

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.

Editorial Notes

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 Section 1422b of Title 12 was repealed by Pub.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 Title 12 was repealed by Pub. L. 111-203, title III, §364(b), July 21, 2010, 124 Stat. 1555.

Section 2A(i) of the Home Owners’ Loan Act, referred to in subsec. (a)(1), probably should be a reference to section 3(g) of the Home Owners’ Loan Act, act June 13, 1933, ch. 64, as amended by Pub. L. 101-73, title III, §301, Aug. 9, 1989, 103 Stat. 278, which was classified to section 1462a(g) of Title 12, Banks and Banking, prior to repeal by Pub. L. 111-203, title III, §369(3)(B), July 21, 2010, 124 Stat. 1558.

Sections 5.11 and 5.58 of the Farm Credit Act of 1971, referred to in subsec. (a)(1), are classified to sections 2245 and 2277a-7, respectively, of Title 12, Banks and Banking.

Sections 403a-403c, 403e-403h, and 403j of title 50, referred to in subsec. (a)(3), were editorially reclassified to sections 3501 to 3503, 3505, 3323, 3506, 3507, 3508, and 3510, respectively, of Title 50, War and National Defense. Section 403e-1 of Title 50, included within the ref-

erence to sections 403e-403h of Title 50, was enacted by Pub. L. 98-215, title IV, §402, Dec. 9, 1983, 97 Stat. 1477, after subsec. (a)(3) was enacted, and subsequently editorially reclassified to section 3323 of Title 50.

Level III of the Executive Schedule, referred to in subsec. (b), is set out in section 5314 of this title.

AMENDMENTS

2002—Subsec. (a)(2). Pub. L. 107-171, §10702(c)(3)(A), which directed amendment of par. (2) by striking “or” at end, could not be executed because the word “or” did not appear at the end. See below.

Pub. L. 107-123, §8(d)(1)(C)(i), struck out “or” at end. Subsec. (a)(3). Pub. L. 107-171, §10702(c)(3)(B), which directed substitution of “; or” for the period at the end, could not be executed because there was no period at the end. See below.

Pub. L. 107-123, §8(d)(1)(C)(ii), substituted “; or” for the period at the end.

Subsec. (a)(4). Pub. L. 107-171, §10702(c)(3)(C), added par. (4) relating to section 2(a)(7) of the Commodity Exchange Act.

Pub. L. 107-123, §8(d)(1)(C)(iii), added par. (4) relating to section 4802.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a), substituted “(a) Except as provided in subsection (b) and” for “Except as provided”, and added subsec. (b).

1996—Pub. L. 104-201 redesignated pars. (2) to (4) as (1) to (3), respectively, and struck out former par. (1) which read as follows: “section 1202 of the Panama Canal Act of 1979;”.

1990—Pub. L. 101-509 substituted “rate for level IV of the Executive Schedule.” for “maximum rate for GS-18.”

1989—Par. (2). Pub. L. 101-73, §1209, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “sections 248, 481, 1437, 1439, and 1819 of title 12;”.

Pub. L. 101-73, §742(b), inserted references to sections 1437 and 1439 of title 12.

1979—Par. (1). Pub. L. 96-70 substituted “section 1202 of the Panama Canal Act of 1979” for “section 121 of title 2, Canal Zone Code (76A Stat. 15)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-123 effective Oct. 1, 2001, see section 11 of Pub. L. 107-123, set out as a note under section 78ee of Title 15, Commerce and Trade.

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. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

§5374. Miscellaneous positions in the executive branch

The head of the agency concerned shall fix the annual rate of basic pay for each position in the executive branch specifically referred to in, or covered by, a conforming change in statute made by section 305 of the Government Employees Salary Reform Act of 1964 (78 Stat. 422), or other position in the executive branch for which the annual pay is fixed at a rate of \$18,500 or more under special provision of statute enacted before August 14, 1964, which is not placed in a level of the Executive Schedule set forth in sub-

chapter II of this chapter, at a rate equal to the pay rate of a grade and step of the General Schedule set forth in section 5332 of this title. The head of the agency concerned shall report each action taken under this section to the Office of Personnel Management and publish a notice thereof in the Federal Register, except when the President determines that the report and publication would be contrary to the interest of national security.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 473, §5364; renumbered §5374 and amended Pub. L. 95-454, title VIII, §801(a)(3)(A)(ii), title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1221, 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. 2213.	Aug. 14, 1964, Pub. L. 88-426, §309, 78 Stat. 433.

The word "office" is omitted as included in "position". The words "before August 14, 1964" are substituted for "prior to the date of enactment of this Act". The words "pursuant to section 303 of this Act" are omitted as surplusage.

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

Editorial Notes

REFERENCES IN TEXT

Section 305 of the Government Employees Salary Reform Act of 1964, referred to in text, means section 305 of Pub. L. 88-426, Aug. 14, 1964. For complete classification of this section to the Code, see Tables.

AMENDMENTS

1978—Pub. L. 95-454, §906(a)(2), substituted "Office of Personnel Management" for "Civil Service Commission".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 906(a)(2) of 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.

§ 5375. Police force of the National Zoological Park

The Secretary of the Smithsonian Institution shall fix the annual rates of basic pay for positions on the police force of the National Zoological Park as follows:

- (1) Private, not more than the maximum annual rate of basic pay payable for grade GS-7 of the General Schedule.
- (2) Sergeant, not more than the maximum annual rate of basic pay payable for grade GS-8 of the General Schedule.
- (3) Lieutenant, not more than the maximum annual rate of basic pay payable for grade GS-9 of the General Schedule.
- (4) Captain, not more than the maximum annual rate of basic pay payable for grade GS-10 of the General Schedule.

(Added Pub. L. 91-34, §1(a), June 30, 1969, 83 Stat. 41, §5365; amended Pub. L. 94-183, §2(20), Dec. 31, 1975, 89 Stat. 1058; renumbered §5375, Pub. L.

95-454, title VIII, §801(a)(3)(A)(ii), Oct. 13, 1978, 92 Stat. 1221; Pub. L. 101-263, §1(a), Apr. 4, 1990, 104 Stat. 125; Pub. L. 102-378, §2(33), Oct. 2, 1992, 106 Stat. 1350.)

Editorial Notes

REFERENCES IN TEXT

General Schedule, referred to in text, is set out under section 5332 of this title.

AMENDMENTS

1992—Par. (2). Pub. L. 102-378 substituted "GS-8" for "GS-8."

1990—Pub. L. 101-263 inserted "the" before "National" in section catchline and amended text generally. Prior to amendment, text read as follows: "The Secretary of the Smithsonian Institution shall fix the per annum rates of basic pay of positions on the police force of the National Zoological Park in accordance with the following provisions:

- "(1) Private—not more than the rate for GS-7, Step 5;
 - "(2) Sergeant—not more than the rate for GS-8, Step 5;
 - "(3) Lieutenant—not more than the rate for GS-9, Step 5;
 - "(4) Captain—not more than the rate for GS-10, Step 5."
- 1975—Pub. L. 94-183 struck out designation "(a)" at beginning.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-263, §2, Apr. 4, 1990, 104 Stat. 125, provided that: "The amendments made by section 1 [amending this section] shall apply with respect to pay periods beginning after the date of the enactment of this Act [Apr. 4, 1990]."

EFFECTIVE DATE

Pub. L. 91-34, §3(a), June 30, 1969, 83 Stat. 41, provided that: "The foregoing provisions of this Act [enacting this section and amending sections 5102 and 5109 of this title and section 193n of former Title 40, Public Buildings, Property, and Works] shall become effective at the beginning of the first pay period which commences on or after the date of enactment of this Act [June 30, 1969]."

REDUCTION OF BASIC PAY RATE

Pub. L. 91-34, §3(b), June 30, 1969, 83 Stat. 41, provided that: "No rate of basic pay shall be reduced by reason of the enactment of this Act [enacting this section and amending sections 5102 and 5109 of this title and section 193n of former Title 40, Public Buildings, Property, and Works]."

§ 5376. Pay for certain senior-level positions

- (a) This section applies to—
 - (1) positions that are classified above GS-15 pursuant to section 5108; and
 - (2) scientific or professional positions established under section 3104;

but does not apply to—

- (A) any Senior Executive Service position under section 3132; or
- (B) any position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service under section 3151.

(b)(1) Subject to such regulations as the Office of Personnel Management prescribes, the head