

# **The President's Pay Agent**

Washington, DC  
December 9, 2025

## **Memorandum for Heads of Executive Departments and Agencies**

### **Subject: Continuation of Locality Payments for Non-General Schedule Employees**

The law requires that locality pay for non-General Schedule (GS) categories of employees must be renewed annually for payments to continue into the next year (5 U.S.C. 5304(h)). This memorandum notifies agencies of continued locality payments in calendar year 2026 for the Governmentwide and single-agency non-General Schedule (GS) categories of employees previously authorized to receive such payments. This action prevents the termination of locality pay for such employees beginning in January 2026 and meets the requirements of 5 U.S.C. 5304(h). This memorandum also provides instructions for requesting discontinuation of locality pay for single-agency employee categories.

Coverage under the locality pay authority will continue in 2026 for the single-agency categories of employees listed in Attachment 1, but the Pay Agent will consider a request from an agency head to cease locality payments for a single-agency category of employees within their agency. Discontinuing locality pay for a category listed in Attachment 1 may be appropriate if the cited pay authority no longer exists or has changed, eliminating the need for locality pay, or for other reasons determined by the agency head. If the Pay Agent discontinues locality pay for a single-agency category, affected employees will not receive locality pay under 5 U.S.C. 5304 in 2026.

Agencies wishing to discontinue locality payments beginning in 2026 for any of the single-agency categories listed in Attachment 1 should send an email message to [paypolicy@opm.gov](mailto:paypolicy@opm.gov) indicating such interest no later than December 19, 2025.

The Governmentwide categories of employees listed in Attachment 2 will also continue receiving locality payments in 2026. We are not seeking input from agencies on that decision.

**For the President's Pay Agent:**



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**Scott Kuper, Director**

**U.S. Office of Personnel Management**

## Attachments

CC:

The Honorable Lori Chavez-DeRemer, Secretary of Labor

The Honorable Russell Vought, Director, Office of Management and Budget

Chief Human Capital Officers (CHCOs)

Deputy CHCOs

Human Resources Directors

## Continued Locality Pay Extensions Single-Agency Categories of Non-General Schedule Employees

(Updated November 29, 2023)

Agency	Pay Authority [pay plan code]	Types of Employees [number of employees <sup>1</sup> ]	Original Approval Date
Agriculture	5 CFR 213.3102(l) [EG]	Temporary, intermittent, and seasonal employees [1]	Feb. 9, 1994
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [3]	Feb. 9, 1994
American Battle Monuments Commission	36 U.S.C. 2101 [AD]	Secretary of the American Battle Monuments Commission [1]	Nov. 25, 1996
Corporation for National and Community Service	42 U.S.C. 12651f(b)(1) [NX]	Senior level equivalent employees in pay band NX-2 of CNS' alternative personnel system [9]	June 15, 1995
Defense	10 U.S.C. 1595 [AD]	National Defense University Directors, Deans, and Professors [72]	Jan. 3, 1997
	10 U.S.C. 342 [AD]	Defense Centers for Security, Defense, and Strategic Studies, Director, Deputy Director, professors, instructors, and lecturers.	July 27, 2010
	10 U.S.C. 7371 [AD]	United States Army Command and General Staff College Civilian Staff and Faculty [5]	Jan. 3, 1997
	10 U.S.C. 7431 and 7438 [AD]	United States Army Military Academy Civilian Staff and Faculty [97]	Jan. 3, 1997
	10 U.S.C. 8452 [AD]	United States Naval Academy Civilian Faculty [322]	Jan. 3, 1997
	10 U.S.C. 8543 [AD]	Naval Postgraduate School Academic Dean [1]	Jan. 3, 1997
	10 U.S.C. 8544 [AD]	Naval Postgraduate School Civilian Faculty [322]	Jan. 3, 1997

<sup>1</sup>Number of employees as of the original approval date.

<b>Agency</b>	<b>Pay Authority [pay plan code]</b>	<b>Types of Employees [number of employees<sup>1</sup>]</b>	<b>Original Approval Date</b>
Defense (Continued)	10 U.S.C. 8748 [AD]	Naval War College Faculty [52]	Jan. 3, 1997
	10 U.S.C. 8748 [AD]	United States Marine Corps Command and Staff College Civilian Faculty [14]	Jan. 3, 1997
	10 U.S.C. 9371 [AD]	Air University Civilian Faculty [30]	Jan. 3, 1997
	10 U.S.C. 9433 [AD]	Air Force Institute of Technology Civilian Faculty [114]	Jan. 3, 1997
	10 U.S.C. 9438 [AD]	United States Air Force Academy Civilian Faculty [77]	Jan. 3, 1997
	10 U.S.C. 1746 [AD]	Defense Acquisition University Faculty [305]	April 12, 2000
	Sec. 1101 of PL 105-261 [AD]	Defense Advanced Research Projects Agency (DARPA) Experimental Personnel Management Program [20]	July 28, 2000
Defense Nuclear Facilities Safety Board	Section 161d of the Atomic Energy Act of 1954 (Public Law 101-510) [DN]	Professional scientific and technical personnel [59]	Dec. 30, 1996
Education	20 U.S.C. 9011 [AD]	Executive Director of the National Assessment Governing Board [1]	June 26, 2002
	20 U.S.C. 9621 [AD]	Deputy Executive Director of the National Assessment Governing Board [1]	July 13, 2009
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [5]	Oct. 6, 2022
Energy	42 U.S.C. 7231(d) [EJ]	Scientific, engineering, professional, and administrative employees [200]	Dec. 30, 1994
	5 U.S.C. 3109 & 42 U.S.C. 7233 [ED, EF]	Experts and consultants [105]	Dec. 30, 1994
	Section 3241 of P.L. 106-65 [EN]	Scientific, engineering, and technical positions in the National Nuclear Security Administration [300]	Jan. 13, 2003
Environmental Protection Agency	P.L. 95-190 [AD]	Miscellaneous types of positions [19]	Jan. 4, 1994
General Services Administration	5 U.S.C. 3109 [ED, EF]	Experts and consultants [10]	June 7, 1999

Agency	Pay Authority [pay plan code]	Types of Employees [number of employees <sup>1</sup> ]	Original Approval Date
Homeland Security	P.L. 105-261 and P.L. 107-296 [AD]	Scientists and engineers at the Homeland Security Advanced Research Projects Agency (HSARPA) [1 (1 as of approval date, but HSARPA was new and in the process of adding positions and recruiting--limited to 20 under Section 1101 of P.L. 105-261)]	Oct. 3, 2003
	Title 14, Section 186 [AD]	Civilian faculty members at the U.S. Coast Guard Academy [68]	Oct. 31, 2003
	5 U.S.C. chapter 102 [LE]	Uniformed Division of the U.S. Secret Service [1095] (Note: United States Secret Service Uniformed Division officers are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. See 5 U.S.C. 10203(b)(3) and Public Law 111-282, October 15, 2010.)	Jan. 31, 1994
Interior	Title 4 of D.C. Code [SP]	United States Park Police [620] (Note: Under section 4-416(c)(3) of the D.C. Code, United States Park Police are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. See P.L. 108-7, February 20, 2003, and section 902(b) of Public Law 106-554, December 21, 2000.)	Aug. 10, 1998
Justice	Section 371(a) of Public Law 104-208 and 8 U.S.C. 1101(b)(4) [IJ]	Immigration judges [200]  (Note: Immigration judges are entitled to locality pay under 5 U.S.C. 5304 by law, not by administrative action. See section 371(c)(2)(B) of Public Law 104-208, September 30, 1996.)	Dec. 29, 1996
Labor	U.S. Court of Federal Claims, 97-37, April 10, 1997	Administrative law judges with pay set pursuant to a settlement agreement in a lawsuit, <u>Levin and Miller v. U.S.</u> , entered into by the United States Court of Federal Claims in 1997. [2]	August 8, 2005
National Archives	44 U.S.C. 2102 Note [AD]	Director of the Center for Legislative Archives [1]	July 15, 1994
	44 U.S.C. 2503(a) [AD]	Executive Director, National Historical Publications and Records Commission [1]	July 15, 1994
National Indian Gaming Commission	25 U.S.C. 2707 [AD]	Chief of Staff [1] and General Counsel [1]	Oct. 6, 2022
	25 U.S.C. 2707(b) [AD]	Associate General Counsel [2] and Of Counsel [1]	Nov. 29, 2023

National Science Foundation	42 U.S.C. 1873(a)(1) [AD, EE, EG]	Professional and technical employees, experts and consultants [264]	Jan. 4, 1994
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [1]	Mar. 22, 1994
Nuclear Regulatory Commission	Atomic Energy Act of 1954 & Energy Reorganization Act of 1974 [SN, AJ]	Senior Level employees [41] and Administrative Judges [12]	Jan. 4, 1994
Office of Personnel Management	5 U.S.C. 3109 [EF, ED, EH]	Experts and consultants [2]	Jan. 7, 1994
Overseas Private Investment Corporation	Section 233(d) of the Foreign Assistance Act of 1961 [AD]	Miscellaneous types of positions [20]	Jan. 31, 1996
Peace Corps	22 U.S.C. 2506(a)(2) [AD]	Miscellaneous types of positions [83]	Jan. 7, 1994
	5 U.S.C. 3109 [EE]	Experts and consultants [34]	Jan. 7, 1994
Privacy and Civil Liberties Oversight Board	42 U.S.C. 2000ee(j)(1) [AD]	Employees paid administratively determined rates under 42 U.S.C. 2000ee(j)(1) [30]	Nov. 29, 2023
Small Business Administration	P.L. 94-305 [AD]	Miscellaneous types of positions [34]	Jan. 4, 1994
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [1]	Dec. 30, 1994
Smithsonian	5 U.S.C. 5375	Members of the police force of the National Zoological Park [13]	Jan. 7, 1994
State	22 U.S.C. 1474(l) [GG]	Non-U.S. citizen employees [307]	Jan. 4, 1994
	22 U.S.C. 4024 [GG]	Employees at the National Foreign Affairs Training Center [350]	Jan. 7, 1994
	22 U.S.C. 287 [GG]	Employees at the U.S. Mission to the United Nations [58]	Jan. 7, 1994
	22 U.S.C. 287 [AD]	Miscellaneous types of positions whose pay is linked to Foreign Service Officer pay under 22 U.S.C. 3963	Jan. 7, 1994
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [50]	Jan. 7, 1994
Transportation	46 U.S.C. Append. 1295g [AD]	Professors, lecturers, and instructors at the U.S. Merchant Marine Academy [86]	July 23, 2008
Treasury	5 U.S.C. 5378 [TR]	Members of the police forces in the Bureau of Engraving and Printing and Bureau of the Mint [377]	Jan. 31, 1994

U.S. Agency for International Development	22 U.S.C. 2385 [AD]	Miscellaneous types of positions [66]	Jan. 7, 1994
	22 U.S.C. 2386 [EE, EG]	Experts and consultants under the Foreign Assistance Act [15]	Jan. 7, 1994
	5 U.S.C. 3109 [ED, EF]	Experts and consultants [15]	Jan. 7, 1994
U.S. Trade and Development Agency	Section 661(c)(2)(C) of the Foreign Assistance Act of 1961 [AD]	Miscellaneous types of positions [2]	Dec. 9, 1998
Veterans Affairs	38 U.S.C. 7404(b) [VN]	Optometrists and expanded-function dental auxiliaries [1,139]	Jan. 4, 1994
	38 U.S.C. 7404(b) [VN]	Chiropractors [167]	Aug. 5, 2020
	38 U.S.C. 7405(b)(2) [AD]	Medical support personnel, trainees, and students [631]	Jan. 4, 1994
	38 U.S.C. 7404(a) [SR]	Non-physician, non-dentist, and non-nurse employees [4]	April 5, 1994
	38 U.S.C. 7101A [AL]	Members of the Board of Veteran's Appeals [53]	Dec. 30, 1994

## **Continued Locality Pay Extensions Governmentwide Categories of Non-General Schedule Employees**

1. Administrative law judges (ALJs) paid under 5 U.S.C. 5372.
2. Administrative appeals judges (AAJs) paid under 5 U.S.C. 5372b.
3. Members of Boards of Contract Appeals (BCA) paid under 5 U.S.C. 5372a.
4. Members of the Foreign Service paid under 22 U.S.C. 3963.
5. Members of the Senior Executive Service (SES) or employees covered by Senior Level (SL) or Scientific and Professional (ST) pay systems with official worksites in a nonforeign area (as defined in 5 U.S.C. 5941) on the day before the first day of the first pay period that began on or after January 1, 2010.

### **Technical Notes**

- The Non-Foreign Area Retirement Equity Assurance Act (NAREAA; sections 1911-1919 of Public Law 111-84, October 28, 2009) provided locality pay to employees in SES, SL, and ST positions whose official worksite was located in a nonforeign area (as defined in 5 U.S.C. 5941) on the day before the first day of the first pay period beginning on or after January 1, 2010. Therefore, these SES, SL, and ST employees will receive the locality pay rate for their area, subject to the applicable locality rate cap established by 5 U.S.C. 5304(g). (For details, see [CPM 2009-27.](#))
- Under 5 U.S.C. 5304(g) and 5 CFR 531.606, locality rates may not exceed the rate for level III of the Executive Schedule for administrative law judges and members of Boards of Contract Appeals. Locality rates for all other categories of non-GS employees (except experts and consultants appointed under 5 U.S.C. 3109 and certain SES, SL, and ST employees in nonforeign areas as previously described) may not exceed (1) the rate for level IV of the Executive Schedule when the maximum scheduled annual rate of pay for such positions is less than or equal to the maximum payable scheduled annual rate of pay for GS-15 or (2) the rate for level III of the Executive Schedule when the maximum scheduled annual rate of pay for such positions exceeds the maximum payable scheduled annual rate of pay for GS-15. Experts and consultants appointed under 5 U.S.C. 3109 are subject to the pay limitations described in 5 CFR 304.105.