Federal Register

## Presidential Documents

Vol. 88, No. 246
Tuesday, December 26, 2023

Title 3-
The President

## Executive Order 14113 of December 21, 2023

## 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, 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, 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, 7401, 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. 5311-5318) at Schedule 5;
(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 4501) at Schedule 6; and
(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a)) at Schedule 7.

Sec. 4. Uniformed Services. The rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.
Sec. 5. Locality-Based Comparability Payments.
(a) Pursuant to section 5304 of title 5, United States Code, and my authority to implement an alternative level of comparability payments under section 5304a of title 5, United States Code, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.
(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the Federal Register.
Sec. 6. Administrative Law Judges. Pursuant to section 5372 of title 5, United States Code, the rates of basic pay for administrative law judges are set forth on Schedule 10 attached hereto and made a part hereof.
Sec. 7. Effective Dates. Schedule 8 is effective January 1, 2024. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2024.

Sec. 8. Prior Order Superseded. Executive Order 14090 of December 23, 2022, is superseded as of the effective dates specified in section 7 of this order.


THE WHITE HOUSE,
December 21, 2023.

Billing code 3395-F4-P

## Schedule 1--General Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1 , 2024)

| Grade | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| GS-1 | \$21,986 | \$22,724 | \$23,454 | \$24,183 | \$24,912 | \$25,339 | \$26,063 | \$26,792 | \$26,821 | \$27,502 |
| GS-2 | 24,722 | 25,310 | 26,129 | 26,821 | 27,124 | 27,922 | 28,720 | 29,518 | 30,316 | 31,114 |
| GS-3 | 26,975 | 27,874 | 28,773 | 29,672 | 30,571 | 31,470 | 32,369 | 33,268 | 34,167 | 35,066 |
| GS-4 | 30,280 | 31,289 | 32,298 | 33,307 | 34,316 | 35,325 | 36,334 | 37,343 | 38,352 | 39,361 |
| GS-5 | 33,878 | 35,007 | 36,136 | 37,265 | 38,394 | 39,523 | 40,652 | 41,781 | 42,910 | 44,039 |
| GS-6 | 37,765 | 39,024 | 40,283 | 41,542 | 42,801 | 44,060 | 45,319 | 46,578 | 47,837 | 49,096 |
| GS-7 | 41,966 | 43,365 | 44,764 | 46,163 | 47,562 | 48,961 | 50,360 | 51,759 | 53,158 | 54,557 |
| GS-8 | 46,475 | 48,024 | 49,573 | 51,122 | 52,671 | 54,220 | 55,769 | 57,318 | 58,867 | 60,416 |
| GS-9 | 51,332 | 53,043 | 54,754 | 56,465 | 58,176 | 59,887 | 61,598 | 63,309 | 65,020 | 66,731 |
| GS-10 | 56,528 | 58,412 | 60,296 | 62,180 | 64,064 | 65,948 | 67,832 | 69,716 | 71,600 | 73,484 |
| GS-11 | 62,107 | 64,177 | 66,247 | 68,317 | 70,387 | 72,457 | 74,527 | 76,597 | 78,667 | 80,737 |
| GS-12 | 74,441 | 76,922 | 79,403 | 81,884 | 84,365 | 86,846 | 89,327 | 91,808 | 94,289 | 96,770 |
| GS-13 | 88,520 | 91,471 | 94,422 | 97,373 | 100,324 | 103,275 | 106,226 | 109,177 | 112,128 | 115,079 |
| GS-14 | 104,604 | 108,091 | 111,578 | 115,065 | 118,552 | 122,039 | 125,526 | 129,013 | 132,500 | 135,987 |
| GS-15 | 123,041 | 127,142 | 131,243 | 135,344 | 139,445 | 143,546 | 147,647 | 151,748 | 155,849 | 159,950 |

## Schedule 2--Foreign Service Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1 , 2024 )

|  |  |  |  |  |  |  |  |  |  |
| ---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Step | Class | Class | Class | Class | Class | Class | Class | 7 | 6 |

# 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, 2024)<br>Schedule for the Office of the Under Secretary for Health<br>(38 U.S.C. 7306) and Directors of Medical Centers and Veterans Integrated Service Networks (38 U.S.C. 7401(4))*

|  | Minimum | Maximum |
| :---: | :---: | :---: |
|  | \$147,649 | \$221,900** |
| Physician, Podiatrist, and Dentist Base and Longevity Pay Schedule*** | Minimum | Maximum |
| Physician Grade | \$121,020 | \$177,496 |
| Dentist Grade | 121,020 | 177,496 |
| Podiatrist Grade. | 121,020 | 177,496 |
| Chiropractor and Optometrist Schedule | Minimum | Maximum |
| Chief Grade | \$123,041 | \$159,950 |
| Senior Grade. | 104,604 | 135,987 |
| Intermediate Grade. | 88,520 | 115,079 |
| Full Grade. | 74,441 | 96,770 |
| Associate Grade | 62,107 | 80,737 |
| Expanded-Function Dental Auxiliary Schedule**** | Minimum | Maximum |
| Director Grade. | \$123,041 | \$159,950 |
| Assistant Director Grade. | 104,604 | 135,987 |
| Chief Grade | 88,520 | 115,079 |
| Senior Grade. | 74,441 | 96,770 |
| Intermediate Grade. | 62,107 | 80,737 |
| Full Grade. | 51,332 | 66,731 |
| Associate Grade | 44,173 | 57,421 |
| Junior Grade. | 37,765 | 49,096 |

[^0]
## Schedule 4--Senior Executive Service

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2024)

|  | Minimum | Maximum |
| :---: | :---: | :---: |
| Agencies with a Certified SES |  |  |
| Performance Appraisal System | \$147,649 | \$221,900 |
| Agencies without a Certified SES |  |  |
| Performance Appraisal System | \$147,649 | \$204,000 |

## Schedule 5--Executive Schedule

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2024)

| Level | I | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | $\$ 246,400$ |  |  |
| :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- | :--- |
| Level | I | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . | . |

## 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, 2024)

Vice President . . . . . . . . . . . . . . . . . . . . . . . $\$ 284,600$
Senators . . . . . . . . . . . . . . . . . . . . . . . . . .
Members of the House of Representatives. . . . . . . . . . . . . . 174,000
Delegates to the House of Representatives. . . . . . . . . . . . . 174,000
Resident Commissioner from Puerto Rico . . . . . . . . . . . . . . 174,000
President pro tempore of the Senate. . . . . . . . . . . . . .
Majority leader and minority leader of the Senate. . . . . . 193,400
Majority leader and minority leader of the House
of Representatives . . . . . . . . . . . . . . . . . . . . . 193,400

## Schedule 7--Judicial Salaries

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2024)

Chief Justice of the United States . . . . . . . . . . . . . $\$ 312,200$
Associate Justices of the Supreme Court. . . . . . . . . . . 298,500
Circuit Judges . . . . . . . . . . . . . . . . . . . . . . . 257,900
District Judges. . . . . . . . . . . . . . . . . . . . . . . 243,300
Judges of the Court of International Trade . . . . . . . . . 243,300

# Schedule 8--Pay of The Uniformed Services <br> (Effective January 1, 2024) <br> Part I--Monthly Basic Pay 

Years of Service (Computed Under 37 U.S.C. 205)

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Commissioned Officers |  |  |  |  |  |  |  |  |  |  |  |
| 0-10* | - | - | - | - | - | - | - | - | - | - | - |
| 0-9* | - | - | - | - |  | - | - |  |  | - | - |
| 0-8 | \$12,803.70 | \$13,223.70 | \$13,501.80 | \$13,579.20 | \$13,926.90 | \$14,506.50 | \$14,641.80 | \$15,192.60 | \$15,351. 30 | \$15,825.90 | \$16,512.90 |
| 0-7 | 10,638.90 | 11,133.00 | 11,361.90 | 11,544.00 | 11,872.80 | 12,198.30 | 12,574.20 | 12,948.90 | 13,325.40 | 14,506.50 | 15,504.30 |
| 0-6** | 8,067.90 | 8,863.20 | 9,444.90 | 9,444.90 | 9,481.20 | 9,887.40 | 9,941.40 | 9,941.40 | 10,506.30 | 11,505.00 | 12,091.20 |
| 0-5 | 6,725.70 | 7,576.50 | 8,100.90 | 8,199.60 | 8,527.20 | 8,722.50 | 9,153.00 | 9,469.80 | 9,878.10 | 10,501.80 | 10,799.10 |
| 0-4 | 5,803.20 | 6,717.30 | 7,166.40 | 7,265.40 | 7,681.50 | 8,127.90 | 8,684.10 | 9,116.10 | 9,416.70 | 9,589.50 | 9,689.10 |
| $0-3 * * *$ | 5,102.10 | 5,783.70 | 6,241.80 | 6,806.10 | 7,132.80 | 7,490.70 | 7,721.70 | 8,102.10 | 8,301.00 | 8,301.00 | 8,301.00 |
| 0-2*** | 4,408.50 | 5,020.80 | 5,782.80 | 5,978.10 | 6,100.80 | 6,100.80 | 6,100.80 | 6,100.80 | 6,100.80 | 6,100.80 | 6,100.80 |
| 0-1*** | 3,826.20 | 3,982.80 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 | 4,814.70 |
| Commissioned Officers with Over 4 Years Active Duty Service as an Enlisted Member or Warrant Officer***** |  |  |  |  |  |  |  |  |  |  |  |
| O-3E | - | - |  | \$6,806.10 | \$7,132.80 | \$7,490.70 | \$7,721.70 | \$8,102.10 | \$8,423.40 | \$8,607.90 | \$8,859.00 |
| 0-2E | - | - | - | 5,978.10 | 6,100.80 | 6,294.90 | 6,622.80 | 6,876.60 | 7,065.00 | 7,065.00 | 7,065.00 |
| O-1E | - | - | - | 4,814.70 | 5,141.10 | 5,331.30 | 5,525.70 | 5,716.50 | 5,978.10 | 5,978.10 | 5,978.10 |
| Warrant Officers |  |  |  |  |  |  |  |  |  |  |  |
| W-5 | - | - | - |  |  |  | - | - | - | - | - |
| W-4 | \$5,273.10 | \$5,671.50 | \$5,834.40 | \$5,994.60 | \$6,270.60 | \$6,543.60 | \$6,820.20 | \$7,235.40 | \$7,599.90 | \$7,946.70 | \$8,231.10 |
| W-3 | 4,815.60 | 5,015.70 | 5,222.10 | 5,289.00 | 5,504.40 | 5,928.90 | 6,370.80 | 6,579.00 | 6,819.90 | 7,067.40 | 7,513.80 |
| W-2 | 4,260.90 | 4,663.80 | 4,787.70 | 4,873.20 | 5,149.20 | 5,578.50 | 5,791.80 | 6,001.20 | 6,257.40 | 6,457.80 | 6,639.00 |
| W-1 | 3,739.80 | 4,143.00 | 4,250.70 | 4,479.60 | 4,749.90 | 5,148.30 | 5,334.30 | 5,595.30 | 5,850.90 | 6,052.20 | 6,237.60 |
| Basic pay is limited to the rate of basic pay for level II of the Executive Schedule in effect during calendar year 2024, which is $\$ 18,491.70$ |  |  |  |  |  |  |  |  |  |  |  |
| per month for officers at pay grades $0-7$ through $0-10$. This includes 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, Chief of Space Operations, |  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |  |
| Commandant of the Coast Guard, Chief of the National Guard Bureau, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161 (c)). |  |  |  |  |  |  |  |  |  |  |  |
| ** Basic pay is limited to the rate of basic pay for level V of the Executive Schedule in effect during calendar year 2024, which is $\$ 15,000.00$ per month, for officers at pay grades $0-6$ and below. |  |  |  |  |  |  |  |  |  |  |  |
| *** 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, a warrant officer, or a warrant officer and an enlisted member, which are creditable toward reserve retirement, also qualify for these rates. |  |  |  |  |  |  |  |  |  |  |  |

# Schedule 8--Pay of The Uniformed Services (Page 3) (Effective January 1, 2024) <br> Part I--Monthly Basic Pay <br> <br> Years of Service (Computed Under 37 U.S.C. 205) 

 <br> <br> Years of Service (Computed Under 37 U.S.C. 205)}

| Pay Grade | 2 or less | Over 2 | Over 3 | Over 4 | Over 6 | Over 8 | Over 10 | Over 12 | Over 14 | Over 16 | Over 18 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  | Enlisted | Members |  |  |  |  |  |
| E-9* | - | - | - | - | - | - | \$6,370.50 | \$6,514.80 | \$6,696.60 | \$6,910.50 | \$7,127.10 |
| E-8 | - | - | - | - | - | \$5,214.90 | 5,445.60 | 5,588.40 | 5,759.40 | 5,944.50 | 6,279.30 |
| E-7 | \$3,624.90 | \$3,956.40 | \$4,108.20 | \$4,308.30 | \$4,465.50 | 4,734.60 | 4,886.40 | 5,155.20 | 5,379.30 | 5,532.30 | 5,694.90 |
| E-6 | 3,135.60 | 3,450.60 | 3,603.00 | 3,750.90 | 3,904.80 | 4,252.50 | 4,387.80 | 4,649.70 | 4,729.80 | 4,788.00 | 4,856.40 |
| E-5 | 2,872.20 | 3,065.70 | 3,214.20 | 3,365.70 | 3,601.80 | 3,848.70 | 4,052.10 | 4,076.40 | 4,076.40 | 4,076.40 | 4,076.40 |
| E-4 | 2,633.70 | 2,768.40 | 2,918.40 | 3,066.30 | 3,197.40 | 3,197.40 | 3,197.40 | 3,197.40 | 3,197.40 | 3,197.40 | 3,197.40 |
| E-3 | 2,377.50 | 2,526.90 | 2,680.20 | 2,680.20 | 2,680. 20 | 2,680. 20 | 2,680.20 | 2,680.20 | 2,680.20 | 2,680.20 | 2,680.20 |
| E-2 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 | 2,261.10 |
| E-1** | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 | 2,017.20 |
| E-1*** | 1,865.10 |  | - | - | - | - | - | - | - | - | - |

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, Chief Master Sergeant of the Space Force, Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or Senior Enlisted Advisor to the Chief of the National Guard Bureau, basic pay for this grade is $\$ 10,294.80$ per month, regardless of cumulative years of service under 37 U.S.C. 205.
** Applies to personnel who have served 4 months or more on active duty.
*** Applies to personnel who have served less than 4 months on active duty.

Pay Grade
-

# Schedule 8--Pay of The Uniformed Services (Page 4) (Effective January 1, 2024) <br> Part I--Monthly Basic Pay 

Years of Service (Computed Under 37 U.S.C. 205)

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master

Sergeant of the Air Force, Sergeant Major of the Marine Corps, Chief Master Sergeant of the Space Force, Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, or Senior Enlisted Advisor to the Chief of the National Guard Bureau, basic pay for this grade is $\$ 10,294.80$ per month, regardless of cumulative years of service under 37 U.S.C. 205.

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

## Schedule 9--Locality-Based Comparability Payments

> (Effective on the first day of the first applicable pay period beginning on or after January 1,2024 )

| Locality Pay Area* | Rate |
| :---: | :---: |
| Alaska | 31.96\% |
| Albany-Schenectady, NY-MA | 20.25\% |
| Albuquerque-Santa Fe-Las Vegas, NM. | 8.05\% |
| Atlanta-Athens-Clarke County-Sandy Springs, GA | 23.45\% |
| Austin-Round Rock-Georgetown, TX | 19.99\% |
| Birmingham-Hoover-Talladega, AL | 17.91\% |
| Boston-Worcester-Providence, MA-RI-NH-CT-ME-VT. | 31.97\% |
| Buffalo-Cheektowaga-Olean, NY | 21.99\% |
| Burlington-South Burlington-Barre, VT | 18.97\% |
| Charlotte-Concord, NC-SC | 19.26\% |
| Chicago-Naperville, IL-IN-WI | 30.41\% |
| Cincinnati-Wilmington-Maysville, OH-KY-IN | 21.69\% |
| Cleveland-Akron-Canton, OH-PA | 22.01\% |
| Colorado Springs, CO | 19.73\% |
| Columbus-Marion-Zanesville, OH | 21.80\% |
| Corpus Christi-Kingsville-Alice, TX | 17.40\% |
| Dallas-Fort Worth, TX-OK | 26.91\% |
| Davenport-Moline, IA-IL | 18.66\% |
| Dayton-Springfield-Kettering, OH | 21.14\% |
| Denver-Aurora, CO. | 29.88\% |
| Des Moines-Ames-West Des Moines, IA | 17.68\% |
| Detroit-Warren-Ann Arbor, MI | 28.82\% |
| Fresno-Madera-Hanford, CA | 17.15\% |
| Harrisburg-Lebanon, PA. | 19.10\% |
| Hartford-East Hartford, CT-MA | 31.62\% |
| Hawaii | 21.79\% |
| Houston-The Woodlands, TX | 34.72\% |
| Huntsville-Decatur, AL-TN | 21.48\% |
| Indianapolis-Carmel-Muncie, IN. | 17.89\% |
| Kansas City-Overland Park-Kansas City, MO-KS | 18.65\% |
| Laredo, TX | 21.33\% |
| Las Vegas-Henderson, NV-AZ | 19.23\% |
| Los Angeles-Long Beach, CA | 5.84\% |
| Miami-Port St. Lucie-Fort Lauderdale, FL | 24.42\% |
| Milwaukee-Racine-Waukesha, WI | 22.15\% |
| Minneapolis-St. Paul, MN-WI | 27.15\% |
| New York-Newark, NY-NJ-CT-PA | 37.24\% |
| Omaha-Council Bluffs-Fremont, NE-IA | 17.94\% |
| Palm Bay-Melbourne-Titusville, FL | 17.60\% |
| Philadelphia-Reading-Camden, PA-NJ-DE-MD | 28.55\% |
| Phoenix-Mesa, AZ | 22.02\% |
| Pittsburgh-New Castle-Weirton, PA-OH-WV | 20.78\% |
| Portland-Vancouver-Salem, OR-WA | 25.66\% |
| Raleigh-Durham-Cary, NC. | 21.90\% |
| Reno-Fernley, NV | 17.11\% |
| Richmond, VA. | 21.91\% |
| Rochester-Batavia-Seneca Falls, NY | 17.35\% |
| Sacramento-Roseville, CA-NV | 29.16\% |
| San Antonio-New Braunfels-Pearsall, TX | 18.49\% |
| San Diego-Chula Vista-Carlsbad, CA | 33.05\% |
| San Jose-San Francisco-Oakland, CA. | 45.41\% |
| Seattle-Tacoma, WA | 30.81\% |
| Spokane-Spokane Valley-Coeur d'Alene, WA-ID | 17.18\% |
| St. Louis-St. Charles-Farmington, MO-IL | 19.63\% |
| Tucson-Nogales, AZ | 18.92\% |
| Virginia Beach-Norfolk, VA-NC. | 18.46\% |
| Washington-Baltimore-Arlington, DC-MD-VA-WV-PA. | 33.26\% |
| Rest of U.S. | 16.82\% |

* Locality Pay Areas are defined in 5 CFR 531.603.


## SCHEDULE 10--ADMINISTRATIVE LLAW JUDGES

> (Effective on the first day of the first applicable pay period beginning on or after January 1,2024 )


* Pursuant to 5 U.S.C. $5372(\mathrm{~b})(1)(\mathrm{C})$, the rate of basic pay for $A L-1$ may not exceed the rate for level IV of the Executive Schedule.
[FR Doc. 2023-28661
Filed 12-22-23; 11:15 am]
Billing code 6325-39-C


[^0]:    * Pursuant to 38 U.S.C. 7404 (a)(2)(A) and (e), this schedule does not apply to the Director of Nursing Service or any incumbents who are physicians, podiatrists, or dentists. Pursuant to 38 U.S.C. $7404(\mathrm{a})(2)(\mathrm{B})$, this schedule also does not apply to the basic pay of any incumbents who are registered nurses or physician assistants if that basic pay is determined by the Secretary under subchapter IV of chapter 74 of title 38, United States Code.
    ** Pursuant to 38 U.S.C. $7404(\mathrm{a})(3)(B)$, for positions that are covered by a certified performance appraisal system, the maximum rate of basic pay may not exceed the rate of basic pay payable for level II of the Executive Schedule. For positions that are not covered by a certified performance appraisal system, the maximum rate of basic pay may not exceed the rate of basic pay payable for level III of the Executive Schedule.
    *** Pursuant to 38 U.S.C. 7431, Veterans Health Administration physicians, podiatrists, and dentists paid under the Physician, Podiatrist, and Dentist Base and Longevity Pay schedule may also be paid market pay and performance pay.
    **** 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.

