Over 3		ı	ı	\$8,459.40	7,119.00	5,784.00	4,961.10	4,388.40	3,823.20	3,541.20	2,948.10		1	1	ı	
Over 2											2,439.00		1	•	ı	
2 or less		0-10**	,	3,022.30	2,666.00	1,940.70	4,118.70	3,553.80	3,124.50	2,699.40	2,343.60		,	,	1	
Pay Grade		0-10**	6-0	₹ 8-0	0-7	9-0	0-5	0-4	0-3***	0-2***	0-1***		0-3E	0-2E	0-1E	

III of the Executive Schedule, which is \$12,433.20 per month for these officers is limited to the rate of basic pay for level Basic pay

For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$15,146.40 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is \$12,433.20 per month. *

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

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

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)

	Over 26		\$6,121.20 5,636.40	4,881.30	3,659.70		\$5,231.70	4,465.20	3,990.00	2,908.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	
	Over 24		\$5,929.20 5,461.80	4,730.10	3,659.70		\$4,943.70	4,224.00	3,725.10	2,908.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	•
	Over 22		\$5,738.40 5,290.80	4,578.90	3,659.70		\$4,755.00	4,125.90	3,620.40	2,908.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	1
	Over 20		\$5,548.20 5,117.40	3,977,40	3,659.70		\$4,575.90	3,949.20	3,458.70	2,908.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	i
	Over 18		\$4,950.00	3.842.40	3,564.30		\$4,364.10	3,845.40	3,410.70	2,908.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	ı
. 205)	Over 16			3.771.30			\$4,232.40	3,640.50	3,332.40	2,888.70	2,450.70			1,384.50	1,235.10	1
YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)	Over 14	S	\$4,511.70	3.687.00	3,360.90	Ş	\$4,101.00	3,527.10	3,249.60	2,859.90	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	1
OMPUTED UND	Over 12	WARRANT OFFICERS		3,918.90		ENLISTED MEMBERS	\$3,989.70	3,422.10	3,084.60	2,779.20	2,450.70	1,957.80	1,641.00	1,384.50	1,235.10	1
SERVICE (O	Over 10	WARE		3,721.80		ENLI	\$3,901.20	3,334.80	2,992.20	2,687.10	2,421.60	1,957.80	1,641.00	1,384.50	1,235.10	1
YEARS OF	Over 8		\$4,007.10	3,522.30	3,030.90		1	\$3,193.50	2,899.50	2,604.30			1,641.00	1,384.50	1,235.10	
	Over 6		\$3,840.30	3,371.10	2,900.40		•	1	\$2,734.50	2,391.00	2,205.30	1,957.80	1,641.00	1,384.50	1,235.10	1
	Over 4			3,238.80				ı								
	Over 3			3,197.40				,								
	Over 2		\$3,473.40	3,071.70	2,477.70			1	vr							
	2 or less		\$3,228.60	2,948.40	2,290.20		ı	ı	\$2,220.00	1,920.30	1,759.50	1,612.80	1,456.20	1,384.50	1,235.10	
	Pay Grade		W-5 W-4	W-3	W-1		* 6-¤	E -8	E-7	B-6	E-5	E-4	E-3	E-2	E-1 **	E-1 ***

For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$6,304.20 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

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

^{**} Applies to personnel who have served 4 months or more on active duty.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is \$820.20.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Locality Pay Area ¹							Rate
Atlanta Garden Gardener Galerra 111 GA AT							4.0 0.00
Atlanta-Sandy Springs-Gainesville, GA-AL	٠	٠	•	•	•	•	13.87%
Boston-Worcester-Manchester, MA-NH-ME-RI	•	٠	•	•	•	٠	
Chicago-Naperville-Michigan City, IL-IN-WI.	•	•	•	٠	•	٠	19.70%
Cincinnati-Middletown-Wilmington, OH-KY-IN .							16.04%
Cleveland-Akron-Elyria, OH	•		•	•			14.24%
Columbus-Marion-Chillicothe, OH	•						13.98%
Dallas-Fort Worth, TX	•						15.07%
Dayton-Springfield-Greenville, OH							12.86%
Denver-Aurora-Boulder, CO							18.06%
Detroit-Warren-Flint, MI							19.67%
Hartford-West Hartford-Willimantic, CT-MA							19.52%
Houston-Baytown-Huntsville, TX							24.77%
Huntsville-Decatur, AL							12.42%
Indianapolis-Anderson-Columbus, IN							12.01%
Kansas City-Overland Park-Kansas City, MO-KS.							12.36%
Los Angeles-Long Beach-Riverside, CA							21.65%
Miami-Fort Lauderdale-Miami Beach, FL							16.77%
Milwaukee-Racine-Waukesha, WI							13.62%
Minneapolis-St. Paul-St. Cloud, MN-WI							15.99%
New York-Newark-Bridgeport, NY-NJ-CT-PA							20.99%
Orlando-The Villages, FL							11.75%
Philadelphia-Camden-Vineland, PA-NJ-DE-MD .							16.67%
Pittsburgh-New Castle, PA							12.86%
Portland-Vancouver-Beaverton, OR-WA							15.93%
Richmond, VA							13.15%
SacramentoArden-ArcadeTruckee, CA-NV							16.51%
St. Louis-St. Charles-Farmington, MO-IL							12.09%
San Diego-Carlsbad-San Marcos, CA							17.68%
San Jose-San Francisco-Oakland, CA							
Seattle-Tacoma-Olympia, WA							
Washington-Baltimore-Northern Virginia, DC-MD-							
Rest of U.S							
	•	•	•	-	•	•	,

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

AL-3/A																\$93,500
AL-3/B																100,600
AL-3/C																107,800
AL-3/D																115,000
AL-3/E																122,200
AL-3/F																129,300
AL-2 .			٠.													136,600
AL-1 .	_	_		_			_						_		_	140.300

¹Locality Pay Areas are defined in 5 CFR 531.603.