

**TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES****PART III - EMPLOYEES****Subpart D - Pay and Allowances****CHAPTER 53 - PAY RATES AND SYSTEMS****SUBCHAPTER VII - MISCELLANEOUS PROVISIONS****§ 5372. Administrative law judges**

(a) For the purposes of this section, the term “administrative law judge” means an administrative law judge appointed under section 3105.

(b) (1) (A) There shall be 3 levels of basic pay for administrative law judges (designated as AL–1, 2, and 3, respectively), and each such judge shall be paid at 1 of those levels, in accordance with the provisions of this section.

(B) Within level AL–3, there shall be 6 rates of basic pay, designated as AL–3, rates A through F, respectively. Level AL–2 and level AL–1 shall each have 1 rate of basic pay.

(C) The rate of basic pay for AL–3, rate A, may not be less than 65 percent of the rate of basic pay for level IV of the Executive Schedule, and the rate of basic pay for AL–1 may not exceed the rate for level IV of the Executive Schedule.

(2) The Office of Personnel Management shall determine, in accordance with procedures which the Office shall by regulation prescribe, the level in which each administrative-law-judge position shall be placed and the qualifications to be required for appointment to each level.

(3) (A) Upon appointment to a position in AL–3, an administrative law judge shall be paid at rate A of AL–3, and shall be advanced successively to rates B, C, and D of that level at the beginning of the next pay period following completion of 52 weeks of service in the next lower rate, and to rates E and F of that level at the beginning of the next pay period following completion of 104 weeks of service in the next lower rate.

(B) The Office of Personnel Management may provide for appointment of an administrative law judge in AL–3 at an advanced rate under such circumstances as the Office may determine appropriate.

(4) Subject to paragraph (1), effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5303 in the rates of basic pay under the General Schedule, each rate of basic pay for administrative law judges shall be adjusted by an amount determined by the President to be appropriate.

(c) The Office of Personnel Management shall prescribe regulations necessary to administer this section.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 473, § 5362; Pub. L. 95–251, § 2(a)(1), (b)(1), Mar. 27, 1978, 92 Stat. 183; renumbered § 5372 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; Pub. L. 101–509, title V, § 529 [title I, § 104(a)(1)], Nov. 5, 1990, 104 Stat. 1427, 1445; Pub. L. 102–378, § 2(32), Oct. 2, 1992, 106 Stat. 1350; Pub. L. 106–97, § 1, Nov. 12, 1999, 113 Stat. 1322.)

**Historical and Revision Notes**

Derivation	U.S. Code	Revised Statutes and Statutes at Large
5 U.S.C. 1010 (3d sentence).		June 11, 1946, ch. 324, § 11 (3d sentence), 60 Stat. 244.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

The exception from the operation of the efficiency rating system is omitted as covered by sections 4301 (2)(E) and 5335 (a)(B). The reference to “subchapter III of this chapter and chapter 51 of this title” is substituted for “the Classification Act of 1923, as amended” on authority of section 1106(a) of the Act of Oct. 28, 1949, ch. 782, 63 Stat. 972.

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

## References in Text

Level IV of the Executive Schedule, referred to in subsec. (b)(1)(C), is set out in section 5315 of this title.

The General Schedule, referred to in subsec. (b)(4), is set out under section 5332 of this title.

## Amendments

1999—Subsec. (b)(1). Pub. L. 106–97, § 1(1), designated first sentence as subpar. (A) and struck out after first sentence the following: “The rates of basic pay for those levels shall be as follows:

AL–3, rate A	65 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–3, rate B	70 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–3, rate C	75 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–3, rate D	80 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–3, rate E	85 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–3, rate F	90 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–2	95 percent of the rate of basic pay for level IV of the Executive Schedule.
AL–1	The rate of basic pay for level IV of the Executive Schedule.”

Subsec. (b)(1)(B), (C). Pub. L. 106–97, § 1(1), added subpars. (B) and (C).

Subsec. (b)(3)(A). Pub. L. 106–97, § 1(2), substituted “at the beginning of the next pay period following” for “upon” in two places.

Subsec. (b)(4). Pub. L. 106–97, § 1(3), added par. (4).

1992—Subsec. (c). Pub. L. 102–378 substituted “shall” for “shall.”.

1990—Pub. L. 101–509 amended section generally. Prior to amendment, section read as follows: “Administrative law judges appointed under section 3105 of this title are entitled to pay prescribed by the Office of Personnel Management independently of agency recommendations or ratings and in accordance with subchapter III of this chapter and chapter 51 of this title.”

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

Pub. L. 95–251 substituted “Administrative law judges” for “Hearing examiners” in section catchline and text.

## 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.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

### **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.

### **Conversion Rule for Administrative Law Judges**

Section 529 [title I, § 104(e)] of Pub. L. 101-509 provided that: “In making initial pay adjustments for administrative law judges after this section and the amendments made by this section [enacting section 5372a of this title, amending this section, sections 5102, 5311, and 5335 of this title, section 938 of Title 30, Mineral Lands and Mining, and section 607 of Title 41, Public Contracts] take effect [see Effective Date of 1990 Amendment note set out under section 5301 of this title], the rate of basic pay for any such judge shall, upon conversion to the new pay system, be at least equal to the rate which was payable to that individual immediately before such conversion.”

### **Pay Increases**

For adjustment of rates of basic pay for administrative law judges under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of this title.