

Executive Order 13321 of December 17, 2003**Appointments During National Emergency**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, and in order to further respond to the national emergency I declared in Proclamation 7463 of September 14, 2001, I hereby order as follows:

Section 1. *Emergency Appointments Authority.* The emergency appointments authority at section 603 of title 10, United States Code, is invoked and made available to the Secretary of Defense in accordance with the terms of that statute and of Executive Order 12396 of December 9, 1982.

Sec. 2. *Judicial Review.* This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, entities, officers, employees or agents, or any person.

Sec. 3. *Administration.* This order shall be transmitted to the Congress and published in the **Federal Register**.

GEORGE W. BUSH

THE WHITE HOUSE,
December 17, 2003.

Executive Order 13322 of December 30, 2003**Adjustments of Certain Rates of Pay**

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(b), 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) 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, as amended by section 1125 of Public Law 108–136, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Executive and Certain Other 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:

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(a) The Executive Schedule (5 U.S.C. 5311–5318) 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 Public Law 108–167) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–136, the rates of monthly basic pay (37 U.S.C. 203) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments.*

(a) Pursuant to sections 5304 and 5304a of title 5, United States Code, 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, 2004. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2004.

Sec. 8. *Prior Order Superseded.* Executive Order 13282 of December 31, 2002, as amended by Executive Order 13291 of March 21, 2003, is superseded.

GEORGE W. BUSH

THE WHITE HOUSE,
December 30, 2003.

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$15,442	\$15,958	\$16,471	\$16,982	\$17,497	\$17,999	\$18,305	\$18,816	\$18,837	\$19,314
GS-2	17,363	17,775	18,350	18,837	19,047	19,607	20,167	20,727	21,287	21,847
GS-3	18,944	19,575	20,206	20,837	21,468	22,099	22,730	23,361	23,992	24,623
GS-4	21,266	21,975	22,684	23,393	24,102	24,811	25,520	26,229	26,938	27,647
GS-5	23,794	24,587	25,380	26,173	26,966	27,759	28,552	29,345	30,138	30,931
GS-6	26,522	27,406	28,290	29,174	30,058	30,942	31,826	32,710	33,594	34,478
GS-7	29,473	30,455	31,437	32,419	33,401	34,383	35,365	36,347	37,329	38,311
GS-8	32,640	33,728	34,816	35,904	36,992	38,080	39,168	40,256	41,344	42,432
GS-9	36,052	37,254	38,456	39,658	40,860	42,062	43,264	44,466	45,668	46,870
GS-10	39,702	41,025	42,348	43,671	44,994	46,317	47,640	48,963	50,286	51,609
GS-11	43,281	45,075	46,529	47,983	49,437	50,891	52,345	53,799	55,253	56,707
GS-12	52,281	54,024	55,767	57,510	59,253	60,996	62,739	64,482	66,225	67,968
GS-13	62,170	64,242	66,314	68,386	70,458	72,530	74,602	76,674	78,746	80,818
GS-14	73,467	75,916	78,365	80,814	83,263	85,712	88,161	90,610	93,059	95,508
GS-15	86,417	89,298	92,179	95,060	97,941	100,822	103,703	106,584	109,465	112,346

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Step	class 1	class 2	class 3	class 4	class 5	class 6	class 7	class 8	class 9
1	\$86,417	\$70,023	\$56,740	\$45,976	\$37,254	\$33,304	\$29,773	\$26,616	\$23,794
2	89,010	72,124	58,442	47,355	38,372	34,303	30,666	27,414	24,508
3	91,680	74,287	60,195	48,776	39,523	35,332	31,586	28,237	25,243
4	94,430	76,516	62,001	50,239	40,708	36,392	32,534	29,084	26,000
5	97,263	78,812	63,861	51,746	41,930	37,484	33,510	29,957	26,780
6	100,181	81,176	65,777	53,299	43,188	38,608	34,515	30,855	27,584
7	103,186	83,611	67,751	54,898	44,483	39,767	35,551	31,781	28,411
8	106,282	86,119	69,783	56,545	45,818	40,960	36,617	32,734	29,264
9	109,470	88,703	71,877	58,241	47,192	42,189	37,716	33,716	30,142
10	112,346	91,364	74,033	59,988	48,608	43,454	38,847	34,728	31,046
11	112,346	94,105	76,254	61,788	50,066	44,758	40,012	35,770	31,977
12	112,346	96,928	78,541	63,642	51,568	46,101	41,213	36,843	32,936
13	112,346	99,836	80,898	65,551	53,115	47,484	42,449	37,948	33,925
14	112,346	102,831	83,325	67,517	54,709	48,908	43,723	39,086	34,942

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**SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS**

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2004)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health	\$146,760	**
Associate Deputy Under Secretary for Health	140,568	***
Assistant Under Secretaries for Health	136,424	***

	Minimum	Maximum
Medical Directors	\$116,398	\$131,922
Service Directors	101,351	125,871
Director, National Center for Preventive Health	86,417	125,871

Physician and Dentist Schedule

Director Grade	\$101,351	\$125,871
Executive Grade	93,587	119,274
Chief Grade	86,417	112,346
Senior Grade	73,467	95,508
Intermediate Grade	62,170	80,818
Full Grade	52,281	67,968
Associate Grade	43,621	56,707

Clinical Podiatrist and Optometrist Schedule

Chief Grade	\$86,417	\$112,346
Senior Grade	73,467	95,508
Intermediate Grade	62,170	80,818
Full Grade	52,281	67,968
Associate Grade	43,621	56,707

Physician Assistant and Expanded-Function
Dental Auxiliary Schedule ****

Director Grade	\$86,417	\$112,346
Assistant Director Grade	73,467	95,508
Chief Grade	62,170	80,818
Senior Grade	52,281	67,968
Intermediate Grade	43,621	56,707
Full Grade	36,052	46,870
Associate Grade	31,023	40,329
Junior Grade	26,522	34,478

- * This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.
- ** Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$136,000.
- *** Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is \$127,300.
- **** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

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SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

	<u>Minimum</u>	<u>Maximum</u>
Agencies with a Certified SES Performance Appraisal System	\$103,700	\$157,000
Agencies without a Certified SES Performance Appraisal System	\$103,700	\$144,600

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Level I	\$174,500
Level II	157,000
Level III	144,600
Level IV	136,000
Level V	127,300

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Vice President	\$201,600
Senators	157,000
Members of the House of Representatives	157,000
Delegates to the House of Representatives	157,000
Resident Commissioner from Puerto Rico	157,000
President pro tempore of the Senate	174,500
Majority leader and minority leader of the Senate	174,500
Majority leader and minority leader of the House of Representatives	174,500
Speaker of the House of Representatives	201,600

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

Chief Justice of the United States	\$201,600
Associate Justices of the Supreme Court	193,000
Circuit Judges	166,500
District Judges	157,000
Judges of the Court of International Trade	157,000

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2004)

Part I—MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 **	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
O-9	\$7,751.10	\$8,036.90	\$8,323.20	\$8,610.00	\$8,997.30	\$9,385.10	\$9,773.40	\$10,161.20	\$10,549.50	\$10,937.30	\$11,325.10	\$11,712.90	\$12,100.70	\$12,488.50	\$12,876.30
O-8	6,421.70	6,707.50	6,993.30	7,279.10	7,564.90	7,850.70	8,136.50	8,422.30	8,708.10	8,993.90	9,279.70	9,565.50	9,851.30	10,137.10	10,422.90
O-7	5,473.60	5,759.40	6,045.20	6,331.00	6,616.80	6,902.60	7,188.40	7,474.20	7,760.00	8,045.80	8,331.60	8,617.40	8,903.20	9,189.00	9,474.80
O-6	4,773.60	5,059.40	5,345.20	5,631.00	5,916.80	6,202.60	6,488.40	6,774.20	7,060.00	7,345.80	7,631.60	7,917.40	8,203.20	8,489.00	8,774.80
O-5	3,979.50	4,265.30	4,551.10	4,836.90	5,122.70	5,408.50	5,694.30	5,980.10	6,265.90	6,551.70	6,837.50	7,123.30	7,409.10	7,694.90	7,980.70
O-4	3,433.50	3,719.30	4,005.10	4,290.90	4,576.70	4,862.50	5,148.30	5,434.10	5,719.90	6,005.70	6,291.50	6,577.30	6,863.10	7,148.90	7,434.70
O-3 ***	3,018.90	3,304.70	3,590.50	3,876.30	4,162.10	4,447.90	4,733.70	5,019.50	5,305.30	5,591.10	5,876.90	6,162.70	6,448.50	6,734.30	7,020.10
O-2 ***	2,608.20	2,894.00	3,179.80	3,465.60	3,751.40	4,037.20	4,323.00	4,608.80	4,894.60	5,180.40	5,466.20	5,752.00	6,037.80	6,323.60	6,609.40
O-1 ***	2,264.40	2,550.20	2,836.00	3,121.80	3,407.60	3,693.40	3,979.20	4,265.00	4,550.80	4,836.60	5,122.40	5,408.20	5,694.00	5,979.80	6,265.60

COMMISSIONED OFFICERS

COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE
AS AN ENLISTED MEMBER AND/OR WARRANT OFFICERS***

O-3E	-	\$4,027.20	\$4,313.00	\$4,598.80	\$4,884.60	\$5,170.40	\$5,456.20	\$5,742.00	\$6,027.80	\$6,313.60	\$6,599.40	\$6,885.20	\$7,171.00	\$7,456.80	\$7,742.60
O-2E	-	3,537.00	3,724.80	3,912.60	4,100.40	4,288.20	4,476.00	4,663.80	4,851.60	5,039.40	5,227.20	5,415.00	5,602.80	5,790.60	5,978.40
O-1E	-	2,848.50	3,042.30	3,236.10	3,429.90	3,623.70	3,817.50	4,011.30	4,205.10	4,398.90	4,592.70	4,786.50	4,980.30	5,174.10	5,367.90

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$14,634.20 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

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SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	\$3,119.40	\$3,355.80	\$3,452.40	\$3,547.20	\$3,710.40	\$3,871.50	\$4,035.00	\$4,194.30	\$4,359.00	\$4,617.30	\$4,782.60	\$5,360.70	\$5,544.30	\$5,728.80	\$5,914.20
W-4	2,848.80	2,967.90	3,089.40	3,129.30	3,257.10	3,403.20	3,585.80	3,786.30	3,988.80	4,140.60	4,291.80	4,944.30	5,112.00	5,277.00	5,445.90
W-3	2,505.90	2,649.00	2,774.10	2,865.30	2,943.30	3,157.80	3,321.60	3,443.40	3,562.20	3,643.80	3,712.50	3,843.00	4,024.10	4,570.20	4,716.30
W-2	2,122.80	2,394.00	2,515.20	2,593.50	2,802.30	2,928.30	3,039.90	3,164.70	3,247.20	3,321.90	3,443.70	3,535.80	3,535.80	4,103.70	4,103.70
W-1															
ENLISTED MEMBERS															
E-9 *							\$3,769.20	\$3,854.70	\$3,962.40	\$4,089.30	\$4,216.50	\$4,421.10	\$4,594.20	\$4,776.60	\$5,064.70
E-8	\$2,145.00	2,041.20	\$2,430.60	\$2,549.70	\$2,642.10	\$3,085.50	3,222.00	3,306.30	3,407.70	3,517.50	3,715.50	3,815.70	3,986.40	4,081.20	4,334.30
E-7	1,655.50	1,813.50	1,901.10	1,991.10	2,130.60	2,250.90	2,456.10	2,596.20	2,685.30	2,790.90	2,895.80	3,041.70	3,191.70	3,599.10	3,855.00
E-6	1,790.10	1,866.80	1,951.00	1,991.10	2,130.60	2,250.90	2,456.10	2,596.20	2,685.30	2,790.90	2,895.80	3,041.70	3,191.70	3,599.10	3,855.00
E-5	1,407.00	1,451.50	1,506.00	1,545.50	1,656.00	1,741.50	1,891.50	1,991.50	2,081.50	2,171.50	2,261.50	2,367.90	2,467.90	2,809.80	2,809.80
E-4	1,237.70	1,282.20	1,337.70	1,377.70	1,432.20	1,487.70	1,592.20	1,692.20	1,782.20	1,872.20	1,962.20	2,052.20	2,142.20	2,367.90	2,367.90
E-3	1,104.00	1,149.00	1,204.00	1,244.00	1,309.00	1,364.00	1,479.00	1,579.00	1,669.00	1,759.00	1,849.00	1,939.00	2,029.00	2,367.90	2,367.90
E-2	1,004.00	1,049.00	1,104.00	1,144.00	1,209.00	1,264.00	1,379.00	1,479.00	1,569.00	1,659.00	1,749.00	1,839.00	1,929.00	2,367.90	2,367.90
E-1 **	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40	1,193.40
E-1 ***	1,104.00														

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$6,090.90 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

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Title 3—The President

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is \$792.60.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

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SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

<u>Locality Pay Area</u> ¹	<u>Rate</u>
Atlanta, GA	11.50%
Boston-Worcester-Lawrence, MA-NH-ME-CT-RI	15.73%
Chicago-Gary-Kenosha, IL-IN-WI	16.92%
Cincinnati-Hamilton, OH-KY-IN	14.04%
Cleveland-Akron, OH	12.10%
Columbus, OH	12.28%
Dallas-Fort Worth, TX	12.74%
Dayton-Springfield, OH	11.17%
Denver-Boulder-Greeley, CO	15.46%
Detroit-Ann Arbor-Flint, MI	17.02%
Hartford, CT	16.41%
Houston-Galveston-Brazoria, TX	21.49%
Huntsville, AL	10.58%
Indianapolis, IN	10.30%
Kansas City, MO-KS	10.73%
Los Angeles-Riverside-Orange County, CA	18.57%
Miami-Fort Lauderdale, FL	14.45%
Milwaukee-Racine, WI	11.73%
Minneapolis-St. Paul, MN-WI	13.54%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	17.73%
Orlando, FL	10.12%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	14.12%
Pittsburgh, PA	11.03%
Portland-Salem, OR-WA	13.60%
Richmond-Petersburg, VA	11.25%
Sacramento-Yolo, CA	13.98%
St. Louis, MO-IL	10.46%
San Diego, CA	14.84%
San Francisco-Oakland-San Jose, CA	22.23%
Seattle-Tacoma-Bremerton, WA	13.85%
Washington-Baltimore, DC-MD-VA-WV	13.43%
Rest of U.S.	10.09%

SCHEDULE 10--ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2004)

AL-3/A	\$90,500
AL-3/B	97,400
AL-3/C	104,400
AL-3/D	111,400
AL-3/E	118,300
AL-3/F	125,300
AL-2	132,400
AL-1	136,000

¹Locality Pay Areas are defined in 5 CFR 531.603.