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Former Presidents: Federal Expenditures for Pensions, Office Allowances, and Protection

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Former Presidents: Federal Expenditures for Pensions, Office Allowances, and Protection

Summary

Chief executives leaving office prior to 1958 entered retirement pursuing various occupations and received no federal assistance. Congressional enactment of the Former Presidents Act (FPA) in 1958 provided the first pensions for former Presidents and their widows, and authorized the General Services Administration (GSA) to provide office and staffing assistance for former Presidents. The purpose of the legislation was to enable a former President to enjoy a dignified retirement without having to engage in any occupation that might demean or commercialize the office he once held. The Former President's Act has been amended to provide increases in presidential pensions — currently $186,600 — a furnished office, staff salaries, office operating expenses, travel funds, and free mailing privileges. GSA's federal expenditures for former Presidents were $160,000 in FY1959, and will total an estimated $2.5 million in FY2008.

Separate legislation was first enacted in 1962 to provide U.S. Secret Service protection to former Presidents in order to protect their lives against any threat to a "visible national symbol" associated with the presidency. Protection was subsequently expanded through legislation to include a former President and his wife during his lifetime, the widow of a former President until her death or remarriage, and their minor children under 16 years of age. In 1994, the law was amended to limit protection to a 10-year period for a former President, and his spouse, who entered the presidency after January 1, 1997. The revised legislation is applicable to President George W. Bush, and subsequent former Presidents. Secret Service protection costs for former Presidents increased from $49,507 in FY1964, to more than $23.7 million in FY2000, the last year in which Secret Service funding information was made publicly available.

Beginning in 1979, the 96th Congress held three days of hearings on federal expenditures for former Presidents, and heard testimony concerning rising costs for staffing and office expenses for former Presidents, as well as for protection costs. The GSA Administrator testified that the FPA contained no specific guidelines for the agency's authorization of funds for office furniture, travel expenses, and the size and location of a former President's office. Since that time, additional hearings have been held, resulting in several past legislative initiatives to limit federal funding for office and staff allowances provided to former Presidents. The FY1994 Treasury, Postal Service, and General Government Appropriations Act contained a provision amending the FPA to limit office allowances for former Presidents to a five-year period, beginning in 1998. However, legislation enacted in 1997 repealed this provision, and restored lifetime staff and office allowances to former Presidents. The General Accounting Office reported in 2001 that the FPA did not provide any definition of suitable office space, and that GSA had no statutory authority to reject a former President's office location or size request. The President's FY2008 budget requests $2.5 million in funding for presidential pensions and allowances for former Presidents.

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Introduction

Congress enacted the Former Presidents Act (FPA) in 1958 to provide former Presidents annual lifetime pensions and office allowances to be administered by the General Services Administration (GSA).[1] The widow of a former President was also authorized to receive an annual pension if she waived the right to an annuity authorized under any other legislation. Since 1958, the FPA has been amended to provide increases in presidential pensions, currently $186,600; office and staff allowances; and travel expenses.[2] The President's FY2008 budget requests $2.5 million in funding for presidential pensions and allowances for former Presidents (see **Table 2**). Legislation was first enacted in 1962 to provide U.S. Secret Service protection for former Presidents.[3] Protection was subsequently expanded through legislation to include a former President and his wife during his lifetime, the widow of a former President until her death or remarriage, and their minor children under 16 years of age.[4] In 1994, the law was amended to limit protection to a former President, and his spouse, for 10 years from the date he leaves office.[5] For FY2000, the General Accounting Office (GAO, now the Government Accountability Office) reported that Secret Service protection for former Presidents, spouses, widows, and minor children totaled $23.7 million in federal expenditures.[6]

Statutory Intent and History

Chief executives leaving office prior to 1958 entered retirement pursuing various occupations and received no federal assistance. It was not until 1912 that discussions first occurred about providing former Presidents and their widows with automatic pensions. That year, industrialist Andrew Carnegie announced his offer to

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[1] 72 Stat. 838.

[2] 3 U.S.C. § 102 note.

[3] 76 Stat. 956.

[4] 82 Stat. 1190, and 1198.

[5] 18 U.S.C. § 3056. This amendment applies to all Presidents who began their terms of office after January 1, 1997. Presidents who began their terms of office before January 1, 1997, continue to receive lifetime protection. President George W. Bush is the first President to be covered by the revised protection legislation.

[6] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, GAO-01-983, September 2001, p. 23. The U.S. Secret Service does not publicly reveal security costs for former Presidents.

fund $25,000 annual pensions for all future former Presidents and their widows until they were provided for by the federal government.[7] The pensions were to be funded from the Carnegie Foundation of New York, which had been founded in 1911.[8] It was reported that many Members of Congress deemed it inappropriate that pensions to former Presidents would be provided by a private corporation executive. 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.[9]

At the time, some believed that Carnegie's proposal was intended to bring to the attention of Congress and the general public the financial difficulties that some former Presidents faced after leaving federal office.[10] By the end of the 19th century, public sentiment reportedly dictated that, while it was not appropriate for former Presidents to engage actively in business affairs, the practice of law or university professorships were considered suitable occupations.[11] In December 1912, two bills were introduced to provide pensions for former Presidents and their widows. The proposed House legislation 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 21, if both parents were deceased.[12] Legislation introduced in the Senate would have provided for the $10,000 annual retirement pension of the President as Commander in Chief of the Army. It would also have provided an annual pension of $5,000 for the unmarried widows of former Presidents.[13]

In view of former President Harry S. Truman's financial limitations in hiring an office staff to handle his mail and the requests for speeches once he left the White House, the Senate introduced legislation in 1955 to provide retirement benefits to former Presidents.[14] The proposal passed the Senate but was never acted on by the

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

8 Ibid.

9 "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 U.S. Supreme Court.

10 "Carnegie Pension to Ex-Presidents; Bars Roosevelt," *New York Times*, pp. 1-4.

11 Marie B. Hecht, *Beyond the Presidency* (New York: Macmillian Publishing Co., Inc., 1976), p. 214.

12 "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: GPO, 1913), p. 6.

13 "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: GPO, 1912), p. 12.

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

House Committee on Post Office and Civil Service.[15] Two years later, on January 14, 1957, Senator A.S. Mike Monroney introduced S. 607 to provide an annual pension of $25,000, clerical assistants, and free mailing privileges for former Presidents.[16] An identical bill was introduced by Representative John McCormack, majority leader of the House, on February 15, 1957.[17] Both bills were strongly supported by Senator Lyndon B. Johnson, the Democratic leader in the Senate.[18]

Former President Truman's financial difficulties were very real, as he admitted in a 1957 letter to House Speaker Sam Rayburn: if such legislation was not enacted, he would be forced to "go ahead with some contracts to keep ahead of the hounds."[19] Having rejected several business proposals that were offered to him when he left the presidency in 1953, former President Truman acknowledged his economic situation was based on the sale of his father's farm and the publication of his memoirs. In 1958, Mr. Truman became the first former President to grant a televised interview for a substantial fee.[20]

Congressional debate in favor of the proposed 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 ... will not want either for a matter of subsistence or for the necessary clerical employees to answer the letters of the public."[21] The amount of the proposed pension for former Presidents was based on comparable pensions accorded to retired five-star generals.[22] 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 urged favorable consideration of S. 607 to authorize retirement benefits for an outgoing

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[15] "Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents of the United States," remarks in the Senate, *Congressional Record,* vol. 101, May 5, 1955, p. 5731. See also U.S. Congress, Senate Committee on Post Office and Civil Service, *Allowances for Former Presidents and Their Widows,* 84th Cong., 1st sess., S.Rept. 205 (Washington: GPO, 1955), p. 3.

[16] "Bills and Joint Resolutions Introduced," *Congressional Record,* vol. 103, January 14, 1957, p. 480.

[17] "Bills and Joint Resolutions Introduced," *Congressional Record*, vol. 103, February 15, 1957, p. 1573.

[18] Marie B. Hecht, *Beyond the Presidency,* pp. 187-188.

[19] Ibid.

[20] John W. Chambers, "Presidents Emeritus," *American Heritage,* vol. 30, June-July 1979, p. 18.

[21] 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: GPO, 1958), p. 4.

[22] "Retirement for Former Presidents," remarks in the House, *Congressional Record*, vol. 104, July 30, 1958, p. 15624.

President who would "not [be] expected to engage in any business or occupation which would demean the office he once held."[23]

Despite strong support by the leadership of both the House and the Senate, there still existed considerable opposition to the concept of providing benefits to former Presidents. 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 formal report on why they opposed authorizing presidential retirement benefits.[24] They argued that there was no adequate need or justification to provide such benefits, and that enactment of S. 607 would create a "separate entity" for former Presidents, with "an aura of official standing yet a wholly undefined relationship to the constitutional functions of the Federal Government."[25] Equally problematic for the seven dissenting Members was the "vagueness" of the proposed legislation's provisions for staff and office allowances, which were "unprecedented" in the history of the House committee.[26] One point of concern pertained to the provision to provide each former President with suitable office space appropriately furnished and equipped to 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 the future costs that would be incurred as subsequent Presidents began receiving their pension benefits after leaving office.[27]

The original text of S. 607 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 a Senator from the least populous State of the Union," which at the time was $100,000. 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.[28] Senate bill S. 607 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

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[23] Ibid., p. 4.

[24] 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: GPO, 1958), p. 1.

[25] Ibid., pp. 1-2.

[26] Ibid., p. 4.

[27] Ibid., pp. 2-3.

[28] "Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents," remarks in the House, *Congressional Record*, vol. 104, August 21, 1958, p. 18941.

committee deleted the reference to "federal building," allowing GSA to furnish suitable office space for a former President in non-federal office space.[29]

Senate bill 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.[30] 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 FPA also authorized free mailing privileges for former Presidents. The widow of a former President was provided an annual pension of $10,000, if she waived the right to any annuity or pension authorized under any other legislation.

As noted in **Table 1**, Herbert Hoover lived for 31 years, 231 days after leaving office, which was the longest post-presidential retirement period among the 30 Presidents who survived the presidency. The shortest Presidential retirement period was James K. Polk's 103 days. On average, former Presidents have lived nearly 13 years (12 years, 341 days) after leaving office.

Table 1. Length of Life of Former Presidents After Leaving Office

President	Date left office	Date of death	Length of life after leaving office
George Washington	March 4, 1797	December 14, 1799	2 years, 285 days
John Adams	March 4, 1801	July 4, 1826	25 years, 122 days
Thomas Jefferson	March 4, 1809	July 4, 1826	17 years, 122 days
James Madison	March 4, 1817	June 28, 1836	19 years, 116 days
James Monroe	March 4, 1825	July 4, 1831	6 years, 122 days
John Quincy Adams	March 4, 1829	February 23, 1848	18 years, 356 days
Andrew Jackson	March 4, 1837	June 8, 1845	8 years, 96 days
Martin Van Buren	March 4, 1841	July 24, 1862	21 years, 142 days
John Tyler	March 4, 1845	January 18, 1882	16 years, 320 days
James K. Polk	March 4, 1849	June 15, 1849	103 days
Millard Fillmore	March 4, 1853	March 8, 1874	21 years, 4 days
Franklin Pierce	March 4, 1857	October 8, 1869	12 years, 218 days
James Buchanan	March 4, 1861	June 1, 1868	7 years, 89 days
Andrew Johnson	March 4, 1869	July 31, 1875	6 years, 149 days
Ulysses S. Grant	March 4, 1877	July 23, 1885	8 years, 141 days
Rutherford B. Hayes	March 4, 1881	January 17, 1893	11 years, 319 days
Chester A. Arthur	March 4, 1885	November 18, 1886	1 year, 260 days
Grover Cleveland [a]	March 4, 1889	June 24, 1908	19 years, 112 days
Benjamin Harrison	March 4, 1893	March 13, 1901	8 years, 9 days
Grover Cleveland [b]	March 4, 1897	June 24, 1908	11 years, 112 days
Theodore Roosevelt	March 4, 1909	January 6, 1919	9 years, 309 days
William Howard Taft	March 4, 1913	March 8, 1930	17 years, 4 days

[29] Ibid.

[30] 72 Stat. 838.

President	Date left office	Date of death	Length of life after leaving office
Woodrow Wilson	March 4, 1921	February 3, 1924	2 years, 337 days
Calvin Coolidge	March 4, 1929	January 5, 1933	3 years, 308 days
Herbert Hoover	March 4, 1933	October 20, 1964	31 years, 231 days
Harry S. Truman	January 20, 1953	December 26, 1972	19 years, 340 days
Dwight D. Eisenhower	January 20, 1961	March 28, 1969	8 years, 67 days
Lyndon B. Johnson	January 20, 1969	January 22, 1973	4 years, 2 days
Richard Nixon	January 20, 1974	April 22, 1994	20, years, 92 days
Gerald Ford	January 20, 1977	December 26, 2006	29 years, 340 days
Jimmy Carter	January 20, 1981	—	—
Ronald Reagan	January 20, 1989	June 4, 2004	15 years,136 days
George H.W. Bush	January 20, 1993	—	—
Bill Clinton	January 20, 2001	—	—
Average length of life after leaving office:			12 years, 341 days

Source: Dates left office are available at [http://www.thegreenpapers.com/Hx/PresidentialAdministrations.html]. Dates of death found at [http://www.presidentsusa.net/birth.html]. Length of life after leaving office computed by CRS.

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 Grover Cleveland's first term.

Current Federal Retirement Benefits for Former Presidents

Each former President is authorized by statute to a lifetime federal pension, a furnished office, staff salaries, office operating expenses, travel funds, franked mail privileges, and Secret Service protection.[31] Since 1958, the Former Presidents Act has been amended to provide increases in federal pensions for former Presidents and widows, GSA-administered office and staff allowances, and travel funds for former Presidents.[32] Separate legislation has been enacted to provide Secret Service protection for former Presidents.[33]

Pensions. In 1971, the Former Presidents Act was amended to make the lifetime pension of a former President equal to the rate of pay of the head of an executive department (Executive Level I), with annual pay adjustments.[34] Section 1(a) specifies that a former President shall not be entitled to a monetary allowance for any period during which he holds "an appointive or elective office or position" in the federal government or the District of Columbia government, and receives a "rate of pay other than a normal rate." The annual taxable pension for a former President is currently $186,000, and begins immediately upon a President's departure

[31] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, p. 2.

[32] 3 U.S.C. § 102.

[33] 18 U.S.C. § 3056.

[34] 84 Stat. 1963. The pay adjustment is based on a calculation of the percentage in the Employment Cost Index's (ECI) private industry wages and salaries.

from office at noon on Inauguration Day, January 20.[35] The Secretary of the Treasury is responsible for making the monthly pension payments, as authorized by the FPA.

According to a 1974 opinion by the Department of Justice concerning President Richard Nixon's resignation from office, a President who resigns before his official term of office expires is entitled to the same lifetime pension and benefits that are authorized for other former Presidents. However, a President who is removed from office by impeachment forfeits his pension and related benefits. The ruling states,

> The FPA [Former Presidents Act] provides certain benefits to "former Presidents." A former President is defined in Section (f) as a person who has been President, is not currently President, and who was not removed from office pursuant to impeachment and conviction in the Senate. The statutory language is unambiguous and Mr. Nixon clearly meets the statutory definition of a former President.[36]

In 1971, the FPA was amended to provide the widow of a former President a $20,000 taxable annual pension, to be paid monthly by the Secretary of the Treasury.[37] The widow's pension begins on the day after the former President's death, and terminates with her death, or her remarriage before reaching 60 years of age. In addition, the FPA prohibits payment of the pension for any period during which a widow holds an appointive or elective office or position within the federal government or the District of Columbia government and receives a rate of pay other than a "nominal rate." The former President's widow must also waive the right to any annuity or pension under any other legislation. Lady Bird Johnson, Nancy Reagan, and Betty Ford are the current surviving widows. Mrs. Johnson is the only surviving widow who receives the annual $20,000 pension, since Mrs. Reagan and Mrs. Ford did not waive their rights to any other annuities or pensions provided by statute (see **Table 2**).

Staff Allowances. Six months after a former President leaves office, GSA is authorized by the FPA to provide an allowance to each former President for office staff salaries. [38] The staff members are selected by the former President and report

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[35] U.S. General Accounting Office, *Costs Associated with Former Presidents and Their Dependents,* GAO/GGD-85-68, September1985, p. 2.

[36] 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.

[37] 84 Stat. 1963.

[38] As authorized by the Presidential Transition Act, as amended (3 U.S.C. § 102 note), transition funding is available to the outgoing President and Vice President for seven months, beginning one month before the January 20 inauguration, to facilitate their return to private life. These funds are used to provide suitable office space, staff compensation, communications services, and printing and postage associated with the transition. A President who resigns before his term of office has expired is also entitled to transition expenses. For a detailed discussion of transition benefits, see CRS Report RS20709, *Presidential Transitions: Background and Federal Support*, by Stephanie Smith; and CRS

(continued...)

directly to the former President. During the first 30-month period beginning July 20 when a former President is entitled to assistance under the FPA, the total annual basic compensation for his office staff cannot exceed $150,000.[39] Thereafter, the aggregate rates of staff compensation for a former President cannot exceed $96,000 annually.[40] The maximum annual rate of compensation for any one staff member cannot exceed the pay provided at Level II of the Executive Schedule,[41] currently $168,000. While a former President's office staff receives federal compensation, they are not classified as federal employees. However, staff members are eligible to participate in retirement and health insurance benefits programs that are available to federal employees.[42] Besides receiving federal compensation, staff members can also receive additional non-federal compensation funded directly by a former President, or a former President's private foundation.[43] Former Presidents' office staff may include full- and part-time paid employees, as well as volunteers and interns. GAO reported that, in several instances, staff members performed a variety of tasks associated with their GSA-related former Presidents' duties, personal assistance, and the private foundations:

> GSA officials informed us that there is no legal prohibition that would preclude the former [P]resident's staff from receiving compensation from other sources or doing personal work for the former [P]residents. We are unaware of any legal prohibition that would preclude these activities. With regard to the former [P]resident's staff doing personal work for him, the Former Presidents Act provides that staffs are only responsible to the former [P]resident in the performance of their duties.[44]

GSA's FY1994 and FY1995 appropriations contained a provision that proscribed the use of FPA funding for partisan political activities.[45] GAO reported in 2001 that GSA officials had long adhered to its policy to advise former Presidents "against using federal funds or federally funded office staff time for partisan political

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[38] (...continued)
Report RL30736, *Presidential Transitions,* by Stephanie Smith.

[39] 91 Stat. 1170.

[40] In 1964, the FPA was amended to increase the aggregate rates of staff compensation from $50,000 to $65,000 (78 Stat. 412); to $80,000 in 1967 (81 Stat. 642); and to $96,000 in 1970 (84 Stat. 198).

[41] 81 Stat. 642.

[42] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information,* p. 16.

[43] GAO listed the following presidential foundations in its 2001 report: the Gerald R. Ford Library and Museum Foundation, the Jimmy Carter Presidential Center, the Ronald Reagan Presidential Foundation, the George H.W. Bush Presidential Center Foundation, and the William Jefferson Clinton Presidential Foundation. Ibid., pp. 17-21.

[44] Ibid.

[45] 107 Stat. 1266; and 108 Stat. 2410.

activities," and that GAO's review of the former Presidents' staff activities revealed no improprieties.[46]

Office Allowances. The GSA Administrator provides suitable office space, equipment, and supplies at any location within the United States selected by a former President. The funding for this provision becomes effective six months after the expiration of a President's term of office. The FPA does not provide any information or guidance for GSA concerning the office space; therefore, a former President selects the "city, building, floor, and even [the] location on a floor" for his office.[47] Since GSA has no statutory authority to reject a former President's location request, GSA officials stated in 2001 that the agency had not issued any written guidance on the issue.[48] In addition, the FPA does not provide specifications or limitations pertaining to the actual size or type of office space that GSA provides. Since a former President's pension is comparable to the salary of the head of an executive branch agency, GSA applies "the cabinet-level office standard" for the quality of a former President's office space, equipment, and supplies.[49] GAO reported that historical space data of previous former Presidents' offices, and advice from GSA officials, were used in determining the total square footage of office space requested by two former Presidents.[50] After inspecting the offices of four former Presidents and two cabinet-level offices, GAO reported that the former Presidents' offices did not exceed GSA's standards to provide office space equivalent to that of an executive department head.[51]

GSA, as the lessee for a former President's office space, is authorized to design, construct, and furnish the leased space.[52] If the office space requires interior construction, GSA attempts to negotiate with the office building's owner to provide a portion of the construction costs, or to offer a construction allowance allotted per square foot, as part of the total lease cost. According to GAO,

> If the costs of the construction exceed the allowance provided by the owner, GSA and the former [P]resident, as the tenant, are responsible for the additional costs. Such costs can be charged against the former [P]resident's account in one lump-sum, or GSA can amortize the cost as part of the rent over some period of

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[46] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, pp. 18-19.

[47] Ibid., p. 9.

[48] Ibid.

[49] U.S. General Accounting Office, *Costs Associated with Former Presidents and Their Dependents*, p. 6.

[50] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, p. 9.

[51] Ibid., p. 15.

[52] GSA also includes space for the U.S. Secret Service as part of the lease for each former President's office, and is reimbursed by the agency for rental costs. Ibid., p. 12.

> time .... Using the funds on a lump-sum basis keeps the rent costs lower than if those costs were amortized and collected as part of the monthly rent.[53]

As stated earlier, the Presidential Transition Act (PTA), as amended, provides transition funds to an outgoing President to provide suitable office space and expenses for seven months, beginning one month before the January 20 inauguration.[54] According to GSA, transition funds can be used for interior office space construction. GAO reported that former President Bush authorized $134,500 and former President Clinton authorized $415,000 of their PTA funds for the construction of their interior office space.[55] After the interior space is constructed, GSA furnishes a former President's office with furniture, computers, telephone systems, and other office equipment and supplies. Depending on the date of purchase, either PTA funds or FPA funds are used for these office expenditures.[56]

The rental rates paid by GSA for a former President's office are generally comparable to rental rates for similar office space in the same geographical location. GSA determines the rent it charges to each of the former President's offices in the same way it charges rent fees to federal agencies that occupy GSA-leased office space. A former President's office rental rate is based upon what GSA pays to the building owner, in addition to GSA administrative costs and property management fees. A standard-level user charge, equivalent to space rental cost, is included in GSA's budget for former Presidents. GSA, in consultation with officials representing the former Presidents, prepares an annual operating budget. GSA also provides the funds for office expenses, such as telephones, office supplies, and postage costs (see **Table 2**).[57] All FPA funds are appropriated and authorized by Congress as part of GSA's annual appropriation act.[58]

Currently, former President Carter's 4,223 square foot office is located in Atlanta, Georgia, with an estimated rental payment totaling $102,000 in FY2008.[59] Former President Bush's Houston, Texas, leased office space is 4,574 square feet in

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[53] Ibid., p. 14.

[54] 3 U.S.C. § 102 note.

[55] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, p. 15.

[56] Ibid.

[57] The FPA entitled each former President to free mailing privileges within the United States. Subsequently, this provision was repealed when separate legislation was enacted to authorize a former President (84 Stat. 754), and the widow of a former President (87 Stat. 742), to send free nonpolitical mail as franked mail (39 U.S.C. § 3214).

[58] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, p. 7 and p. 12.

[59] GAO reported that former President Carter's office is located in the Carter Presidential Center, a nonprofit foundation, and utilizes additional conference and office space that is not federally funded. Ibid., pp. 12-13, and **Table 2**.

size, with an FY2008 rental cost of approximately $175,000.[60] The 8,300 square foot leased office of former President Clinton has an estimated FY2008 rental payment of $516,000, and is located in New York (Harlem), New York.[61]

The FPA does not specify the length of time a former President's office is authorized to receive federal funding following his death. At the discretion of the GSA Administrator, a former President's office is closed six months following his death to allow sufficient time to complete unfinished business and transfer appropriate documents and other items to his presidential library.[62] The widow of a former President is not entitled to any staff or office allowance.[63]

Travel Expenses. Legislation enacted in 1968 authorizes GSA's Former President's Act funding to be made available to a former President and no more than two members of his staff for official travel and related expenses. GSA makes the final determination on appropriate costs for travel expenses.[64]

Table 2 indicates GSA's FY2008 budget request for former Presidents and their widows.

Table 2. GSA Allowances for Former Presidents, FY2008 Request

Allowance	Widows	Carter	Bush	Clinton
Pension[a]	$20,000	$191,000	$191,000	$201,000
Staff Salaries	0	96,000	96,000	96,000
Staff Benefits	0	2,000	64,000	65,000
Travel	0	2,000	56,000	50,000
Rental Payments	0	102,000	175,000	516,000
Telephone	0	10,000	17,000	79,000
Postage	14,000	15,000	13,000	15,000
Other Services	0	83,000	76,000	65,000
Printing	0	5,000	14,000	14,000
Supplies	0	5,000	15,000	26,000

[60] Ibid., p. 13, and **Table 2**.

[61] GSA reported that the U.S. Secret Service occupies 308 sq. ft. of former President Clinton's office space, and reimburses GSA for the space. U.S. General Services Administration, *GSA Awards Lease for Former President Clinton's Harlem Office*, at [http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentType=GSA_BASIC&contentId=8980&noc=T], and **Table 2**.

[62] For further information on presidential libraries, see CRS Report RS20825, *Presidential Libraries: The Federal System and Related Legislation*, by Harold C. Relyea.

[63] U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, pp. 6-7.

[64] 82 Stat. 1192.

Allowance	Widows	Carter	Bush	Clinton
Equipment	0	7,000	69,000	35,000
TOTAL	$34,000	$518,000	$786,000	$1,162,000

Source: U.S. General Services Administration, *FY2008 Congressional Justifications* (Washington: 2007), p. FP-5.

a. This FY2008 pension request anticipates the annual increase in Executive Level I rate of pay for former Presidents. According to GSA, the additional $10,000 requested for former President William J. Clinton is for health benefits insurance. Mrs. Johnson is the only surviving widow to receive a $20,000 annual pension, since Mrs. Reagan and Mrs. Ford did not waive their rights to any other pensions provided by statute. They do, however, receive franking privileges.

Secret Service Protection. In 1962, Congress enacted legislation which authorized the U.S. Secret Service, for the first time, to protect former Presidents at their request.[65] This protection, however, was limited to a "reasonable period" of six months after a President had left office. The following year, the Secret Service was authorized to protect the widow of President John F. Kennedy, and his two children.[66] In 1965, this protection was broadened to include a former President and his wife during his lifetime, and the widow and minor children of a former President for a four-year period following his death.[67] Legislation enacted in 1968 extended lifetime Secret Service protection to a former President and his wife, the widow of a former President until her death or remarriage, and minor children of a former President until the age of 16, unless such protection was declined.[68]

The FY1995 Treasury, Postal Service, and General Government Appropriations Act amended the law to limit future Secret Service protection to 10 years for all former Presidents, and their spouses, who would begin their term of office after January 1, 1997.[69] The revised legislation is applicable to President George W. Bush, and subsequent former Presidents. The act also provides that a spouse's 10-year protection ends upon divorce, remarriage, or the former President's death. If the death of a President occurs while he is in office, or within one year after he leaves office, the widow shall receive protection for a one-year period. Protection for a former President's children is available to them until the age of 16, or for a period not to exceed 10 years, whichever occurs first. The Secretary of the Treasury can also authorize temporary protection at any time. Lady Bird Johnson, Nancy Reagan, and Betty Ford, former Presidents Carter, Bush, Clinton, and their wives continue to receive lifetime protection under the revised legislation, since each of these former Presidents began his term of office before January 1, 1997.

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[65] 76 Stat. 956.

[66] 77 Stat. 348. See also, U.S. Congress, Senate Committee on the Judiciary, *Providing Continuing Authority for the Protection of Former Presidents*, 89th Cong., 1st sess., S.Rept. 89-611(Washington: GPO, 1965), pp. 1-2.

[67] 79 Stat. 791.

[68] 82 Stat. 1190, and 1198.

[69] 18 U.S.C. § 3056.

Table 3 lists total FPA and Secret Service expenditures for former Presidents, FY1977-FY2008.

Table 3. Total FPA and Secret Service Expenditures Associated With Former Presidents, Fiscal Years 1977-2008

Fiscal Year	Former Presidents Act	Secret Service protection	Total
1977	$378,749	$5,576,349	**$5,955,098**
1978	$651,965	$7,936,728	**$8,588,693**
1979	$720,697	$9,072,373	**$9,793,070**
1980	$739,795	$7,563,432	**$8,303,227**
1981	$718,325	$9,741,663	**$10,459,988**
1982	$1,024,405	$11,750,238	**$12,774,643**
1983	$1,028,820	$10,941,419	**$11,970,239**
1984	$1,075,176	$10,547,659	**$11,622,835**
1985[a]	$1,103,933	$11,416,329	**$12,520,262**
1986[a]	$1,036,729	$8,359,615	**$9,396,344**
1987[a]	$1,055,273	$9,265,491	**$10,320,764**
1988	$1,058,305	$8,331,803	**$9,390,108**
1989	$1,247,848	$13,472,939	**$14,720,787**
1990	$1,710,716	$12,785,902	**$14,496,618**
1991	$1,815,394	$12,897,617	**$14,713,011**
1992	$1,976,800	$13,481,078	**$15,457,878**
1993	$2,247,506	$18,945,296	**$21,192,802**
1994	$2,495,498	$18,797,425	**$21,292,923**
1995	$2,072,824	$20,942,654	**$23,015,478**
1996	$1,992,168	$21,139,287	**$23,131,455**
1997	$2,002,882	$22,746,170	**$24,749,052**
1998	$2,036,002	$22,580,904	**$24,616,906**
1999	$2,023,888	$23,186,699	**$25,210,587**
2000	$2,083,331	$23,743,561	**$25,826,892**
2001	$2,343,000	NA	—

Fiscal Year	Former Presidents Act	Secret Service protection	Total
2002	$3,038,000	NA	—
2003	$3,156,000	NA	—
2004	$3,115,000	NA	—
2005	$2,850,000	NA	—
2006	$2,668,000	NA	—
2007 estimate	$2,922,000	NA	—
2008 request	$2,500,000	NA	—
Total	$54,389,029	NA	—

Source: For FY1977-FY2000 data, U.S. General Accounting Office, *Former Presidents: Office and Security Costs and Other Information*, p. 23; and for FY2001-FY2008 former Presidents' funding, U.S. General Services Administration, FY2001-FY2008 *Congressional Justifications* (Washington: 2000-2007). For FY2001-FY2008 (NA), the U.S. Secret Service has declined to reveal information about its costs for protecting former Presidents and their families, for security reasons.

a. For FY1985 through FY1987, the amount shown includes FPA funds used to pay the rental charge for a townhouse owned by the federal government in Washington, DC, that was used exclusively by former Presidents when they visited the capital. In FY1988, Congress eliminated the rental payments because the property was seldom used. The charges to the FPA account were $62,913 in FY1985; $63,627 in FY1986; and $53,821 in FY1987.

Policy Considerations

Congressional enactment of the Former Presidents Act in 1958 provided the first pensions for former Presidents and their widows, and authorized office and staffing allowances for former Presidents. The purpose of the legislation was to enable a former President to enjoy a dignified retirement without having to engage in any occupation that might demean or commercialize the office he once held. The FPA also authorized federal funding to pay for a former President's necessary office expenses to permit him to continue in his role as a "dedicated statesman."[70] In 1962, Secret Service protection was added to the list of federal services provided to former Presidents, with the intent to protect their lives against any threat to a "visible national symbol" associated with the presidency.[71] In subsequent Congresses, legislation was enacted to provide increases in FPA allowances for former Presidents.

[70] 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*, p. 3.

[71] U.S. Congress, Senate Committee on Governmental Affairs, *Former Presidents Facilities and Services Reform Act of 1983*, 98th Cong., 2nd sess., S. Rept 98-637 (Washington: GPO, 1984), p. 2.

GSA's expenditures for former Presidents totaled $160,000 in FY1959,[72] nearly $379,000 in FY1977, and an estimated $2.5 million in FY2008.[73] Secret Service protection costs for former Presidents increased from $49,507 in FY1964,[74] to approximately $5.6 million in FY1977, and totaled more than $23.7 million in FY2000.[75]

In 1979, the 96th Congress held three days of hearings on federal expenditures for former Presidents, and heard testimony concerning rising costs for staffing and office expenses for former Presidents, as well as for protection costs.[76] The GSA Administrator testified that the FPA contained no specific guidelines for GSA's authorization of funds for office furniture, travel expenses, and the size and location of a former President's office.[77] During the 96th Congress, a related oversight hearing was held on GSA expenditures for former Presidents as authorized by the Former Presidents Act and the Presidential Transition Act.[78] In 1980, legislation was introduced in the Senate containing provisions to limit federal funding for office and staff allowances provided to former Presidents. The proposed legislation also would have reduced Secret Service protection for a former President to a five-year period. Similar legislation was introduced in both the 97th and the 98th Congresses.[79]

Congressional debate in the 98th Congress favored legislation to establish reasonable spending limits on federal expenditures for former Presidents. It was noted that the increases in the staff and office allowances for former Presidents had greatly exceeded the "original expectations" Congress had when it enacted the Former Presidents Act in 1958.[80] The "original intent" of the FPA was to ensure former Presidents a dignified retirement, and the act was not "intended to create

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[72] Ibid., p. 3.

[73] See **Table 3**.

[74] U.S. Congress, Senate Committee on Governmental Affairs, *Former Presidents Facilities and Services Reform Act of 1983*, p. 4.

[75] See **Table 3**.

[76] U.S. Congress, Senate Committee on Appropriations, Subcommittee on Treasury, Postal Service, and General Government, and Committee on Governmental Affairs, Subcommittee on Civil Service and General Services, *Cost of Former Presidents to U.S. Taxpayers*, hearings, 96th Cong., 1st sess., November 6-8, 1979 (Washington: GPO, 1980), pp. 187-199.

[77] Ibid., p. 224-226.

[78] U.S. Congress, Senate Committee on Governmental Affairs, Subcommittee on Civil Service and General Services, *Oversight on the Former Presidents Act and the Presidential Transition Act*, hearings, 96th Cong., 1st sess., May 16, 1979.

[79] S. 2408 was introduced on March 11, 1980; S. 1325 was introduced on June 4, 1981; and S. 563 was introduced on February 2, 1983. U.S. Congress, Senate Committee on Governmental Affairs, *Former Presidents Facilities and Services Reform Act of 1983*, pp. 12-13. Legislation was also introduced to reduce the costs associated with the operation and maintenance of presidential libraries. For further information, see CRS Report RS20825, *Presidential Libraries: The Federal System and Related Legislation*, by Harold C. Relyea.

[80] U.S. Congress, Senate Committee on Governmental Affairs, *Former Presidents Facilities and Services Reform Act of 1983*, p. 3.

extensive and costly offices and staff" to support former Presidents "that have done quite well financially" after leaving office:

> The proper role for a former President has been an issue that has faced this country since the days of its earliest Presidents. In those days, former Presidents usually retired to private life upon leaving the duties of office. Today, the pressures upon that role have changed. The Committee recognizes former Presidents now have much greater public visibility upon leaving office. The Committee also recognizes its duty to assure public funds are used consistent with the intent of the law and it believes a prudently funded and carefully coordinated program of services to former Presidents should be established to replace the sometimes conflicting, increasingly costly and open ended set of laws currently governing such benefits and services.[81]

Legislation was also introduced in the 99th Congress which contained provisions that would have authorized the GSA Administrator to provide each former President one suitable 4,000-square-foot office in a federally owned or leased U.S. building at a location designated by the former President.[82] The GSA Administrator would also have been authorized to provide payment of office staff, travel expenses, and communications services. Senate bill S. 1047 would have authorized an initial appropriation of $1 million to the former President in the first fiscal year when he left office. In subsequent years, the proposed legislation would have decreased a former President's staff and office allowances the longer he was out of office. The legislation was not enacted during the 99th Congress.

The FY1994 Treasury, Postal Service, and General Government Appropriations Act contained a provision amending the FPA to limit office allowances for former Presidents to a five-year period, beginning in 1998.[83] However, legislation enacted in 1997 repealed this provision, and restored lifetime staff and office allowances to former Presidents.[84] In one press account, it was reported the elimination of this provision was favored by the surviving former Presidents.[85]

The General Accounting Office reported in 2001 that the FPA did not provide any definition of suitable office space, and that GSA had no statutory authority to reject a former President's office location or size request. Previous congressional debate favored legislation that would provide more guidance to GSA in determining the appropriateness of expenditures for office space and equipment, while maintaining an adequate level of support for former Presidents. It was believed that

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[81] Ibid., pp. 3-4.

[82] S. 1047 was introduced on May 1, 1985.

[83] 107 Stat. 1226.

[84] 111 Stat. 1299.

[85] Karen Gullo, "Former Presidents Avert a Cut in Expenses for Office and Staff," Newark, NJ, *Star-Ledger*, January 13, 1998, p. 6.

such legislation would "ensure that benefit programs for former Presidents are well coordinated, more cost effective and subject to some carefully defined limits."[86]

Pending Legislation

No legislation to amend benefits to former Presidents has been introduced in the 110th Congress.

[86] U.S. Congress, *Former Presidents Facilities and Services Reform Act of 1983*, pp. 9-11.