

FORMER PRESIDENTS: PENSIONS, FACILITIES, AND SERVICES

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ISSUE DEFINITION

The Former Presidents Act (72 Stat. 838) of 1958 provides financial and practical means to those who have served as President of the United States and still retain certain implicit public duties. In 1958, the cost of former Presidents to the public was an estimated \$64,000. In FY84, approximately \$27 million will be spent on benefits to former Presidents and their widows. Operation and maintenance of Presidential Libraries was approximately \$14.9 million in FY83. Increasing concern has been expressed by Congress and the public as to the amounts and the types of expenditures that have been made.

BACKGROUND AND POLICY ANALYSIS

Prior to 1958, former Presidents and their spouses received no automatic pension or other services. Many early former Presidents endured hardships and indignities, some having died penniless. The widows of former Presidents faced a similar fate. For these reasons, Congress decided to provide pensions by special legislation.

BENEFITS TO FORMER PRESIDENTS

The legislative history of the Former Presidents Act shows that before its enactment, the President of the United States was virtually the only officer or employee of the Federal Government not covered by some sort of retirement program. At hearings held by the House Committee on Post Office and Civil Service during the 85th Congress, the then-House Majority Leader, John McCormack, offered a rationale of retirement benefits for former Presidents: (1) the office of the President is the most important in the world; (2) a former President is considered a dedicated statesman, available for service to the country; (3) the interest of the American people in the President does not cease when his term of office has ended; and (4) a former President is not expected to engage in any business or occupation that would demean the office he once held.

The House committee stated in its report that the cost of such legislation was "small, in consideration of the assurance it provides that former Presidents of the United States will not want either for a matter of subsistence or for the necessary clerical employees to answer the letters of the public seeking their advice"

Provisions of the original legislation (P.L. 85-745, Aug. 25, 1958) provided each former President: (1) a lifetime monetary allowance at the rate of \$25,000 per annum, payable monthly by the Secretary of the Treasury; (2) staff assistance with the combined total compensation not to exceed \$50,000 per annum; (3) suitable office space to be provided by the Administrator of the General Services Administration; and (4) use of the franking privilege. The Former Presidents Act also provided the widow of any former President with a yearly pension of \$10,000, payable monthly by the Secretary of the Treasury.

Certain provisions of the Former Presidents Act have been amended since its date of enactment. In 1970, pensions to former Presidents became equal to the annual rate of basic pay of the head of an executive department

(Executive Level I), currently \$80,100 (84 Stat. 1961). A former President in now authorized to hire an office staff of which the aggregate compensation shall not exceed \$150,000 per annum (91 Stat. 1170) during the first 30 months that staff assistance under the Former Presidents Act is authorized; the limit then reverts to \$96,000 a year. Surviving spouses of former Presidents were granted free use of the mail in 1973 (39 U.S.C. 4165). In 1970, the yearly pension benefits to spouses of former Presidents were increased to \$20,000 (84 Stat. 1963).

Unless it is declined, Secret Service protection has been extended to former Presidents and their spouses during their lifetime. Similar protection is provided to a surviving spouse of a former President until remarriage and to minor children of a former President until the age of 16 (82 Stat. 1198).

The Presidential Libraries Act (69 Stat. 695), enacted Aug. 12, 1955, provides Federal assistance by the General Services Administration for the maintenance of the libraries in the deposition and storage of Presidential papers and documents. The construction costs for the libraries are paid with private funds.

The papers of former Presidents Herbert Hoover, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, and Gerald Ford are housed in libraries bearing their names. The Carter Presidential Library is under construction at Emory University in Atlanta, Ga.

On Apr. 29, 1983, it was announced that San Clemente, California had been chosen by former President Richard Nixon as the site for his library. The Richard M. Nixon Foundation will raise money for the library's construction on a 13-acre site.

The San Clemente site was selected by the former President after the University of California at Irvine attached conditions to its housing the Nixon library on campus. The former President would have been required to relinquish all claims of control over his presidential materials, and a university committee would have overseen exhibits held at the library.

Congress must still pass legislation to allow former President Nixon's official papers to be released to the library since his Presidential papers and tapes are now in the custody of the National Archives, in Washington D.C.

On Feb. 14, 1984, officials of Stanford University announced that a museum and library housing Ronald Reagan's Presidential papers will be located on the campus. It was announced by the White House that a President Reagan Presidential Foundation will be created at a future date to begin fund-raising for the library and museum.

During the 97th Congress, the Senate Committee held hearings on S. 1325, entitled the "Former Presidents' Facilities and Services Reform Act of 1981." The hearings focused on the proliferation of benefits and the continuing growth in the amount of Federal funds used to maintain services and facilities to former Presidents.

Testimony was heard from the Archivist of the United States, as well as from officials of GAO, and the U.S. Secret Service.

During the 98th Congress, on Feb. 23, 1983, S. 563, the "Former Presidents Facilities and Services Reform Act of 1983" was introduced. This bill would

require the GSA Administrator to develop architectural and design standards applicable to Presidential libraries;

provide the surviving spouse of a former President with an allowance equal to two-thirds of the rate payable to a former President (approximately \$23,367 at the present time);

establish specific guidelines for one suitable office space for former Presidents, with restrictions on total funds available; and

limit Secret Service protection for former Presidents, spouses, widows, and children.

As envisioned by Senator Lawton Chiles in sponsoring S. 563, this legislation would serve to insure stricter accountability in the use of Federal funds by former Presidents, while at the same time securing to each former President and widow a dignified retired life composed of an annual pension, adequate Secret Service protection, and staff and office space.

On Mar. 22, 1984, the Senate Governmental Affairs Committee approved S. 563.

On the House side, H.R. 2446 "Former Presidents Facilities and Services Reform Act of 1983" was introduced by Representative Matthew Rinaldo on Apr. 7, 1983.

On Oct. 27, 1983, the House approved H.R. 4139 (FY84 Treasury, Postal Service and General Government Appropriations). This bill would limit allowances and office staff for former Presidents to \$260,300. This is a reduction in funds from the \$1,171,000 which was provided for allowances and office staff for former Presidents by the Senate in S. 1646 (FY84 Treasury, Postal Service and General Government Appropriations). S. 1646 did not come to a final vote by the Senate before its Nov. 18 adjournment.

LEGISLATION

S. 563 (Chiles)

Former Presidents Facilities and Services Reform Act of 1983. Reforms the laws relating to former Presidents in the areas of Presidential libraries, pensions for spouses, and Secret Service protection.

Title I authorizes the Administrator of GSA, in consultation with the U.S. Archivist and Commissioner of the Public Buildings Service, to develop architectural and design standards applicable to Presidential libraries. These standards would insure that the structure could preserve Presidential records transferred to the custody of the Archivist. For each President or former President, only one Presidential archival depository can be accepted. It must be contained in one building not in excess of forty thousand square feet in one geographic location, including museum space. Prior to accepting or establishing a Presidential archival depository, the GSA Administrator must submit a detailed prospectus to the House Committee on Government

Operations and the Senate Committee on Governmental Affairs.

Title II amends the Former Presidents Act with regard to pensions for spouses, and office and staff allowances.

The spouse of a deceased former President would be entitled to a monetary allowance at a per annum rate equal to two-thirds of the rate payable to a former President which would terminate upon the spouse's remarriage or death.

The Administrator of GSA is authorized to provide for each former President the following: one suitable office with space not exceeding 4,000 sq. ft. in area, appropriately equipped; compensation of an office space designated by the former President with no individual paid in excess of the level II Executive Schedule; payment of travel expenses and subsistence allowance, including rental of Government or hired motor vehicles; communications services; and payment of expenses for necessary printing and binding. These funds would not be made available for partisan political activities or income generating activities. This title provides for an exception to be made for the preparation of Presidential memoirs, provided that a former President signed an agreement with the GSA Administrator to have the memoirs printed and distributed by the Public Printer.

Expenditures of \$750,000 are authorized for the fiscal year in which the term of a former President expires; \$300,000 for the next four fiscal years; \$250,000 for the subsequent four fiscal years; and \$200,000 for each succeeding fiscal year thereafter. With respect to any one Presidential transition, \$2 million would be authorized for the purpose of providing services and facilities to the President-elect and Vice President-elect.

Title III authorizes Secret Service protection for a former President for an 8-year period, with any additional protection to be authorized by the Secretary of the Treasury. The Secret Service would be authorized to protect the spouse or minor child of any former President if it were incidental to the protection of the former President, or if authorized by the Secretary of the Treasury. A widow or widower of a former President would receive protection for a 6-month period, and additional protection could be authorized by the Secretary of the Treasury. An Advisory Panel on Secret Service Protection would be established to review any request for extended Secret Service protection.

Introduced Feb. 23, 1983; referred to the Committee on Governmental Affairs.

H.R. 1788 (Jacobs)

This legislation would amend the Former President's Act (P.L. 85-745) to provide that a former President receive monetary allowances only after waiving any rights to receive any other annuity or pension to which the former President would otherwise be entitled under any other Federal law.

Introduced on Mar. 2, 1983; referred to the Committee on Post Office and Civil Service.

H.R. 2446 (Rinaldo)

Former Presidents Facilities and Services Reform Act of 1983. In this bill, the GSA Administrator would submit to Congress a prospectus for the establishment of a central Presidential library. The number of square feet

for archival and research space in the central library allotted for each former President would be determined by numerical formula based on years in office. See S. 563 for summary of other provisions contained in this bill.

Introduced Apr. 7, 1983; referred jointly to the Committees on Government Operations; House Administration; Judiciary; and Post Office and Civil Service.

HEARINGS

- U.S. Congress. Senate. Committee on Governmental Affairs. Benefits to former Presidents. Hearing, 97th Congress, 2d session. Sept. 22, 1982. Washington, U.S. Govt. Print. Off., 1982. 139 p.
- 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. Hearing, 96th Congress, 1st session. May 16, 1979. Washington, U.S. Govt. Print. Off., 1979. 58 p.
- U.S. Congress. Senate. Committee on Governmental Affairs and Subcommittees of Committee on Appropriations. Cost of former Presidents to U.S. taxpayers. Special hearing, 96th Congress, 1st session. Nov. 6-8, 1979. Washington, U.S. Govt. Print. Off., 1980. 328 p.

REPORTS AND CONGRESSIONAL DOCUMENTS

- U.S. Congress. Senate. Committee on Appropriations. Treasury, Postal Service, and General Government Appropriations Bill, 1981. Washington, U.S. Govt. Print. Off., 1980. (96th Congress, 2d session. Senate. Report no. 96-955)

CHRONOLOGY OF EVENTS

- 03/22/84 -- The Senate Governmental Affairs Committee approved S. 563.
- 02/14/84 -- It was announced that President Reagan's museum and official papers will be housed at Stanford University.
- 11/16/83 -- Senate Governmental Affairs Committee held markup on S. 563 "Former Presidents Facilities and Services Reform Act of 1983."
- 10/27/83 -- The House approved H.R. 4139 (FY84 Treasury, Postal Service and General Government appropriations).
- 10/07/83 -- Former President Jimmy Carter's handmade hickory chairs were auctioned off by Sotheby Parke Bernet. Profits from the auction are to be donated to raise funds for the Carter Presidential library and Carter Center of Emory University in Atlanta.

- 08/09/83 -- Stanford University announced that White House officials are holding informal discussions over the possibility of locating a presidential library for Ronald Reagan at Stanford after he leaves office.
- 04/28/83 -- Former President Richard Nixon selects San Clemente, Ca. as the location for his Presidential library.
- 03/02/83 -- H.R. 1788 is introduced and referred to the Committee on Post Office and Civil Service.
- 02/23/83 -- S. 563 is introduced and referred to the Committee on Governmental Affairs.
- 09/22/82 -- Hearings are held by the Senate Governmental Affairs Committee on the cost of former Presidents to the Federal Government.

ADDITIONAL REFERENCE SOURCES

- An \$800,000 yearly tab for Nixon, Ford. U.S. news and world report, v. 87, Apr. 16, 1979: 30-31.
- An \$11 million tab to support 3 ex-Presidents. U.S. news and world report, v. 89, June 1, 1981: 48-49.
- The "imperial" life of our former Presidents. U.S. news and world report, v. 94, no. 17: 23-4.
- Jerry Ford, incorporated. Newsweek, v. 97, May 11, 1981: 28-33.
- Paying for National pyramids. Time, v. 121, no. 20, May 20, May 16, 1983: 16.
- Presidents emeritus. American heritage, v. 30, June-July 1979: 16-25.
- Royalty payments. Inquiry, Nov. 23, 1981: 14-22.
- U.S. General Accounting Office. Report to the Comptroller General of the United States. GSA approval of expenditures under the Former Presidents Act has been reasonable. Washington, Sept. 10, 1979. 14 p.
- U.S. Library of Congress. Congressional Research Service. Benefits to former Presidents of the United States [by] Stephanie Smith and Sharon S. Gressle. [Washington] 1980. 69 p.
CRS Report 80-211 GOV
- Presidential transitions and the Presidential Transition Act of 1963 [by] Stephanie Smith. [Washington] 1980. 40 p.
CRS Report 80-214 GOV