

[For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 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.]

MAJOR PRESIDENTIAL OR VICE PRESIDENTIAL CANDIDATES AND SPOUSES; PERSONAL PROTECTION

Pub. L. 90-331, June 6, 1968, 82 Stat. 170, as amended by Pub. L. 94-408, § 1, Sept. 11, 1976, 90 Stat. 1239; Pub. L. 94-524, § 11, Oct. 17, 1976, 90 Stat. 2477; Pub. L. 96-329, Aug. 11, 1980, 94 Stat. 1029, which had provided for personal protection of major presidential or vice presidential candidates and had authorized protection of spouses commencing not more than 120 days before the general Presidential election, and appropriated for fiscal year ending June 30, 1968, \$400,000 for execution of such provisions, was repealed by Pub. L. 98-587, § 2, Oct. 30, 1984, 98 Stat. 3111. See subsec. (a)(7) of this section.

EXTENSION OF PROTECTION OF PRESIDENT'S WIDOW AND CHILDREN

Pub. L. 90-145, Nov. 17, 1967, 81 Stat. 466, extended until Mar. 1, 1969, the authority vested in the United States Secret Service by section 3056 of this title, as it existed prior to the amendment in 1968 by Pub. L. 90-608, to protect the widow and minor children of a former President who were receiving such protection on Nov. 17, 1967.

APPLICABILITY OF REORG. PLAN NO. 26 OF 1950

Pub. L. 91-651, § 5, Jan. 5, 1971, 84 Stat. 1941, provided that: "Section 3056 of title 18, United States Code, as amended by section 4 of this Act, shall be subject to Reorganization Plan Numbered 26 of 1950 (64 Stat. 1280) [set out in the Appendix to Title 5, Government Organization and Employees]."

§ 3056A. Powers, authorities, and duties of United States Secret Service Uniformed Division

(a) 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, the Vice President (or other officer next in the order of succession to the Office of President), the President-elect, the Vice President-elect, and their immediate families.

(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) 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 an affected metropolitan area; and

(C) when the extraordinary protective need arises at or in association with a visit to—

(i) a 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.

(8) 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.

(9) Visits of foreign government officials to metropolitan areas (other than the District of Columbia) where there are located twenty 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.

(10) Former Presidents and their spouses, as provided in section 3056(a)(3) of title 18.

(11) An event designated under section 3056(e) of title 18 as a special event of national significance.

(12) Major Presidential and Vice Presidential candidates and, within 120 days of the general Presidential election, the spouses of such candidates, as provided in section 3056(a)(7) of title 18.

(13) Visiting heads of foreign states or foreign governments.

(b)(1) Under the direction of the Director of the Secret Service, members of the United States Secret Service Uniformed Division are authorized to—

(A) carry firearms;

(B) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) perform such other functions and duties as are authorized by law.

(2) Members of the United States Secret Service Uniformed Division shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

(c) Members of the United States Secret Service Uniformed Division shall be furnished with uniforms and other necessary equipment.

(d) In carrying out the functions pursuant to paragraphs (7) and (9) of subsection (a), the Secretary of Homeland Security may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of

State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The Secretary of Homeland Security may carry out the functions pursuant to paragraphs (7) and (9) of subsection (a) by contract. The authority of this subsection may be transferred by the President to the Secretary of State. In carrying out any duty under paragraphs (7) and (9) of subsection (a), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.

(Added Pub. L. 109-177, title VI, §605(a), Mar. 9, 2006, 120 Stat. 253.)

REFERENCES IN TEXT

Title II of the State Department Basic Authorities Act of 1956, referred to in subsec. (d), is title II of act Aug. 1, 1956, ch. 841, as added Aug. 24, 1982, Pub. L. 97-241, title II, §202(b), 96 Stat. 283, known as the Foreign Missions Act, which is classified principally to chapter 53 (§4301 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of title II to the Code, see Short Title note set out under section 4301 of Title 22 and Tables.

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."

SAVINGS PROVISIONS

Pub. L. 109-177, title VI, §606, Mar. 9, 2006, 120 Stat. 256, provided that:

"(a) This title [see Tables for classification] does not affect the retirement benefits of current employees or annuitants that existed on the day before the effective date of this Act [probably means Mar. 9, 2006, the date of enactment of Pub. L. 109-177].

"(b) This title does not affect any Executive order transferring to the Secretary of State the authority of section 208 of title 3 (now section 3056A(d) of title 18) in effect on the day before the effective date of this Act."

CONVERSION TO NEW SALARY SCHEDULE

Pub. L. 106-554, §1(a)(4) [div. B, title IX, §905], Dec. 21, 2000, 114 Stat. 2763, 2763A-306, as amended by Pub. L. 111-282, §4(b)(4), Oct. 15, 2010, 124 Stat. 3043, provided that:

"(a) IN GENERAL.—

"(1) DETERMINATION OF RATES OF BASIC PAY.—Effective on the first day of the 1st pay period beginning 6 months after the date of enactment of this Act [Dec. 21, 2000], the Secretary of the Interior shall fix the rates of basic pay for officers and members of the United States Park Police, in accordance with this subsection.

"(2) PLACEMENT ON REVISED SALARY SCHEDULE.—

"(A) IN GENERAL.—Each officer and member shall be placed in and receive basic compensation at the corresponding scheduled service step of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 [Pub. L. 85-584, title V, Aug. 1, 1958, 72 Stat. 485] (as amended by section 902(a)) in accordance with the

member's total years of creditable service, receiving credit for all service step adjustments. If the scheduled rate of pay for the step to which the officer or member would be assigned in accordance with this paragraph is lower than the officer's or member's salary immediately prior to the enactment of this paragraph, the officer or member will be placed in and receive compensation at the next higher service step.

"(B) CREDIT FOR INCREASES DURING TRANSITION.—Each member whose position is to be converted to the salary schedule under section 501(b) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) and who, prior to the effective date of this section [set out below] has earned, but has not been credited with, an increase in his or her rate of pay shall be afforded that increase before such member is placed in the corresponding service step in the salary schedule under section 501(b).

"(C) CREDITABLE SERVICE DESCRIBED.—For purposes of this paragraph, an officer's or member's creditable service is any police service in pay status with the United States Secret Service Uniformed Division, United States Park Police, or Metropolitan Police Department.

"(b) HOLD HARMLESS FOR CURRENT TOTAL COMPENSATION.—Notwithstanding any other provision of law, if the total rate of compensation for an officer or employee for any pay period occurring after conversion to the salary schedule pursuant to subsection (a) (determined by taking into account any locality-based comparability adjustments, longevity pay, and other adjustments paid in addition to the rate of basic compensation) is less than the officer's or employee's total rate of compensation (as so determined) on the date of enactment [Dec. 21, 2000], the rate of compensation for the officer or employee for the pay period shall be equal to—

"(1) the rate of compensation on the date of enactment (as so determined); increased by

"(2) a percentage equal to 50 percent of sum of the percentage adjustments made in the rate of basic compensation under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by subsection (a)) for pay periods occurring after the date of enactment and prior to the pay period involved.

"(c) CONVERSION NOT TREATED AS TRANSFER OR PROMOTION.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be considered to be transfers or promotions within the meaning of section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 [Pub. L. 85-584, title III, Aug. 1, 1958, 72 Stat. 484] (sec. 4-413, D.C. Code).

"(d) TRANSFER OF CREDIT FOR SATISFACTORY SERVICE.—Each individual whose position is converted to the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) in accordance with subsection (a) shall be granted credit for purposes of such individual's first service step adjustment under the salary schedule in such section 501(c) for all satisfactory service performed by the individual since the individual's last increase in basic pay prior to the adjustment under that section.

"(e) ADJUSTMENT TO TAKE INTO ACCOUNT GENERAL SCHEDULE ADJUSTMENTS DURING TRANSITION.—The rates provided under the salary schedule under section 501(c) of the District of Columbia Police and Firemen's Salary Act of 1958 (as amended by section 902(a)) shall be increased by the percentage of any annual adjustment applicable to the General Schedule authorized under section 5303 of title 5, United States Code, which takes effect during the period which begins on the date

of the enactment of this Act [Dec. 21, 2000] and ends on the first day of the first pay period beginning 6 months after the date of enactment of this Act.

“(f) CONVERSION NOT TREATED AS SALARY INCREASE FOR PURPOSES OF CERTAIN PENSIONS AND ALLOWANCES.—The conversion of positions and individuals to appropriate classes of the salary schedule under section 501(c) of the District of Columbia Police and Firemen’s Salary Act of 1958 (as amended by section 2[902](a)) and the initial adjustments of rates of basic pay of those positions and individuals in accordance with subsection (a) shall not be treated as an increase in salary for purposes of section 3 of the Act entitled ‘An Act to provide increased pensions for widows and children of deceased members of the Police Department and the Fire Department of the District of Columbia’, approved August 4, 1949 [ch. 394, 63 Stat. 566] (sec. 4-604, D.C. Code), or section 301 of the District of Columbia Police and Firemen’s Salary Act of 1953 [June 20, 1953, ch. 146, title III, 67 Stat. 75] (sec. 4-605, D.C. Code).”

[Pub. L. 111-282, §4(b)(4), Oct. 15, 2010, 124 Stat. 3043, which directed amendment of section 1(a)(4) [div. B, title IX, §905(a)(1)] of Pub. L. 106-554, set out above, by striking out “the Secretary of Treasury” and all that followed through “United States Secret Service Uniformed Division, and”, was executed by striking out “the Secretary of the Treasury shall fix the rates of basic pay for officers and members of the United States Secret Service Uniformed Division, and” to reflect the probable intent of Congress.

[Pub. L. 106-554, §1(a)(4) [div. B, title IX, §909], Dec. 21, 2000, 114 Stat. 2763, 2763A-310, provided that: “Except as provided in section 908(c) [114 Stat. 2763A-310], this title [enacting provisions set out as notes above and under sections 5301, 5304, and 5305 of Title 5, Government Organization and Employees, and amending provisions set out as a note under section 5305 of Title 5] and the amendments made by this title shall become effective on the first day of the first pay period beginning 6 months after the date of enactment [Dec. 21, 2000].”]

SECRET SERVICE UNIFORMED DIVISION COMPENSATION

Pub. L. 105-61, title I, §118, Oct. 10, 1997, 111 Stat. 1285, as amended by Pub. L. 111-282, §4(b)(3), Oct. 15, 2010, 124 Stat. 3043, provided that:

“(a) NEW RATES OF BASIC PAY.—[Amended Pub. L. 85-584, title V, §501, Aug. 1, 1958, 72 Stat. 485.]

“(b) [Repealed. Pub. L. 111-282, §4(b)(3), Oct. 15, 2010, 124 Stat. 3043.]

“(c) LIMITATION ON PAY PERIOD EARNINGS.—[Amended act Aug. 15, 1950, ch. 715, 64 Stat. 477.]

“(d) SAVINGS PROVISION.—On the effective date of this section, any existing special salary rates authorized for members of the United States Secret Service Uniformed Division under section 5305 of title 5, United States Code (or any previous similar provision of law) and any special rates of pay or special pay adjustments under section 403, 404, or 405 of the Federal Law Enforcement Pay Reform Act of 1990 [Pub. L. 101-509, §529 [title IV, §§403-405], 5 U.S.C. 5305 note] applicable to members of the United States Secret Service Uniformed Division shall be rendered inapplicable.

“(e) CONFORMING AMENDMENT.—[Amended Pub. L. 101-509, §529 [title IV, §405], set out as a note under section 5305 of Title 5, Government Organization and Employees.]

“(f) EFFECTIVE DATE.—The provisions of this section shall become effective on the first day of the first pay period beginning after the date of enactment of this Act [Oct. 10, 1997].”

EX. ORD. NO. 12478. TRANSFER OF AUTHORITY TO THE SECRETARY OF STATE TO MAKE REIMBURSEMENTS FOR PROTECTION OF FOREIGN MISSIONS TO INTERNATIONAL ORGANIZATIONS

Ex. Ord. No. 12478, May 23, 1984, 49 F.R. 22053, provided:

By authority vested in me as President by the Constitution and statutes of the United States of America,

and in accordance with the provisions of the Act of December 31, 1975, Public Law 94-196 (89 Stat. 1109), codified as [former] sections 202(7) and 208(a) of Title 3, United States Code, as amended, it is hereby ordered as follows:

SECTION 1. There is transferred to the Secretary of State authority to determine the need for and to approve terms and conditions of the provision of reimbursable extraordinary protective activities for foreign diplomatic missions pursuant to [former] section 202(7), and the authority to make reimbursements to State and local governments for services, personnel, equipment, and facilities pursuant to [former] section 208(a) of Title 3, United States Code;

SEC. 2. There are transferred to the Secretary of State such unexpended moneys as may have been appropriated to the Department of the Treasury for the purpose of permitting reimbursements to be made under the provisions of [former] section 208(a) of Title 3, United States Code;

SEC. 3. The authority transferred pursuant to this Order shall be exercised in coordination with protective security programs administered by the Secretary of State under the Foreign Missions Act of 1982 [22 U.S.C. 4301 et seq.]; authority available under that Act may also be applied to any foreign mission to which [former] section 202(7) applies; and

SEC. 4. This Order shall be effective on October 1, 1984.

RONALD REAGAN.

§ 3057. Bankruptcy investigations

(a) Any judge, receiver, or trustee having reasonable grounds for believing that any violation under chapter 9 of this title or other laws of the United States relating to insolvent debtors, receiverships or reorganization plans has been committed, or that an investigation should be had in connection therewith, shall report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed. Where one of such officers has made such report, the others need not do so.

(b) The United States attorney thereupon shall inquire into the facts and report thereon to the judge, and if it appears probable that any such offense has been committed, shall without delay, present the matter to the grand jury, unless upon inquiry and examination he decides that the ends of public justice do not require investigation or prosecution, in which case he shall report the facts to the Attorney General for his direction.

(June 25, 1948, ch. 645, 62 Stat. 818; May 24, 1949, ch. 139, §48, 63 Stat. 96; Pub. L. 95-598, title III, §314(i), Nov. 6, 1978, 92 Stat. 2677.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on section 52(e)(1), (2) of title 11, U.S.C., 1940 ed., Bankruptcy (July 1, 1898, ch. 541, §29e(1), (2), as added by May 27, 1926, ch. 406, §11, 44 Stat. 665, 666; June 22, 1938, ch. 575, §1, 52 Stat. 840, 856).

Remaining provisions of section 52 of title 11, U.S.C., 1940 ed., Bankruptcy, constitute sections 151-154, and 3284 of this title.

The words “or laws relating to insolvent debtors, receiverships, or reorganization plans” were inserted to avoid reference to “Title 11”.

Minor changes were made in phraseology.

1949 ACT

This section [section 48] clarifies the meaning of section 3057 of title 18, U.S.C., by expressly limiting to