

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1106.	Oct. 28, 1949, ch. 782, § 506, 63 Stat. 959.

In paragraph (1), the words “to which this chapter applies” are omitted as unnecessary in view of section 5102.

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

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.

**[§ 5114. Repealed. Pub. L. 99-386, title I, § 110(a), Aug. 22, 1986, 100 Stat. 822]**

Section, Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 456; Pub. L. 95-454, title IX, § 906(a)(2), (3), Oct. 13, 1978, 92 Stat. 1224, related to reports to Congress on positions in GS-16, 17, and 18.

**§ 5115. Regulations**

The Office of Personnel Management may prescribe regulations necessary for the administration of this chapter, except sections 5109 and 5114.<sup>1</sup>

(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Section 5114, referred to in text, was repealed by Pub.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.

<sup>1</sup> See References in Text note below.

Sec.  
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.  
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.

- Sec.
- 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.<sup>1</sup>
- 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. 102-378, §8(a), Oct. 2, 1992, 106 Stat. 1359, which provided that this title shall read as if such section 1206(i)(2) had not been enacted.

Pub. L. 101-510, div. A, title XII, §1206(b)(2), Nov. 5, 1990, 104 Stat. 1661, added item 5379.

Pub. L. 101-509, title V, §529 [title I, §§101(a)(2), 102(a)(2), 103(b), 104(b), 105(a)(2), 109(a)(1)(B), title II, §§205(b), 211(b)(2)], Nov. 5, 1990, 104 Stat. 1427, 1439, 1443, 1445, 1446, 1448, 1451, 1457, 1461, struck out items 5301 “Policy”, 5303 “Higher minimum rates; Presidential authority”, 5304 “Presidential policies and regulations”, 5305 “Annual pay reports and adjustments”, 5306 “Advisory Committee on Federal Pay”, 5307 “Pay fixed by administrative action”, and 5308 “Pay limitation”, and added items 5301 to 5307, struck out “; higher rates for supervisors of prevailing rate employees” after “appointments” in item 5333, substituted “Health care positions” for “Scientific and professional positions” in item 5371, and added items 5372a, 5376 to 5378, item for subchapter IX, and items 5391 and 5392.

Pub. L. 101-263, §1(b), Apr. 4, 1990, 104 Stat. 125, inserted “the” before “National” in item 5375.

1979—Pub. L. 96-54, §2(a)(26)(B), Aug. 14, 1979, 93 Stat. 382, substituted “prevailing rate” for “wage-board” in item 5333.

1978—Pub. L. 95-454, title IV, §407(b), title VIII, §801(a)(3)(B)(i), (ii), Oct. 13, 1978, 92 Stat. 1172, 1221, struck out items 5337 “Pay saving” and 5345 “Retained rate of pay on reduction in grade or reassignment”, added item for subchapter VI and items 5361 to 5366, redesignated former item for subchapter VI and items 5361 to 5365 as subchapter VII and items 5371 to 5375, respectively, and added item for subchapter VIII and items 5381 to 5385.

Pub. L. 95-251, §2(c)(4), Mar. 27, 1978, 92 Stat. 184, substituted “Administrative law judges” for “Hearing examiners” in item 5362.

1975—Pub. L. 94-82, title II, §202(b)(6), Aug. 9, 1975, 89 Stat. 420, added item 5318.

1972—Pub. L. 92-392, §1(b), Aug. 19, 1972, 86 Stat. 572, substituted items 5341, 5343, 5344, and 5345 relating to “Policy”, “Prevailing rate determinations; wage schedules; night differentials”, “Effective date of wage in-

crease; retroactive pay” and “Retained rate of pay on reduction in grade or reassignment”, for such former items relating to “Trades and crafts”, “Effective date of pay increase”, “Retroactive pay” and “Position classification appeals”, added items 5342, 5346, 5347, and 5349, and renumbered former item 5342 as 5348.

1971—Pub. L. 91-656, §§2(b)(2), 3(b), Jan. 8, 1971, 84 Stat. 1946, 1951, struck out item 5302 “Annual reports on pay comparability” and added items 5305-5308.

1969—Pub. L. 91-34, §1(b), June 30, 1969, 83 Stat. 41, added item 5365.

1967—Pub. L. 90-206, title II, §223(b), Dec. 16, 1967, 81 Stat. 642, added item 5345.

SUBCHAPTER I—PAY COMPARABILITY SYSTEM

§ 5301. Policy

It is the policy of Congress that Federal pay fixing for employees under the General Schedule be based on the principles that—

- (1) there be equal pay for substantially equal work within each local pay area;
- (2) within each local pay area, pay distinctions be maintained in keeping with work and performance distinctions;
- (3) Federal pay rates be comparable with non-Federal pay rates for the same levels of work within the same local pay area; and
- (4) any existing pay disparities between Federal and non-Federal employees should be completely eliminated.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 458; Pub. L. 91-656, §2(a), Jan. 8, 1971, 84 Stat. 1946; Pub. L. 96-465, title II, §2314(c)(1), Oct. 17, 1980, 94 Stat. 2167; Pub. L. 101-509, title V, §529 [title I, §101(a)(1)], Nov. 5, 1990, 104 Stat. 1427, 1429.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1171.	Oct. 11, 1962, Pub. L. 87-793, §502, 76 Stat. 841.

The words “It is the policy of Congress” are substituted for “The Congress hereby declares”. The words “whereas the functions of a Federal salary system are to fix salary rates for the services rendered by Federal employees so as to make possible the employment of persons well qualified to conduct the Government’s programs and to control expenditures of public funds for personal services with equity to the employee and to the taxpayer, and whereas fulfillment of these functions is essential to the development and maintenance of maximum proficiency in the civilian services of Government, then, accordingly” are omitted as unnecessary.

In the last sentence, the words “and henceforth” are omitted as executed.

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 amended section generally. Prior to amendment, section read as follows:

“(a) It is the policy of Congress that Federal pay fixing for employees under statutory pay systems be based on the principles that—

- “(1) there be equal pay for substantially equal work;
- “(2) pay distinctions be maintained in keeping with work and performance distinctions;
- “(3) Federal pay rates be comparable with private enterprise pay rates for the same levels of work; and

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