Cornell University
ILR School

Cornell University ILR School
DigitalCommons@ILR

Federal Publications

Key Workplace Documents

8-22-2008

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

Wendy Ginsberg
Congressional Research Service; Government and Finance Division

Follow this and additional works at: http://digitalcommons.ilr.cornell.edu/key_workplace
Thank you for downloading an article from DigitalCommons@ILR.
Support this valuable resource today!

This Article is brought to you for free and open access by the Key Workplace Documents at DigitalCommons@ILR. It has been accepted for inclusion in Federal Publications by an authorized administrator of DigitalCommons@ILR. For more information, please contact hlmdigital@cornell.edu.

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

Abstract
[Excerpt] The Former Presidents Act (FPA; 3 U.S.C. § 102 note) charges the General Services Administration (GSA) with providing former 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 by giving a former President — and his or her spouse — certain benefits so that he would not have to enter unsuitable occupations after leaving office. Former Presidents currently receive a pension that is equal to pay for the head of an executive department (Executive Level I), which was $191,300 as of January 1, 2008.

The FY2008 Consolidated Appropriations Act allocated $2,478,000 for pensions and GSA assistance to former Presidents. The President's FY2009 budget requested $2,934,000 for expenditures for former Presidents. Pending House and Senate appropriations legislation recommends the requested amount.

Prior to 1958, former Presidents leaving office received no pension or federal assistance. After leaving office, some former Presidents — including Ulysses S. Grant and Harry S Truman — struggled financially. In 1912, industrialist and philanthropist Andrew Carnegie unveiled a plan to pay $25,000 pensions to all future former Presidents and their widows. The pensions were to be funded by the Carnegie Foundation of New York. Some Members of Congress and the public suggested it was inappropriate for a private company to pay pensions to former Presidents. Legislation was introduced that year to grant public pensions to former Presidents, but none of the bills were reported from committee. William Howard Taft, the only former President who was then eligible for Carnegie's offer, refused the pension.

Since 1962, the U.S. Secret Service has provided protection to former Presidents because of their status as "visible national symbol[s]." Protection has subsequently been expanded to cover a former President's wife until death or remarriage. Minor children of former Presidents who are under 16 years of age also receive protection. In 1994, the law was amended to limit U.S. Secret Service coverage to 10 years for any President, and his spouse, who left office after January 1, 1997. President George W. Bush will be the first former President affected by this statutory change.

In the 110th Congress, Representative John Conyers introduced a bill (H.R. 5938) that would extend U.S. Secret Service Protection to a Vice President, his or her spouse, and family for up to six months after leaving office. Currently, Secret Service protection for a Vice President and his or her family is provided on an ad hoc basis.

This report describes the benefits Presidents receive upon leaving office, details the history of the FPA, and analyzes some legislative options for the 110th Congress related to former Presidents.

Keywords
Former Presidents Act, pension, benefits, public policy

Comments
Ginsberg, W. (2008). *Former Presidents: Pensions, office allowances, and other federal benefits* (RL34631). Washington, DC: Congressional Research Service. http://digitalcommons.ilr.cornell.edu/key_workplace/542/

This article is available at DigitalCommons@ILR: http://digitalcommons.ilr.cornell.edu/key_workplace/542

This article is available at DigitalCommons@ILR: http://digitalcommons.ilr.cornell.edu/key_workplace/542

Order Code RL34631

CRS Report for Congress

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

August 22, 2008

Wendy Ginsberg
Analyst in American National Government
Government and Finance Division

Prepared for Members and Committees of Congress

Congressional Research Service

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

Summary

The Former Presidents Act (FPA; 3 U.S.C. § 102 note) charges the General Services Administration (GSA) with providing former 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 by giving a former President — and his or her spouse — certain benefits so that he would not have to enter unsuitable occupations after leaving office. Former Presidents currently receive a pension that is equal to pay for the head of an executive department (Executive Level I), which was $191,300 as of January 1, 2008.

The FY2008 Consolidated Appropriations Act allocated $2,478,000 for pensions and GSA assistance to former Presidents. The President's FY2009 budget requested $2,934,000 for expenditures for former Presidents. Pending House and Senate appropriations legislation recommends the requested amount.

Prior to 1958, former Presidents leaving office received no pension or federal assistance. After leaving office, some former Presidents — including Ulysses S. Grant and Harry S Truman — struggled financially. In 1912, industrialist and philanthropist Andrew Carnegie unveiled a plan to pay $25,000 pensions to all future former Presidents and their widows. The pensions were to be funded by the Carnegie Foundation of New York. Some Members of Congress and the public suggested it was inappropriate for a private company to pay pensions to former Presidents. Legislation was introduced that year to grant public pensions to former Presidents, but none of the bills were reported from committee. William Howard Taft, the only former President who was then eligible for Carnegie's offer, refused the pension.

Since 1962, the U.S. Secret Service has provided protection to former Presidents because of their status as "visible national symbol[s]." Protection has subsequently been expanded to cover a former President's wife until death or remarriage. Minor children of former Presidents who are under 16 years of age also receive protection. In 1994, the law was amended to limit U.S. Secret Service coverage to 10 years for any President, and his spouse, who left office after January 1, 1997. President George W. Bush will be the first former President affected by this statutory change.

In the 110th Congress, Representative John Conyers introduced a bill (H.R. 5938) that would extend U.S. Secret Service Protection to a Vice President, his or her spouse, and family for up to six months after leaving office. Currently, Secret Service protection for a Vice President and his or her family is provided on an ad hoc basis.

This report describes the benefits Presidents receive upon leaving office, details the history of the FPA, and analyzes some legislative options for the 110th Congress related to former Presidents.

Contents

Introduction 1

Benefits Available to Former Presidents 2
Transition Expenses 3
Pensions 4
Staff and Office Allowances 4
Travel Expenses 6

Related Benefits 6
Secret Service Protection 6
Health Benefits 7
Funerals 8

Legislative History of the Former President's Act 9
Andrew Carnegie's Offer 9
Truman's Finances 10
Passing the Former President's Act 11

Post-presidential Lifespans 13

Conclusions 15

List of Tables

Table 1. GSA Allowances for Former Presidents, FY2008 Enacted 2
Table 2. Retirement Period of Former Presidents After Leaving Office 14

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

Introduction[1]

The Former Presidents Act (FPA), as amended and administered by the General Services Administration (GSA), provides former Presidents with a pension, support staff, office space, travel funds, and mailing privileges. Outgoing Presidents are also entitled by statute to receive seven months of transition funding to find suitable office space, pay staff, and use in other ways that facilitate their transition from the nation's chief executive.

In addition to a pension and transition funding, former Presidents and their spouses also receive U.S. Secret Service protection. The spouse of a former President receives protection until his or her death, divorce, or remarriage. Minor children of former Presidents who are under 16 years of age also receive protection. In 1994, the law was amended to limit U.S. Secret Service coverage to 10 years for any President, and his spouse, who left office after January 1, 1997. President George W. Bush will be the first former President affected by this statutory change.

The United States is not the only country that pays a pension and other benefits to its former head of state. For example, since 1937, Britain's former Prime Ministers have received a pension (equal to half of their ministerial salary). They have also received an office, secretarial support, and a car and driver.[2] In Canada, Prime Ministers who have served in office for at least four years reportedly are eligible to receive a pension that is two-thirds of the salary they received as head of state.[3]

In the 110th Congress, Representative John Conyers introduced a bill (H.R. 5938) that would extend U.S. Secret Service Protection to a Vice President, his or her spouse, and family for up to six months after leaving office. Currently, Secret Service protection for a Vice President and his or her family is provided on an ad hoc basis.

---

[1] This report draws upon and supercedes CRS Report 98-249, *Former Presidents: Federal Pension and Retirement Benefits*, by Stephanie Smith.

[2] Theakston, Kevin, "What Role for Former Leaders?," *Political Studies Association Conference*, University of Swansea, Apr. 2008, p. 11.

[3] Benjamin Alexander-Bloch, "Hail to the chief: former presidents cost the U.S. taxpayers big bucks," *The Toledo Blade*, Jan. 7, 2007, available at [http://toledoblade.com/apps/pbcs.dll/article?AID=/20070107/NEWS09/70107004], visited Aug. 14, 2008.

The FY2008 Consolidated Appropriations Act allocated $2,478,000 for pensions and GSA assistance to former Presidents. The President's FY2009 budget requested $2,934,000 for expenditures for former Presidents. The increase in appropriations for former Presidents is prompted by the addition of George W. Bush, whose term ends on January 20, 2009. Pending House and Senate appropriations legislation recommends the requested amount.

Presidents leaving office prior to 1958 received no federal pension or financial assistance, and often entered retirement pursuing various occupations. The FPA, enacted in 1958, was designed to "maintain the dignity" of the Office of the President by paying former Presidents a pension and other benefits so they would not have to enter unsuitable occupations after leaving office. Former Presidents currently receive a pension that is equal to pay for the head of an executive department (Executive Level I), which was $191,300 as of January 1, 2008.

Benefits Available to Former Presidents

The General Services Administration (GSA) is authorized by the FPA to provide limited funding for an office staff and "suitable office space, appropriately furnished and equipped,"[4] at a location within the United States designated by a former President, for the rest of his or her lifetime. In addition, each former President is authorized to receive transition funding, a lifetime federal pension, travel funds, and franked mail privileges. Separate legislation has been enacted to provide U.S. Secret Service protection to former Presidents.[5] In 1961, the Comptroller General of the United States ruled that the FPA also applies to office supplies, such as stationery and local and long distance telephone service. **Table 1** indicates the enacted FY2008 GSA funding for former Presidents.[6]

Table 1. GSA Allowances for Former Presidents, FY2008 Enacted

Allowance	Jimmy Carter	George H.W. Bush	William Jefferson Clinton
Pension[a]	$191,300	$191,300	$201,300
Staff Salaries	96,000	96,000	96,000
Staff Benefits	2,000	64,000	65,000
Travel	2,000	56,000	50,000
Rental Payments	102,000	175,000	516,000
Telephone	10,000	17,000	79,000

[4] 72 Stat. 838

[5] 10 U.S.C. § 3056.

[6] 121 Stat. 2004. Nancy Reagan and Betty Ford, the widows of Presidents Ronald Reagan and Gerald Ford respectively, received $12,000 in franking costs in FY2008.

Allowance	Jimmy Carter	George H.W. Bush	William Jefferson Clinton
Postage	15,000	13,000	15,000
Other Services	83,000	76,000	65,000
Printing	5,000	14,000	14,000
Supplies	5,000	15,000	26,000
Equipment	7,000	69,000	35,000
TOTAL	$518,300	$786,300	$1,162,300

Source: Data provided by the Office of the Budget, General Services Administration, on January 24, 2008. Data does not include costs for U.S. Secret Service protection, which are not made public.

Notes:

a. The annual pension for each former President is equal to the Executive Level I rate of pay. According to GSA, the additional $10,000 requested for former President William J. Clinton is for health benefits insurance.

Transition Expenses. As authorized by the Presidential Transition Act, as amended, 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 relocation to private life.[7] These funds are used to provide suitable office space, staff compensation, communications services, and printing and postage associated with the transition.

The President's FY2009 budget requested $8,520,000 for presidential transition expenses.[8] This funding would support transition costs for both the President- and Vice President-elect, as well as the outgoing President and Vice President. An additional $1 million is carved out for "briefing personnel associated with the incoming administration."[9] As of August 14, 2008, the Senate and House Committees on Appropriations each recommended the President's requested amount.[10]

To provide federal funding for a possible 2004-2005 presidential transition, the President's FY2005 budget requested a total of $7.7 million. The House passed H.R. 5025, the FY2005 Transportation, Treasury, and Independent Agencies

---

[7] 3 U.S.C. § 102 note sec. 4. The Presidential Transition Act was last amended in Dec. 2004. For more information on presidential transitions see CRS Report RL30736, *Presidential Transitions*, by Stephanie Smith. If the former Vice President is President-elect, the transition funding for the outgoing President and Vice President is reduced. Transition funding for outgoing Presidents is limited by statute and adjusted for inflation.

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

[9] Ibid.

[10] U.S. Congress, Senate Committee on Appropriations, *Financial Services and General Government Appropriations Bill, FY2009*, report to accompany S. 3260, 110th Cong, 2nd sess., S.Rept. 110-417 (Washington: GPO, 2008), p. 89. See also CRS Report RL34523, *Financial Services and General Government: FY 2009 Appropriations*, by Garrett Hatch.

appropriations bill, on September 22, 2004. The legislation would have made available a total of $7.7 million for transition expenses. In the Senate, S. 2806 would have made available a total of $7.7 million to facilitate a transition. Because President Bush was re-elected in the 2004 presidential election, no funds for a transition were provided in the FY2005 Consolidated Appropriations Act.[11]

Pensions. The FPA, as amended, provides 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 $191,300 as of January 1, 2008. The pension begins immediately upon a President's departure from office at noon on Inauguration Day, January 20. The Secretary of the Treasury pays the monthly pensions, as authorized by the FPA.

The President's FY2009 budget requests would cover "pensions, office staffs, and related expenses for former Presidents Jimmy Carter, George H.W. Bush, and William Clinton and for the postal franking privileges for the widows of former Presidents Ronald Reagan and Gerald Ford."[12] In addition, the request "includes an increase for the commencement of benefits for President George W. Bush beginning January 20, 2009."[13]

The FPA does not address whether a President who resigns from office is eligible to receive pension benefits and other allowances. According to a 1974 Department of Justice opinion concerning President Richard Nixon's resignation from office, a President who resigns before his official term of office expires may be entitled to the same lifetime pension and benefits that are authorized for Presidents who complete their term. A President who is removed from office by impeachment, however, may forfeit his pension and related benefits.[14]

Staff and Office Allowances. Six months after a President leaves office, provisions of the FPA, as amended, authorize the GSA Administrator to fund an office staff.[15] 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

---

[11] 118 Stat. 2809.

[12] U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2009*, Appendix (Washington: GPO, 2008), p. 1075. A former President who secures an elected position in the federal government or the District of Columbia government is ineligible to receive the pension while in office. See 3 U.S.C. 102 note.

[13] U.S. Congress, Senate Committee on Appropriations, *Financial Services and General Government Appropriations Bill, FY2009*, report to accompany S. 3260, 110th Cong, 2nd sess., S.Rept. 110-417, p. 88. See also CRS Report RL34523, *Financial Services and General Government: FY 2009 Appropriations*, by Garret Hatch, p. 38.

[14] 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, Aug. 15, 1974.

[15] As authorized by the Presidential Transition Act, as amended (3 U.S.C. § 102 note).

assistance"cannot exceed $150,000.[16] Thereafter, the aggregate rates of staff compensation for a former President cannot exceed $96,000 annually.[17] The maximum annual rate of compensation for any one staff member cannot exceed the pay provided at Level II of the Executive Schedule, currently $172,200.[18] A former President might supplement staff compensation or hire additional staff using private funds.[19]

GSA is authorized to provide "suitable office space, appropriately furnished and equipped" at any location within the United States selected by a former President.[20] The funding for this provision becomes effective six months after the expiration of a President's term of office. GSA employees work with officials who represent the former President to create annual budgets.[21] 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 close the office. The office's closure date must be approved by the GSA administrator.[22]

The FPA does not provide specifications or limitations pertaining to the actual size or type 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 applies

---

[16] Ibid.; The separate $150,000 compensation level for the initial 30-month period was established in 1977, 91 Stat. 1170. The 30-month period begins July 20th 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*, Sept. 2001, p. 16.

[17] 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).

[18] 3 U.S.C. § 102 note. 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*, Sept. 2001, p. 16.

[19] A former President must use personal or private foundation funds to pay staff if the cost is greater than the $96,000 statutory cap. The following presidential foundations may supply some funding for a former President's staff salaries: 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.

[20] 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*, Sept. 2001, p. 9.

[21] U.S. General Accounting Office, GAO Report GAO-01-983, *Former Presidents: Office and Security Costs and Other Information*, Sept. 2001, p. 7.

[22] Information provided electronically to the author from GSA on Aug. 8, 2008.

"the cabinet-level office standard" for the quality of a former President's office space, equipment, and supplies.[23]

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.[24] Former President Bush's Houston, Texas, office space is 4,574 square feet in size, with an FY2008 rental cost of approximately $175,000.[25] The 8,300 square foot office of former President Clinton has an estimated FY2008 rental payment of $516,000, and is located in New York (Harlem), New York.[26] The widow of a former President is not entitled to any staff or office allowance.[27]

Travel Expenses. Legislation enacted in 1968 authorizes GSA funds 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.[28]

Related Benefits

In addition to the federal pension and retirement allowances provided by GSA, other benefits are also made available to a former President.

Secret Service Protection. The Secret Service provides lifetime protection to former Presidents who entered office before January 1, 1997, and their spouses.[29] Spouses of former Presidents receive protection until divorce, remarriage, or the

---

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

[24] 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 1**.

[25] Ibid., p. 13, and **Table 1**.

[26] 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 1**.

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

[28] FY1969 Supplemental Appropriations Act, 82 Stat. 1192.

[29] 18 U.S.C. § 3056. The original statute (76 Stat. 956) limited Secret Service protection to "a reasonable period after he leaves office." The following year, 1963, a new statute (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." In 1965, the law was amended (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."

death of the former President.[30] Legislation enacted in 1984 allows former Presidents or their dependents to decline Secret Service protection.[31] In addition to Nancy Reagan and Betty Ford, former Presidents Jimmy Carter, George H. W. Bush, William J. Clinton, and their wives receive protection. According to Sgt. Kimberly Schneider of the U.S. Capitol Police, protection for Hillary Rodham Clinton, as a Senator, is shared between the U.S. Capitol Police and the U.S. Secret Service. Both organizations have statutory responsibility for her security — the Secret Service for spouses of former Presidents and the Capitol Police for Members of Congress. Neither the Secret Service nor the Capitol Police publicly disclose protection costs or details of the protection for security reasons.[32]

The FY1995 Treasury, Postal Service, and General Government Appropriations Act[33] amended 18 U.S.C. § 3056 to limit protection to 10 years for former Presidents who begin serving after January 1, 1997, and for their spouses. A spouse's 10-year protection ends upon divorce or death of the former President. Following an incumbent President's death,[34] a spouse receives protection for one year. The Secretary of Homeland Security can authorize temporary protection at any time. Protection for a former President's children is available until the age of 16 or for a period not to exceed 10 years, whichever occurs first. The Presidential Threat Protection Act of 2000, granted the Secret Service additional authority to investigate threats against former Presidents and their families.[35]

Health Benefits. Although no statutes govern the payment of health benefits for former Presidents, the GSA does provide for such an allowance. According to a June 8, 2007, GSA legal opinion, former President Clinton is "entitled to enroll in group health plans available to [f]ederal employees" because he "draws a pension from the United States treasury, and thus can be considered an annuitant (defined in 5 U.S.C. § 8901(3))."[36] Since former President Clinton served two presidential terms and receives a monthly pension, GSA's position is that he qualifies for health benefits.[37] George H. W. Bush and Jimmy Carter each served single presidential terms, and, therefore, would not qualify for federally funded health benefits, according to GSA's legal opinion.[38] George W. Bush, whose term ends on January

---

[30] If the President dies while in office, the spouse may receive Secret Service protection for one year. 18 U.S.C. § 3056(3)(B).

[31] 98 Stat. 3110.

[32] Information provided electronically to the author from the U.S. Capitol Police on Aug. 7, 2008.

[33] 108 Stat. 2413.

[34] For more information on presidential transition following the death of a sitting President, see U.S. Constitution, Amendment XXV.

[35] 114 Stat. 2763.

[36] Information provided electronically to the author from GSA on Aug. 8, 2008.

[37] Former President Clinton was allocated $10,000 in FY2008 for health benefits.

[38] Former Presidents Jimmy Carter and George H.W. Bush may qualify for federal health (continued...)

20, 2009, would be eligible to receive federal health benefits, according to GSA. GSA has not been informed as to whether President Bush intends to request federal health benefits.

Funerals. The incumbent President officially announces the death of a former President by presidential proclamation and orders the U.S. flags on all federal buildings to be flown at half-staff (4 U.S.C. § 7(m)) for 30 days. The President may offer the nation's condolences to the former President's immediate family. Upon the death of a former President, the sitting President might order units of the armed forces to render suitable honors. Certain military honors and traditions also may be extended by the military, based on the wishes and requests made by the former President's surviving family members.[39] 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. Each living former President prepares a formal funeral request, which is kept on file by the MDW. According to the long-standing custom that an officer escort the immediate family of a deceased military member until burial, the commanding general of the MDW may escort the former President's family members during all funeral ceremonies.

Under the supervision of the U.S. Military District of Washington, each branch of the armed forces provides personnel and support to the funeral. For example, the Armed Forces Honor Guard provides security for the former President's remains while they are in repose or are lying in state. A former President, as former commander-in-chief, is also entitled to burial in the Arlington National Cemetery.[40] 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.

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. He also ordered that units of the armed forces render suitable honors, as directed by the Secretary of Defense. 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.

---

[38] (...continued)
benefits due to prior federal service or their Medicare eligibility.

[39] The military has rendered military honors to former Presidents since the burial of George Washington on Dec. 18, 1799, at Mount Vernon, VA.

[40] 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.

Legislative History of the Former President's Act

Chief executives leaving office prior to 1958 entered retirement pursuing various occupations and receiving no 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.[41] Some former Presidents, like Rutherford B. Hayes, became successful entrepreneurs. Others, like Ulysses S. Grant, suffered financial losses and had personal possessions confiscated.

Andrew Carnegie's Offer. In 1912, discussions began in the U.S. Congress about providing former Presidents and their widows with annual pensions. That year, industrialist and philanthropist Andrew Carnegie reportedly announced his offer to fund $25,000 annual pensions for all future former Presidents and their widows until they were provided for by the federal government.[42] The pensions were to be funded by the Carnegie Foundation of New York, which was founded just a year earlier.[43] 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.[44]

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.[45] On that front, 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) reportedly 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

---

[41] Marie B. Hecht, *Beyond the Presidency* (New York: Macmillian 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*, Nov. 22, 1912, pp. 1,4.

[42] "Carnegie Pension to Ex-Presidents; Bars Roosevelt," *New York Times*, Nov. 22, 1912, p. 1.

[43] Ibid.

[44] "Taft Would Refuse a Carnegie Pension," *New York Times*, Nov. 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.

[45] "Carnegie Pension to Ex-Presidents; Bars Roosevelt," *New York Times*, Nov. 22, 1912, pp. 1;4.

for minor children under 21, if both parents were deceased.[46] The bill was referred to the House Committee on Pensions and was not reported. Legislation introduced in the Senate (S. 7519) reportedly 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 widows of former Presidents.[47] The bill was referred to the Senate Committee on Pensions, but was not reported from committee.

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."[48] The proposal passed the Senate, but was never acted on by the House Committee on Post Office and Civil Service.[49]

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."[50] 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."[51]

---

[46] "President's Pension Bill In," *New York Times*, Dec. 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.

[47] "For $10,000 Presidential Pension," *New York Times*, Dec. 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.

[48] Marie B. Hecht, *Beyond the Presidency*, p. 187. See also Statement of John Orlando Pastore, "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.

[49] "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.

[50] Ibid.

[51] John W. Chambers, "Presidents Emeritus," *American Heritage*, vol. 30, June-July 1979, p. 18. Also available in U.S. Congress, Senate Committee on Post Office and Civil Service,

(continued...)

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.[52] An identical bill (H.R. 4401) was introduced by Representative John McCormack, Majority Leader of the House, on February 5, 1957.[53] Both bills were strongly supported by Senator Lyndon B. Johnson, the Democratic leader in the Senate.[54]

Passing the Former President's 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 ... will not want either for a matter of subsistence or for the necessary clerical employees to answer the letters of the public."[55] 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."[56] The amount of the proposed pension for former Presidents was based on comparable pensions accorded five-star generals.[57] 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

---

[51] (...continued)
Allowances for Former Presidents and Their Widows, 84th Cong., 1st sess., S.Rept. 205 (Washington: GPO, 1955), pp. 166-171. According to Chambers, the public was largely unaware that Truman received payment to appear on the program.

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

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

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

[55] 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. 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: GPO, 1980), p. 236.

[56] 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: GPO, 1980), p. 235.

[57] "Retirement for Former Presidents," remarks in the House, *Congressional Record*, vol. 104, 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: GPO, 1980), p. 247.

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."[58]

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.[59] 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.[60] 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.[61]

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 formal report on why they opposed authorizing presidential retirement benefits.[62] 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."[63]

Equally problematic for the seven dissenting Members was the "unprecedented vagueness" of the proposed legislation's provisions for staff and office allowances,

---

[58] Ibid., p. 15632, and in *Cost of Former Presidents to U.S. Taxpayers*, p. 255.

[59] "Retirement, Clerical Assistants, and Free Mailing Privileges for Former Presidents," House debate, *Congressional Record*, vol. 104, part 15, Aug. 21, 1958, pp. 18940-18941.

[60] Ibid., p. 18941.

[61] Ibid.

[62] 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.

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

which created "wide and dangerous loopholes."[64] 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.[65]

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.[66] 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.[67]

Post-presidential Lifespans

As noted in **Table 2**, 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, but who have subsequently died,[68] as well as the three living former Presidents. 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 (12 years, 339 days) after leaving office.

---

[64] Ibid., p. 4.

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

[66] 72 Stat. 838.

[67] 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 if 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." The former President's widow must also waive the right to any annuity or pension under any other legislation. Nancy Reagan and Betty Ford are the remaining surviving widows, and, according to GSA, they did not waive the right to other statutory annuities or pension and do not receive the annual pension.

[68] Grover Cleveland served two non-consecutive terms, and is, therefore, included twice in the table.

Table 2. 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, 1882	13,469	36.88
James K. Polk	March 4, 1849	June 15, 1849	103	0.28
Millard Fillmore	March 4, 1853	March 8, 1874	7,674	21.01
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[b]	March 4, 1897	June 24, 1908	4,129	11.30
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
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	—		
Average retirement period after leaving office for deceased presidents:			4,964.9	13.59

Source: Dates are available from The White House, "Presidents of the United States," at [http://www.whitehouse.gov/history/presidents/]. Length of life after leaving office computed by CRS.

Notes:

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.

Conclusions

Some Members of Congress have argued that the statutes governing benefits for former Presidents are unclear and overly permissive.[69] Other Members have said that it is important to pay a pension to a former President to help maintain the dignity of the office. On January 20, 2009, the term of George W. Bush's presidency ends, which will prompt increases in overall appropriations to former Presidents.

Given past congressional debates on the extent of financial assistance to former Presidents, Congress may choose to consider legislation to clarify current laws governing allowances for office space for former Presidents. Because existing laws are unclear on whether GSA can reject a former President's choice in office size or location, rental payments currently range from $102,000 per year for President Carter's office to $516,000 for President Clinton's (with a small portion occupied by the U.S. Secret Service). Among the options likely to 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, or leaving current provisions as they are.

Additionally, Congress may consider modifying the length of time a former President, his spouse, and his children are provided protection by the U.S. Secret Service. Current statutes limit protection to George W. Bush and any future former President to 10 years. Congress may choose to maintain this limit on protection, or it may decide to either limit protection further or extend protection throughout a former President's lifetime.

---

[69] In the 96th Congress — which spanned 1979 and 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, Senator Lawton Chiles, of Florida, 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 "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: GPO, 1983), p. 3. The bill was reported from 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). S. 1647 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 FY1994 Treasury, Postal Service, and General Government Appropriations Act 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, however, repealed this provision, and restored lifetime staff and office allowances to former Presidents.