to many workers and their families. Yet like households and businesses across the country, we need to make tough choices about how to spend our funds.

This memorandum shall be carried out to the extent permitted by law and consistent with executive departments' and agencies' legal authorities. Nothing in this memorandum shall be construed to affect payments or salary adjustments for Federal employees who are not political appointees. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 5308. Omitted

CODIFICATION

Section, added Pub. L. 91–656, § 3(a), Jan. 8, 1971, 84 Stat. 1951, relating to pay limitation, was omitted in the general revision of this subchapter by Pub. L. 101–509.

SUBCHAPTER II—EXECUTIVE SCHEDULE
PAY RATES

§ 5311. The Executive Schedule

The Executive Schedule, which is divided into five pay levels, is the basic pay schedule for positions, other than Senior Executive Service positions and positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, to which this subchapter applies.


HISTORICAL AND Revision Notes

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The words "There is hereby established" are omitted as executed. The word "offices" is omitted as included in "positions". The words "Executive Schedule" are substituted for "Federal Executive Salary Schedule".

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

AMENDMENTS

1990—Pub. L. 101–509 struck out "(a)" before "The Executive Schedule, which" and struck out subsec. (b) which read as follows:

"(1) Not later than 180 days after the date of the enactment of the Civil Service Reform Act of 1978, the Director of the Office of Personnel Management shall determine the number and classification of executive level positions in existence in the executive branch on that date of enactment, and shall publish the determination in the Federal Register. Effective beginning on the date of the publication, the number of executive level positions within the executive branch may not exceed the number published under this subsection."

"(2) For the purpose of this subsection, 'executive level position' means—"

“(A) any office or position in the civil service the rate of pay for which is equal to or greater than the rate of basic pay payable for positions under section 5316 of this title; or

“(B) any such office or position the rate of pay for which may be fixed by administrative action at a rate equal to or greater than the rate of basic pay payable for positions under section 5316 of this title, but does not include any Senior Executive Service position (as defined in section 3132(a) of this title) or any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.”


Subsec. (b)(2). Pub. L. 100–325, §2(h)(2), substituted "(as defined in section 3132(a) of this title) or any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service’’ for ‘‘, as defined in section 3132(a) of this title’’ in concluding provision.


Pub. L. 95–454, §414(b)(1), designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1990 AMENDMENT

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

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–54 effective July 12, 1979, see section 2(b) of Pub. L. 96–54, set out as a note under section 385 of this title.

EFFECTIVE DATE OF 1978 AMENDMENT


PLAN FOR AUTHORIZING EXECUTIVE LEVEL POSITIONS IN EXECUTIVE BRANCH; PRESIDENTIAL SUBMISSION TO CONGRESS

Section 414(b)(2) of Pub. L. 95–454 required President to transmit by Jan. 1, 1980, a plan to Congress for authorizing executive level positions in executive branch.

§ 5312. Positions at level I

Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Secretary of State.
Secretary of the Treasury.
Secretary of Defense.
Attorney General.
Secretary of the Interior.
Secretary of Agriculture.
Secretary of Commerce.
Secretary of Labor.
Secretary of Health and Human Services.
Secretary of Housing and Urban Development.
Secretary of Transportation.
United States Trade Representative.
Secretary of Energy.
Secretary of Education.
Secretary of Veterans Affairs.
Secretary of Homeland Security.
Director of the Office of Management and Budget.
Commissioner of Social Security, Social Security Administration.
Director of National Intelligence.
Director of National Drug Control Policy.
Chairman, Board of Governors of the Federal Reserve System.


HISTORICAL AND REVISION NOTES

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


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

CODIFICATION

Paragraph designation for the position added by Pub. L. 96–88 has been omitted in view of the deletion of all paragraph designations in this section by Pub. L. 96–88.

AMENDMENTS


1985—Pub. L. 100–679 inserted item relating to Director of Office of Management and Budget.

1984—Pub. L. 100–527 inserted item relating to Director of National Intelligence.

1983—Pub. L. 97–456, § 3(d)(5), substituted “United States Trade Representative” for “Special Representative for Trade Negotiations”.


Parts (1) to (14) of Pub. L. 96–54 struck out paragraph designations for positions listed herein.

Par. (15) of Pub. L. 96–88, § 508(c), added par. (15) relating to Secretary of Education. See Codification note set out above.


1975—Pub. L. 94–82 substituted provisions applying level I of Executive Schedule to positions for which annual rate of basic pay shall be rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title for provisions applying such level I to positions for which annual rate of basic pay is $35,000.

Par. (13) of Pub. L. 93–618 added par. (13) relating to Special Representative for Trade Negotiations.


1966—Pub. L. 93–618 added par. (11) relating to Secretary of Housing and Urban Development, and par. (12) relating to Secretary of Transportation.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–569, title X, § 1002(b), Dec. 27, 2000, 114 Stat. 3028, provided that: “This section [amending this section and sections 5313 and 5314 of this title] and the amendments made by this section shall take effect on the first day of the first pay period for the Chairman and Members of the Board of Governors of the Federal Reserve System beginning on or after the date of the enactment of this Act (Dec. 27, 2000).”

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENTS

Amendment by Pub. L. 100–690 effective Jan. 21, 1989, and repealed on Sept. 30, 1997, see sections 1012 and 1009, respectively, of Pub. L. 100–690.

Section 11(e) of Pub. L. 100–679 provided that: “The amendments made by this section [amending sections 5312 to 5315 of this title] shall be effective on January 20, 1989.”

Amendment by Pub. L. 100–527 effective Mar. 15, 1989, see section 1(a) of Pub. L. 100–527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3461 of Title 30, Education.

Section 2(a)(25)(B) of Pub. L. 96–54 provided that: The amendments made by subparagraph (A) [amending sec-
tions 5312 to 5316 of this title] shall take effect January 1, 1980”.

**Effective Date of 1970 Amendment**
Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established thereafter 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 1966 Amendment**
Amendment by Pub. L. 89–670 effective 90 days after Secretary of Transportation first takes office, or on any earlier date after Oct. 15, 1966, as President prescribes and publishes in Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89–670.

**Short Title of 1975 Amendment**
Section 301 of title II of Pub. L. 94–82 provided that:

"This title [enacting section 5318 of this title and section 461 of Title 28, Judiciary and Judicial Procedure, amending sections 5305, 5312, 5313, 5314, 5315 and 5316 of this title, sections 31, 60a note, 138a, 138a–1 and 356 of Title 2, The Congress, section 194 of Title 3, The President, section 68 of Title 11, Bankruptcy, sections 4, 44, 135, 173, 213, 252 and 792 of Title 28, sections 42a and 51a of former Title 31, Money and Finance, sections 162a and 166b of former Title 40, Public Buildings, Property, and Works, and section 303 of Title 44, Public Printing and Documents, and enacting provisions set out as a note under section 356 of Title 2] may be cited as the ‘Executive-Salary Cost-of-Living Adjustment Act’.

**Compensation and Emoluments of Secretary of the Interior; Fixing at Level in Effect on January 1, 2005**
Pub. L. 111–1, §1, Jan. 16, 2009, 123 Stat. 3, provided that:

"(a) In General.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2006, notwithstanding any increase in such compensation or emoluments after that date until an increase in compensation or emoluments becomes effective during the period beginning at noon of January 3, 2007, and ending at noon of January 3, 2011.

"(b) Civil Action and Appeal.—

"(1) Jurisdiction.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

"(2) Three Judge Panel.—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior may be presented by an appeal taken under subparagraph (A), if it has not previously been ruled on by the Supreme Court, and if it is presented by an appeal taken under subparagraph (A), the Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

"(c) Effective Date.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.”

**Compensation and Emoluments of Secretary of State; Fixing at Level in Effect on January 1, 2007**

"(a) In General.—The compensation and other emoluments attached to the office of Secretary of State shall be those in effect January 1, 2007, notwithstanding any increase in such compensation or emoluments after that date until an increase in compensation or emoluments becomes effective during the period beginning at noon of January 3, 2007, and ending at noon of January 3, 2013.

"(b) Civil Action and Appeal.—

"(1) Jurisdiction.—Any person aggrieved by an action of the Secretary of State may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of State on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by notice of appeal filed within 20 days after such judgment, decree, or order is entered.

"(B) Jurisdiction.—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

"(c) Effective Date.—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.”

**Compensation and Emoluments of Secretary of the Treasury at Level in Effect on January 1, 1989**
For provisions limiting compensation and emoluments of Secretary of the Treasury at levels in effect on Jan. 1, 1989, see section 1(a) of Pub. L. 103–2, set out
§ 5313. Positions at level II

Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5313 of this title:

- Director of the Office of Personnel Management.
- Administrator, Federal Highway Administration.
- Administrator of the Environmental Protection Agency.
- Under Secretary of Defense for Acquisition, Technology, and Logistics.
- Deputy Secretary of Labor.
- Deputy Director of the Office of Management and Budget.
- Independent Members, Thrift Depositor Protection Oversight Board.
- Deputy Secretary of Health and Human Services.
- Deputy Secretary of the Interior.
- Deputy Secretary of Education.
- Deputy Secretary of Housing and Urban Development.
- Deputy Director for Management, Office of Management and Budget.
- Director of the Federal Housing Finance Agency.
- Deputy Commissioner of Social Security, Social Security Administration.
- Administrator of the Community Development Financial Institutions Fund.
- Deputy Director of National Drug Control Policy.
- Members, Board of Governors of the Federal Reserve System.
- The Under Secretary of Transportation for Security.
- Under Secretary of Transportation for Policy.
- Chief Executive Officer, Millennium Challenge Corporation.
- Principal Deputy Director of National Intelligence.
- Director of the National Counterintelligence Center.
- Director of the National Counterterrorism Center.

So in original. The word “The” probably should not appear.