

[Section 6 of Pub. L. 103-270, set out above, effective Jan. 1, 1995, see section 7(i) of Pub. L. 103-270, set out as an Effective Date of 1994 Amendment; Transition Provisions note under section 591 of Title 28, Judiciary and Judicial Procedure.]

§ 114. General pay limitation

Notwithstanding any provision of law, other than the provisions of this chapter, no employee of the White House Office, the Executive Residence at the White House, the Domestic Policy Staff, or the Office of Administration, nor any employee under the Vice President appointed under section 106 of this title, may be paid at a rate of basic pay in excess of the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.

(Added Pub. L. 95-570, § 3(a), Nov. 2, 1978, 92 Stat. 2450.)

EFFECTIVE DATE

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

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 107 of this title.

§ 115. Veterans' preference

(a) Subject to subsection (b), appointments under sections 105, 106, and 107 shall be made in accordance with section 2108, and sections 3309 through 3312, of title 5.

(b) Subsection (a) shall not apply to any appointment to a position the rate of basic pay for which is at least equal to the minimum rate established for positions in the Senior Executive Service under section 5382 of title 5 and the duties of which are comparable to those described in section 3132(a)(2) of such title or to any other position if, with respect to such position, the President makes certification—

(1) that such position is—

(A) a confidential or policy-making position; or

(B) a position for which political affiliation or political philosophy is otherwise an important qualification; and

(2) that any individual selected for such position is expected to vacate the position at or before the end of the President's term (or terms) of office.

Each individual appointed to a position described in the preceding sentence as to which the expectation described in paragraph (2) applies shall be notified as to such expectation, in writing, at the time of appointment to such position.

(Added Pub. L. 105-339, § 4(b)(1), Oct. 31, 1998, 112 Stat. 3185.)

CHAPTER 3—PROTECTION OF THE PRESIDENT; UNITED STATES SECRET SERVICE UNIFORMED DIVISION

Sec.	Repealed.]
[201.	
202.	United States Secret Service Uniformed Division; establishment, control, and supervision; privileges, powers, and duties.
203.	Personnel, appointment, and vacancies.
204.	Grades, salaries, and transfers of appointees.
205. ¹	Appointment in accordance with civil-service laws.
206.	Privileges of civil-service appointees.
207.	Participation in police and firemen's relief fund.
208.	Reimbursement of State and local governments.
209.	Appropriation to carry out provisions.

AMENDMENTS

1977—Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371, substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” in chapter heading and in item 202.

1975—Pub. L. 94-196, § 1(d)(2), Dec. 31, 1975, 89 Stat. 1110, added item 208 and renumbered former item 208 as 209.

1970—Pub. L. 91-217, § 1(2), Mar. 19, 1970, 84 Stat. 74, substituted “Executive Protective Service” for “White House Police” in chapter heading and in item 202.

1951—Act July 16, 1951, ch. 226, § 5(b), 65 Stat. 122, struck out item 201 “Protection of President and family authorized”.

[§ 201. Repealed. July 16, 1951, ch. 226, § 5(a), 65 Stat. 122]

Section, act June 25, 1948, ch. 644, 62 Stat. 680, related to protection of President and family. See section 3056 of Title 18, Crimes and Criminal Procedure.

§ 202. United States Secret Service Uniformed Division; establishment, control, and supervision; privileges, powers, and duties

There is hereby created and established a permanent police force, to be known as the “United States Secret Service Uniformed Division”. Subject to the supervision of the Secretary of Homeland Security, the United States Secret Service Uniformed Division shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the White House in the District of Columbia; (2) any building in which Presidential offices are located; (3) the Treasury Building and grounds; (4) the President and members of his immediate family; (5) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (6) the temporary official residence of the Vice President and grounds in the District of Columbia; (7) the Vice President and members of his immediate family; (8) foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only (A) on the basis of extraordinary protective need, (B) upon request of the affected metropolitan area, and (C) when the extraordinary protective need arises at or in association with a visit to (i) a

¹ Section repealed without amending analysis.

permanent mission to, or an observer mission invited to participate in the work of, an international organization of which the United States is a member; or (ii) an international organization of which the United States is a member, except that such protection may also be provided for motorcades and at other places associated with any such visit and may be extended at places of temporary domicile in connection with any such visit;

(9) foreign consular and diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct; and

(10) visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located 20 or more consular or diplomatic missions staffed by accredited personnel, including protection for motorcades and at other places associated with such visits when such officials are in the United States to conduct official business with the United States Government.

The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

(June 25, 1948, ch. 644, 62 Stat. 680; Pub. L. 87-481, §1, June 8, 1962, 76 Stat. 95; Pub. L. 91-217, §1(2), (3), Mar. 19, 1970, 84 Stat. 74; Pub. L. 93-346, §7, July 12, 1974, as added Pub. L. 93-552, title VI, §609(a), Dec. 27, 1974, 88 Stat. 1765; Pub. L. 94-196, §1(a), (b), Dec. 31, 1975, 89 Stat. 1109; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371; Pub. L. 95-570, §5(d), Nov. 2, 1978, 92 Stat. 2451; Pub. L. 97-418, §1(a), Jan. 4, 1983, 96 Stat. 2089; Pub. L. 99-500, §101(m) [title VI, §622], Oct. 18, 1986, 100 Stat. 1783-308, 1783-333; Pub. L. 99-591, §101(m) [title VI, §622], Oct. 30, 1986, 100 Stat. 3341-308, 3341-333; Pub. L. 102-138, title I, §135(b)(1)-(3), Oct. 28, 1991, 105 Stat. 666, 667; Pub. L. 102-499, §3(a), Oct. 24, 1992, 106 Stat. 3264; Pub. L. 107-296, title XVII, §1703(a)(1), Nov. 25, 2002, 116 Stat. 2313.)

AMENDMENTS

2002—Pub. L. 107-296 substituted “of Homeland Security” for “of the Treasury”.

1992—Cl. (10). Pub. L. 102-499 substituted “when such officials are in the United States to conduct official business with the United States Government” for “, pursuant to invitations of the United States Government”.

1991—Cl. (8)(C). Pub. L. 102-138, §135(b)(1), amended subcl. (C) generally. Prior to amendment, subcl. (C) read as follows: “when the extraordinary protective need arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be provided for motorcades and at other places associated with such a visit and may be extended at places of temporary domicile in connection with such a visit; and”.

Cl. (9). Pub. L. 102-138, §135(b)(2), amended cl. (9) generally. Prior to amendment, cl. (9) read as follows: “foreign diplomatic missions located in such areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.”

Cl. (10). Pub. L. 102-138, §135(b)(3), added cl. (10).

1986—Cls. (3) to (9). Pub. L. 99-500 and Pub. L. 99-591 added cl. (3), redesignated cls. (3) to (8) as (4) to (9), respectively, and in cl. (7), as so redesignated, substituted “immediate” for “immediately”.

1983—Cl. (7). Pub. L. 97-418 inserted “may be provided for motorcades and at other places associated with such a visit” after “protection”.

1978—Pub. L. 95-570 substituted “White House” for “Executive Mansion and grounds”.

1977—Pub. L. 95-179 substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” in section catchline and wherever appearing in text.

1975—Pub. L. 94-196 added cl. (7), redesignated former cl. (7) as (8) and substituted “in such areas” for “in such other areas”.

1974—Cls. (5) to (7). Pub. L. 93-552 added cls. (5) and (6) and redesignated former cl. (5) as (7).

1970—Pub. L. 91-217 substituted “Executive Protective Service” for “White House Police”, substituted the Director, United States Secret Service, for the Secretary of the Treasury as the immediate director of Service operations, and added foreign diplomatic missions located in the metropolitan area of the District of Columbia and foreign diplomatic missions located in other areas as the President may direct to the enumerated list of areas under protection.

1962—Pub. L. 87-481 transferred control and supervision of White House Police from Chief of Secret Service Division to Secretary of the Treasury and required such force to perform duties in connection with protection of any building in which White House offices are located and the President and members of his immediate family.

CHANGE OF NAME

Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371, provided in part that: “Any reference in any other law or in any regulation, document, record, or other paper of the United States to the Executive Protective Service shall be held to be a reference to the United States Secret Service Uniformed Division.”

Pub. L. 91-297, title II, §202, June 30, 1970, 84 Stat. 358, provided that: “All laws of the United States in force on the date of enactment of this title [June 30, 1970] in which reference is made to the White House Police force are amended by substituting ‘Executive Protective Service’ for each such reference.”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-296, title XVII, §1703(b), Nov. 25, 2002, 116 Stat. 2314, provided that: “The amendments made by this section [amending this section, section 208 of this title, and section 3056 of Title 18, Crimes and Criminal Procedure] shall take effect on the date of transfer of the United States Secret Service to the Department [of Homeland Security].”

EFFECTIVE DATE OF 1992 AMENDMENT

Section 3(b) of Pub. L. 102-499 provided that: “The amendment made by subsection (a) [amending this section] shall be deemed to have become effective as of October 1, 1991.”

EFFECTIVE DATE OF 1991 AMENDMENT

Section 135(b)(4) of Pub. L. 102-138 provided that:

“(A) Except as provided in subparagraph (B), the amendments made by this subsection [amending this section] shall take effect October 1, 1991.

“(B) The amendments made by paragraph (1) [amending this section] shall be deemed to have become effective as of January 1, 1989.”

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 97-418 provided that: “The amendments made by the first section of this Act [amending sections 202 and 208 of this title] shall take effect on the date of enactment of this Act [Jan. 4, 1983], except that no amount authorized to be appropriated by the amendment made by subsection (b) of the first section of this Act [amending section 208(b) of this title] may be made available for use or obligation prior to October 1, 1982.”

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.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 1(e) of Pub. L. 94-196 provided that: “The amendments made by subsections (a), (b), and (d) of this section [enacting section 208 of this title and amending this section] shall take effect as of July 1, 1974.”

EFFECTIVE DATE OF 1974 AMENDMENT

Section 609(b) of Pub. L. 93-552 provided that: “Except as otherwise provided therein, the amendment made by subsection (a) of this section [amending this section, provisions set out as a note under section 111 of this title, and section 3056 of Title 18, Crimes and Criminal Procedure] shall become effective July 12, 1974.”

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

Functions of all officers of Department of the Treasury, and functions of all agencies and employees of such Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 26, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, set out in the Appendix to Title 5, Government Organization and Employees. Secret Service, referred to in this section, is an agency in Department of the Treasury.

REIMBURSEMENT TO STATE AND LOCAL GOVERNMENTS FOR PROTECTIVE SERVICES FOR FOREIGN MISSIONS

Section 135(b)(5) of Pub. L. 102-138 provided that: “Protective services provided by a State or local government at any time during the period beginning on January 1, 1989, and ending on September 30, 1991, which were performed in connection with visits described in section 202(8) of title 3, United States Code, as amended by this subsection, shall be deemed to be reimbursement obligations entered into pursuant to section 208(a) of that title as if the amendment made by paragraph (1) of this subsection [amending this section] was in effect during that period and the services had been requested by the Secretary of State.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 208, 209 of this title; title 6 section 371; title 12 section 3414; title 22 sections 2709, 4304, 4314.

§ 203. Personnel, appointment, and vacancies

(a) The United States Secret Service Uniformed Division shall consist of such number of officers, with grades corresponding to similar officers of the Metropolitan Police force, and of such number of privates, with grade corresponding to that of private of the highest grade in the Metropolitan Police force, as may be necessary.

(b) Members of the United States Secret Service Uniformed Division shall be recruited under the civil service laws and regulations on a nationwide basis. Members of such Service may also be appointed from the members of the Met-

ropolitan Police force and the United States Park Police force from lists furnished by the officers in charge of such forces. Whenever any vacancy is created in the Metropolitan Police force or the United States Park Police force as the result of an appointment to the United States Secret Service Uniformed Division, such vacancy shall be filled in the manner provided by law. In the period of time which follows the date of enactment of this sentence and precedes January 1, 1975, not more than thirty members of the Metropolitan Police force may be appointed annually to the United States Secret Service Uniformed Division.

(June 25, 1948, ch. 644, 62 Stat. 680; Aug. 15, 1950, ch. 715, §2, 64 Stat. 448; June 28, 1952, ch. 481, 66 Stat. 283; Pub. L. 87-481, §2, June 8, 1962, 76 Stat. 95; Pub. L. 91-217, §1(1), (4)-(6), Mar. 19, 1970, 84 Stat. 74, 75; Pub. L. 94-196, §1(c), Dec. 31, 1975, 89 Stat. 1109; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371; Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-324.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The date of enactment of this sentence, referred to in subsec. (b), is Mar. 19, 1970, the date of enactment of Pub. L. 91-217.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208 struck out “but not exceeding twelve hundred in number” before period at end.

1977—Pub. L. 95-179 substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” wherever appearing in subsections (a) and (b).

1975—Subsec. (a). Pub. L. 94-196 increased maximum number of Executive Protective Service from eight hundred and fifty to twelve hundred.

1970—Subsec. (a). Pub. L. 91-217, §1(1), (4), (5), substituted “Executive Protective Service” for “White House Police force”, “eight hundred and fifty” for “two hundred and fifty”, and struck out provisions limiting the appointment of White House Police to appointment from lists provided by the Metropolitan Police force and in the United States Park Police force and covering the filling of vacancies.

Subsec. (b). Pub. L. 91-217, §1(6), substituted “Executive Protective Service” for “White House Police force” and inserted provisions for the recruiting of personnel on a nationwide basis and from lists provided by the Metropolitan Police force and the United States Park Police force and placed a limit of 30 on the number to be appointed from the Metropolitan Police force annually until Jan. 1, 1975.

1962—Subsec. (a). Pub. L. 87-481 increased force from 170 to 250 members.

1952—Subsec. (a). Act June 28, 1952, increased force from 133 to 170 members.

1950—Subsec. (a). Act Aug. 15, 1950, increased force from 110 to 133 members.

TRANSFER OF FUNCTIONS

For transfer of the functions, personnel, assets, and obligations of the United States Secret Service, including the functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 381, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.