

under section 607 of Title 41], shall take effect 1 year after the date of the enactment of this Act [Jan. 6, 2006].”

EFFECTIVE DATE

Section 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 an Effective Date of 1990 Amendment note under section 5301 of this title.

§ 5372b. Administrative appeals judges

(a) For the purpose of this section—

(1) the term “administrative appeals judge position” means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

(2) the term “agency” means an Executive agency, as defined by section 105, but does not include the Government Accountability Office.

(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS-15 pursuant to section 5108.

(c) A rate of basic pay fixed under this section shall be—

(1) not less than the minimum rate of basic pay for level AL-3 under section 5372; and

(2) not greater than the maximum rate of basic pay for level AL-3 under section 5372.

(Added Pub. L. 106-554, §1(a)(3) [title VI, §645(a)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-169; amended Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

REFERENCES IN TEXT

GS-15, referred to in subsec. (b), is contained in the General Schedule which is set out under section 5332 of this title.

AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

EFFECTIVE DATE

Pub. L. 106-554, §1(a)(3) [title VI, §645(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A-170, provided that: “The amendment made by subsection (a)(1) [enacting this section] shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

“(1) the 120th day after the date of the enactment of this Act [Dec. 21, 2000]; or

“(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.”

§ 5373. Limitation on pay fixed by administrative action

(a) Except as provided in subsection (b) and by the Government Employees Salary Reform Act of 1964 (78 Stat. 400) and notwithstanding the provisions of other statutes, the head of an Executive agency or military department who is authorized to fix by administrative action the annual rate of basic pay for a position or employee may not fix the rate at more than the rate for level IV of the Executive Schedule. This

section does not impair the authorities provided by—

(1) sections 248, 482, 1766, and 1819 of title 12, section 206 of the Bank Conservation Act, sections 2B(b)<sup>1</sup> and 21A(e)(4)<sup>1</sup> of the Federal Home Loan Bank Act, section 2A(i)<sup>1</sup> of the Home Owners’ Loan Act, and sections 5.11 and 5.58 of the Farm Credit Act of 1971;

(2) section 831b of title 16;

(3) sections 403a-403c, 403e-403h, and 403j of title 50;<sup>1</sup> or

(4)<sup>2</sup> section 4802.

(4)<sup>2</sup> section 2(a)(7) of the Commodity Exchange Act (7 U.S.C. 2(a)(7)).

(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 473, §5363; renumbered §5373, Pub. L. 95-454, title VIII, §801(a)(3)(A)(ii), Oct. 13, 1978, 92 Stat. 1221; Pub. L. 96-70, title III, §3302(e)(4), Sept. 27, 1979, 93 Stat. 498; Pub. L. 101-73, title VII, §742(b), title XII, §1209, Aug. 9, 1989, 103 Stat. 437, 523; Pub. L. 101-509, title V, §529 [title I, §101(b)(9)(H)], Nov. 5, 1990, 104 Stat. 1427, 1441; Pub. L. 104-201, div. C, title XXXV, §3548(a)(4), Sept. 23, 1996, 110 Stat. 2868; Pub. L. 106-65, div. A, title XI, §1102, Oct. 5, 1999, 113 Stat. 776; Pub. L. 107-123, §8(d)(1)(C), Jan. 16, 2002, 115 Stat. 2399; Pub. L. 107-171, title X, §10702(c)(3), May 13, 2002, 116 Stat. 517.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 2212.	Aug. 14, 1964, Pub. L. 88-426, §308, 78 Stat. 432. Oct. 6, 1964, Pub. L. 88-631, §3(e), 78 Stat. 1008.

The words “head of an Executive agency or military department” are coextensive with and substituted for “head of any executive department, independent establishment, or agency in the executive branch” because of the definitions in sections 102 and 105.

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

REFERENCES IN TEXT

The Government Employees Salary Reform Act of 1964 (78 Stat. 400), referred to in subsec. (a), is Pub. L. 88-426, Aug. 14, 1964, 78 Stat. 400. For complete classification of this Act to the Code, see Tables.

Level IV of the Executive Schedule, referred to in subsec. (a), is set out in section 5315 of this title.

Section 206 of the Bank Conservation Act, referred to in subsec. (a)(1), is classified to section 206 of Title 12, Banks and Banking.

Sections 2B(b) and 21A(e)(4) of the Federal Home Loan Bank Act, referred to in subsec. (a)(1), were classified to former sections 1422b(b) and 1441a(e)(4), respectively, of Title 12, Banks and Banking. Section 1422b of Title 12 was repealed by Pub. L. 110-289, div. A, title II, §1204(1), July 30, 2008, 122 Stat. 2786. Section 1441a of

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

<sup>2</sup> So in original. Two pars. (4) have been enacted.