Executive Orders

by a party against the United States, its departments, agencies, or entities, its officers or employees, or any other person.

GEORGE W. BUSH

The White House, *December 17, 2004.*

Executive Order 13367 of December 21, 2004

United States-Mexico Border Health Commission

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288) (the "Act"), and having found that the United States participates in the United States-Mexico Border Health Commission (USMBHC) pursuant to the United-States Mexico Border Health Commission Act, Public Law 103–400 (22 U.S.C. 290n et seq.), I hereby designate the USMBHC as a public international organization for purposes of the International Organizations Immunities Act. I hereby extend to members and employees of the Mexican Section of the USMBHC the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments with regard to the laws regulating entry into and departure from the United States as provided for in section 7(a) of the Act (22 U.S.C. 288d(a)). No other privileges, exemptions, or immunities of the Act are extended under this order.

This designation is not intended to abridge in any respect privileges, exemptions, or immunities that the USMBHC otherwise may have acquired or may acquire by law.

GEORGE W. BUSH

The White House, *December 21, 2004.*

Executive Order 13368 of December 30, 2004

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(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) at Schedule 3.

Title 3—The President

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 306 of Division B of Public Law 108–447) 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 640 of Division H of Public Law 108–447, 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, 2005. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2005.
- Sec. 8. Prior Order Superseded. Executive Order 13332 of March 3, 2004, is superseded.

GEORGE W. BUSH

The White House, December 30, 2004.

EO 13368

Executive Orders

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SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

10	\$20,036	22,660	25,542	28,671	32,084	35,760	39,738	44,004	48,604	53,532	58,811	70,484	83,819	99,053	116,517
6	\$19,537	22,079	24,887	27,936	31,261	34,843	38,719	42,876	47,358	52,159	57,303	68,677	81,670	96,513	113,529
œ	\$19,515	21,498	24,232	27,201	30,438	33,926	37,700	41,748	46,112	50,786	55,795	048,99	79,521	93,973	110,541
7	\$18,984	20,917	23,577	26,466	29,615	33,009	36,681	40,620	44,866	49,413	54,287	65,063	77,372	91,433	107,553
									43,620						104,565
2	\$18,146	19,755	22,267	24,996	27,969	31,175	34,643	38,364	42,374	46,667	51,271	61,449	73,074	86,353	101,577
4	\$17,613	19,537	21,612	24,261	27,146	30,258	33,624	37,236	41,128	45,294	49,763	59,642	70,925	83,813	98,589
m	\$17,083	19,031	20,957	23,526	26,323	29,341	32,605	36,108	39,882	43,921	48,255	57,835	922,89	81,273	95,601
2	\$16,550	18,435	20,302	22,791	25,500	28,424	31,586	34,980	38,636	42,548	46,747	56,028	66,627	78,733	92,613
\vdash	\$16,016	18,007	19,647	22,056	24,677	27,507	30,567	33,852	37,390	41,175	45,239	54,221	64,478	76,193	89,625
	GS-1	GS-2	GS-3	GS-4	GS-5	9-85	GS-7	GS-8	6-S5	GS-10	GS-11	GS-12	GS-13	GS-14	GS-15

EO 13368

Title 3—The President

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

	Class 9 \$24,677	25,417	26,180	26,965	27,774	28,607	29,466	30,350	31,260	32,198	33,164	34,159	35,184	36,239
pc	Class 8 \$27,604	28,432	29,285	30,164	31,069	32,001	32,961	33,949	34,968	36,017	37,097	38,210	39,357	40,537
Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)	Class 7 \$30,878	31,804	32,758	33,741	34,753	35,796	36,870	37,976	39,115	40,289	41,497	42,742	44,025	45,345
applicable y 1, 2005)	Class 6 \$34,540	35,576	36,643	37,743	38,875	40,041	41,243	42,480	43,754	45,067	46,419	47,811	49,246	50,723
the first ter Januar	Class 5 \$38,636	39,795	40,989	42,219	43,485	44,790	46,133	47,517	48,943	50,411	51,924	53,481	55,086	56,738
n the first day of the first applicabl beginning on or after January 1, 2005)	Class 4 \$47,682	49,112	50,586	52,103	53,667	55,277	56,935	58,643	60,402	62,214	64,081	66,003	67,983	70,023
on the fi beginnin	Class 3 \$58,845	60,610	62,429	64,302	66,231	68,217	70,264	72,372	74,543	16,779	79,083	81,455	83,899	86,416
(Effective	Class 2 \$72,622	74,801	77,045	79,356	81,737	84,189	86,714	89,316	91,995	94,755	94,76	100,526	103,542	106,648
	Class 1 \$89,625	92,314	95,083	91,936	100,874	103,900	107,017	110,227	113,534	116,517	116,517	116,517	116,517	116,517
	Step 1	2	3	4	2	9	7	œ	6	10	11	12	13	14

Executive Orders

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, 2005)

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

Deputy Under Secretary for Health		***
Medical Directors \$120,718 \$13 Service Directors <	6,818 0,543	***
for Preventive Health 89,625	0,543	
Physician and Dentist Schedule		
Executive Grade 97,061 12 Chief Grade 89,625 13 Senior Grade 76,193 5 Intermediate Grade 64,478 Full Grade 54,221	0,543 3,701 6,517 9,053 3,819 70,484 58,811	
Clinical Podiatrist, Chiropractor, and Optometrist Schedule		
Senior Grade 76.193 Intermediate Grade 64,478 Full Grade 54,221	16,517 99,053 83,819 70,484 58,811	
Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****		
Assistant Director Grade. 76,193 Chief Grade 64,478 Senior Grade. 54,221 Intermediate Grade 45,239 Full Grade 37,390 Associate Grade 32,175	16,517 99,053 33,819 70,484 58,811 48,604 41,832 35,760	

^{*} 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 3 of Public Law 108-445 and 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 \$140,300.

^{***} Pursuant to section 3 of Public Law 108-445 and 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 \$131.400.

^{****} 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.

EO 13368

Title 3—The President

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Agencies with a Certified SES Performance Appraisal System	Minimum \$107,550	Maximum \$162,100
Agencies without a Certified SES Performance Appraisal System	\$107,550	\$149,200
SCHEDULE 5EXECUTIVE SCHEDU	LE	
(Effective on the first day of the first app beginning on or after January 1		period
Level I		162,100 149,200 140,300
SCHEDULE 6VICE PRESIDENT AND MEMBERS	OF CONGRESS	
(Effective on the first day of the first app beginning on or after January 1		period
Vice President Senators Members of the House of Representatives. Delegates to the House of Representatives. Resident Commissioner from Puerto Rico President pro tempore of the Senate. Majority leader and minority leader of the Senate Majority leader and minority leader of the House of Representatives Speaker of the House of Representatives.		162,100 162,100 162,100 162,100 180,100 180,100

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005

Chief Justice of the United States		\$208,100
Associate Justices of the Supreme Court		199,200
Circuit Judges		171,800
District Judges		162,100
Judges of the United States Court of International Trade		162.100

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (Effective on January 1, 2005)

Part I-MONTHLY BASIC PAY

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205
37 U.S.C. 205
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37
UNDER
(COMPUTED
SERVICE
Q.
YEARS

Over 26		\$13,769.40*	12,149.10	11,007.60	9,763.80	8,575.50	6,997.50	5,933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60 3,660.90
Over 24											2,948.10		\$5,424.60	4,326.60 3,660.90
Over 22		\$13,026.60	11,501.10	11,007.60	9,714.60	7,967.70	6,997.50	5;933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60
Over 20		\$12,963.00*	11,337.90	10,742.40	9,714.60	7,763.40	6,793.20	5,933.70	5,083.20	3,736.20	2,948.10		\$5,424.60	4,326.60 3,660.90
Over 18		ı	•	\$10,345.50	9,714.60	7,404.60	6,613.20	5,933.70	5,083.20	3,736.20	2,948.10	3 0	\$5,424.60	4,326.60
Over 16				\$9,915.30								: DUTY SERVI	\$5,271.00	4,326.60 3,660.90
Over 14	TCERS	1	•	\$9,618.00	8,349.00	6,433.80	6,048.60	5,766.60	5,083.20	3,736.20	2,948.10	COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER****	\$5,158.50	4,326.60 3,660.90
Over 12	COMMISSIONED OFFICERS	1	•	\$9,519.00	8,113.50	6,087.90	5,799.00	5,582.70	4,962.00	3,736.20	2,948.10	ITH OVER 4 1 BER AND/OR	\$4,962.00	4,211.10 3,500.70
Over 10	COMMI	1	,	\$9,173.70	7,878.30	6,087.90	5,605.50	5,317.50	4,728.60	3,736.20	2,948.10	OFFICERS W	\$4,728.60	4,055.70 3,383.70
Over 8		,	,	\$9,089.40	7,642.50	6,054.90	5,341.80	4,977.60	4,586.70	3,736.20	2,948.10	MMISSIONED AS AN E	\$4,586.70	3,855.30 3,264.90
Over 6		1	1	\$8,725.50	7,439.10	5,805.90	5,221.50	4,704.30	4,367.70	3,736.20	2,948.10	ម		3,736.20 3,148.80
Over 4		,	,	\$8,508.30									\$4,168.20	3,660.90 2,948.10
Over 3		,	,	٠.			4,961.10						1	1 1
Over 2				\$8,285.10									1	
2 or less											* 2,343.60		ı	1 1
Pay Grade		0-10*	6-0	8-0	0-7	9-0	0-5	0-4	0-3**	0-2**	0-1**;		0-3E	0-2E 0-1E

Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is \$12,433.20 per month.

For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief 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 \$15,146,40 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 \$12,433.20 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 quality for these rates. ****

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

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

		111100	
Over 26		\$6,121.20 5,636.40 4,881.30 4,247.40 3,659.70	\$5,231.70 4,465.20 3,990.00 2,908.20 2,467.70 1,957.80 1,641.00 1,384.50
Over 24		\$5,929.20 5,461.80 4,730.10 4,247.40 3,659.70	\$4,943.70 4,224.00 3,725.10 2,908.20 2,450.70 1,957.80 1,384.50
Over 22		\$5,738.40 5,290.80 4,578.90 4,111.50 3,659.70	\$4,755.00 4,125.90 3,620.40 2,908.20 2,450.70 1,957.80 1,641.00 1,384.50
Over 20		\$5,548.20 5,117.40 4,509.30 3,977.40 3,659.70	\$4.575.90 3,949.20 3,458.70 2,908.20 2,450.70 1,957.80 1,641.00 1,384.50
Over 18		\$4,950.00 4,442.10 3,842.40 3,564.30	54,364.10 3,845.40 3,400.70 2,908.20 2,450.70 1,97.80 1,384.50
Over 16		\$4,779.00 4,285.50 3,771.30 3,438.30	\$4,232.40 3,640.50 3,332.40 2,888.70 2,450.70 1,957.80 1,541.00 1,384.50
Over 14	RS	\$4,511.70 4,128.30 3,687.00 3,360.90	\$4,101.00 \$4,101.00 3,527.10 2,859.00 2,450.70 1,957.80 1,641.00 1,384.50
Over 12	WARRANT OFFICERS	\$4,341.00 3,918.90 3,564.00 3,275.40	SENTISTED MEMBERS 20 \$3,989.70 80 \$3,422.10 20 \$3,084.60 10 2,779.20 20 \$4,650.70 80 1,587.80 10 1,641.00 1,041.00 1,135.10
Over 10	WAR	\$4,176.30 3,721.80 3,438.00 3,146.40	\$3,901. 2,992. 2,992. 2,421. 1,957. 1,384. 1,235.
Over 8		\$4,007.10 3,522.30 3,268.20 3,030.90	\$3,193.50 2,899.50 2,604.30 2,329.80 1,957.80 1,641.00 1,384.50
Over 6		\$3,840.30 3,371.10 3,046.20 2,900.40	\$2,734.50 2.391.00 2,205.30 1,957.80 1,641.00 1,384.50
Over 4		\$3,671.40 3,238.80 2,965.50 2,684.40	\$2,638.80 2,296.50 2,296.50 2,000.70 1,877.70 1,384.50 1,384.50
Over 3		\$3,573.30 3,197.40 2,871.30 2,603.10	\$2,515.80 2,205.90 1,967.70 1,787.10 1,641.00 1,384.50
Over 2		\$3,473.40 3,071.70 2,741.70 2,477.70	\$2,423.10 2,112.60 1,877.10 1,695.60 1,547.70 1,384.50
2 or less		;3,228.60 2,948.40 2,593.50 2,290.20	\$2,220.00 1,920.30 1,759.50 1,612.80 1,456.20 1,384.50 1,142.70
Pay Grade		W-5 W-4 W-3 W-2	8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8

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 \$6,304.20 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

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

^{**} Applies to personnel who have served 4 months or more 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 \$820.20.

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.

EO 13368

Title 3—The President

SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

Locality Pay Area ¹	Rate
Atlanta-Sandy Springs-Gainesville, GA-AL	12 070
Postor Wordestor Marchaster MA NU ME DI	13.8/%
Boston-Worcester-Manchester, MA-NH-ME-RI	18.49%
Chicago-Naperville-Michigan City, IL-IN-WI	
Cincinnati-Middletown-Wilmington, OH-KY-IN	
Cleveland-Akron-Elyria, OH	
Columbus-Marion-Chillicothe, OH	13.98%
Dallas-Fort Worth, TX	15.07%
Dayton-Springfield-Greenville, OH	12.86%
Denver-Aurora-Boulder, CO	18.06%
Detroit-Warren-Flint, MI	
Hartford-West Hartford-Willimantic, CT-MA	
Houston-Baytown-Huntsville, TX	
Huntsville-Decatur, AL	
Indianapolis-Anderson-Columbus, IN	
Kansas City-Overland Park-Kansas City, MO-KS	
Los Angeles-Long Beach-Riverside, CA	
Miami-Fort Lauderdale-Miami Beach, FL	16.77%
Milwaukee-Racine-Waukesha, WI	13.62%
Minneapolis-St. Paul-St. Cloud, MN-WI	15.99%
New York-Newark-Bridgeport, NY-NJ-CT-PA	20.99%
Orlando-The Villages, FL	11.75%
Philadelphia-Camden-Vineland, PA-NJ-DE-MD	16.67%
Pittsburgh-New Castle, PA	12.86%
Portland-Vancouver-Beaverton, OR-WA	15.93%
Richmond, VA	
SacramentoArden-ArcadeTruckee, CA-NV	16.51%
St. Louis-St. Charles-Farmington, MO-IL	
San Diego-Carlsbad-San Marcos, CA	
San Jose-San Francisco-Oakland, CA	
Seattle-Tacoma-Olympia, WA	
Washington-Baltimore-Northern Virginia, DC-MD-PA-VA-WV.	
Rest of U.S	
Rese of O.S	11./20

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2005)

AL-3/A															\$93,500
AL-3/B															100,600
AL-3/C															107,800
AL-3/D															115,000
AL-3/E															122,200
AL-3/F															129,300
AL-2 .															136,600
AL-1 .							•								140,300

Locality Pay Areas are defined in 5 CFR 531.603.