

monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

“(b) The Administrator of General Services shall, without regard to the civil-service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed \$96,000 per annum except that for the first 30-month period during which a former President is entitled to staff assistance under this subsection, such rates of compensation in the aggregate shall not exceed \$150,000 per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

“(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify.

“(d) [Repealed. Pub. L. 86-682, §12(c), Sept. 2, 1960, 74 Stat. 730. See sections 3214 and 3216 of title 39.]

“(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

“(1) commences on the day after the former President dies;

“(2) terminates on the last day of the month before such widow—

“(A) dies; or

“(B) remarries before becoming 60 years of age; and

“(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

“(f) As used in this section, the term ‘former President’ means a person—

“(1) who shall have held the office of President of the United States of America;

“(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

“(3) who does not then currently hold such office.

“(g) There are authorized to be appropriated to the Administrator of General Services up to \$1,000,000 for each former President and up to \$500,000 for the spouse of each former President each fiscal year for security and travel related expenses: *Provided*, That under the provisions set forth in section 3056, paragraph (a), subparagraph (3) of title 18, United States Code, the former President and/or spouse was not receiving protection for a lifetime provided by the United States Secret Service under section 3056 paragraph (a) subparagraph (3) of title 18, United States Code; the protection provided by the United States Secret Service expired at its designated time; or the protection provided by the United States Secret Service was declined prior to authorized expiration in lieu of these funds.”

[Pub. L. 95-138, §2, Oct. 18, 1977, 91 Stat. 1170, provided that: “The amendment made by the first section of this

Act [amending Pub. L. 87-745, set out above] shall take effect October 1, 1977.”]

FORMER PRESIDENT EISENHOWER; ALLOWANCE;  
COMPENSATION OF OFFICE STAFF; WIDOW'S PENSION

Allowance to former President Eisenhower as precluding entitlement to pay of General of the Army, compensation of office staff to former President to be reduced by pay of military assistants to the General of the Army, and benefits of widow of former President unaffected by restoration of military status, see Appointment of General of the Army note under former sections 1691 to 1697 of Title 50, Appendix, War and National Defense.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 1091; title 20 section 1018; title 31 section 3524; title 38 section 7437.

**§ 103. Traveling expenses**

There may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding \$100,000 per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely.

(June 25, 1948, ch. 644, 62 Stat. 678; Pub. L. 95-570, §4, Nov. 2, 1978, 92 Stat. 2450.)

AMENDMENTS

1978—Pub. L. 95-570 substituted “\$100,000” for “\$40,000”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-570 applicable to any fiscal year beginning on or after Oct. 1, 1978, see section 6(a) of Pub. L. 95-570, set out as a note under section 102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 3524.

**§ 104. Salary of the Vice President**

(a) The per annum rate of salary of the Vice President of the United States shall be the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Subject to subsection (b), effective at the beginning of the first month in which an adjustment takes effect under section 5303 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the nearest higher multiple of \$100), equal to the percentage of such per annum rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.

(b) In no event shall the percentage adjustment taking effect under the second and third sentences of subsection (a) in any calendar year (before rounding) exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule.

(June 25, 1948, ch. 644, 62 Stat. 678; Jan. 19, 1949, ch. 2, §1(b), 63 Stat. 4; Mar. 2, 1955, ch. 9, §4(c), 69 Stat. 11; Pub. L. 88-426, title III, §304(a), Aug. 14, 1964, 78 Stat. 422; Pub. L. 91-67, §1, Sept. 15, 1969, 83 Stat. 106; Pub. L. 94-82, title II, §203, Aug. 9, 1975, 89 Stat. 420; Pub. L. 97-257, title I, §105(b), Sept. 10, 1982, 96 Stat. 849; Pub. L. 101-194, title VII, §704(a)(2)(A), Nov. 30, 1989, 103 Stat. 1769; Pub. L. 101-509, title V, §529 [title I, §101(b)(4)(I)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 103-356, title I, §101(2), Oct. 13, 1994, 108 Stat. 3410.)

#### REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in subsec. (a), is section 704(a)(1) of Pub. L. 101-194, which is set out as a note under section 5318 of Title 5.

#### AMENDMENTS

1994—Pub. L. 103-356 designated existing provisions as subsec. (a), substituted “Subject to subsection (b), effective” for “Effective” in second sentence, and added subsec. (b).

1990—Pub. L. 101-509 substituted “5303” for “5305”.

1989—Pub. L. 101-194 substituted “corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect” for “corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5) of the adjustment in such rates of pay”.

1982—Pub. L. 97-257 struck out requirement for payment of salary on a monthly basis.

1975—Pub. L. 94-82 substituted provisions for a rate of salary to be determined under chapter 11 of title 2, as adjusted under this section, with adjustments equal to the percentage of such per annum rate which corresponds to the overall average percentage of the adjustment in such rates of pay for provisions for a per annum rate of salary of \$62,500.

1969—Pub. L. 91-67 increased salary from \$43,000 to \$62,500.

1964—Pub. L. 88-426 increased salary from \$35,000 to \$43,000.

1955—Act Mar. 2, 1955, increased salary from \$30,000 to \$35,000.

1949—Act Jan. 19, 1949, increased salary from \$20,000 to \$30,000.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 101 of Pub. L. 101-356 provided that the amendment made by that section is effective Dec. 31, 1994.

#### 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 Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 704(b) of Pub. L. 101-194, set out as a note under section 5318 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-257 effective in the case of compensation payable for months after December 1981,

see section 105(c) of Pub. L. 97-257, set out as a note under section 60c-1 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1969 AMENDMENT

Section 3 of Pub. L. 91-67 provided that: “The amendments made by this Act [amending this section and section 31 of Title 2, The Congress] shall become effective on March 1, 1969.”

#### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 504 of Pub. L. 88-426.

#### EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of that act, set out as a note under section 31 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Jan. 19, 1949, effective noon, Jan. 20, 1949, see section 3 of that act.

#### SALARY INCREASES

2001—Ex. Ord. No. 13182, Dec. 23, 2000, 65 F.R. 82879, 66 F.R. 10057, set out as a note under section 5332 of Title 5, Government Organization and Employees, provided for the adjustment of pay rates effective Jan. 1, 2001.

2000—Ex. Ord. No. 13144, Dec. 21, 1999, 64 F.R. 72237, which provided for the adjustment of pay rates effective Jan. 1, 2000, was superseded by Ex. Ord. No. 13182, Dec. 23, 2000, 65 F.R. 82879, set out as a note under section 5332 of Title 5.

1999—Ex. Ord. No. 13106, Dec. 7, 1998, 63 F.R. 68151, which provided for the adjustment of pay rates effective Jan. 1, 1999, was substantially superseded by Ex. Ord. No. 13144, Dec. 21, 1999, 64 F.R. 72237, formerly set out as a note under section 5332 of Title 5.

1998—Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, which provided for the adjustment of pay rates effective Jan. 1, 1998, was superseded by Ex. Ord. No. 13106, Dec. 7, 1998, 63 F.R. 68151, formerly set out as a note under section 5332 of Title 5.

1997—Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, which provided for the adjustment of pay rates effective Jan. 1, 1997, was superseded by Ex. Ord. No. 13071, Dec. 29, 1997, 62 F.R. 68521, formerly set out as a note under section 5332 of Title 5.

1996—Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, which provided for the adjustment of pay rates effective Jan. 1, 1996, was superseded by Ex. Ord. No. 13033, Dec. 27, 1996, 61 F.R. 68987, formerly set out as a note under section 5332 of Title 5.

1995—Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, which provided for the adjustment of pay rates effective Jan. 1, 1995, was superseded by Ex. Ord. No. 12984, Dec. 28, 1995, 61 F.R. 237, formerly set out as a note under section 5332 of Title 5.

1993—Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, which provided for the adjustment of pay rates effective Jan. 1, 1993, was superseded by Ex. Ord. No. 12944, Dec. 28, 1994, 60 F.R. 309, formerly set out as a note under section 5332 of Title 5.

1992—Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, which provided for the adjustment of pay rates effective Jan. 1, 1992, was superseded by Ex. Ord. No. 12826, Dec. 30, 1992, 57 F.R. 62909, formerly set out as a note under section 5332 of Title 5.

1991—Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, which provided for the adjustment of pay rates effective Jan. 1, 1991, was superseded by Ex. Ord. No. 12786, Dec. 26, 1991, 56 F.R. 67453, formerly set out as a note under section 5332 of Title 5.

1990—Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, which provided for adjustments of pay rates effective Jan. 1, 1990, and Jan. 31, 1990, was superseded by Ex. Ord. No. 12736, Dec. 12, 1990, 55 F.R. 51385, formerly set out as a note under section 5332 of Title 5.

1989—Pub. L. 101-194, title VII, §703(a)(2), Nov. 30, 1989, 103 Stat. 1768, set out as a note under section 5318 of Title 5, provided that effective Jan. 1, 1991, the rate of basic pay for the Vice President shall be increased in the amount of 25 percent of the rate (as last in effect before the increase).

Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, which provided for the adjustment of pay rates effective Jan. 1, 1989, was superseded by Ex. Ord. No. 12698, Dec. 23, 1989, 54 F.R. 53473, formerly set out as a note under section 5332 of Title 5.

1988—Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, which provided for the adjustment of pay rates effective Jan. 1, 1988, was superseded by Ex. Ord. No. 12663, Jan. 6, 1989, 54 F.R. 791, formerly set out as a note under section 5332 of Title 5.

1987—Salary of the Vice President increased to \$115,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, which provided for the adjustment of pay rates effective Jan. 1, 1987, was superseded by Ex. Ord. No. 12622, Dec. 31, 1987, 53 F.R. 222, formerly set out as a note under section 5332 of Title 5.

1985—Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, which provided for the adjustment of pay rates effective Jan. 1, 1985, was superseded by Ex. Ord. No. 12578, Dec. 31, 1986, 52 F.R. 505, formerly set out as a note under section 5332 of Title 5.

1984—Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, which provided for the adjustment of pay rates effective Jan. 1, 1984, was superseded by Ex. Ord. No. 12496, Dec. 28, 1984, 50 F.R. 211, as amended by Ex. Ord. No. 12540, Dec. 30, 1985, 51 F.R. 577, formerly set out as a note under section 5332 of Title 5.

1982—Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, which provided for the adjustment of pay rates effective Oct. 1, 1982, was superseded by Ex. Ord. No. 12456, Dec. 30, 1983, 49 F.R. 347, as amended Ex. Ord. No. 12477, May 23, 1984, 49 F.R. 22041; Ex. Ord. No. 12487, Sept. 14, 1984, 49 F.R. 36493, formerly set out as a note under section 5332 of Title 5.

Maximum rate payable after Dec. 17, 1982, increased from \$79,125 to \$91,000, see Pub. L. 97-377, title I, §129(b)-(d), Dec. 21, 1982, 96 Stat. 1914, set out as a note under section 5318 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1983, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see section 101(e) of Pub. L. 97-276, as amended, set out as a note under section 5318 of Title 5.

1981—Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, which provided for the adjustment of pay rates effective Oct. 1, 1981, was superseded by Ex. Ord. No. 12387, Oct. 8, 1982, 47 F.R. 44981, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1982, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above level V of the Executive Schedule, see sections 101(g) and 141 of Pub. L. 97-92, set out as a note under section 5318 of Title 5.

1980—Ex. Ord. No. 12248, Oct. 16, 1981, 45 F.R. 69199, which provided for the adjustment of pay rates effective Oct. 1, 1980, was superseded by Ex. Ord. No. 12330, Oct. 15, 1981, 46 F.R. 50921, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1981, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101(c) of Pub. L. 96-536, as amended, set out as a note under section 5318 of Title 5.

1979—Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, as amended by Ex. Ord. No. 12200, Mar. 12, 1980, 45 F.R. 16443, which provided for the adjustment of pay rates effective Oct. 1, 1979, was superseded by Ex. Ord. No. 12248, Oct. 16, 1980, 45 F.R. 69199, formerly set out as a note under section 5332 of Title 5.

Applicability to funds appropriated by any Act for fiscal year ending Sept. 30, 1980, of limitation of section 304 of Pub. L. 95-391 on use of funds to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 101 of Pub. L. 96-86, set out as a note under section 5318 of Title 5.

1978—Ex. Ord. No. 12087, Oct. 7, 1978, 43 F.R. 46823, which provided for the adjustment of pay rates effective Oct. 1, 1978, was superseded by Ex. Ord. No. 12165, Oct. 9, 1979, 44 F.R. 58671, formerly set out as a note under section 5332 of Title 5.

Limitations on use of funds for fiscal year ending Sept. 30, 1979, appropriated by any Act to pay the salary or pay of any individual in legislative, executive, or judicial branch in position equal to or above Level V of the Executive Schedule, see section 304 of Pub. L. 95-391 and section 613 of Pub. L. 95-429, set out as a note under section 5318 of Title 5.

1977—Salary of the Vice President of the United States increased to \$75,000 per annum on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

Pub. L. 95-66, §1(1), July 11, 1977, 91 Stat. 270, set out as a note under section 5318 of Title 5, Government Organization and Employees, provided that the first adjustment which, but for the enactment of Pub. L. 95-66, would have been made in the annual rate of pay for the Vice President under the second sentence of this section after July 11, 1977, would not take effect.

1976—Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, which provided for the adjustment of pay rates effective Oct. 1, 1976, was superseded by Ex. Ord. No. 12010, Sept. 28, 1977, 42 F.R. 52365, formerly set out as a note under section 5332 of Title 5.

1975—Ex. Ord. No. 11883, Oct. 6, 1975, 40 F.R. 47091, which provided for the adjustment of pay rates effective Oct. 1, 1975, was superseded by Ex. Ord. No. 11941, Oct. 1, 1976, 41 F.R. 43899, as amended by Ex. Ord. No. 11943, Oct. 25, 1976, 41 F.R. 47213, formerly set out as a note under section 5332 of Title 5.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 sections 9502, 9503, 9505; title 35 section 3.

### § 105. Assistance and services for the President

(a)(1) Subject to the provisions<sup>1</sup> of paragraph (2) of this subsection, the President is authorized to appoint and fix the pay of employees in the White House Office without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Employees so appointed shall perform such official duties as the President may prescribe.

(2) The President may, under paragraph (1) of this subsection, appoint and fix the pay of not more than—

(A) 25 employees at rates not to exceed the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and in addition

(B) 25 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

<sup>1</sup> So in original. Probably should be "provisions".