

public information. The Attorney General shall thereafter submit two further annual reports, by June 1, 2007, and June 1, 2008, that provide the President with an update on the agencies' implementation of the FOIA and of their plans under section 3(b) of this order.

(b) *Guidance.* The Attorney General shall issue such instructions and guidance to the heads of departments and agencies as may be appropriate to implement sections 3(b) and 3(c) of this order.

Sec. 5. *OMB Director.* The OMB Director may issue such instructions to the heads of agencies as are necessary to implement this order, other than sections 3(b) and 3(c) of this order.

Sec. 6. *Definitions.* As used in this order:

(a) the term “agency” has the same meaning as the term “agency” under section 552(f)(1) of title 5, United States Code; and

(b) the term “record” has the same meaning as the term “record” under section 552(f)(2) of title 5, United States Code.

Sec. 7. *General Provisions.*

(a) The agency reviews under section 3(a) of this order and agency plans under section 3(b) of this order shall be conducted and developed in accordance with applicable law and applicable guidance issued by the President, the Attorney General, and the OMB Director, including the laws and guidance regarding information technology and the dissemination of information.

(b) This order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall not be construed to impair or otherwise affect the functions of the OMB Director relating to budget, legislative, or administrative proposals; and

(iii) is intended only to improve the internal management of the executive branch and 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, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH

The White House,
December 14, 2005.

Executive Order 13393 of December 22, 2005

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

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5 U.S.C. 5303(a), 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; section 3(d) of Public Law 108–445) 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, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Certain Executive, Legislative, and Judicial 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:

(a) The Executive Schedule (5 U.S.C. 5312–5318) 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 section 405 of Public Law 109–115) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–375, the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

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

(a) Pursuant to section 5304 of title 5, United States Code, and section 843 of Public Law 109–115, 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, 2006. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2006.

Sec. 8. *Prior Order Superseded.* Executive Order 13368 of December 30, 2004, is superseded.

GEORGE W. BUSH

The White House,
December 22, 2005.

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2006)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$16,352	\$16,898	\$17,442	\$17,983	\$18,527	\$18,847	\$19,383	\$19,925	\$19,947	\$20,450
GS-2	18,385	18,822	19,431	19,947	20,169	20,762	21,355	21,948	22,541	23,134
GS-3	20,060	20,729	21,398	22,067	22,736	23,405	24,074	24,743	25,412	26,081
GS-4	22,519	23,270	24,021	24,772	25,523	26,274	27,025	27,776	28,527	29,278
GS-5	25,195	26,035	26,875	27,715	28,555	29,395	30,235	31,075	31,915	32,755
GS-6	28,085	29,021	29,957	30,893	31,829	32,765	33,701	34,637	35,573	36,509
GS-7	31,209	32,249	33,289	34,329	35,369	36,409	37,449	38,489	39,529	40,569
GS-8	34,563	35,715	36,867	38,019	39,171	40,323	41,475	42,627	43,779	44,931
GS-9	38,175	39,448	40,721	41,994	43,267	44,540	45,813	47,086	48,359	49,632
GS-10	42,040	43,441	44,842	46,243	47,644	49,045	50,446	51,847	53,248	54,649
GS-11	46,189	47,729	49,269	50,809	52,349	53,889	55,429	56,969	58,509	60,049
GS-12	55,360	57,205	59,050	60,895	62,740	64,585	66,430	68,275	70,120	71,965
GS-13	65,832	68,026	70,220	72,414	74,608	76,802	78,996	81,190	83,384	85,578
GS-14	77,793	80,386	82,979	85,572	88,165	90,758	93,351	95,944	98,537	101,130
GS-15	91,507	94,557	97,607	100,657	103,707	106,757	109,807	112,857	115,907	118,957

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2006)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	\$91,507	\$74,148	\$60,081	\$48,684	\$39,448	\$35,265	\$31,526	\$28,183	\$25,195
2	94,252	76,372	61,883	50,145	40,631	36,323	32,472	29,028	25,951
3	97,080	78,664	63,740	51,649	41,850	37,413	33,446	29,899	26,729
4	99,992	81,024	65,652	53,198	43,106	38,535	34,449	30,796	27,531
5	102,992	83,454	67,622	54,794	44,399	39,691	35,483	31,720	28,357
6	106,082	85,958	69,650	56,438	45,731	40,882	36,547	32,672	29,208
7	109,264	88,537	71,740	58,131	47,103	42,108	37,644	33,652	30,084
8	112,542	91,193	73,892	59,875	48,516	43,372	38,773	34,662	30,987
9	115,918	93,928	76,109	61,671	49,972	44,673	39,936	35,701	31,916
10	118,957	96,746	78,392	63,522	51,471	46,013	41,134	36,772	32,874
11	118,957	99,649	80,744	65,427	53,015	47,393	42,368	37,876	33,860
12	118,957	102,638	83,166	67,390	54,605	48,815	43,639	39,012	34,876
13	118,957	105,717	85,661	69,412	56,243	50,279	44,949	40,182	35,922
14	118,957	108,889	88,231	71,494	57,931	51,788	46,297	41,388	37,000

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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, 2006)

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

Assistant Under Secretaries for Health		144,459 **
(Only applies to incumbents who are not physicians or dentists)		
	<u>Minimum</u>	<u>Maximum</u>
Service Directors	107,320	133,284
Director, National Center for Preventive Health	91,507	133,284
Physician and Dentist Base and Longevity Schedule***		
Physician Grade	90,000	\$132,000
Dentist Grade	90,000	132,000
Clinical Podiatrist, Chiropractor, and Optometrist Schedule		
Chief Grade	\$91,507	\$118,957
Senior Grade	77,793	101,130
Intermediate Grade	65,832	85,578
Full Grade	55,360	71,965
Associate Grade	46,189	60,049
Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****		
Director Grade	\$91,507	\$118,957
Assistant Director Grade	77,793	101,130
Chief Grade	65,832	85,578
Senior Grade	55,360	71,965
Intermediate Grade	46,189	60,049
Full Grade	38,175	49,632
Associate Grade	32,851	42,706
Junior Grade	28,085	36,509

* This schedule does not apply to the Deputy Under Secretary for Health, the Associate Deputy Under Secretary for Health, Assistant Under Secretaries for Health who are physicians or dentists, Medical Directors, the Assistant Under Secretary for Nursing Programs, or the Director of Nursing Services. Pay for these positions is set under section 7431 of title 38, United States Code, for physicians and dentists, and under section 7451 of title 38, United States Code, for registered nurses.

** Pursuant to section 7404(d) 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 \$133,900.

*** Pursuant to section 3 of Public Law 108-445 and section 7431 of title 38, United States Code, Veterans Health Administration physicians and dentists may also be paid market pay and performance pay.

**** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in section 4107(b) of title 38, United States Code, 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, 2006)

	<u>Minimum</u>	<u>Maximum</u>
Agencies with a Certified SES Performance Appraisal System	\$109,808	\$165,200
Agencies without a Certified SES Performance Appraisal System	\$109,808	\$152,000

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2006)

Level I	\$183,500
Level II	165,200
Level III.	152,000
Level IV	143,000
Level V	133,900

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, 2006)

Vice President	\$212,100
Senators	165,200
Members of the House of Representatives.	165,200
Delegates to the House of Representatives.	165,200
Resident Commissioner from Puerto Rico	165,200
President pro tempore of the Senate.	183,500
Majority leader and minority leader of the Senate.	183,500
Majority leader and minority leader of the House of Representatives	183,500
Speaker of the House of Representatives.	212,100

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2006)

Chief Justice of the United States	\$212,100
Associate Justices of the Supreme Court.	203,000
Circuit Judges	175,100
District Judges.	165,200
Judges of the Court of International Trade	165,200

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2006)

Part I-MONTHLY BASIC PAY

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

Pay Grade	2 or less	2	3	4	6	8	10	12	14	16	18	20	22	24	26
O-10**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
O-9	\$8,271.00	\$8,541.90	\$8,721.60	\$8,772.00	\$8,996.10	\$9,371.10	\$9,458.10	\$9,814.20	\$9,916.20	\$10,222.80	\$10,666.20	\$11,072.20	\$11,529.70	\$13,709.70*	\$14,196.30*
O-8	6,872.70	7,191.90	7,339.80	7,457.10	7,669.80	7,879.50	8,122.50	8,364.90	8,607.30	9,371.10	10,015.80	10,015.80	10,015.80	10,015.80	10,015.80
O-7	5,094.00	5,596.20	5,963.40	5,963.40	5,985.90	6,242.70	6,276.60	6,633.30	6,633.30	7,263.90	7,634.10	8,004.00	8,214.80	8,427.60	8,881.30
O-6	4,246.50	4,783.50	5,115.00	5,177.10	5,383.50	5,507.40	5,779.20	5,978.70	6,236.10	6,630.60	6,818.10	7,003.80	7,214.40	7,214.40	7,214.40
O-5	3,663.90	4,241.40	4,524.30	4,587.60	4,850.10	5,131.80	5,482.20	5,755.80	5,945.40	6,054.30	6,117.60	6,117.60	6,117.60	6,117.60	6,117.60
O-4	3,221.40	3,651.90	3,941.70	4,297.50	4,503.00	4,728.90	4,875.30	5,115.90	5,240.70	5,240.70	5,240.70	5,240.70	5,240.70	5,240.70	5,240.70
O-3***	2,783.10	3,170.10	3,651.00	3,774.30	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00	3,852.00
O-2****	2,416.20	2,754.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60	3,039.60

COMMISSIONED OFFICERS

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

O-3E	-	-	-	\$4,297.50	\$4,503.00	\$4,728.90	\$4,875.30	\$5,115.90	\$5,318.40	\$5,434.50	\$5,592.90	\$5,592.90	\$5,592.90	\$5,592.90	\$5,592.90
O-2E	-	-	-	3,774.30	3,852.00	3,974.70	4,181.40	4,341.60	4,460.70	4,460.70	4,460.70	4,460.70	4,460.70	4,460.70	4,460.70
O-1E	-	-	-	3,039.60	3,246.30	3,366.00	3,488.70	3,609.30	3,774.30	3,774.30	3,774.30	3,774.30	3,774.30	3,774.30	3,774.30

- * Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is \$12,666.60 per month.
- ** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, 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 \$15,615.90 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, which is \$12,666.60 per month.
- *** 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
W-5	\$3,328.80	\$3,591.10	\$3,684.00	\$3,785.10	\$3,959.40	\$4,131.30	\$4,305.90	\$4,475.70	\$4,651.50	\$4,927.20	\$5,103.60	\$5,276.10	\$5,454.90	\$5,631.00	\$5,811.00
W-4	3,039.90	3,166.80	3,296.40	3,339.30	3,475.50	3,631.50	3,837.30	4,040.40	4,256.40	4,418.40	4,579.80	4,649.10	4,720.80	4,876.80	5,032.50
W-3	2,673.90	2,826.60	2,960.40	3,057.30	3,140.70	3,369.60	3,544.50	3,674.40	3,801.30	3,888.30	3,961.50	4,100.70	4,239.00	4,379.10	4,379.10
W-2	2,361.30	2,554.50	2,683.80	2,767.50	2,890.40	3,124.80	3,243.90	3,376.80	3,465.00	3,544.80	3,674.70	3,773.10	3,773.10	3,773.10	3,773.10
W-1															
WARRANT OFFICERS															
E-9 *							\$4,022.10	\$4,113.30	\$4,228.20	\$4,363.50	\$4,499.40	\$4,717.80	\$4,902.30	\$5,097.00	\$5,394.00
E-8							3,782.50	3,782.50	3,782.50	3,782.50	3,782.50	3,782.50	3,782.50	3,782.50	3,782.50
E-7	\$2,288.70	\$2,498.10	\$2,593.90	\$2,700.70	\$2,819.40	\$2,989.50	3,168.90	3,168.90	3,350.40	3,432.40	3,516.30	3,561.80	3,732.60	3,824.60	4,003.20
E-6	1,979.70	2,195.30	2,308.60	2,427.60	2,546.10	2,685.00	2,770.50	2,865.30	2,948.70	2,978.10	2,998.50	2,998.50	2,998.50	2,998.50	2,998.50
E-5	1,662.90	1,788.10	1,842.60	1,935.90	2,018.40	2,124.60	2,213.70	2,496.60	2,526.60	2,526.60	2,526.60	2,526.60	2,526.60	2,526.60	2,526.60
E-4	1,501.20	1,595.70	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00	1,692.00
E-3	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40	1,427.40
E-2	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50	1,273.50
E-1 **	1,178.10														
E-1 ***															

* 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 Staff Sergeant Major of the Marine Corps, basic pay for this grade is \$6,499.50 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.

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 \$845.70.

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, 2006)

Table with 2 columns: Locality Pay Area and Rate. Lists various cities and their corresponding rates, such as Atlanta-Sandy Springs-Gainesville, GA-AL at 15.10%.

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2006)

Table with 2 columns: Locality Pay Area and Rate. Lists administrative law judge levels and their corresponding rates, such as AL-3/A at \$95,500.

1Locality Pay Areas are defined in 5 CFR 531.603.