

Pub. L. 96-74, title III, Sept. 29, 1979, 93 Stat. 563.

FORMER PRESIDENTS; ALLOWANCE; SELECTION, COMPENSATION, AND STATUS OF OFFICE STAFF; OFFICE SPACE; WIDOW'S ALLOWANCE, TERMINATION; "FORMER PRESIDENT" DEFINED

Pub. L. 85-745, Aug. 25, 1958, 72 Stat. 838, as amended by Pub. L. 86-682, §12(c), Sept. 2, 1960, 74 Stat. 730; Pub. L. 88-426, title I, §124, Aug. 14, 1964, 78 Stat. 412; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 660; Pub. L. 90-206, title II, §224(c), Dec. 16, 1967, 81 Stat. 642; Pub. L. 91-231, §7, Apr. 15, 1970, 84 Stat. 198; Pub. L. 91-658, §6, Jan. 8, 1971, 84 Stat. 1963; Pub. L. 95-138, §1, Oct. 18, 1977, 91 Stat. 1170; Pub. L. 103-123, title IV, §6(a), Oct. 28, 1993, 107 Stat. 1246; Pub. L. 103-329, title V, §531, Sept. 30, 1994, 108 Stat. 2413; Pub. L. 104-52, title V, §523, Nov. 19, 1995, 109 Stat. 495; Pub. L. 105-61, title IV, §409(a), Oct. 10, 1997, 111 Stat. 1299; Pub. L. 108-447, div. H, title V, §526, Dec. 8, 2004, 118 Stat. 3271, provided that:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable 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. Amounts provided for 'Allowances and Office Staff for Former Presidents' may be used to pay fees of an independent contractor who is not a member of the staff of the office of a former President for the review of Presidential records of a former President in connection with the transfer of such records to the National Archives and Records Administration or a Presidential Library without regard to the limitation on staff compensation set forth herein.

"(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."]

[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.]

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.

### § 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.

### § 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

For adjustment of pay rates under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

### § 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 employ-

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