

PRESIDENTIAL ALLOWANCE MODERNIZATION ACT

JULY 16, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 1777]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 1777) to amend the Act of August 25, 1958, commonly known as the “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Allowance Modernization Act”.

SEC. 2. AMENDMENTS.

(a) **RELATING TO A FORMER PRESIDENT.**—The first section of the Act entitled “An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes”, approved August 25, 1958 (3 U.S.C. 102 note), is amended by striking the matter before subsection (e) and inserting the following:

“(a) Each former President shall be entitled for the remainder of his or her life to receive from the United States—

“(1) an annuity at the rate of \$200,000 per year, subject to subsection (c); and

“(2) a monetary allowance at the rate of \$200,000 per year, subject to subsections (c) and (d).

“(b)(1) The annuity and allowance under subsection (a) shall each—

“(A) commence on the day after the individual becomes a former President;

“(B) terminate on the last day of the month before the former President dies; and

“(C) be payable by the Secretary of the Treasury on a monthly basis.

“(2) The annuity and allowance under subsection (a) shall not be payable for any period during which the former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

“(c) Effective December 1 of each year, each annuity and allowance under subsection (a) having a commencement date that precedes such December 1 shall be increased by the same percentage as the percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 and following) are increased, effective as of such December 1, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

“(d)(1) Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period may not exceed the amount by which—

“(A) the monetary allowance which (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

“(B) the applicable reduction amount for such 12-month period.

“(2)(A) For purposes of paragraph (1), the ‘applicable reduction amount’ is, with respect to any former President and in connection with any 12-month period, the amount by which—

“(i) the sum of (I) the adjusted gross income (as defined by section 62 of the Internal Revenue Code of 1986) of the former President for the last taxable year ending before the start of such 12-month period, plus (II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

“(ii) \$400,000, subject to subparagraph (C).

“(B) In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

“(C) The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage as the percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).”.

(b) **RELATING TO THE SURVIVING SPOUSE OF A FORMER PRESIDENT.**—

(1) **INCREASE IN AMOUNT OF MONETARY ALLOWANCE.**—Subsection (e) of the section amended by subsection (a) is amended—

(A) in the first sentence, by striking “\$20,000 per annum,” and inserting “\$100,000 per year (subject to paragraph (4)).”; and

(B) in the second sentence—

(i) in paragraph (2), by striking “and” at the end;

(ii) in paragraph (3)—

(I) by striking “or the government of the District of Columbia”; and

(II) by striking the period and inserting “; and”; and

(iii) by adding after paragraph (3) the following:

“(4) shall, after its commencement date, be increased at the same time that, and by the same percentage as the percentage by which, annuities of former Presidents are increased under subsection (c).”.

(2) **COVERAGE OF WIDOWER OF A FORMER PRESIDENT.**—Such subsection (e), as amended by paragraph (1), is further amended—

- (A) by striking “widow” each place it appears and inserting “widow or widower”; and
- (B) by striking “she” and inserting “she or he”.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be considered to affect—

- (1) any provision of law relating to the security or protection of a former President or a member of the family of a former President; or
- (2) funding, under the law amended by this section or under any other law, to carry out any provision of law described in paragraph (1).

SEC. 4. EFFECTIVE DATE; TRANSITION RULES.

(a) EFFECTIVE DATE.—This Act shall take effect on the date of enactment of this Act.

(b) TRANSITION RULES.—

(1) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendment made by section 2(a) shall be applied as if the commencement date referred in subsection (b)(1)(A) of the section amended by this Act coincided with such date of enactment.

(2) WIDOWS.—In the case of any individual who is the widow of a former President on the date of enactment of this Act, the amendments made by section 2(b)(1) shall be applied as if the commencement date referred to in subsection (e)(1) of the section amended by this Act coincided with such date of enactment.

COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 1777, the Presidential Allowance Modernization Act, would reform the pension and allowances provided to former Presidents, reducing unnecessary costs to the taxpayer.

BACKGROUND AND NEED FOR LEGISLATION

The Former Presidents Act (FPA)¹ provides each former President a pension equal to the annual salary for cabinet secretaries² and funding for staff, office space, travel, and franked mail to assist their post-presidential life. Surviving spouses are eligible for an annual pension of \$20,000. Before enactment of the FPA in 1958, former Presidents did not receive a pension or other federal assistance. In addition to benefits provided under the FPA, former Presidents are also provided Secret Service protection³ and transition assistance 6 months after inauguration day⁴.

In fiscal year 2015, Congress appropriated \$3.252 million for expenditures for former Presidents.⁵ Of this amount, the General Services Administration (GSA) made \$1.182 million in rent payments for office space.⁶ The Administration requested \$3.277 million for these expenditures for fiscal year 2016.⁷

Recent former presidents have the opportunity to earn millions from speaking fees after leaving office. Former President Bill Clinton earned more than \$100 million for speeches between 2001 and 2013,⁸ and former President George W. Bush has earned at least \$15 million for more than 140 paid speeches since he left office in

¹ 3 U.S.C. § 102 note.

² \$203,700 in calendar year 2015.

³ 18 U.S.C. § 3056.

⁴ 3 U.S.C. § 102 note; PTA.

⁵ P.L. 113–235.

⁶ CRS Report RL34631, *Former Presidents: Pensions, Office Allowances, and Other Federal Benefits*, by Wendy Ginsberg, Daniel J. Richardson.

⁷ U.S. Office of Management and Budget, *The Budget for Fiscal Year 2016: Appendix*, pg. 1159.

⁸ Rosalind S. Halderman, *For Clintons, speech income shows how their wealth is intertwined with charity*, Wash. Post (Apr. 22, 2015).

2009.⁹ Shortly after Ronald Reagan left office in 1989, he collected a \$2 million fee from a Japanese audience.¹⁰

Former presidents also earn millions from lucrative book deals after leaving office. President Clinton received a \$15 million advance for his 2004 memoir, and President George W. Bush received \$7 million for his memoir.¹¹

Updating the pension and allowances provided to former Presidents who earn significant incomes is needed given the country's fiscal position.

H.R. 1777 amends the FPA, authorizing a \$200,000 annual pension for each former President and a \$100,000 annual survivor benefit for a surviving spouse of a former President. The pension and the survivor benefit increase with the Social Security cost of living adjustment. H.R. 1777 also provides an annual allowance amount of \$200,000 for all other administrative costs, including travel, staff and office expenses. The annual allowance amount is reduced by \$1 for each dollar a former President earns in outside income in excess of \$400,000. The annual allowance is adjusted by the annual Social Security cost of living adjustment. The bill would not affect funding for the protection of former Presidents or their families.

LEGISLATIVE HISTORY

H.R. 1777, the Presidential Allowance Modernization Act, was introduced on April 14, 2015 by Congressman Jason Chaffetz (R-UT) and referred to the Committee on Oversight and Government Reform. On May 19, 2015, the Committee on Oversight and Government Reform ordered H.R. 1777 favorably reported, with an amendment. Congressman Elijah E. Cummings (D-MD) is an original cosponsor and Congressman Glenn Grothman (R-WI) is a cosponsor.

Similar legislation, S. 1411, was introduced by Sen. Joni Ernst (R-IA) on May 21, 2015, and referred to the Senate Committee on Homeland Security and Governmental Affairs. S. 1411 was ordered reported by the Committee on June 24, 2015.

The legislation was introduced in the House on two prior occasions and referred to the Committee on Oversight and Government Reform: H.R. 248 (113th Congress), and H.R. 4093 (112th Congress). No further action was taken on either bill.

SECTION-BY-SECTION

Section 1. Short title

Designates the short title of the bill as the "Presidential Allowance Modernization Act."

Section 2. Amendments

The bill sets the annual pension for each former president at \$200,000, plus the annual Social Security cost of living adjustment. In setting the \$200,000 annual pension, the bill removes the current pay link to that of cabinet secretaries. Former presidents are

⁹Joseph Morton, *Ernst: Cap expense accounts for former presidents at \$200,000 per year*, Omaha World-Herald (May 22, 2015).

¹⁰John Solomon and Matthew Mosk, *For Clinton, New Wealth in Speeches*, Wash. Post (Feb. 23, 2007).

¹¹Motoko Rich, *Bush Book on Decisions is Set for 2010*, N.Y. Times (Mar. 18, 2009).

ineligible to collect the pension when serving in an elected position in the federal government.

The bill provides a \$200,000 annual allowance for all other costs (except for security) associated with being a former president. The annual allowance is reduced \$1 for every dollar a former president earns in outside income in excess of \$400,000. The annual allowance replaces amounts currently provided for travel, staff, and office expenses; it is adjusted by the annual Social Security cost of living adjustment.

The bill establishes a \$100,000 survivor benefit for a surviving spouse of a former president, plus the annual Social Security cost of living adjustment. Currently, surviving spouses receive a \$20,000 annual pension.

Section 3. Rule of construction

The bill does not affect funding relating to the security or protection of a former president or a family member of a former president.

Section 4. Effective date; transition rules

The bill takes effect on the date of enactment.

EXPLANATION OF AMENDMENTS

Congressman Mark Meadows (R-NC) offered an amendment in the nature of a substitute to the bill. The amendment removes the references to the government of the District of Columbia, and is consistent with the changes to the structure of the District government made by the Home Rule Act of 1973. The amendment was adopted by voice vote. The bill, as amended, was then adopted and favorably reported to the House by voice vote.

COMMITTEE CONSIDERATION

On May 19, 2015 the Committee met in open session and ordered reported favorably the bill, H.R. 1777, as amended, by voice vote, a quorum being present.

ROLL CALL VOTES

There were no recorded votes during Full Committee consideration of H.R. 1777.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill amends the Act of August 25, 1958, commonly known as the “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to amend the Act of August 25, 1958, commonly known as the "Former Presidents Act of 1958", with respect to the monetary allowance payable to a former President.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104-4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Direc-

tor of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

H.R. 1777—Presidential Allowance Modernization Act

Summary: H.R. 1777 would decrease the pensions of former Presidents, increase the pensions of surviving spouses of former Presidents, and limit the allowances provided to each former President for staff, office space, and other related expenses. CBO estimates that implementing the legislation would reduce outlays by \$10 million over the 2016–2020 period, assuming that appropriations are reduced by those amounts. Enacting H.R. 1777 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The legislation contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1777 would impose a private-sector mandate, as defined in UMRA, by decreasing the pensions of former Presidents. The cost of complying with the mandate would be the total decrease in pension income earned by former Presidents (who left office before enactment of this bill) and would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

Estimated cost to the Federal Government: The estimated budgetary effect of H.R. 1777 is shown in the following table. The savings fall in budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2016	2017	2018	2019	2020	2016– 2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	–2	–2	–3	–3	–3	–12
Estimated Outlays	–2	–2	–2	–2	–2	–10

Basis of estimate: For this estimate, CBO assumes that H.R. 1777 will be enacted near the beginning of fiscal year 2016. After enactment, the annual pensions provided to former Presidents would initially drop by about \$4,000 to \$200,000, while a surviving spouse's pension would increase from \$20,000 to \$100,000 annually. Both of those pension amounts would be indexed to inflation. Assuming that the former Presidents currently collecting a pension continue to do so and because no surviving spouse currently receives a pension (Nancy Reagan has chosen to waive hers), the bill's provisions affecting such benefits would result in savings totaling less than \$150,000 over the next five years, CBO estimates.

In 2015, nearly \$2.4 million was appropriated for allowances to former Presidents—an average of \$600,000 per President. Such allowances are used to cover costs for offices, staff, supplies, and other services intended to help former Presidents perform duties related to their unofficial public status. H.R. 1777 would reduce that amount to a maximum of \$200,000 per President, indexed to inflation. That allowance would decrease by \$1 for every dollar over \$400,000 a former President earned in the previous year, also indexed to inflation. Based on publicly available information about the income of former Presidents in recent years, CBO expects that at least two former Presidents would earn enough that they would not be eligible for an allowance beginning 2016. As a result, assuming appropriations are reduced by the necessary amounts each year, the bill would save about \$1.6 million in 2016. After President Obama retires, savings would grow to \$2.2 million in 2018; total savings over the 2016–2020 period would be about \$10 million.

Pay-as-You-Go considerations: None.

Estimated impact on state, local, and tribal governments: H.R. 1777 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimated impact on the private sector: H.R. 1777 would impose a private-sector mandate, as defined in UMRA, by decreasing the pensions of former Presidents. Under current law, former Presidents receive an annual pension equal to the rate of basic pay for Cabinet Secretaries which is \$203,700 for calendar year 2015. The bill would reduce an earned benefit of former Presidents by decreasing their federal pension to \$200,000 per year, indexed to inflation. The cost of complying with the mandate would be the total decrease in pension income earned by the former Presidents (who left office before enactment of this bill) and would fall well below the annual threshold for private-sector mandates as established in UMRA for private-sector mandates.

Estimate prepared by: Federal Costs: Dan Ready; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 25, 1958

(Public Law 85-745)

AN ACT To provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes.

[(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

[(b) The Administrator of General Services shall, without regard to the civil-service and classification laws, provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed \$96,000 per annum, except that for the first 30-month period during which a former President is entitled to staff assistance under this subsection, such rates of compensation in the aggregate shall not exceed \$150,000 per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code. Amounts provided for "Allowances and Office Staff for Former Presidents" may be used to pay fees of an independent contractor who is not a member of the staff of the office of a former President for the review of Presidential records of a former President in connection with the transfer of such records to the National Archives and Records Administration or a Presidential Library without regard to the limitation on staff compensation set forth herein.

[(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify.]

(a) Each former President shall be entitled for the remainder of his or her life to receive from the United States—

(1) an annuity at the rate of \$200,000 per year, subject to subsection (c); and

(2) a monetary allowance at the rate of \$200,000 per year, subject to subsections (c) and (d).

(b)(1) The annuity and allowance under subsection (a) shall each—

(A) commence on the day after the individual becomes a former President;

(B) terminate on the last day of the month before the former President dies; and

(C) be payable by the Secretary of the Treasury on a monthly basis.

(2) The annuity and allowance under subsection (a) shall not be payable for any period during which the former President holds an appointive or elective position in or under the Federal Government to which is attached a rate of pay other than a nominal rate.

(c) Effective December 1 of each year, each annuity and allowance under subsection (a) having a commencement date that precedes such December 1 shall be increased by the same percentage as the percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 and following) are increased, effective as of such December 1, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(d)(1) Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period may not exceed the amount by which—

(A) the monetary allowance which (but for this subsection) would otherwise be so payable for such 12-month period, exceeds (if at all)

(B) the applicable reduction amount for such 12-month period.

(2)(A) For purposes of paragraph (1), the “applicable reduction amount” is, with respect to any former President and in connection with any 12-month period, the amount by which—

(i) the sum of (I) the adjusted gross income (as defined by section 62 of the Internal Revenue Code of 1986) of the former President for the last taxable year ending before the start of such 12-month period, plus (II) any interest excluded from the gross income of the former President under section 103 of such Code for such taxable year, exceeds (if at all)

(ii) \$400,000, subject to subparagraph (C).

(B) In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

(C) The dollar amount specified in subparagraph (A)(ii) shall be adjusted at the same time that, and by the same percentage as the percentage by which, the monetary allowance of the former President is increased under subsection (c) (disregarding this subsection).

(e) The [widow] widow or widower of each former President shall be entitled to receive from the United States a monetary allowance at a rate of [“\$20,000 per annum,”] \$100,000 per year (subject to paragraph (4)), payable monthly by the Secretary of the Treasury, if such [widow] widow or widower shall waive the right to each other annuity or pension to which [she] she or he is entitled under any other Act of Congress. The monetary allowance of such [widow] widow or widower—

(1) commences on the day after the former President dies;

(2) terminates on the last day of the month before such [widow] widow or widower—

(A) dies; or

(B) remarries before becoming 60 years of age; [and]

(3) is not payable for any period during which such [widow] *widow or widower* holds an appointive or elective office or position in or under the Federal Government [or the government of the District of Columbia] to which is attached a rate of pay other than a nominal rate[.]; and

(4) *shall, after its commencement date, be increased at the same time that, and by the same percentage as the percentage by which, annuities of former Presidents are increased under subsection (c).*

(f) As used in this section, the term “former President” means a person—

(1) who shall have held the office of President of the United States of America;

(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

(3) who does not then currently hold such office.

(g) There are authorized to be appropriated to the Administrator of General Services up to \$1,000,000 for each former President and up to \$500,000 for the spouse of each former President each fiscal year for security and travel related expenses: *Provided*, That under the provisions set forth in section 3056, paragraph (a), subparagraph (3) of title 18, United States Code, the former President and/or spouse was not receiving protection for a lifetime provided by the United States Secret Service under section 3056 paragraph (a) subparagraph (3) of title 18, United States Code; the protection provided by the United States Secret Service expired at its designated time; or the protection provided by the United States Secret Service was declined prior to authorized expiration in lieu of these funds.