

NOTE: This proclamation will be published in the *Federal Register* on December 28.

**Executive Order 13393—
Adjustments of Certain Rates of Pay**

December 22, 2005

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; section 3(d) of Public Law 108–445) 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 405 of Public Law 109–115) 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 843 of Public Law 109–115, 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, 2006. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2006.

Sec. 8. Prior Order Superseded. Executive Order 13368 of December 30, 2004, is superseded.

George W. Bush

The White House,
December 22, 2005.

[Filed with the Office of the Federal Register, 12:29 p.m., December 23, 2005]

NOTE: This Executive order and the attached annexes will be published in the *Federal Register* on December 27.

**Executive Order 13394—Providing
an Order of Succession Within the
Department of Defense**

December 22, 2005

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et. seq.*, it is hereby ordered as follows:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and

perform the functions and duties of the office of the Secretary of Defense (Secretary) during any period when the Secretary has died, resigned, or is otherwise unable to perform the functions and duties of the office of Secretary.

Sec. 2. Order of Succession.

- (a) Deputy Secretary of Defense;
- (b) Under Secretary of Defense for Intelligence;
- (c) Under Secretary of Defense for Policy;
- (d) Under Secretary of Defense for Acquisition, Technology, and Logistics;
- (e) Secretary of the Army;
- (f) Secretary of the Air Force;
- (g) Secretary of the Navy;
- (h) Under Secretary of Defense for Personnel and Readiness and the Under Secretary of Defense (Comptroller);
- (i) Deputy Under Secretary of Defense for Acquisition and Technology, Deputy Under Secretary of Defense for Policy, and Deputy Under Secretary of Defense for Personnel and Readiness;
- (j) General Counsel of the Department of Defense, the Assistant Secretaries of Defense, and the Director of Operational Test and Evaluation;
- (k) Deputy Under Secretary of Defense for Logistics and Material Readiness and the Director of Defense Research and Engineering;
- (l) Under Secretaries of the Army, the Navy, and the Air Force; and
- (m) Assistant Secretaries of the Army, the Navy, and the Air Force, and General Counsels of the Army, the Navy, and the Air Force.

Sec. 3. Exceptions. (a) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall act as Secretary pursuant to this order.

(b) Precedence among officers designated within the same subsection of section 2 of this order shall be determined by the order in which they have been appointed to such office by the President. Where officers designated within the same subsection of section 2 of this order are appointed on the same date, precedence will be determined by the order in which they have taken the oath to serve in that office.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

Sec. 4. Judicial Review. This order is intended to improve the internal management of the executive branch and 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, entities, officers, employees or agents, or any other person.

Sec. 5. Revocation. Executive Order No. 13000 of April 24, 1996, and the President's memorandum of June 2, 2005, entitled: "Order of Succession of Officers to Act as Secretary of Defense," are hereby revoked.

George W. Bush

The White House,
December 22, 2005.

[Filed with the Office of the Federal Register, 12:29 p.m., December 23, 2005]

NOTE: This Executive order will be published in the *Federal Register* on December 27.

Memorandum on Order of Succession of Officers To Act as Secretary of Defense

December 22, 2005

Memorandum for the Secretary of Defense

Subject: Order of Succession of Officers To Act as Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et. seq.*, and notwithstanding the Executive Order I issued today entitled, "Providing an Order of Succession within the Department of Defense" (the order), it is hereby ordered as follows:

(1) Subject to the provisions of paragraphs 2 and 4 of this memorandum, the Acting Deputy Secretary of Defense, as designated by the President, shall act as and perform the functions and duties of the office of the Secretary of Defense (Secretary) during any