

Editorial Notes**AMENDMENTS**

2006—Subsec. (d)(1). Pub. L. 109-177 inserted “, Secretary of Homeland Security” after “Secretary of Veterans Affairs”.

1988—Subsec. (d)(1). Pub. L. 100-527 inserted reference to Secretary of Veterans Affairs.

1979—Subsec. (d)(1). Pub. L. 96-88 substituted “Secretary of Health and Human Services” for “Secretary of Health, Education, and Welfare” and inserted reference to Secretary of Education.

1977—Subsec. (d)(1). Pub. L. 95-91 inserted reference to Secretary of Energy.

1970—Subsec. (d)(1). Pub. L. 91-375 struck out “Postmaster General,” after “Attorney General.”

1966—Subsec. (d)(1). Pub. L. 89-670 inserted reference to Secretary of Transportation.

1965—Subsec. (d)(1). Pub. L. 89-174 inserted reference to Secretary of Health, Education, and Welfare and Secretary of Housing and Urban Development.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1988 AMENDMENT**

Amendment by Pub. L. 100-527 effective Mar. 15, 1989, see section 18(a) of Pub. L. 100-527, set out as a Department of Veterans Affairs Act note under section 301 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of Title 20, Education.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 16(a), formerly section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89-670 effective Apr. 1, 1967, as prescribed by President and published in Federal Register, see section 16(a), formerly §15(a), of Pub. L. 89-670, and Ex. Ord. No. 11340, Mar. 30, 1967, 32 F.R. 5453.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-174 effective upon expiration of first period of sixty calendar days following Sept. 9, 1965 or on earlier date specified by Executive order, see section 11(a) of Pub. L. 89-174 set out as an Effective Date note under section 3531 of Title 42, The Public Health and Welfare.

§ 20. Resignation or refusal of office

The only evidence of a refusal to accept, or of a resignation of the office of President or Vice President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

(June 25, 1948, ch. 644, 62 Stat. 678.)

Statutory Notes and Related Subsidiaries**PRESIDENTIAL RECORDINGS AND MATERIALS
PRESERVATION ACT**

For protection and preservation of tape recordings of conversations involving former President Richard M.

Nixon, see sections 101 to 106 of Pub. L. 93-526, set out as a note under section 2107 of Title 44, Public Printing and Documents.

§ 21. Definitions

As used in this chapter the term—

(1) “election day” means the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice President held in each State, except, in the case of a State that appoints electors by popular vote, if the State modifies the period of voting, as necessitated by force majeure events that are extraordinary and catastrophic, as provided under laws of the State enacted prior to such day, “election day” shall include the modified period of voting.

(2) “State” includes the District of Columbia.

(3) “executive” means, with respect to any State, the Governor of the State (or, in the case of the District of Columbia, the Mayor of the District of Columbia), except when the laws or constitution of a State in effect as of election day expressly require a different State executive to perform the duties identified under this chapter.

(Added Pub. L. 87-389, §2(a), Oct. 4, 1961, 75 Stat. 820; amended Pub. L. 117-328, div. P, title I, §§102(b), 104(b), Dec. 29, 2022, 136 Stat. 5233, 5235.)

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2022—Pub. L. 117-328, §102(b), added par. (1) and redesignated former subsecs. (a) and (b) as pars. (2) and (3), respectively.

Par. (3). Pub. L. 117-328, §104(b), added par. (3) and struck out former par. (3), as redesignated from subsec. (b), which read as follows: “‘executives of each State’ includes the Board of Commissioners of the District of Columbia.”

Executive Documents**TRANSFER OF FUNCTIONS**

Except as otherwise provided in Reorg. Plan No. 3 of 1967, eff. Aug. 11, 1967 (in part), 32 F.R. 11669, 81 Stat. 948, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198.

§ 22. Severability

If any provision of this chapter, or the application of a provision to any person or circumstance, is held to be unconstitutional, the remainder of this chapter, and the application of the provisions to any person or circumstance, shall not be affected by the holding.

(Added Pub. L. 117-328, div. P, title I, §111(a), Dec. 29, 2022, 136 Stat. 5240.)

**CHAPTER 2—OFFICE AND COMPENSATION
OF PRESIDENT****Sec.**

101. Commencement of term of office.

Sec.	
102.	Compensation of the President.
103.	Traveling expenses.
104.	Salary of the Vice President.
105.	Assistance and services for the President.
106.	Assistance and services for the Vice President.
107.	Domestic Policy Staff and Office of Administration; personnel.
108.	Assistance to the President for unanticipated needs.
109.	Public property in and belonging to the Executive Residence at the White House.
110.	Furniture for the Executive Residence at the White House.
111.	Expense allowance of Vice President.
112.	Detail of employees of executive departments.
113.	Personnel report.
114.	General pay limitation.
115.	Veterans' preference.

Editorial Notes

AMENDMENTS

1998—Pub. L. 105-339, §4(b)(2), Oct. 31, 1998, 112 Stat. 3185, added item 115.

1978—Pub. L. 95-570, §§1(b), 2(b), 3(b), 5(b)(2), (c)(2), Nov. 2, 1978, 92 Stat. 2447, 2449, 2450, 2451, substituted in item 105 “Assistance and services for the President” for “Compensation of secretaries and executive, administrative, and staff assistants to President”; in item 106 “Assistance and services for the Vice President” for “Administrative assistants”; in item 107 “Domestic Policy Staff and Office of Administration; personnel” for “Detail of employees of executive departments to office of President”; in item 108 “Assistance to the President for unanticipated needs” for “Accommodations for vehicles”; and in item 109 “the Executive Residence at the White House” for “Executive Mansion”; inserted in item 110 “the Executive Residence at the” before “White House”; and added items 112, 113 and 114.

Statutory Notes and Related Subsidiaries

EXECUTIVE OFFICE PERSONNEL BACKGROUND INVESTIGATIONS; LEAVES OF ABSENCE

Pub. L. 103-329, title VI, §632, Sept. 30, 1994, 108 Stat. 2425, provided that:

“(a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed on leave without pay status if the individual—

“(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF-86) or equivalent form; or

“(2) has not, within 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate access pass.

“(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.”

[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.]

Executive Documents

REORGANIZATION PLAN NO. 1 OF 1977

42 F.R. 56101, 91 Stat. 1633, as amended by Pub. L. 97-195, §1(c)(5), June 16, 1982, 96 Stat. 115

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 15, 1977,¹ pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.

EXECUTIVE OFFICE OF THE PRESIDENT

SECTION 1. REDESIGNATION OF DOMESTIC COUNCIL STAFF

The Domestic Council staff is hereby designated the Domestic Policy Staff and shall consist of such staff personnel as are determined by the President to be necessary to assure that the needs of the President for prompt and comprehensive advice are met with respect to matters of economic and domestic policy. The staff shall continue to be headed by an Executive Director who shall be an Assistant to the President, designated by the President, as provided in Section 203 of Reorganization Plan No. 2 of 1970 [set out in Title 5, Appendix]. The Executive Director shall perform such functions as the President may from time to time direct.

SEC. 2. ESTABLISHMENT OF AN OFFICE OF ADMINISTRATION

There is hereby established in the Executive Office of the President the Office of Administration which shall be headed by the President. There shall be a Director of the Office of Administration. The Director shall be appointed by the President and shall serve as chief administrative officer of the Office of Administration. The President is authorized to fix the compensation and duties of the Director.

The Office of Administration shall provide components of the Executive Office of the President with such administrative services as the President shall from time to time direct.

SEC. 3. ABOLITION OF COMPONENTS

The following components of the Executive Office of the President are hereby abolished:

- A. The Domestic Council;
- B. The Office of Drug Abuse Policy;
- C. The Office of Telecommunications Policy; and
- D. The Economic Opportunity Council.

SEC. 4. APPOINTMENT OF THE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION

There shall be in the Department of Commerce an Assistant Secretary for Communications and Information who shall be appointed by the President, by and with the advice and consent of the Senate. [As amended Pub. L. 97-195, §1(c)(5), June 16, 1982, 96 Stat. 115.]

SEC. 5. TRANSFERS OF FUNCTIONS

The following functions shall be transferred:

A. All functions vested in the Director of the Office of Science and Technology Policy and in the Office of Science and Technology Policy pursuant to sections 205(a)(2), 206 and 209 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94-282; 90 Stat. 459) [42 U.S.C. 6614(a)(2), 6615 and 6618], are hereby transferred to the Director of the National Science Foundation. The Intergovernmental Science, Engineering, and Technology Advisory Panel, the President's Committee on Science and Technology, and the Federal Coordinating Council for Science, Engineering and Technology, established in accordance with the provisions of Titles II, III, IV of the National Science and Technology Policy, Organization, and Priorities Act of 1976 [42 U.S.C. 6611 et seq., 6631 et seq., and 6651 et seq.], are hereby abolished, and their functions transferred to the President.

¹ As amended Sept. 15, 1977.