

appropriated for the fiscal year ending Sept. 30, 1983, to pay the salary or pay of any individual in an office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeded the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for Sept. 30, 1982, if that rate was either fixed at a rate equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of this title or limited to a maximum rate equal to or greater than the rate of basic pay for such level V under section 5308 of this title or any other provision of law or congressional resolution.

**FISCAL YEAR 1982 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS**

Section 305(a), (b), and (d) of H.R. 4120, as reported July 9, 1981, made applicable by Pub. L. 97-92, §101(g), Dec. 15, 1981, 95 Stat. 1190, prohibited the use of funds appropriated for the fiscal year ending Sept. 30, 1982, to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeded the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for Sept. 30, 1981, if that rate was either fixed at a rate equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of this title or limited to a maximum rate equal to or greater than the rate of basic pay for such level V under section 5308 of this title or any other provision of law or congressional resolution.

Similar provisions were contained in Pub. L. 97-51, §101(c), Oct. 1, 1981, 95 Stat. 959, as amended by Pub. L. 97-85, Nov. 23, 1981, 95 Stat. 1098.

Pub. L. 97-92, §141, Dec. 15, 1981, 95 Stat. 1200, provided that nothing in section 305 of H.R. 4120, made applicable by section 101(g) of Pub. L. 97-92, required that the rate of salary or basic pay, payable to any individual for or on account of services performed after Dec. 31, 1981, be limited to or reduced to an amount which was less than \$59,500 for pay corresponding to the rate of basic pay for level III of the Executive Schedule under section 5314 of this title; \$58,500 for pay corresponding to the rate of basic pay for level IV of the Executive Schedule under section 5315 of this title; or \$57,500 for pay corresponding to the rate of basic pay for level V of the Executive Schedule under section 5316 of this title. Any adjustment to the pay of an employee paid by the Clerk of the House was to result in pay no less than that of an employee paid by the Secretary of the Senate holding an equivalent position.

**FISCAL YEAR 1981 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS**

Section 306(a), (b), and (d) of H.R. 7593, as passed the House of Representatives on July 21, 1980, made applicable by Pub. L. 96-536, §101(c), Dec. 16, 1980, 94 Stat. 3167, as amended by Pub. L. 97-12, title IV, §401, June 5, 1981, 95 Stat. 95, prohibited the use of funds appropriated for the fiscal year ending Sept. 30, 1981, to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeded the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for Sept. 30, 1980, if the rate of salary or basic pay for that office or position was either fixed at a rate equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of this title or limited to a maximum rate equal to or greater than the rate of basic pay for such level V under section 5308 of this title or any other provision of law or congressional resolution.

Similar provisions were contained in Pub. L. 96-369, §101(c), Oct. 1, 1980, 94 Stat. 1352.

**FISCAL YEAR 1980 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS**

Pub. L. 96-86, §101(c), Oct. 12, 1979, 93 Stat. 657, for the fiscal year 1980, prohibited the use of funds available

for payment to executive employees, including Members of Congress, entitled under existing law to approximately 12.9 percent increase in pay, to pay any such employee or official any sum in excess of 5.5 percent increase in existing pay, and such sum, if accepted, would be in lieu of the 12.9 percent due for such fiscal year. [For information regarding constitutionality of certain provisions of section 101(c) of Pub. L. 96-86 as applied to Federal judges, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.]

**FISCAL YEAR 1979 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS**

Pub. L. 95-429, title VI, §613, Oct. 10, 1978, 92 Stat. 1017, prohibited the use of funds appropriated for the fiscal year ending Sept. 30, 1979, to pay the salary or pay of any individual in any office or position in the legislative, executive, or judicial branch, or in the government of the District of Columbia, at a rate which exceeded the rate (or maximum rate, if higher) of salary or basic pay payable for such office or position for Sept. 30, 1978, if the rate of salary or basic pay for such office or position was either fixed at a rate equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of this title or limited to a maximum rate equal to or greater than the rate of basic pay for such level V under section 5308 of this title or any other provision of law or congressional resolution.

Identical provisions were enacted by Pub. L. 95-391, title III, §304, Sept. 30, 1978, 92 Stat. 788.

**1977 COMPARABILITY ADJUSTMENT NOT EFFECTIVE FOR CERTAIN POSITIONS**

Pub. L. 95-66, July 11, 1977, 91 Stat. 270, nullified the first adjustment in pay which would have been made after July 11, 1977, under the following provisions of law: the second sentence of section 104 of Title 3, The President; par. (2) of section 4501 of Title 2, The Congress; section 461 of Title 28, Judiciary and Judicial Procedure; and section 5318 of this title.

**FISCAL YEAR 1977 LIMITATION ON USE OF FUNDS FOR PAY ADJUSTMENTS FOR CERTAIN POSITIONS**

Pub. L. 94-440, title II, Oct. 1, 1976, 90 Stat. 1446, prohibited the use of funds appropriated in any Act to pay the salary of an individual in a position or office referred to in section 356 of Title 2, The Congress, at a rate exceeding the salary rate for such position or office in effect on Sept. 30, 1976, except increases submitted by the President pursuant to sections 351 to 364 of Title 2. [For information regarding constitutionality of certain provisions of title II of Pub. L. 94-440 as applied to Federal judges, see Congressional Research Service, *The Constitution of the United States of America: Analysis and Interpretation*, Appendix 1, Acts of Congress Held Unconstitutional in Whole or in Part by the Supreme Court of the United States.]

**SUBCHAPTER III—GENERAL SCHEDULE  
PAY RATES**

**§ 5331. Definitions; application**

(a) For the purpose of this subchapter, “agency”, “employee”, “position”, “class”, and “grade” have the meanings given them by section 5102 of this title.

(b) This subchapter applies to employees and positions to which chapter 51 applies, other than Senior Executive Service positions, positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, and positions to which section 5376 applies.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 467; Pub. L. 95-454, title IV, §408(b)(2), Oct. 13, 1978, 92 Stat. 1173; Pub. L. 100-325, §2(h)(3), May 30, 1988, 102 Stat. 582; Pub. L. 101-509, title V, §529 [title I, §102(c)], Nov. 5, 1990, 104 Stat. 1427, 1444.)

HISTORICAL AND REVISION NOTES

The section is added on authority of former sections 1081, 1082, 1084, and 1091, which are carried into section 5102.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-509 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “This subchapter applies to employees and positions, other than Senior Executive Service positions and positions in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service, to which chapter 51 of this title applies.”

1988—Subsec. (b). Pub. L. 100-325 inserted reference to positions in Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service.

1978—Subsec. (b). Pub. L. 95-454 inserted reference to Senior Executive Service positions.

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 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 9 months after Oct. 13, 1978, and congressional review of provisions of sections 401 through 412 of Pub. L. 95-454, see section 415 of Pub. L. 95-454, set out as an Effective Date note under section 3131 of this title.

REFERENCES IN OTHER LAWS TO CHAPTER 51 AND SUBCHAPTER III OF CHAPTER 53

References in laws to fix pay in accordance with this subchapter and chapter 51 of this title considered to include authority under section 5376 of this title, if applicable, but not to include any authority under section 5304 of this title or section 529 [title III, §302] of Pub. L. 101-509, set out as a note under section 5304 of this title, see section 529 [title I, §101(c)(2)] of Pub. L. 101-509, set out in a References in Other Laws to GS-16, 17, or 18 Pay Rates; Regulations note under section 5376 of this title.

§ 5332. The General Schedule

(a)(1) The General Schedule, the symbol for which is “GS”, is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies is entitled to basic pay in accordance with the General Schedule.

(2) The General Schedule is a schedule of annual rates of basic pay, consisting of 15 grades, designated “GS-1” through “GS-15”, consecutively, with 10 rates of pay for each such grade. The rates of pay of the General Schedule are adjusted in accordance with section 5303.

(b) When payment is made on the basis of an hourly, daily, weekly, or biweekly rate, the rate is computed from the appropriate annual rate of basic pay named by subsection (a) of this section in accordance with the rules prescribed by section 5504(b) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 467; Pub. L. 90-83, §1(18), Sept. 11, 1967, 81 Stat. 199; Pub. L. 90-206, title II, §202(a), Dec. 16, 1967, 81 Stat. 624;

Pub. L. 95-454, title V, §503(e), Oct. 13, 1978, 92 Stat. 1184; Pub. L. 98-615, title II, §204(a)(1), Nov. 8, 1984, 98 Stat. 3216; Pub. L. 102-378, §2(29), Oct. 2, 1992, 106 Stat. 1350; Pub. L. 103-89, §3(b)(1)(F), Sept. 30, 1993, 107 Stat. 982.)

HISTORICAL AND REVISION NOTES

1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
(a) .....	5 U.S.C. 1113 (less (c)).	Oct. 28, 1949, ch. 782, §603 (less (d)), 63 Stat. 965. Oct. 24, 1951, ch. 554, §1(a), 65 Stat. 612. Sept. 1, 1954, ch. 1208, §109 (less (c)), 68 Stat. 1108. June 28, 1955, ch. 189, §2(a), 69 Stat. 172. June 20, 1958, Pub. L. 85-462, §2(a), 72 Stat. 203. July 1, 1960, Pub. L. 86-568, §112(a), 74 Stat. 298. Oct. 11, 1962, Pub. L. 87-793, §602(a), 76 Stat. 843. Aug. 14, 1964, Pub. L. 88-426, §102(a), 78 Stat. 400.
(b) .....	5 U.S.C. 1113(c).	Oct. 28, 1949, ch. 782, §603 (d), 63 Stat. 965. Sept. 1, 1954, ch. 1208, §109(c), 68 Stat. 1108.

In subsection (a), the words “the symbol for which is ‘GS’” are added on authority of former section 1111 which is carried into section 5104. So much as related to the Crafts, Protective, and Custodial Schedule is omitted as repealed effective not later than Sept. 11, 1955, by the Act of Sept. 1, 1954, §§109(b), 110(b), 68 Stat. 1108.

In subsection (b), reference to payment made on the basis of a “monthly” rate is omitted since section 5504(b), former section 944(c), no longer provides for converting a basic annual rate to a basic monthly rate.

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

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5332(a) .....	5 App.: 1113(b).	Oct. 29, 1965, Pub. L. 89-301, §2(a), 79 Stat. 1111. July 18, 1966, Pub. L. 89-504, §102(a), 80 Stat. 288.

AMENDMENTS

1993—Subsec. (a)(1). Pub. L. 103-89 struck out “, except an employee covered by the performance management and recognition system established under chapter 54,” after “whom this subchapter applies”.

1992—Subsec. (a). Pub. L. 102-378 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The General Schedule, the symbol for which is ‘GS’, is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, except an employee covered by the performance management and recognition system established under chapter 54 of this title, is entitled to basic pay in accordance with the General Schedule.”

1984—Subsec. (a). Pub. L. 98-615 substituted “the performance management and recognition system established under chapter 54” for “the merit pay system established under section 5402”.

1978—Subsec. (a). Pub. L. 95-454 inserted in second sentence reference to an employee covered by the merit pay system established under section 5402 of this title.

1967—Subsec. (a). Pub. L. 90-206 increased the compensation in each step of each grade.