

HHS AND IHS TITLE 38 PAY LIMITATIONS¹

Annual Base Pay			Annual Aggregate Pay (Base pay plus other forms of pay including premium pay, awards, 3Rs, etc.)		
Occupation/Pay Authority	Limitation	Reference	Limitation	Reference	Subject to Title 5 Biweekly Premium Pay Limitations? ²
Physician/Dentist/Podiatrist Pay	Base pay + Market Pay limited to applicable medical specialty table/tier maximum in VA T38 PDP Ranges. Exceptions to the Pay Table Tier maximums are permissible with IHS HQ approval	38 USC 7431; OPM-HHS Delegation Agreement 8-28-2023; HHS Instruction 590-1	\$400,000 (President's annual salary); however, per HHS Instruction 590, base pay plus Title 5 discretionary pay limited to EX I (2026 = \$253,100)	38 USC 7431(e)(4)	N/A; Title 38 PDP employees may not earn any form of premium pay.
Title 38 Special Salary Rates (occupations listed in 38 USC 7401(1) and (3)) – See below exceptions	EX II (2026 = \$228,000)	38 USC 7455; OPM-HHS Delegation Agreement 8-28-2023	EX I (2026 = \$253,100) ³	5 USC 5307; 5 CFR 530.203	Yes
<u>Select</u> Title 38 Special Salary Rates for <u>Certain</u> Occupations	EX I (2026 = \$253,100) for: Physician Assistants Advanced Practice Nurses including Nurse Practitioners, Nurse Midwives, and Clinical Nurse Specialists <u>Note</u> - Registered Nurses are capped at base pay at EX II (2026 = \$228,000) CRNA – No base pay cap per 38 USC 7451(c)(2)(B), but there is an aggregate cap under 5 USC 5307 of EX I (2026 = \$253,100)	38 USC 7451(2)(A); OPM-HHS Delegation Agreement 8-28-2023	EX I (2026 = \$253,100) ³	5 USC 5307; 5 CFR 530.203	Yes

¹ HHS is authorized to utilize the Title 38 pay flexibilities for physicians, dentists, podiatrists and other health occupations via OPM-HHS Delegation Agreement most recently renewed on 8-28-2023.

Biweekly and Annual Premium Pay Caps

² Under 5 U.S.C. 5547(a) and 5 CFR 550.105, General Schedule (GS) employees and other covered employees may receive certain types of premium pay for a biweekly pay period only to the extent that the sum of basic pay and premium pay for the pay period does not exceed the greater of the biweekly rate payable for (1) GS-15, step 10 (including any applicable locality payment or special rate supplement) (\$192,331 in 2026 for GS-RUS), or (2) the rate payable for level V of the Executive Schedule (\$184,900 in 2026).

Under 5 U.S.C. 5547(b) and 5 CFR 550.106 and 5 CFR 550.107, the head of an agency (Area Directors in IHS) may apply an annual pay cap to certain types of premium pay for any pay period for (1) employees performing work in connection with an emergency, including work performed in the aftermath of such an emergency, or (2) employees performing work critical to the mission of the agency. Such employees may receive certain types of premium pay only to the extent that the aggregate of basic pay and premium pay for the calendar year does not exceed the greater of the **annualized** rate payable at the end of the calendar year for (1) GS-15, step 10 (including any applicable locality payment or special rate supplement), or (2) level V of the Executive Schedule. (See 5 CFR 550.107(d) regarding method of computing this annualized rate.) Exceptions to those caps require specific legislation.

See: OPM's premium pay cap guidance at: [Pay Administration \(opm.gov\)](https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/)

Annual Aggregate Pay Cap

³ A GS employee may not receive any portion of any allowance, differential, bonus, award, or other similar payment under title 5, United States Code, in any calendar year, which when combined with the employee's basic pay would cause the employee's aggregate compensation (including premium pay) to exceed the rate for level I of the Executive Schedule at the end of the calendar year. See 5 CFR 530.202 for definitions of "basic pay" and "aggregate compensation."

Note – OPM provides comprehensive guidance on the various annual and biweekly pay limitations for employees paid under the General Schedule – See: [Maximum GS Pay Limitations \(opm.gov\)](https://www.opm.gov/policy-data-oversight/pay-leave/pay-administration/)