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Former Presidents: Pensions, Office Allowances, and Other Federal Benefits

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Summary

The Former Presidents Act (FPA; 3 U.S.C. §102 note) charges the General Services Administration (GSA) with providing former U.S. Presidents a pension, support staff, office support, travel funds, and mailing privileges. The FPA was enacted to “maintain the dignity” of the Office of the President. The act provides the former President—and his or her spouse—certain benefits to help him respond to post-presidency mail and speaking requests, among other informal public duties often required of a former President. Prior to enactment of the FPA in 1958, former Presidents leaving office received no pension or other federal assistance.

Pursuant to statute, former Presidents currently receive a pension that is equal to pay for Cabinet Secretaries (Executive Level I), which was \$201,700 in calendar year 2014. Executive Level I pay was increased to \$203,700 for calendar year 2015. In addition to benefits provided pursuant to the FPA, former Presidents are also provided Secret Service protection and financial “transition” benefits to assist their transition to post-presidential life. Pursuant to the FPA, former Presidents are eligible for benefits unless they hold “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.”

Currently four former Presidents and one former First Lady receive pensions or benefits pursuant to the FPA. For FY2015, Congress appropriated \$3,252,000 for expenditures for former Presidents (P.L. 113-235), \$298,000 (8.4%) less than the \$3,551,000 appropriated for FY2014 (P.L. 113-74). For FY2016, President Obama requested \$3,277,000 for expenditures for former Presidents, an increase of \$25,000 above current levels.

On January 10, 2013, President Barack Obama signed the Former Presidents Protection Act of 2012 (P.L. 112-257), which extended lifetime Secret Service protection to former Presidents and their children. Prior to the bill’s enactment, President George W. Bush would have been the first former President to have his post-presidency Secret Service protection limited to 10 years.

Some critics of the Former Presidents Act say the statute subsidizes Presidents who are not struggling financially. Others argue that although a former President is not in a formal public position, he remains a public figure and should be provided a pension and benefits that permit him to perform duties that emerge as a result of his public status.

GSA data on payments to former Presidents show that the value of benefits provided to each of the living former Presidents—when adjusted for inflation—have generally declined from FY1998 through FY2015. The nominal appropriation levels for former Presidents’ benefits, however, increased through FY2011 and then declined from FY2011 through FY2015.

This report provides a legislative and cultural history of the Former Presidents Act. It details the benefits provided to former Presidents and their costs. Congress has the authority to reduce, increase, or maintain the pension and benefits provided to former Presidents of the United States. This report considers the potential effects of maintaining the FPA or amending the FPA in ways that might reduce or otherwise modify a former President’s benefits.

Contents

Introduction.....	1
Recent Legislation to Amend the FPA.....	2
Varied Post-Presidency Circumstances.....	3
International Comparisons.....	3
Benefits Available to Former Presidents.....	4
Transition Expenses.....	10
Pensions.....	11
Office Space and Staffing Allowances.....	12
Travel Expenses.....	13
Secret Service Protection.....	13
Health Benefits.....	14
Funerals.....	15
Some Potential Policy Options for Congress.....	16
The Informal Public Role of a Former President.....	16
Expectations, Limitations, and Opportunities of a Former President.....	17
Pensions of the Widows of Former Presidents.....	18
Placing Limits on Certain Benefits.....	18

Figures

Figure 1. The Costs of Pensions and Benefits Provided to Former Presidents in FY2014 Dollars.....	10
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Tables

Table 1. Annual GSA Allowance for Former Presidents.....	5
Table 2. Total Appropriation of Pensions and Benefits Provided to Former Presidents, Adjusted to FY2014 Dollars.....	7
Table 3. Annual Office Space Costs for Former Presidents, FY2014.....	12
Table B-1. Retirement Period of Former Presidents After Leaving Office.....	24

Appendixes

Appendix A. Legislative History of the Former Presidents Act.....	20
Appendix B. Post-Presidential Lifespans.....	24

Contacts

Author Contact Information.....	25
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Acknowledgments 25

Introduction

Prior to 1958, U.S. Presidents who left office received no federal pension or other financial assistance. Some former Presidents—like Herbert Hoover and Andrew Jackson—returned to wealthy post-presidential lives. Other former Presidents—including Ulysses S. Grant and Harry S. Truman—struggled financially. Still others—including Andrew Johnson, John Quincy Adams, and William Howard Taft—served formally in the federal government after their presidencies.¹

In 1958, prompted largely by former President Truman’s financial difficulties, Congress enacted the Former Presidents Act (FPA; 3 U.S.C. §102 note). The FPA was designed to “maintain the dignity” of the office of the President by providing former Presidents—and their spouses—a pension and other benefits to help them respond to post-presidency mail and speaking requests, among other informal public duties often required of a former President and his spouse.² As administered by the General Services Administration (GSA), the act, as amended, provides former Presidents with a pension, funds for travel, office space, support staff, and mailing privileges. According to the FPA, upon leaving office, former Presidents are to receive a pension that is equal to the pay for the head of an executive department (Executive Level I), which was \$201,700 in calendar year 2014. Executive Level I pay increased to \$203,700 in calendar year 2015.³ The widow of a former President is authorized to receive an annual pension of \$20,000. The FPA is not the only authority that provides benefits to a former President. For example, pursuant to the Presidential Transition Act (3 U.S.C. §102 note), an outgoing President is entitled to receive seven months of “transition” services and facilities to assist his transition to post-presidential life.⁴ Federal law also provides former Presidents and their spouses lifetime Secret Service protection.⁵ In 1994, the law was amended to limit U.S. Secret Service coverage to 10 years for any President who entered office after January 1, 1997.⁶ President George W. Bush and his wife Laura Bush would have been the first former President and first lady who faced this statutory limit.⁷ The Former Presidents Protection Act of 2012 (P.L. 112-257), however, reinstated Secret Service protection for former Presidents and their spouses until their deaths.⁸ The bill also

¹ President Andrew Johnson served as a Senator after his presidency. President Taft served as Chief Justice of the U.S. Supreme Court after his presidency. John Quincy Adams served nine terms in the House after his presidency. President Grover Cleveland can also be said to have won federal elected office after leaving the Presidency. He is the only President to serve non-consecutive terms. President Cleveland was first elected to the Presidency in 1884 and was inaugurated on March 4, 1885. After losing the 1888 election to Benjamin Harrison, President Cleveland won the 1892 election and was again inaugurated as President on March 4, 1893.

² This report uses masculine pronouns to refer to former Presidents because they have all been men.

³ Appropriations for the Former Presidents Act are made for the fiscal year (October 1 through September 30 for each year). Pay increases for federal employees, in contrast, follow the calendar year. Former Presidents Act appropriations, therefore, must anticipate a potential pay increase that may begin three months into the fiscal year.

⁴ This report provides some additional information on the transition benefits provided to the former President. For analysis of the Presidential Transition Act, see CRS Report RS22979, *Presidential Transition Act: Provisions and Funding*, by Henry B. Hogue.

⁵ 18 U.S.C. §3056.

⁶ P.L. 103-329, §530(a).

⁷ On September 26, 2008, legislation (P.L. 110-326; 122 Stat. 3560) that extends U.S. Secret Service protection to a Vice President, his or her spouse, and his or her children who are under 16 years old for up to six months after leaving office was enacted. Previous to the bill’s enactment, Secret Service protection for a Vice President and his or her family was provided on an ad hoc basis.

⁸ Former first ladies maintain Secret Service protection until their deaths or divorce from the former President. If a former first lady outlives her husband, she either maintains Secret Services protection until her death or until she (continued...)

reinstated Secret Service protection to the children of former Presidents until they are 16 years old. The bill was signed into law by President Barack H. Obama on January 10, 2013.

Currently four former Presidents and one former First Lady receive pensions and benefits pursuant to the FPA. For FY2015, Congress appropriated \$3,252,000 for expenditures for former Presidents (P.L. 113-235), \$298,000 (8.4%) less than the \$3,550,000 appropriated for FY2014 (P.L. 113-76). The enacted level for FY2015 was the lowest appropriation since FY2009. For FY2016, President Obama requested \$3,277,000 for expenditures for former Presidents.⁹

Recent Legislation to Amend the FPA

On April 14, 2015, Representative Jason Chaffetz, Chairman of the House Committee on Oversight and Government Reform, introduced the Presidential Allowance Modernization Act (H.R. 1777). The bill, among other changes, seeks to cap a former President's pension at \$200,000—removing the current pay link to that of Cabinet Secretaries. H.R. 1777 seeks to provide a former President an additional \$200,000 annual allowance to be used as he determined. H.R. 1777 would remove other benefits, including those currently provided for travel, staff, and office expenses. Additionally, for every dollar a former President earned in each fiscal year that was in excess of \$400,000, his federal government-provided annual allowance would be reduced by \$1. Further, if a former President held an elected position in the federal or District of Columbia governments, H.R. 1777 would require that he forfeit his rights to a pension until he left office. H.R. 1777 also seeks to raise the pension available to the widow of a former President, from \$20,000 to \$100,000.

H.R. 1777 was referred to the House Committee on Oversight and Government Reform. On May 19, 2015, the House Oversight and Government Reform Committee amended and reported H.R. 1777 in the nature of a substitute. The substitute language was nearly identical to the H.R. 1777, as introduced, but did not include language that would have required a former President to forfeit the pension benefit while he or she served an elected position in the District of Columbia government.

At a May 19, 2015, markup of H.R. 1777 Representative Elijah Cummings, a co-sponsor of the bill, stated that “taxpayers should not have to pay for a former President’s allowance if the former President is making a comfortable living earning more than \$400,000 a year after leaving office.”

Representative Chaffetz introduced bills identical to H.R. 1777 in the 112th Congress (H.R. 4093) and the 113th Congress (H.R. 248). Both bills were introduced and referred to the House Committee on Oversight and Government Reform. No further action was taken on either H.R. 4093 or H.R. 248.

(...continued)
remarries.

⁹ U.S. Office of Management and Budget, *The Budget for Fiscal Year 2016: Appendix*, pg. 1159, at <https://www.whitehouse.gov/sites/default/files/omb/budget/fy2016/assets/gsa.pdf>.

Varied Post-Presidency Circumstances

Some critics of the Former Presidents Act say it subsidizes Presidents who are not struggling financially.¹⁰ Representative Chaffetz, when introducing H.R. 4093 (112th Congress), noted that while he did not want former presidents “living the remainder of their lives destitute,” that “none of our former presidents are poor.”¹¹ Others may argue that while a former President may not hold a formal public position, he remains a public figure even after he leaves office. When former President Harry S. Truman returned to Independence, MO following his presidential tenure, for example, he reportedly said it cost him \$30,000 a year to reply to mail and requests for speeches.¹² Some may argue that to cover such costs, a former President should be provided a pension and benefits that permit him to perform duties that emerge as a result of his unofficial public status.

Former U.S. Presidents have returned to varied financial circumstances after leaving office. Some former Presidents created or returned to wealthy lives after the presidency. Others struggled financially. Contemporary former Presidents—like William J. Clinton and George W. Bush—write memoirs, head foundations, and give public speeches. No current former President has claimed publicly to have significant financial concerns.

International Comparisons

The United States is not the only country that pays a pension and other benefits to its former head of government. For example, between 1937 and 2013, Britain’s former prime ministers received a pension equal to half of their ministerial salary. They also received an office, secretarial support, and a car and driver.¹³ In 2013, the Public Service Pensions Act moved all “great offices of state,” including the Prime Minister, to the ministerial pension scheme used for other members of Parliament, covered by the Parliamentary Contributory Pension Fund.¹⁴ In November 2012, the Canadian Parliament enacted the Pension Reform Act, which substantially reduced the pension provided to a former prime minister.¹⁵ The new law decreased the pension benefits associated directly with his or her service as prime minister to 3% of his or her salary multiplied by his or

¹⁰ See, for example, Representative Jason Chaffetz, “Reps. Chaffetz, Altmire, and Gowdy Introduce Cost-saving Presidential Allowance Modernization Act,” press release, February 28, 2012, at <http://chaffetz.house.gov/press-release/rep-chaffetz-altmire-and-gowdy-introduce-cost-saving-presidential-allowance>.

¹¹ Ibid.

¹² See, Dom Bonafede, “Life After the Oval Office: Caring For Ex-Presidents Can Cost a Bundle,” *The National Journal*, August 31, 1985, p. 1945.

¹³ Djuna Thurley, House of Commons Library, “Pensions of ministers and senior office holders,” October 18, 2012, pp. 13-15.

¹⁴ Djuna Thurley et al., House of Commons Library, “Public Service Pensions Bill, Bill No. 70 of 2012-13,” October 16, 2012, pp. 66-68.

¹⁵ Pension Reform Act, R.S.C., 2012, c. 22, at <http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=5811436&File=4>. Previously, a prime minister was eligible to receive the same pension as a former member of Parliament and roughly two-thirds of his or her prime minister salary. (Members of Parliament Retiring Allowances Act, R.S.C. 1992, c. 46, s. 81). Under current Canadian law, members of Parliament must serve at least six years to be eligible for pension benefits. A prime minister must serve at least four years or be at least 65 years old to be eligible for pension benefits.

her years of service.¹⁶ Pursuant to the legislation, a former prime minister appears to remain eligible for pension benefits as a former member of Parliament.¹⁷

Benefits Available to Former Presidents

GSA is authorized by the FPA to provide limited funding for an office staff and “suitable office space, appropriately furnished and equipped,”¹⁸ at a location within the United States designated by a former President, for the rest of his lifetime. In addition, each former President is authorized to receive a lifetime federal pension, travel funds, and franked mail privileges. Separate statutes provide U.S. Secret Service protection to former Presidents.¹⁹ In 1961, the Comptroller General of the United States determined that the FPA also applies to office supplies, such as stationery and local and long distance telephone service. **Table 1** shows the FY2015 GSA appropriation provided for former Presidents, disaggregated by category of expenditure.

The data in **Table 1** show that in FY2015, the more recently a former President left office, the higher the cost of his federal benefits. For example, in FY2015, George W. Bush, the former President who left office most recently (January 2009), had the highest annual pension and benefit costs among the four living former Presidents (\$1,098,000). Former President Jimmy Carter, the living former President with the longest tenure out of office (he left office in January 1981), drew the smallest pension and benefits (\$430,000). Also in FY2015, former Presidents William J. Clinton and George W. Bush received larger appropriations to pay for personnel benefits (\$119,000 and \$102,000, respectively) than former Presidents Jimmy Carter and George H.W. Bush received (\$0 for Carter and \$65,000 for George H.W. Bush). The pension and benefits paid to former Presidents George W. Bush and Clinton in FY2015, when added together, comprise 62.2% of all benefits paid to the four living former Presidents and the widows of the former Presidents.

In FY2015, office space rental payments were the highest category of cost for former Presidents George H.W. Bush, Clinton, and George W. Bush. As shown in **Table 1**, former President George W. Bush received the highest FY2015 appropriation for office space (\$434,000).²⁰ Former President Clinton’s office space costs (\$429,000) were \$5,000 less than former President George W. Bush’s costs, which was a reversal from FY2014. According to GSA, the appropriations provided for office space are estimates “based on prior year actual obligations and anticipated changes” to those obligations for the next fiscal year. As shown in **Table 3**, the actual office space costs for the former Presidents are lower than the appropriations displayed in **Table 1**. According to GSA, excess office space funds can be reallocated to other costs for former Presidents that were underestimated or unanticipated. If excess funding is not needed during the fiscal year, it is returned to the Department of Treasury. In addition to office space, pension costs have historically been a large share of federal appropriations. For President Carter, pension costs were the highest for FY2015, while they were second only to office space for the other three living former presidents.

¹⁶ Bill C-46. The prime minister’s pension is furthermore capped at two-thirds of the PM’s salary.

¹⁷ In the parliamentary political system, the prime minister is also a member of Parliament.

¹⁸ 3 U.S.C. §102 note, “Former Presidents”; 72 Stat. 838.

¹⁹ 10 U.S.C. §3056.

²⁰ Greater detail on the office space and costs provided to each former President are provided in **Table 3** later in this report. Information provided electronically to CRS by GSA on February 4, 2014.

Table I. Annual GSA Allowance for Former Presidents
FY2015 Appropriation, in Thousands

Allowance Type	Jimmy Carter	George H.W. Bush	William Jefferson Clinton	George W. Bush	Widow Nancy Reagan ^a	Totals
Personnel Compensation	\$0 ^b	\$96	\$96	\$96	\$0	\$288
Personnel Benefits ^c	\$0	\$65	\$119	\$102	\$0	\$286
Pension	\$205	\$205	\$218 ^d	\$214 ^d	\$0	\$842
Travel	\$0	\$56	\$0	\$10	\$0	\$66
Office Space ^e	\$112	\$207	\$429	\$434	\$0	\$1,182
Communications ^f	\$15	\$60	\$11	\$80	\$6	\$172
Printing	\$1	\$10	\$9	\$20	\$0	\$40
Other Services ^g	\$96 ^h	\$62	\$31	\$64	\$0	\$253
Supplies and Materials ⁱ	\$1	\$10	\$3	\$28	\$0	\$42
Equipment ^j	\$0	\$23	\$8	\$50	\$0	\$81
Totals	\$430	\$794	\$924	\$1,098	\$6	\$3,252

Source: Data provided to CRS by the Office of the Budget, General Services Administration.

Notes: Data do not include costs for U.S. Secret Service protection, which are not made public and are not funded through appropriations to the General Services Administration.

- a. Mrs. Nancy Reagan waived the widow's pension pursuant to P.L. 85-745, as amended. Mrs. Reagan, however, received franking privileges.
- b. FY2013 was the first year that former President Jimmy Carter was not paid personnel funds through this particular account. According to GSA, however, former President Carter received personnel benefits of equal value "under a separate account ... outside of the GSA payroll system." Funding for former President Carter's personnel is included in his "Other Services" account. Information provided electronically to CRS by GSA on February 4, 2014.
- c. Former Presidents Jimmy Carter and George H.W. Bush do not receive federal health benefits through FPA appropriations. According to a GSA legal opinion, former President Carter does not qualify for health benefits because he served only one term, which is less than the five-year period required for most former federal employees to receive health benefits. Although George H.W. Bush only served one term, his tenure in other federal positions permits him to receive health benefits through FPA. He has chosen not to accept those benefits.
- d. GSA was uncertain why the pension benefits for William Jefferson Clinton and George W. Bush were higher than the statutory cap of Executive Level I pay (\$203,700 in 2015). Information provided to the authors via email on April 27, 2015.
- e. According to GSA, the appropriations provided for office space are estimates "based on prior year actual obligations and anticipated changes" to those obligations for the next fiscal year. As shown in **Table 3**, the actual office space costs for the former Presidents are much lower than the values provided in this table. According to GSA, these excess office space funds can be reallocated to other costs for former Presidents that were underestimated or unanticipated. If this excess funding is not needed during the fiscal year, it is returned to the Department of Treasury. Information provided electronically to CRS by GSA on February 4, 2014.
- f. "Communications" includes cable, phone, and UPS/Fedex charges. Information provided electronically to CRS by GSA on April 27, 2015.

- g. “Other Services” includes security payments to DHS for lease location, license and support hours for IQ contract, postage for frank mail, furniture moves, and disposal costs. Information provided electronically to CRS by GSA on April 27, 2015.
- h. As noted in **note b** above, personnel costs for former President Carter are included in this account for FY2015.
- i. “Supplies and Materials” include office supplies and subscriptions. Information provided electronically to CRS by GSA on April 27, 2015.
- j. “Equipment” includes furniture or information technology hardware or software and the related installation costs. Information provided electronically to CRS by GSA on April 27, 2015.

Table 2 shows the costs of pension and benefits provided to former Presidents for the past 15 fiscal years.

Table 2. Total Appropriation of Pensions and Benefits Provided to Former Presidents, Adjusted to FY2014 Dollars

In Thousands, FY2000 to FY2015

Fiscal Year	Gerald Ford	Jimmy Carter	Ronald Reagan	George H.W. Bush	William J. Clinton	George W. Bush	Widow Ladybird Johnson	Widow Betty Ford	Widow Nancy Reagan	Totals
2000	\$648	\$693	\$947	\$763			\$30			\$3,081
2001	\$635	\$679	\$912	\$761	\$341		\$29			\$3,357
2002	\$654	\$668	\$729	\$820	\$1,305		\$29			\$4,206
2003	\$670	\$654	\$682	\$867	\$1,395		\$28			\$4,296
2004	\$667	\$633	\$674	\$857	\$1,369		\$28			\$4,227
2005	\$656	\$609	\$241	\$864	\$1,336		\$27		\$2	\$3,735
2006	\$635	\$591		\$854	\$1,319		\$26		\$7	\$3,431
2007	\$618	\$574		\$830	\$1,282		\$25		\$7	\$3,336
2008		\$570		\$864	\$1,278			\$7	\$7	\$2,725
2009		\$572		\$909	\$1,337	\$404		\$8	\$8	\$3,238
2010		\$562		\$901	\$1,181	\$1,418		\$8	\$8	\$4,078
2011		\$529		\$858	\$1,135	\$1,454		\$7	\$7	\$3,991
2012		\$534		\$868	\$1,008	\$1,360			\$14	\$3,785
2013 ^o		\$509		\$823	\$952	\$1,278			\$7	\$3,570
2014		\$470		\$837	\$951	\$1,287			\$7	\$3,552
2015		\$434		\$801	\$932	\$1,107			\$6	\$3,280
Totals	\$6,484	\$10,270	\$6,173	\$14,292	\$16,189	\$7,202	\$285	\$29	\$74	\$60,998

Source: FY2014 data provided to CRS by GSA. Previous fiscal year data has been provided to CRS annually over time. CRS calculated the adjusted dollar values using the data provided.

Notes: Adjusted costs are calculated using Bureau of Labor Statistics Consumer Price Index (CPI) annual averages. To calculate the inflation adjustment values, CRS divided the FY2014 CPI by the appropriate year's CPI rate (for example, the CPI rate for 2007 when calculating the adjusted dollar costs for 2007). CRS then multiplied that dividend by the nominal dollar amount provided to a former President in pension and benefits for each year. CRS used the CPI rate for 2014 because it is the most

recent year with a full measure of monthly CPIs. Values may not add up to the totals due to rounding. Table used for analysis can be found at <http://www.bls.gov/cpi/cpid1502.pdf>.

- a. Former President Reagan died on June 5, 2004. The FY2005 allowance reflects costs associated with closing his office. Mrs. Nancy Reagan waived the widow's pension pursuant to P.L. 85-745, as amended. Mrs. Reagan, however, continues to receive franking privileges.
- b. Former President Ford died on December 26, 2006. The FY2007 allowance was used to fund the costs associated with closing Former President Ford's office. Mrs. Betty Ford waived the widow's pension pursuant to P.L. 85-745, as amended.
- c. Mrs. Ladybird Johnson died on July 11, 2007. Her allowance was fully funded in FY2007 and was paid out on a pro-rated basis until her death.
- d. Mrs. Ford died on July 8, 2011. Her allowance was fully funded in FY2011 and was paid out on a pro-rated basis until her death.

According to GSA, FY2013 costs were lower than the three previous years because offices of the former Presidents "have chosen to reduce and limit their expenses" because of "sequestration" and "overall budget restrictions." Information provided electronically to the author on February 4, 2014. Additionally, costs for the former Presidents were lower in FY2013 because former President George W. Bush was no longer eligible for additional personnel compensation provided for by P.L. 95-138 (91 Stat. 1170). The law provides a former President additional personnel funding for the 30-month period that begins July 20 of the first year the former President left office. See U.S. General Accounting Office, GAO Report GAO-01-983, *Former Presidents: Office and Security Costs and Other Information*, September 2001, p. 16. The former President can hire as many employees as he would like, provided their aggregated pay does not exceed the \$150,000 cap.

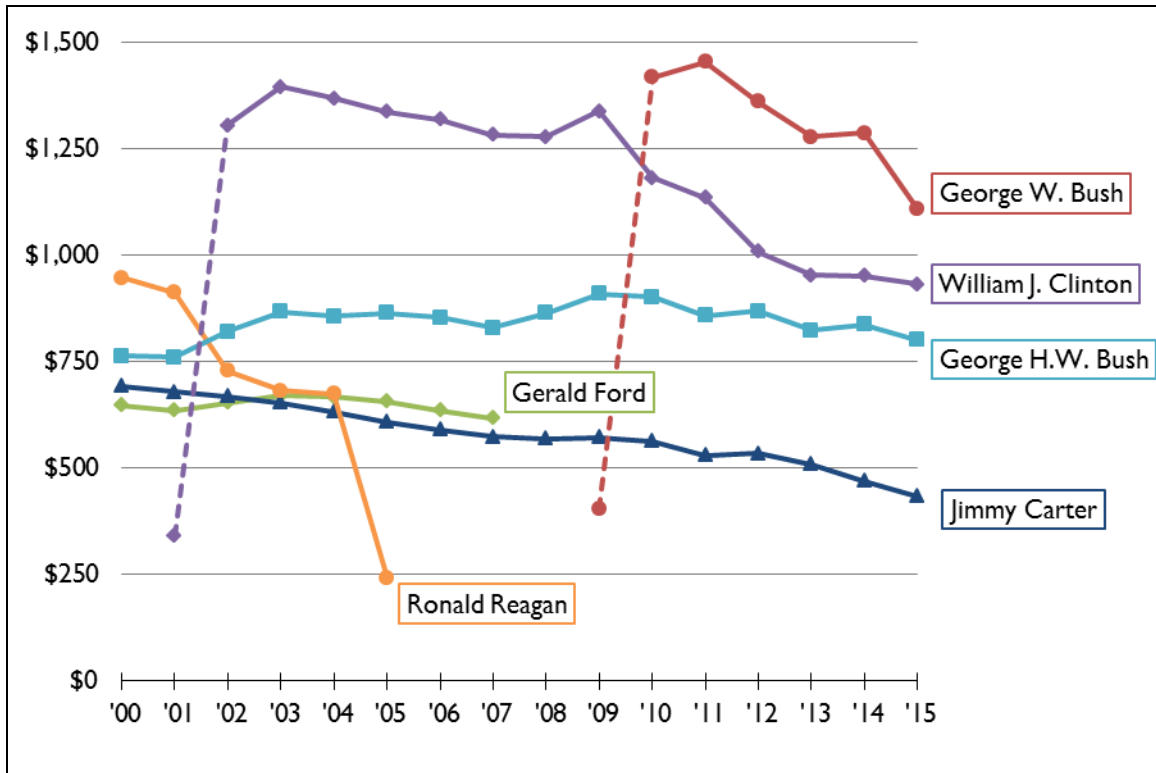
The data indicate several trends. First, the aggregated adjusted value of pension and benefits provided to the former Presidents stayed relatively consistent from FY2000 through FY2001. From FY2001 to FY2002, the aggregated adjusted pension and benefits value increased 25.3% (from \$3,357,000 to \$4,206,000). The adjusted pensions remained above \$4,000,000 until FY2005, when they declined to an aggregated total of \$3,735,000. The total pensions continued to decline until they reached their lowest adjusted aggregated value in FY2008 (\$2,725,000). The aggregated pensions grew from FY2008 through FY2010, and then they declined from FY2011 to FY2015. When adjusted for inflation, FY2003 had the highest costs for pension and benefits (\$4,296,000) and FY2008 had the lowest costs (\$2,725,000).

Second, as shown in **Figure 1**, despite the general trend toward overall increasing costs associated with providing pensions and benefits to former Presidents, the value of each individual former President's pension and benefits—when adjusted for inflation—has either declined or remained stable. George H.W. Bush is one exception to that trend. Between FY2000 and FY2015, George H.W. Bush's adjusted pension and benefits increased from \$776,000 in FY1999 to \$794,000 in FY2015.²¹ The annual appropriation data suggests that the funding for former presidents increases in the years immediately following the end of a president's term, as was the case for both FY2001-FY2002 and FY2009-FY2010.

²¹ According to data from GSA, President George H.W. Bush's pension (Executive Level I pay), office space, and other costs have increased over the past 20 years.

Figure I. The Costs of Pensions and Benefits Provided to Former Presidents in FY2014 Dollars

FY2000 to FY2015 (values in thousands)



Source: FY2015 data provided to CRS by GSA. Previous fiscal year data have been provided to CRS annually over time. CRS calculated the adjusted 2014 dollar values using the data provided.

Notes: Adjusted costs are calculated using Bureau of Labor Statistics Consumer Price Index (CPI) annual averages. To calculate the inflation adjustment values, CRS divided the FY2014 CPI by the appropriate year's CPI rate (for example, the CPI rate for 2007 when calculating the adjusted dollar costs for 2007). CRS then multiplied that dividend by the nominal dollar amount provided to a former President in pension and benefits for each year. The table used for analysis can be found at <http://www.bls.gov/cpi/cpid1502.pdf>.

Transition Expenses

The Presidential Transition Act (PTA),²² as amended, authorizes the Administrator of GSA to provide services and facilities to each outgoing President and Vice President, “for use in connection with winding up the affairs of his office,” for a period “not to exceed seven months from 30 days before the date of the expiration of his term of office.”²³

The PTA authorizes appropriations for specified activities during a presidential transition, including both those just mentioned and those in support of the incoming President and Vice President. The act authorizes “not more than \$3.5 million...for the purposes of providing services and facilities to the President-elect and Vice President-elect” and “not more than \$1.5

²² 3 U.S.C. §102 note; PTA. For more information, see CRS Report RS22979, *Presidential Transition Act: Provisions and Funding*, by Henry B. Hogue.

²³ *Ibid.*, §4.

million...for the purposes of providing services and facilities to the former President and former Vice President.”²⁴ In the event that the outgoing Vice President is becoming President, the PTA limits the authorized expenditures in this area.²⁵ The law also requires that the authorized amounts be adjusted for inflation “based on increases in the cost of transition services and expenses which have occurred in the years following the most recent Presidential transition.”²⁶

President George W. Bush’s FY2009 budget requested \$8,520,000 for presidential transition expenses.²⁷ This funding was to support transition costs for the President- and Vice President-elect, as well as the outgoing President and Vice President. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (P.L. 110-329) allocated the President’s requested amount, including the funds designated for briefing the incoming administration.

President Obama’s FY2013 budget requested \$8.9 million for possible transition expenses.²⁸ This request was endorsed by Congress and included in the Continuing Appropriations Resolution of September 28, 2012.²⁹

Pensions

The FPA, as amended, requires the federal government to provide for each former President a taxable pension that is equal to the annual rate of basic pay for the head of an executive department (Executive Level I), which was \$201,700 on January 1, 2014.³⁰ Executive Level I pay increased to \$203,700 on January 1, 2015. The pension begins immediately upon a President’s departure from office at noon on Inauguration Day, January 20. The Secretary of the Treasury disburses the monthly pensions.

The FPA does not address whether a President who resigns from office is eligible to receive pension benefits and other allowances. Following a 1974 precedent set by the Department of Justice concerning President Richard Nixon’s resignation from office, however, a President who resigns before his official term of office expires would be entitled to the same lifetime pension and benefits that are authorized for a President who completes his term. Former President Nixon did receive a pension and other benefits. There is no precedent pertaining to whether a President

²⁴ Ibid., §6(a). According to General Accounting Office (now the Government Accountability Office) audits of Presidential Transition Act spending, the transition funds have been used to provide suitable office space, staff compensation, communications services, and printing and postage associated with the transition. See, for example, U.S. General Accounting Office, *Audit of Reagan Presidential Transition Expenditures*, GGD-81-50, March 2, 1981, p. 3, at <http://gao.gov/assets/140/134036.pdf>; and U.S. General Accounting Office, *Audit of Ford-Carter Presidential Transition Expenses*, GGD-78-36, December 23, 1977, pp. 2-3, at <http://gao.gov/assets/130/122685.pdf>.

²⁵ Ibid.

²⁶ Ibid., §6(b).

²⁷ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2009*, Appendix (Washington, DC: GPO, 2008), p. 1075.

²⁸ U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2013*, Appendix, pp. 1228-1229, at <http://www.whitehouse.gov/sites/default/files/omb/budget/fy2013/assets/appendix.pdf>.

²⁹ P.L. 112-175; 126 Stat. 1313. The text of the provision referenced, §130, may be found at 126 Stat. 1319.

³⁰ Former President George W. Bush’s pension for FY2009 was pro-rated from January 21, 2009, his first full day out of office. The remaining former Presidents could have paid themselves up to the \$196,700 FY2009 pay cap using appropriations intended for staff salaries, staff benefits, or other expenses. Information provided electronically to CRS by GSA on April 6, 2009.

who is removed from office following impeachment by the House and conviction in the Senate is entitled to his pension and related benefits.³¹

Office Space and Staffing Allowances

GSA is authorized to provide “suitable office space, appropriately furnished and equipped” at any location within the United States selected by a former President.³² This location does not need to be connected to any other facility related to the President, including the official Presidential Library or museums maintained by private foundations. The funding for this provision becomes effective six months after the expiration of a President’s term of office. The FPA does not provide specifications or limitations pertaining to the size or location of a former President’s office space. Since a former President’s pension is comparable to the salary of the head of an executive branch agency, GSA has historically applied “the cabinet-level office standard” for the quality of a former President’s office space, equipment, and supplies.³³ Office space costs for the living former Presidents are shown in **Table 3**.

Table 3. Annual Office Space Costs for Former Presidents, FY2014

Former President	Location	Square Feet	Cost
Jimmy Carter ^a	Atlanta, GA	7,070	\$109,439
George H.W. Bush	Houston, TX	5,379	\$179,691
William J. Clinton	New York, NY	8,300	\$414,380
George W. Bush	Dallas, TX	8,237	\$420,506

Source: Data provided to CRS by GSA on January 1, 2014. GSA confirmed on April 28, 2015, that these office locations are still being used during FY2015.

Note: These data are actual office space costs, and may not be equal to the appropriated costs for the office space provided in **Table 1**.

- a. President Carter’s office is located in Carter Presidential Center campus, which also houses the Carter Library. However, the office is maintained in a separate building on the campus.

Six months after a President leaves office, provisions of the FPA, as amended, authorize the GSA Administrator to fund an office staff.³⁴ During the first 30-month period when a former President is entitled to assistance under the FPA, the total annual basic compensation for his “staff assistance” cannot exceed \$150,000.³⁵ Thereafter, the aggregate rates of staff compensation for a

³¹ U.S. Department of Justice, Office of Assistant Attorney General, letter to the Administrator of the General Services Administration from Mary C. Lawton, Acting Assistant Attorney General, Office of Legal Counsel, Washington, DC, August 15, 1974.

³² 3 U.S.C. §102 note. See also U.S. General Accounting Office, GAO Report GAO-01-983, *Former Presidents: Office and Security Costs and Other Information*, September 2001, p. 9 at <http://www.gao.gov/new.items/d01983.pdf>.

³³ U.S. General Accounting Office, *Costs Associated with Former Presidents and Their Dependents*, GAO/GGD-85-68, September 26, 1985, p. 6, at <http://www.gao.gov/assets/150/143450.pdf>. GAO does not clarify what the Cabinet-level office standard is.

³⁴ The Presidential Transition Act, as amended (3 U.S.C. §102 note, PTA) provides office benefits for the first six months after a former President leaves office. FPA office and staff benefits, therefore, begin six months after the former President has left office—when the transition benefits cease.

³⁵ *Ibid.* The separate \$150,000 compensation level for the initial 30-month period was established in 1977 (P.L. 95-138; 91 Stat. 1170). The 30-month period begins July 20th of the first year the former President leaves office. See U.S. (continued...)

former President cannot exceed \$96,000 annually.³⁶ The maximum annual rate of compensation for any one staff member cannot exceed the pay provided at Level II of the Executive Schedule, which was \$181,500 in 2014 and \$183,300 in 2015.³⁷ Despite these limits, a former President is permitted to supplement staff compensation or to hire additional staff using private funds.³⁸

According to a GSA legal opinion written on December 15, 1972, the office of a former President may continue to operate after the former President's death for a "reasonable period of time." The GSA Administrator has historically provided office staff up to six months from the date of the former President's death to complete unfinished business and to close the office. The office's closure date must be approved by the GSA Administrator.³⁹

Travel Expenses

In 1968, legislation amended the FPA to authorize GSA to make funds available to a former President, and no more than two members of his staff, for official travel and related expenses. The FPA caps appropriations at \$1 million for "security and travel related expenses" of a former President.⁴⁰ The security and travel expenses of a former First Lady are authorized up to \$500,000 per year, pursuant to the law. GSA makes the final determination on appropriate costs for travel expenses.⁴¹

Secret Service Protection⁴²

The Secret Service provides lifetime protection to former Presidents.⁴³ Former Presidents' spouses also receive protection until one of two events occurs: divorce from the former President or death of the former President followed by remarriage.⁴⁴ Protection for a former President's

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General Accounting Office, GAO Report GAO-01-983, *Former Presidents: Office and Security Costs and Other Information*, September 2001, p. 16. The former President can hire as many employees as he would like, provided their aggregated pay does not exceed the \$150,000 cap.

³⁶ In 1964, the FPA was amended to increase the aggregate rates of staff compensation from \$50,000 to \$65,000 (P.L. 88-426; 78 Stat. 412); to \$80,000 in 1967 (P.L. 90-206; 81 Stat. 642); and to \$96,000 in 1970 (84 Stat. 198).

³⁷ 3 U.S.C. §102 note, "Former Presidents" (b). According to a GAO report, staff members of a former President "can receive federal compensation, [but] they are not considered federal employees. They are, however, eligible for certain federal benefits such as retirement and health insurance." See U.S. General Accounting Office, GAO Report GAO-01-983, *Former Presidents: Office and Security Costs and Other Information*, September 2001, p. 16. The 2014 Executive Schedule is available at U.S. Office of Personnel Management, "Salary Table No.2014-EX," at <http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2014/EX.pdf>.

³⁸ A former President must use personal or private foundation funds to pay staff if the cost is greater than the \$96,000 statutory cap.

³⁹ Information provided electronically to CRS from GSA on August 8, 2008.

⁴⁰ 3 U.S.C. §102 note, "Former Presidents" (g).

⁴¹ FY1969 Supplemental Appropriations Act (P.L. 90-608; 82 Stat. 1192).

⁴² For more information on the Secret Service and their protection of former Presidents and other officials, see CRS Report RL34603, *The U.S. Secret Service: History and Missions*, by Shawn Reese.

⁴³ 18 U.S.C. §3056. The original statute (P.L. 87-829; 76 Stat. 956) limited Secret Service protection to "a reasonable period after he leaves office." The following year, 1963, a new statute (P.L. 88-195; 77 Stat. 348) authorized the Secret Service to protect Jacqueline Kennedy, the widow of President John F. Kennedy, and their two children for "not in excess of two years."

⁴⁴ If a President dies while in office, a spouse may receive Secret Service protection for one year. 18 U.S.C.

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children is available until they reach the age of 16.⁴⁵ Legislation enacted in 1984 allows former Presidents or their dependents to decline Secret Service protection.⁴⁶ Former Vice Presidents, their spouses, and children under the age of 16 are authorized to receive Secret Service Protection for six months after they leave office.⁴⁷

The FY1995 Treasury, Postal Service, and General Government Appropriations Act⁴⁸ amended 18 U.S.C. §3056 to limit protection to 10 years for former Presidents who began serving after January 1, 1997, and their spouses.⁴⁹ Former President George W. Bush and his wife Laura Bush would have been the first former President and First Lady affected by this statutory limit. On January 10, 2013, however, President Obama signed into law the Former Presidents Protection Act of 2012 (P.L. 112-257), which reinstated lifetime Secret Service protection for all former Presidents and their spouses. The Secretary of Homeland Security is authorized to direct the Secret Service to provide temporary protection to a former President or his spouse at any time.⁵⁰

Currently, former First Lady Nancy Reagan and former Presidents Jimmy Carter, George H. W. Bush, William J. Clinton, and George W. Bush, and their wives receive Secret Service protection.⁵¹ The costs of providing protection for former Presidents and their spouses are funded through the budget of the Secret Service, as opposed to GSA. The Secret Service does not publicly disclose protection costs or details for security reasons.⁵²

Health Benefits

No statutes explicitly govern the payment of health benefits for former Presidents. Generally, however, former federal employees must be enrolled in the Federal Employees Health Benefits program for five years to qualify for health benefits.⁵³ GSA, historically, has interpreted similar service requirements for a former President to qualify as a federal annuitant.⁵⁴

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§3056(3)(B).

⁴⁵ In 1965, the FPA was amended (P.L. 89-186; 79 Stat. 791) to provide “protection of the person of a former President and his wife during his lifetime and the person of a widow and minor children of a former President for a period of four years after he leaves or dies in office.”

⁴⁶ P.L. 98-587; 98 Stat. 3110.

⁴⁷ P.L. 110-326; 122 Stat. 3560.

⁴⁸ P.L. 103-329; 108 Stat. 2413.

⁴⁹ The 10-year limit on Secret Service protection applied to former Presidents’ spouses unless Secret Service protection was terminated earlier because the spouse divorced the former President or the spouse remarried following the death of the former President.

⁵⁰ 18 U.S.C. §3056. Pursuant to 18 U.S.C. §879, a person who makes threats against a former President or his immediate family member can be fined or imprisoned for up to five years.

⁵¹ Former President Richard Nixon discontinued Secret Service protection for himself and his wife, Pat, more than 10 years after his resignation from office. See Philip H. Melanson, *The Secret Service: The Hidden History of an Enigmatic Agency* (New York, NY: Carroll & Graff, 2005), p. 163.

⁵² Information provided via telephone from the Secret Service to the author on February 11, 2013. Total Secret Service appropriations for protection of “persons and facilities” is available in CRS Report RL34603, *The U.S. Secret Service: History and Missions*, by Shawn Reese, p. 4.

⁵³ 5 U.S.C. §8905(a).

⁵⁴ Defined in 5 U.S.C. §8901(3).

Presidential terms are four years. Jimmy Carter served a single presidential term, and, therefore, does not qualify for federally funded health benefits. Although George H.W. Bush served only one term as President, he is entitled to federal health benefits because of his extensive federal service in other positions, including Director of Central Intelligence, Ambassador to the United Nations, and Vice President. While former President George H.W. Bush is eligible for federal health benefits, he opts not to receive them.⁵⁵ Since former President Clinton served two presidential terms and receives a monthly pension, GSA's position is that he qualifies for federal health benefits. George W. Bush is eligible for and receives federal health benefits.⁵⁶

Funerals

The incumbent President is charged with officially announcing the death of a former President by presidential proclamation and ordering the U.S. flags on all federal buildings to be flown at half-staff for 30 days (4 U.S.C. §7(m)). Former Presidents are entitled to an official state funeral, including traditions and requirements determined by the armed forces.⁵⁷

According to state funeral policy, the incumbent President must notify Congress that the former President had requested a state funeral, and then set a date for the ceremony. The Secretary of Defense is then designated as the representative of the incumbent President for the purpose of making all state funeral arrangements in Washington, DC. The Secretary of Defense may designate the Secretary of the Army as his personal representative, who may then delegate to the commanding general of the U.S. Military District of Washington (MDW) the overall authority for planning and implementing the funeral arrangements within Washington, DC and elsewhere.⁵⁸

The former President's funeral plans are to be collected by those making the arrangements, and an aide is to be assigned to assist the former President's next of kin. Certain military honors and traditions may be extended by the military, based on the wishes and requests made by the former President's surviving family members.⁵⁹ A guard of honor, which is composed of members from each of the armed forces, attends to the former President's remains. If a former President dies outside of Washington, DC, arrangements are made to return his remains to the District.

The former President's remains are to lie in repose for one day,⁶⁰ and then be moved to the Capitol Rotunda to lie in state for an additional 24 hours.⁶¹ A ceremony is then traditionally held at the Capitol, which includes the playing of a hymn and a cannon salute. A former President, as

⁵⁵ Former President George H.W. Bush is eligible and may elect to receive health benefits that are appropriated pursuant to an authority other than the Former Presidents Act.

⁵⁶ Information on former Presidents and health benefits was provided electronically to CRS from GSA on February 11, 2013.

⁵⁷ U.S. Headquarters of the Departments of the Army, the Navy, the Air Force, and the Treasury, "State, Official, and Special Military Funerals," Army Pamphlet 1-1, December 1965.

⁵⁸ *Ibid.*, p. 1.

⁵⁹ The military has rendered military honors to former Presidents since the burial of George Washington on December 18, 1799, at Mount Vernon, VA.

⁶⁰ For more information on the ceremony at the place of repose, see U.S. Headquarters of the Departments of the Army, the Navy, the Air Force, and the Treasury, "State, Official, and Special Military Funerals," pp. 12 and 14.

⁶¹ State funerals require that the former President's remains lie in state in the Capitol Rotunda. In addition, Congress may adopt a resolution or otherwise authorize a deceased President to lie in state in the Capitol Rotunda for a state funeral ceremony, followed by public, closed-casket viewing.

former Commander-in-Chief, is also entitled to burial and ceremony in the Arlington National Cemetery.⁶² If the former President is to be buried outside of Washington, DC, however, honors will be rendered at the train station, terminal, or airport that serves as the point of departure for the remains. Traditionally, a flag is draped over the former President's casket. At the state funeral service, certain additional honors may be rendered, including musical honors and gun salutes.⁶³ In addition, the U.S. Air Force may coordinate a flyover or the armed forces may stage a cannon salute.⁶⁴

Some Potential Policy Options for Congress

Congress has the authority to reduce, increase, or maintain the pension and benefits provided to former Presidents of the United States. Also, Congress has the ability to set limitations on the use of this funding by former Presidents and their staff. This section considers the potential effects of maintaining the FPA, modifying the FPA in ways similar to H.R. 1777 (the Presidential Allowance Modernization Act), and other policy options for consideration.

The Informal Public Role of a Former President

Currently, former Presidents are provided \$96,000 for personnel compensation, a \$203,700 pension, and as much as an additional \$788,000 in various benefits.⁶⁵ Former Presidents no longer serve a formal role in the federal government, but arguably continue to perform certain informal public roles. Some have argued that Presidents should continue to be provided access to pension benefits because of these informal roles, such as responding to mail and interview requests.⁶⁶

⁶² Arlington National Cemetery, "A Guide to Burial at Arlington National Cemetery," at http://www.arlingtoncemetery.org/funeral_information/guide.interment.html. Two former Presidents are buried in the National Cemetery: William Howard Taft and John F. Kennedy.

⁶³ Musical honors include the playing of "Ruffles and Flourishes," in which drums play the ruffles and bugles play the flourishes. Presidents receive four flourishes, the highest honor. "Hail to the Chief" is then played. One day after the death of a former President—unless that day is a Sunday or holiday—an order is rendered that one gun be fired every half hour from reveille to retreat. If the day after the former President's death is a Sunday or holiday, the salute is scheduled for the following day. On the day of the former President's burial, a 21-minute gun salute begins at noon at all military installations. The guns fire at one-minute intervals. Also on the day of the former President's burial, all military installations traditionally fire a 50-gun salute—one round per state—after the American flag is lowered. For more information see U.S. Headquarters of the Departments of the Army, the Navy, the Air Force, and the Treasury, "State, Official, and Special Military Funerals," pp. 57-58; and U.S. Department of Defense, American Forces Press Service, "Military Tradition to Be Evident in Ford Funeral Events," December 28, 2006.

⁶⁴ For example, following former President Gerald R. Ford's death on December 26, 2006, President George W. Bush announced by proclamation that U.S. flags on all federal facilities be flown at half-staff. Two days later, President Bush issued E.O. 13421, which proclaimed January 2, 2007, a day of respect and remembrance for the former President and ordered the closing of federal offices and agencies. A funeral took place in the Capitol Rotunda on December 30, 2006, where former President Ford lay in state, with subsequent services on January 2, 2007, at Washington National Cathedral. Funeral services for the former President were conducted on January 3, 2007, in Grand Rapids, MI, with interment at the Gerald R. Ford Presidential Library and Museum.

⁶⁵ In FY2015, George W. Bush was obligated \$778,000, in health benefits, travel costs, office space, telephone costs, postage, printing costs, other services, supplies and materials, and equipment. This was the highest amount of any former President for that year. Information provided by GSA.

⁶⁶ For example, in 1958, Representative Tom Murray provided the following remarks on the House floor:

Today the President of the United States is virtually the only officer of the Federal Government who is not covered by some kind of retirement program. He occupies the greatest office in the world. His duties are most trying and exacting. A former President is considered a dedicated
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Moreover, other public servants qualify for a pension—including executive, legislative, and judicial branch employees as well as Members of Congress.⁶⁷

Expectations, Limitations, and Opportunities of a Former President

The FPA was enacted so former Presidents would not be forced “to write and lecture to gain a livelihood in their final days.”⁶⁸ Yet every living former President has already published an autobiography or presidential memoir.⁶⁹ Pursuant to the FPA, there is only one occupation that would result in the temporary removal of FPA pension and benefits: “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.”⁷⁰ No living former President has publicly claimed to suffer financial difficulties as a result of continued public responsibilities or otherwise.⁷¹ To the contrary, the living former Presidents all earned money writing autobiographies and memoirs that focused on their presidential tenures. Some former Presidents also reportedly earn millions of dollars each year from paid speaking engagements.⁷²

Some argue that the expectations placed on former Presidents have changed, and so too should the pension and benefits they are provided. H.R. 1777, for example, would cap a President’s pension benefit at \$200,000, and significantly limited the other benefits provided. Moreover, H.R. 1777 would remove \$1 in federal benefits for every \$1 a former President earned in excess of \$400,000.

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statesman, available whenever desired for service to our country. The interest of the American people in the President does not cease when his term of office has ended, nor does his responsibility end when he retires. The public demands for speeches, conferences, and correspondence continue after his term of office ends.

Representative Tom Murray, “Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents of the United States,” remarks in the House, *Congressional Record*, vol. 105, part 15 (August 21, 1958), p. 18941. Pursuant to federal law, federal employees and Members of Congress must complete five years of federal service to qualify for pension benefits. Presidents serve four-year terms, and may serve for two terms. Pursuant to the FPA, a President who serves one term (four years) qualifies for the pension and certain benefits (excluding health care) provided to a former President.

⁶⁷ For more information on the pension and benefits provided to federal employees or Members of Congress, see CRS Report 98-810, *Federal Employees’ Retirement System: Benefits and Financing*, by Katelin P. Isaacs and CRS Report RL30631, *Retirement Benefits for Members of Congress*, by Katelin P. Isaacs.

⁶⁸ Representative Joseph William Martin, Jr., “Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents of the United States,” remarks in the House, *Congressional Record*, vol. 104, part 15 (August 21, 1958), p. 18942.

⁶⁹ See Jimmy Carter, *Keeping Faith: Memoirs of a President* (Fayetteville, AR: University of Arkansas Press, 1995); George H.W. Bush, *All the Best, George Bush: My Life in Letters and Other Writings* (New York: Scribner, 2000); Bill Clinton, *My Life* (New York: Vintage, 2005); and George W. Bush, *Decision Points* (New York: Broadway, 2011).

⁷⁰ 3 U.S.C. §102 note, “Former Presidents” (a).

⁷¹ In an interview with NBC News on May 4, 2015, former President Bill Clinton said that he would continue to give paid speeches to “pay our bills.” See NBC News, “Bill Clinton Defends His Foundation’s Foreign Money,” at <http://www.nbcnews.com/news/us-news/bill-clinton-defends-his-foundations-foreign-money-n352981>.

⁷² See, for example, Robert Yoon, “Clinton Surpasses \$75 Million in Speech Income After Lucrative 2010,” *CNN: Political Ticker*, July 11, 2001, at <http://politicalticker.blogs.cnn.com/2011/07/11/clinton-surpasses-75-million-in-speech-income-after-lucrative-2010/>; and Jennifer Epstein, “George W. Bush Made \$15M on Speaking Circuit,” *Politico*, May 21, 2011, at <http://www.politico.com/news/stories/0511/55372.html>.

While the bill arguably would continue to allow current or future former Presidents from less affluent backgrounds to live comfortably after leaving office, some may argue that reducing the benefits provided to more affluent former Presidents could appear punitive or demonstrate that the federal service of a President from an affluent background was less worthy than the service of a President from less affluent means. Moreover, the bill may prompt privacy concerns for former Presidents. Details of a former President's earnings may not be made public, but the public would know—from a former President's qualification for or disqualification from the receipt of benefits—whether he earned more than \$400,000 per year.

Pensions of the Widows of Former Presidents

While H.R. 1777 seeks to reduce costs associated with former Presidents, the bill includes language that would increase the pension provided to the widow of a former President from \$20,000 to \$100,000 per year. The widows of other federal employees and officials may be eligible to receive survivor benefits, and, in some cases, may receive a pension valued greater than the \$20,000 provided annually to that of the widow of a former President.⁷³ The widow of a former President must decline other available pensions to be eligible for the \$20,000. As noted above, Nancy Reagan, the only surviving widow of a former President, has declined the \$20,000. Congress may choose to maintain the \$20,000 pension benefit authority for the widows of former Presidents. On the other hand, Congress may determine that \$20,000 annually is not the appropriate amount for the pension of a widow of a former President. Congress has the authority to set the pension of the widow of a former President at any value or to eliminate it.

Placing Limits on Certain Benefits

Some Members of Congress have argued that the FPA is unclear or overly permissive.⁷⁴ Given past congressional debates on the extent of financial assistance to former Presidents, Congress

⁷³ For more information on the survivor benefits provided to federal employees, see CRS Report RS21029, *Survivor Benefits for Families of Civilian Federal Employees and Retirees*, by Katelin P. Isaacs.

⁷⁴ In the 96th Congress (1979-1980), two pieces of legislation related to presidential retirement benefits were introduced: a concurrent resolution (H.Con.Res. 149) requesting that former President Richard Nixon pay the federal government \$66,614.03 for non-security repairs made on his San Clemente estate paid for by the federal government, and a House bill (H.R. 7144) that would have prevented pensions to former Presidents from “exceeding 50 times the poverty level income for one urban family of four.” Neither bill was reported from committee. In the 98th Congress (1983-1984), Senator Lawton Chiles introduced legislation that would have prohibited former Presidents from using their federal pension “for partisan political activities or income generating activities.” The bill’s report noted that the increases in the staff and office allowances for former Presidents had greatly exceeded Congress’s “original expectations” for the FPA. The “original intent” of the FPA was to ensure former Presidents have “dignified retired lives free from the need to ‘commercialize’ and demean their status as elder statesmen.” See U.S. Congress, Senate Committee on Governmental Affairs, *Former Presidents Facilities and Services Reform Act of 1983*, report to accompany S. 563, 98th Cong., 2nd sess., (Washington, DC: GPO, 1983), p. 3. The bill was reported by the Senate Committee on Governmental Affairs, but no further Senate action was taken. Similar bills were introduced in the 97th (S. 1325), 98th (S. 563) and 99th (S. 1047) Congresses, but none of the bills were reported from committee. In 1988, Senator Chiles introduced another similar bill to limit presidential allowances (S. 1647). It would have limited former Presidents in how they could spend their pension, and would have required them to report annually to Congress on how their pension was used. Additionally, the bill would have limited Secret Service protection to five years from the day a President left office. The bill was not reported from committee. In addition, the Treasury, Postal Service, and General Government Appropriations Act, 1994 (P.L. 103-123) contained a provision that amended the FPA by limiting office allowances for former Presidents to a five-year period, beginning in 1998 (legislation enacted in 1997 repealed this provision, and restored lifetime staff and office allowances to former Presidents). The Treasury, Postal Service, and General Government Appropriations Act, 1995 (P.L. 103-329), included a provision that prohibited FPA funds from (continued...)

may choose to consider legislation to clarify current laws governing certain allowances provided for in the act—for example, by limiting office space allocations. Because existing laws are unclear on whether GSA can reject a former President’s choice in office size or location, rental payments in FY2012 ranged from \$109,000 per year for former President Carter’s office to \$444,000 for former President Clinton’s. Among the options that might be considered are placing a spending cap on office space for a former President, mandating that a former President’s office be located in owned or leased federal office buildings, placing a cap on the square footage of a former President’s office space, or leaving current provisions as they are.

Additionally, Congress may choose to put limitations on the use of FPA travel benefits, for example, for travel for political purposes. Under the law, Presidents may choose to use the funds for any travel, including travel to campaign events. Congress may choose to amend the law to limit the use of travel funds to political events. Defining what is meant by a political event—or conversely, a nonpolitical event—however, may prove difficult.

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being used “for partisan political purposes.” That language, however, applied only to appropriated funding for that year.

Appendix A. Legislative History of the Former Presidents Act

Prior to 1958, chief executives leaving office entered retirement without federal assistance. By the end of the 19th century, public sentiment reportedly dictated that it was not appropriate for former Presidents to engage actively in business affairs. Suitable post-presidency occupations included practicing law, obtaining a university professorship, or writing for a newspaper or magazine.⁷⁵ Some former Presidents, like Rutherford B. Hayes, became successful entrepreneurs. Others, like Ulysses S. Grant, suffered financial losses and had personal possessions taken by creditors.

Andrew Carnegie's Offer

In 1912, discussions began in Congress about providing former Presidents and their spouses with annual pensions. That year, industrialist and philanthropist Andrew Carnegie reportedly offered to fund \$25,000 annual pensions for all future former Presidents and their widows until they were provided for by the federal government.⁷⁶ The pensions were to be funded by the Carnegie Foundation of New York, which was founded just a year earlier.⁷⁷ The *New York Times* reported that many Members of Congress deemed it inappropriate for a private corporation to provide pensions to former Presidents. Former President William Howard Taft publicly declined to become the first beneficiary of Carnegie's former President's pension fund when he left office in 1913.⁷⁸

At the time, some Members of Congress and the public believed that Carnegie's proposal was intended to bring attention to the financial difficulties that some former Presidents faced after leaving federal office.⁷⁹ On that count, Carnegie's gambit was a success. In December 1912, two bills were introduced in Congress to provide pensions for former Presidents and their widows. The proposed House legislation (H.R. 26464) would have provided a \$2,000 per month pension for former Presidents, a \$1,000 per month pension for widows, and a \$200 per month pension for minor children under age 21, if both parents were deceased.⁸⁰ The bill was referred to the House Committee on Pensions and was not reported. Legislation introduced in the Senate (S. 7519) would have provided a \$10,000 annual retirement pension for the President as Commander-in-Chief of the Army. It would also have provided an annual pension of \$5,000 for the unmarried

⁷⁵ Marie B. Hecht, *Beyond the Presidency* (New York: Macmillan Publishing Co, Inc., 1976), p. 214. According to Hecht, the practice of law was meant to be "limited to important cases and restricted court appearances." In 1912, the *New York Times* reported that former President Rutherford B. Hayes saved money from his presidential salary and returned to his home state of Ohio where he successfully raised chickens. Ulysses S. Grant, however, retired to New York City and lost his money in a brokerage firm he ran with his son. Some of Grant's possessions were confiscated because of his financial turmoil. See "Carnegie Pension to Ex-presidents; Bars Roosevelt," *New York Times*, November 22, 1912, pp. 1, 4.

⁷⁶ "Carnegie Pension to Ex-Presidents; Bars Roosevelt," *New York Times*, November 22, 1912, p. 1.

⁷⁷ *Ibid.*

⁷⁸ "Taft Would Refuse a Carnegie Pension," *New York Times*, November 23, 1912, p. 1. As former President, Mr. Taft taught law courses at Yale University, and later served as Chief Justice of the United States Supreme Court.

⁷⁹ "Carnegie Pension to Ex-Presidents; Bars Roosevelt," *New York Times*, November 22, 1912, pp. 1, 4.

⁸⁰ "President's Pension Bill In," *New York Times*, December 3, 1912, p. 3; and U.S. Congress, House, *Journal of the House of Representatives of the United States*, 62nd Cong., 3rd sess. (Washington, DC: GPO, 1913), p. 6.

widows of former Presidents.⁸¹ The bill was referred to the Senate Committee on Pensions, but it was not reported.

Truman's Finances

The idea to provide pensions to former Presidents was largely forgotten until President Harry S. Truman left office in 1953. In view of former President Truman's financial limitations in hiring an office staff to handle his mail and requests for speeches once he left the White House, the Senate considered legislation in 1955 to provide retirement benefits to former Presidents. The legislation aimed "to maintain the dignity of that great office" and to prevent an ex-President from engaging "in business or [an] occupation which would demean the office he has held or capitalize upon it in any way deemed improper."⁸² The proposal passed the Senate, but was never acted on by the House Committee on Post Office and Civil Service.

President Truman's financial difficulties were disclosed in a 1957 letter to House Speaker Sam Rayburn that stated if such legislation were not enacted, former President Truman would be forced to "go ahead with some contracts to keep ahead of the hounds."⁸³ Having rejected several business proposals that were offered to him when he left the presidency in 1953, former President Truman acknowledged his income was largely based on the sale of his father's farm and the proceeds from publication of his memoirs. In 1958, Mr. Truman became the first former President to grant a televised interview for "a substantial fee" when he appeared in 1958 on Edward R. Murrow's "See it Now."⁸⁴

On January 14, 1957, Senator A.S. Mike Monroney introduced S. 607 (85th Congress) to provide an annual pension of \$25,000, clerical assistants, and free mailing privileges for former Presidents.⁸⁵ A companion bill (H.R. 4401; 85th Congress) was introduced by Representative John McCormack, majority leader of the House, on February 5, 1957.⁸⁶ Both bills were strongly supported by Senator Lyndon B. Johnson, the Democratic leader in the Senate.⁸⁷

Passing the Former Presidents Act

Congressional debate in favor of the proposed pension legislation emphasized that the expenditures necessary to implement a \$25,000 annual pension and office expenses for former Presidents were modest, "in consideration of the assurance it provides that former Presidents ...

⁸¹ "For \$10,000 Presidential Pension," *New York Times*, December 4, 1912, p. 5; and U.S. Congress, Senate, *Journal of the Senate of the United States of America*, 62nd Cong., 3rd sess. (Washington, DC: GPO, 1912), p. 12.

⁸² U.S. Congress, Senate Committee on the Post Office and Civil Service, *Allowances for Former Presidents and Their Widows*, report to accompany S. 1516, 84th Cong., 1st sess., April 20, 1955, S.Rept. 205 (Washington, DC: GPO, 1955), pp. 1-2. For similar remarks, see Senator John O. Pastore, "Retirement, Clerical Assistance, and Free Mailing Privileges for Former Presidents of the United States," remarks in the Senate, *Congressional Record*, vol. 101, part 5 (May 5, 1955), p. 5731.

⁸³ Marie B. Hecht, *Beyond the Presidency*, p. 187.

⁸⁴ John W. Chambers, "Presidents Emeritus," *American Heritage*, vol. 30, June-July 1979, at <http://www.americanheritage.com/content/presidents-emeritus?page=5>. According to Chambers, the public was largely unaware that Truman received payment to appear on the program.

⁸⁵ "Bills and Joint Resolutions Introduced," *Congressional Record*, vol. 103, part 1 (January 14, 1957), p. 480.

⁸⁶ "Bills and Joint Resolutions Introduced," *Congressional Record*, vol. 103, part 2 (February 15, 1957), p. 1573.

⁸⁷ Marie B. Hecht, *Beyond the Presidency*, pp. 187-188.

will not want either for a matter of subsistence or for the necessary clerical employees to answer the letters of the public.”⁸⁸ The House Committee on Post Office and Civil Service reported the bill, saying it would “avoid the possibility of indignities and of deterioration in public and world regard for the office of the President of the United States.”⁸⁹ The amount of the proposed pension for former Presidents was based on comparable pensions accorded five-star generals.⁹⁰ Majority Leader John McCormack stated that the proposed retirement allowances provided recognition and gratitude for a former President’s service to his country, which did not end with his term of office. He and others urged favorable consideration of S. 607 to authorize retirement benefits for an outgoing President. Congressman Chester “Chet” Holifield advocated for the bill by stressing the “burden” of duties placed on an ex-President who can receive “100 to 400 letters a day” and “300 to 400 invitations a month to speak.” Holifield added that passing the bill was “something that we, the greatest Republic in the world, can do to show that we have respect for the office of President and that we recognize the duties and responsibilities that he has to carry on after he leaves that office.”⁹¹

S. 607, as introduced, provided that the compensation for an administrative assistant, secretary, and other clerical assistants for each former President should not exceed the aggregate amount authorized for the staff of the Senators from the least populous state, which at the time was \$100,000.⁹² During House debate on S. 607, however, it was argued that the staffing provision of the proposed legislation could involve salaries totaling as much as \$120,000 for each former President’s office, depending on the individual salary paid to each staff person. House and Senate conferees believed that even \$100,000 was excessive, and imposed a \$50,000 limitation on the total compensation authorized for a former President’s office staff.⁹³ The bill also originally authorized the GSA administrator to furnish suitable office space for each former President in a federal building “at such place within the United States as the former President shall specify.” The conference committee deleted the reference to “federal building,” allowing GSA to furnish suitable office space for a former President in non-federal office space.⁹⁴

Despite strong support by the leadership of both the House and the Senate, opposition to the concept of providing benefits to former Presidents persisted. In an effort to bring their dissenting views “to the attention of the Members of the House of Representatives and of the American public,” seven members of the House Committee on Post Office and Civil Service prepared a

⁸⁸ U.S. Congress, House Committee on Post Office and Civil Service, *Retirement, Staff Assistants, and Mailing Privileges for Former Presidents and Annuities for Widows of Former Presidents*, report to accompany S. 607, 85th Cong., 2nd sess., H.Rept. 2200 (Washington, DC: GPO, 1958), p. 4. See also Senate Hearing Before the Committees on Appropriations and Governmental Affairs, *Cost of Former President to U.S. Taxpayers, Fiscal Year 1980*, 96th Cong., 1st sess., (Washington, DC: GPO, 1980), p. 236.

⁸⁹ U.S. Congress, House Committee on Post Office and Civil Service, *Former Presidents—Retirement, Clerical Assistants, and Free Mailing Privileges*, report to accompany S. 607, 85th Cong., 2nd sess., H.Rept. 2200. Also available in the U.S. Congress, Senate Hearing Before the Committees on Appropriations and Governmental Affairs, *Cost of Former President to U.S. Taxpayers, Fiscal Year 1980*, 96th Cong., 1st sess., (Washington, DC: GPO, 1980), p. 235.

⁹⁰ “Retirement for Former Presidents,” remarks in the House, *Congressional Record*, vol. 104, part 12 (July 30, 1958), p. 15624. See also Senate Hearing Before the Committees on Appropriations and Governmental Affairs, *Cost of Former Presidents to U.S. Taxpayers, Fiscal Year 1980*, 96th Cong., 1st sess., (Washington, DC: GPO, 1980), p. 247.

⁹¹ “Retirement for Former Presidents,” remarks in the House, *Congressional Record*, vol. 104, part 12 (July 30, 1958), p. 15632, and in *Cost of Former Presidents to U.S. Taxpayers*, p. 255.

⁹² “Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents,” House debate, *Congressional Record*, vol. 104, part 15 (August 21, 1958), pp. 18940-18941.

⁹³ *Ibid.*, p. 18941.

⁹⁴ *Ibid.*

formal report on why they opposed authorizing presidential retirement benefits.⁹⁵ They argued that no adequate need or justification to provide such benefits existed, and that enactment of S. 607 would create a “separate entity” for former Presidents, with “an aura of official standing” and a “wholly undefined relationship to the constitutional functions of the [f]ederal [g]overnment.”⁹⁶

Equally problematic for the seven dissenting Members was the “unprecedented vagueness” of the proposed legislation’s provisions for staff and office allowances, which created “wide and dangerous loopholes.”⁹⁷ The Members were also concerned about the provision to provide each former President with suitable furnishings in an office space that could be located anywhere within the United States. Such a broad provision, the dissenting Members argued, took into account only the proposed costs for providing allowances to the two surviving former Presidents—Herbert Hoover and Truman—and overlooked potential future costs that could be incurred as subsequent Presidents began receiving pension benefits after leaving office.⁹⁸

S. 607, as amended, was approved by the Senate on August 16, 1958; passed by the House on August 21, 1958; and signed into law by President Dwight D. Eisenhower on August 25, 1958.⁹⁹ As enacted, the Former Presidents Act (FPA) provided each former President an annual taxable allowance of \$25,000, payable monthly by the Secretary of the Treasury. The GSA administrator was authorized by the FPA to provide and fund an office staff and suitable office space, “appropriately furnished and equipped,” at a location within the United States designated by a former President. The former President’s staff would not be considered federal employees, but would be entitled to health care and benefits of federal employees. The FPA also authorized free mailing privileges for former Presidents. Pursuant to the act, the widow of a former President also was provided an annual pension of \$10,000, if she waived the right to any annuity or pension authorized under any other legislation.¹⁰⁰

⁹⁵ U.S. Congress, House Committee on Post Office and Civil Service, *Retirement, Staff Assistants, and Mailing Privileges for Former Presidents and Annuities for Widows of Former Presidents*, report to accompany S. 607, 85th Cong., 2nd sess., H.Rept. 2200, Part 2 (Washington, DC: GPO, 1958), p. 1.

⁹⁶ *Ibid.*, pp. 1-2.

⁹⁷ *Ibid.*, p. 4.

⁹⁸ *Ibid.*, pp. 2-3.

⁹⁹ 72 Stat. 838.

¹⁰⁰ In 1971, the FPA was amended (84 Stat. 1963) to provide the widow of a former President a \$20,000 taxable annual pension, to be paid monthly by the Secretary of the Treasury. The widow’s pension begins on the day after the former President’s death, and would end with death or remarriage before reaching 60 years of age. The FPA prohibits pension benefits to a former President’s widow while he or she holds an appointive or elective office or position in the federal government or District of Columbia and receives a rate of pay other than a “nominal rate.” To be eligible for the FPA pension, a former President’s widow must waive the right to any annuity or pension available pursuant to other legislation. Nancy Reagan, Barbara Bush, and Laura Bush, according to GSA, did not waive their rights to other statutorily available annuities or pensions, and therefore do not receive the annual pension.

Appendix B. Post-Presidential Lifespans

Table B-1 shows the post-presidential retirement periods for the 30 Presidents who survived the presidency and who subsequently died.¹⁰¹ Former President Jimmy Carter is the former President with the longest post-presidential lifespan (nearly 35 years). The shortest presidential retirement period was James K. Polk's 103 days. On average, former Presidents who have subsequently died have lived about 13 years (4,720 days) after leaving office.

Table B-1. Retirement Period of Former Presidents After Leaving Office

President	Date Left Office	Date of Death	Retirement Period	
			Days	Years
George Washington	March 4, 1797	December 14, 1799	1,015	2.78
John Adams	March 4, 1801	July 4, 1826	9,253	25.33
Thomas Jefferson	March 4, 1809	July 4, 1826	6,331	17.33
James Madison	March 4, 1817	June 28, 1836	7,056	19.32
James Monroe	March 4, 1825	July 4, 1831	2,313	6.33
John Quincy Adams	March 4, 1829	February 23, 1848	6,930	18.97
Andrew Jackson	March 4, 1837	June 8, 1845	3,018	8.26
Martin Van Buren	March 4, 1841	July 24, 1862	7,812	21.39
John Tyler	March 4, 1845	January 18, 1862	6,164	16.89
James K. Polk	March 4, 1849	June 15, 1849	103	0.28
Millard Fillmore	March 4, 1853	March 8, 1874	7,643	20.94
Franklin Pierce	March 4, 1857	October 8, 1869	4,601	12.60
James Buchanan	March 4, 1861	June 1, 1868	2,646	7.24
Andrew Johnson	March 4, 1869	July 31, 1875	2,340	6.41
Ulysses S. Grant	March 4, 1877	July 23, 1885	3,063	8.39
Rutherford B. Hayes	March 4, 1881	January 17, 1893	4,337	11.87
Chester A. Arthur	March 4, 1885	November 18, 1886	624	1.71
Grover Cleveland ^a	March 4, 1889	June 24, 1908	—	—
Benjamin Harrison	March 4, 1893	March 13, 1901	2,930	8.02
Grover Cleveland	March 4, 1897	June 24, 1908	4,129	11.30 ^b
Theodore Roosevelt	March 4, 1909	January 6, 1919	3,595	9.84
William Howard Taft	March 4, 1913	March 8, 1930	6,213	17.01
Woodrow Wilson	March 4, 1921	February 3, 1924	1,066	2.92

¹⁰¹ Grover Cleveland served two non-consecutive terms, and is, therefore, included twice in the table. Eight Presidents died while in office—William Henry Harrison, Zachary Taylor, Abraham Lincoln, James A. Garfield, William McKinley, Warren G. Harding, Franklin Delano Roosevelt, and John F. Kennedy—and are, therefore, not included in this table.

President	Date Left Office	Date of Death	Retirement Period	
			Days	Years
Calvin Coolidge	March 4, 1929	January 5, 1933	1,403	3.84
Herbert Hoover	March 4, 1933	October 20, 1964	11,553	31.63
Harry S. Truman	January 20, 1953	December 26, 1972	7,280	19.93
Dwight D. Eisenhower	January 20, 1961	March 28, 1969	2,989	8.18
Lyndon B. Johnson	January 20, 1969	January 22, 1973	1,463	4.01
Richard Nixon	August 9, 1974	April 22, 1994	7,196	19.70
Gerald Ford	January 20, 1977	December 26, 2006	10,932	29.93
Jimmy Carter	January 20, 1981	—		
Ronald Reagan	January 20, 1989	June 4, 2004	5,614	15.37
George H.W. Bush	January 20, 1993	—		
Bill Clinton	January 20, 2001	—		
George W. Bush	January 20, 2009	—		
Average retirement period after leaving office for deceased presidents:			4,720.4	12.924

Source: Dates are available from The White House, “Presidents of the United States,” at <http://www.whitehouse.gov/history/presidents/>. For former Presidents who died prior to 1900, the length of life after leaving office was calculated using Duke University’s Date Calculator page, which is available at <http://cgi.cs.duke.edu/~des/datecalc/datecalc.cgi>. For former Presidents whose deaths occurred after 1900, CRS used Excel to calculate length of life after leaving office. Excel cannot calculate the number of days between dates prior to January 1, 1900. According to Excel’s operating documents, “Excel stores dates as sequential serial numbers so that they can be used in calculations. By default, January 1, 1900 is serial number 1, and January 1, 2008 is serial number 39448 because it is 39,448 days after January 1, 1900.” Years in the post-presidency are calculated by dividing the days by 365. Leap years, therefore, are not included in this calculation.

- a. Grover Cleveland was elected to the presidency two different times, not in succession. He lived 11 years, 112 days after the end of his second term.
- b. This figure excludes the four years between President Cleveland’s first and second terms.

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