**WHORM Subject File Code:** FE008
(Federal Government: Libraries – Museums, Presidential)
**Case file Number(s):** 297994-351081
**Box:** 19

326429

FE008

ChicagoStateUniversity

Library and Learning Resources
The Paul and Emily Douglas Library
Ninety-Fifth Street at King Drive
Chicago, Illinois 60628

Please address correspondence to my
residence:
1716 E. 55th Street
Chicago, Illinois 60615

July 16, 1985

Mr. Clarence L. Henley
Director, Office of Records Management
The White House
Washington, D. C. 20500

Dear Mr. Henley:

Thank you very much for your informative letter of July 2, 1985.

I appreciate that I may contact you again should additional questions arise at later date.

Sincerely yours,

Fritz Veit

Fritz Veit
Director of Libraries
Emeritus

Sg

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4610
FE008
FE010
FG006-01

THE WHITE HOUSE

WASHINGTON

WS

July 2, 1985

Dear Mr. Veit,

Thank you for your letter of June 24, 1985.

The Office of Records Management(RM) is the central record keeping unit within the White House Office. RM has custody of all the papers created or received by the President, First Lady and their staff members. These include, but not limited to, Executive Orders, Proclamations, briefing papers, speeches and drafts, appointment papers, opinion papers, Presidential handwritings, action memorandum, minutes of meetings, inter-office memorandum, original and drafts of news summaries, copy of press releases, staff files(not personal in nature), correspondence and logs.

More important papers are subject indexed using a computer system and then physically filed by that subject matter. The computer programs provide the necessary reports for the appropriate requesting office(s).

The President receives approximately 65,000 letters a week and a disposal schedule is followed, after action has been completed, in accordance with the Presidential Records Act, §2203(c). The Archivist of the United States has authorized the destruction of some 10,000 cubic feet of this material. A sample has been retained for researchers.

Should you have additional questions please feel free to call me at (202)456-2240.

Sincerely,

C. L. Henley

Clarence L. Henley
Director, Office of Records Management

Mr. Fritz Veit
1716 E. 55th Street
Chicago, Illinois 60615

Re. the handling of Presidential Papers

*Memo*

*From*

*The Desk of . . .* BIFF

For your approval

Biff

OK
OU

# PRESIDENTIAL RECORDS ACT OF 1978

# HEARINGS

BEFORE A

## SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

## H.R. 10998 and Related Bills

TO AMEND THE FREEDOM OF INFORMATION ACT TO INSURE PUBLIC ACCESS TO THE OFFICIAL PAPERS OF THE PRESIDENT, AND FOR OTHER PURPOSES

FEBRUARY 23, 28; MARCH 2 AND 7, 1978

Printed for the use of the Committee on Government Operations

p. 497-501

U.S. GOVERNMENT PRINTING OFFICE

34-424 O WASHINGTON : 1978

The "White House Office" is nominally within the Executive Office, but functions largely as a separate entity, with its own separate budget.[52] Its role is to serve the President in the performance of activities incident to his "immediate" office. The following list of White House Office staff is reproduced from the 1976/1977 United States Government Manual.

### The White House Office

Counsel to the President
Counsellor to the President
Counsellor to the President
Assistant to the President
Assistant to the President for Public Liaison
Assistant to the President for Domestic Affairs
Assistant to the President for Legislative Affairs
Assistant to the President for Management and Budget
Assistant to the President for National Security Affairs

Assistant to the President for Economic Affairs
Press Secretary to the President
Deputy Press Secretary to the President
Deputy Assistant to the President for Domestic Affairs
Deputy Assistant to the President for Urban Affairs
Deputy Assistant to the President for Economic Affairs
Deputy Assistant to the President for National Security Affairs
Deputy Assistant to the President for Legislative Affairs (Senate)
Deputy Assistant to the President for Legislative Affairs (House)
Deputy Counsel to the President
Secretary to the Cabinet and Staff Secretary to the President
Special Consultant to the President
Director, Presidential Personnel Office
Special Assistant to the President for Minority Affairs
Special Assistant to the President
Special Assistant to the President
Special Counsel to the President
Special Assistant to the President for Women

Special Assistant to the President
Special Assistant to the President for Consumer Affairs
Military Assistant to the President

Special Assistant to the President for Ethnic Affairs

Associate Counsel to the President
Special Assistant to the President for Intergovernmental Affairs
Special Assistant to the President for Human Resources
Special Assistant to the President
Special Counsel to the President
Assistant Press Secretary to the President
Assistant Press Secretary to the President
Editor, Presidential Messages and Research
Director, Press Advance Office
Personal Secretary to the President
Director, Correspondence Office
Director, Office of White House Visitors
Director, Office of Presidential Messages
Director, Office of Presidential Spokesmen
Deputy Staff Secretary to the President
Special Assistant for Legislative Affairs (Senate)
Associate Counsel
Personal Photographer to the President
Personal Assistant to the President
Special Assistant for Legislative Affairs (House)
Director, Research Office
Deputy Director, Presidential Personnel Office
Director, Scheduling Office
Aide to the President
Special Assistant for Legislative Affairs (House)
Executive Secretary, Economic Policy Board
Assistant Press Secretary
Executive Assistant to the Counsellor to the President
Deputy to the Assistant to the President for Legislative Affairs
Social Secretary
Press Secretary to the First Lady
Physician to the President

Chief Executive Clerk
Chief Usher





a. Central Files

The primary filing system for the Presidency is the White House Central Files Unit. It maintains papers generated by the White House Office, plus some papers from some offices within the Executive Office. Materials in the Central Files, with one exception noted below, have been considered Presidential, and have traditionally left the White House with a departing President.

Material in Central Files consists of (1) incoming correspondence to the White House, mostly from private citizens but also from congressmen, heads of state, etc.; (2) copies of outgoing correspondence, reports, memoranda, etc., generated or received by the Office of the President or various staff offices; (3) drafts of memoranda, speeches, etc., prepared by officials other than the President; (4) a small file known as the "permanent file" or the "precedent file", consisting of documents establishing a precedent in internal White House matters. These are not materials bearing on policy matters, but include instances such as how the American flag was redesigned when Alaska and Hawaii became states, expiration dates of various commissions, etc. The precedent file has been the only part of Central Files to remain in the White House at the conclusion of an administration; (5) correspondence and records

of the Domestic Council, the Council on International Economic Policy, and in the Ford Administration, the Economic Policy Board and the Energy Resources Council.[53]

The National Security Council, an agency within the Executive Office, maintains two categories of files. "Institutional" files include N.S.C. study and decision memoranda, reports and recommendations prepared for the Council, briefing papers, and minutes of N.S.C. and subgroup meetings. These materials remain with the N.S.C. from administration to administration.[54]

The second category of N.S.C. file consists of the "non-institutional" or "Presidential" materials. These include briefing materials for the President, records of negotiations with foreign governments, correspondence with foreign heads of state or governments, correspondence with or directives to agencies within the Executive branch on foreign affairs. Such materials are maintained by N.S.C. staff, but have been considered to be presidential files, and have been removed by presidents when there is a change in administrations.[55] This practice has given rise to numerous continuity problems, discussed in a separate section below.

Other non-institutional N.S.C. files go to the Central Files. These include official presidential documents,





congressional and public correspondence, legislative documents, speech material, and unclassified, non-substantive records.

The remainder of the units within the Executive Office, such as the Office of Management and Budget, the Council of Economic Advisors, the Office of Telecommunications Policy, etc., maintain their own files, and are subject to the requirements of the Federal Records Act.[56] It should be noted, however, that not infrequently the head of an office within the Executive Office wears "two hats," heading his particular unit, and also serving as a presidential advisor. Materials generated in the latter role have been placed in Central Files rather than in the institutional files of the office.[57]

Other materials may also wind up in Central Files. For example, at the conclusion of the Ford Administration, White House staff members were directed to forward to Central Files any campaign related materials in their possession.[58]

Various commissions, task forces, boards, etc., may be established from time to time to advise the President. Such bodies are governed by statute under the generic term "advisory committees." (5 U.S.C. App. 1 et seq.)

At the conclusion of 1975 there were approximately 43 separate advising committees advising only the President, with ten more advisory organizations within the Executive Office of the President. The records and reports of the advisory

committees which have been submitted to the President have been placed in Central Files, and removed with the departing President.[59]

b. Staff Secretary

There are various places outside of Central Files and Executive Office units which may maintain records of the presidency. In the Nixon and Ford Administrations, the White House Staff Secretary's Office maintained files. Under former President Nixon, these included a "Special Files Unit," for sensitive materials, such as investigative reports on individuals, documents concerning personal affairs of individuals, information prejudicial to the national security, documents pertaining to the President's personal affairs, politically sensitive materials, etc.[60]

Under President Ford, this Special Files Unit was phased out. The Staff Secretary did continue to maintain a file consisting of significant documents which crossed the President's desk, and including a confidential section for sensitive materials. These files in the Staff Secretary's Office have been considered Presidential files, and disposed of according to the wishes of the departing President.[61]

c. Records Office

The White House Records Office maintains a card file of official presidential actions. Only the fact that an action was taken is recorded here, without supporting documentation. Any





such supporting material goes to Central Files, with the exception of enrolled bills, which are retained by the Records Office, to be forwarded to a departing President. The card file itself remains in the White House Records Office, and constitutes the only permanent record of Presidential actions maintained by the White House.[62]

d. Administrative Office

The White House Administrative Office maintains files relating to accounts, purchases and personnel. These files are preserved during successive administrations, and are not removed from the White House by retiring presidents.[63]

e. Staff Files

White House staff members may maintain files in the course of an administration. However, at the conclusion of the administration, staff members are required to forward to Central Files all the contents of their files except purely personal materials, and extra copies of materials generated by the staff member (subject to applicable legal restrictions).[64]

2. Vice Presidential Papers

The papers of Vice Presidents of the United States have traditionally been disposed of in the same manner as presidential papers; that is, Vice Presidents have been free to remove them when they left office. Historically, vice presidential papers "have been subject to the same exigencies and have suffered the same dispersion as have the presidential papers," according to the Deputy Assistant Archivist for

8/

**ChicagoStateUniversity**

Library and Learning Resources
The Paul and Emily Douglas Library
Ninety-Fifth Street at King Drive
Chicago, Illinois 60628


Please address correspondence to
my residence:
1716 E. 55th Street
Chicago, Illinois 60615

June 24, 1985

Mr. Biff Henley
Director, Records Management and Central
Files
Executive Office of the President
White House Operations
Old Executive Office Building, Rm. 80
17th and Pennsylvania, NW
Washington, DC 20500

Dear Mr. Henley:

I am interested in finding out whether the Presidential Records Act of 1978 (Public Law 95-591-95th Congress) had any impact on the current practice of handling presidential papers.

I found a description of your system as it has been in force in 1978. The description appeared in Presidential Records Act of 1978. Hearings before ... the Committee on Government Operations ... House, 95th Cong., 2d session on H. R. 10998 and related Bills ... I have also a copy of an Affidavit of William F. Matthews, then Chief White House Central Files, dated July 7, 1975, submitted in the court case Richard Nixon vs. Administrator of General Services and USA. Civil Action No. 74-1852.

The description in the Hearings and the statement by Mr. Matthews have essentially the same information, except that Mr. Mattews also describes how the files were disposed of at the close of the several administrations (Truman, Eisenhower, Kennedy, Johnson and Nixon), namely collected, boxed and disposed of in accordance with the wishes of the outgoing. (The Nixon papers were sent to the Office of Presidential Papers)

It would be greatly appreciated if you would send me a description of your current practice of handling Presidential Papers, <u>if</u> your current practice differs from that described in the Hearings.

P.S. I have enclosed a copy of the pertinent pages of the Hearings on the change that you may not have them readily available

Sincerely yours
Fritz Veit
Fritz Veit, Director of Libraries
Emeritus

# U.S. National Archives & Records Administration

## Current Status Details for CTRH RECID: 333343 MAIN SUBCODE: FE008

| | |
|---|---|
| Current Status | None |
| User Name | dbarrie |
| Status Date | 2010-11-08 |
| Case Number | |
| Notes | Transferred to FE008-01 |

Change Status | Close Window

## Review Status History

| No. | Status | Date | User | Case Number | Notes |
|---|---|---|---|---|---|
| 1 | None | 2010-11-08 | dbarrie | | Transferred to FE008-01 |

ID # 346045 CU

FE008

# WHITE HOUSE
# CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING
☐ H - INTERNAL
☐ I - INCOMING
Date Correspondence Received (YY/MM/DD) / /

**Name of Correspondent:** Joseph Wright

☐ **MI Mail Report** **User Codes: (A)** _____ **(B)** _____ **(C)** _____

**Subject:** Presidential Libraries -- S. 1047

**ROUTE TO:** **ACTION** **DISPOSITION**

| Office/Agency (Staff Name) | Action Code | Tracking Date YY/MM/DD | Type of Response | Code | Completion Date YY/MM/DD |
|---|---|---|---|---|---|
| CW Holland | ORIGINATOR | 85/09/18 | | C | 85/09/20 PY |
| | Referral Note: | | | | |
| CWAT04 | R | 85/09/18 | | C | 85/09/20 PY |
| | Referral Note: | Sep 20 85 RAH memo to Joseph Wright | | | |
| | | / / | | | / / |
| | Referral Note: | | | | |
| | | / / | | | / / |
| | Referral Note: | | | | |
| | | / / | | | / / |
| | Referral Note: | | | | |

ACTION CODES:
A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet to be used as Enclosure
I - Info Copy Only/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:
A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:
Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

**Comments:**

Keep this worksheet attached to the original incoming letter.
Send all routing updates to Central Reference (Room 75, OEOB).
Always return completed correspondence record to Central Files.
Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

581

# RECORDS MANAGEMENT ONLY

## CLASSIFICATION SECTION

No. of Additional Correspondents:_____ Media: _____ Individual Codes: __.____ __.____ __.____

Prime Subject Code: __ ____-__ Secondary Subject Codes: __ ____-__ __ ____-__

__ ____-__ __ ____-__

__ ____-__ __ ____-__

## PRESIDENTIAL REPLY

| Code | Date | Comment | Form |
|---|---|---|---|
| C __ | _____ | Time: _____ | P- _____ |
| DSP | _____ | Time: _____ | Media: _____ |

SIGNATURE CODES:

CPn - Presidential Correspondence
- n - 0 - Unknown
- n - 1 - Ronald Wilson Reagan
- n - 2 - Ronald Reagan
- n - 3 - Ron
- n - 4 - Dutch
- n - 5 - Ron Reagan
- n - 6 - Ronald
- n - 7 - Ronnie

CLn - First Lady's Correspondence
- n - 0 - Unknown
- n - 1 - Nancy Reagan
- n - 2 - Nancy
- n - 3 - Mrs. Ronald Reagan

CBn - Presidential & First Lady's Correspondence
- n - 1 - Ronald Reagan - Nancy Reagan
- n - 2 - Ron - Nancy

MEDIA CODES:

- B - Box/package
- C - Copy
- D - Official document
- G - Message
- H - Handcarried
- L - Letter
- M - Mailgram
- O - Memo
- P - Photo
- R - Report
- S - Sealed
- T - Telegram
- V - Telephone
- X - Miscellaneous
- Y - Study

THE WHITE HOUSE

WASHINGTON

September 20, 1985

MEMORANDUM FOR JOSEPH R. WRIGHT, JR.
ACTING DIRECTOR
OFFICE OF MANAGEMENT AND BUDGET

FROM: RICHARD A. HAUSER RAH
DEPUTY COUNSEL TO THE PRESIDENT

SUBJECT: OMB Comments on S.1047

We have reviewed and have no objections to your proposed letter to Senator William V. Roth, Jr., concerning Title I of S.1047, the "Former Presidents Facilities and Services Reform Act of 1985".

RAH:mcl
Subject
Chron

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

## ROUTE SLIP

| | |
|---|---|
| TO ~~Mary~~ Mel Larson | Take necessary action ☐ |
| | Approval or signature ☐ |
| | Comment ☐ |
| | Prepare reply ☐ |
| | Discuss with me ☐ |
| | For your information ☐ |
| | See remarks below ☐ |
| FROM Amanda Stephens AS | DATE 9/19 |

**REMARKS**

Per your request. I've attached both S.1047 and the counterpart House bill HR1349 as passed by the House.

FYI: Minority staff in the House advise that it's a good bet that if Senate passes title I of S. 1047, that House will accept it, avoiding a need for a conference.

Sept. 10 letter was not sent — Will be sending letter today (9/19/83) to Govt Affairs Committee

OMB FORM 4
Rev Aug 70

99TH CONGRESS
1ST SESSION

# H. R. 1349

IN THE SENATE OF THE UNITED STATES

JUNE 6 (legislative day, JUNE 3), 1985
Received; read twice and referred to the Committee on Governmental Affairs

# AN ACT

To reduce the costs of operating Presidential libraries, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SUITABILITY OF BUILDING AND EQUIPMENT FOR PRESIDENTIAL ARCHIVAL DEPOSITORY.**

(a) REQUIREMENT FOR CERTIFICATION OF SUITABILITY.—Subsection (a) of section 2112 of title 44, United States Code, is amended by inserting at the end of the five indented clauses of the second paragraph of such subsection the following new clause:

"(F) a certification that such building and equipment (whether offered as a gift or made available without transfer of title) comply with minimum standards prescribed by the Archivist relating to suitability for use for archival purposes.".

(b) CLERICAL AMENDMENTS.—Subsection (a) of section 2112 of title 44, United States Code, is further amended—

(1) by inserting "(1)" after "(a)" in the first paragraph of such subsection;

(2) by inserting "(A)" after "public interest he may" in such paragraph;

(3) by inserting "(B)" after "archives system; and" in such paragraph;

(4) by designating the second paragraph of such subsection as paragraph (2) and by designating the five indented clauses in such paragraph as clauses (A) through (E), respectively;

(5) by striking out "and" at the end of the clause so designated as clause (D), by striking out the period at the end of the clause so designated as clause (E) and inserting in lieu thereof "; and"; and

(6) by designating the third paragraph of such subsection as paragraph (3).

1 **SEC. 2. GIFTS AND BEQUESTS FOR THE SUPPORT OF PRESI-**
2 **DENTIAL ARCHIVAL DEPOSITORIES.**

3 (a) AUTHORITY TO SOLICIT GIFTS.—Subsection (g) of
4 section 2112 of title 44, United States Code, is amended by
5 striking out "accept gifts or bequests of money or other prop-
6 erty" and inserting in lieu thereof "solicit and accept gifts or
7 bequests of money or other property".

8 (b) DEPOSIT AND USE OF GIFT PROCEEDS.—Subsec-
9 tion (g) of such section is further amended—

10 (1) by inserting "an account in" before "the Na-
11 tional Archives Trust Fund"; and

12 (2) by striking out "including administrative and
13 custodial expenses as the Archivist determines" and in-
14 serting in lieu thereof "for the same purposes and ob-
15 jects, including custodial and administrative services for
16 which appropriations for the maintaining, operating,
17 protecting, or improving Presidential archival deposi-
18 tories might be expended".

19 (c) REQUIREMENT OF ENDOWMENT TO SUPPORT
20 BUILDING OPERATIONS.—Subsection (g) of such section is
21 further amended—

22 (1) by inserting "(1)" after "(g)"; and

23 (2) by adding at the end thereof the following new
24 paragraphs:

25 "(2) The Archivist shall provide for the establishment in
26 such Trust Fund of separate endowments for the mainte-

1 nance of the land, buildings, and equipment of each Presiden-
2 tial archival depository, to which shall be credited any gifts
3 or bequests received under paragraph (1) that are offered for
4 that purpose. Income to each such endowment shall be avail-
5 able to cover the cost of building operations, but shall not be
6 available for the performance of archival functions under this
7 title.

8 "(3) The Archivist shall not accept or take title to any
9 land, building, or equipment under subsection (a)(1)(A), or
10 make any agreement to use any land, building, or equipment
11 under subsection (a)(1)(B), for the purpose of creating a Pres-
12 idential archival depository unless the Archivist determines
13 that there is available, by gift or bequest for deposit under
14 paragraph (2) in an endowment with respect to that deposito-
15 ry, an amount for the purpose of maintaining such land,
16 buildings, and equipment equal to at least 20 percent of the
17 sum of—

18 "(A) the total cost of acquiring or constructing
19 such buildings and of acquiring and installing such
20 equipment; and

21 "(B)(i) if title to the land is to be vested in the
22 United States, the cost of acquiring the land upon
23 which such buildings are situated, or such other meas-
24 ure of the value of such land as is mutually agreed
25 upon by the Archivist and the donor; or

"(ii) if title to the land is not to be vested in the United States, the cost to the donor of any improvements (other than such buildings and equipment) to the land upon which such buildings are situated.".

(d) EFFECTIVE DATE OF ENDOWMENT REQUIREMENTS.—Paragraph (3) of section 2112(g) of title 44, United States Code, as added by subsection (c) of this section, shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985.

**SEC. 3. STUDY OF MUSEUM OF THE PRESIDENTS.**

(a) STUDY BY ARCHIVIST.—The Archivist of the United States, in consultation with the Secretary of the Smithsonian Institution and the Chairman of the National Capital Planning Commission, shall study the demand for, and the cost, and space and program requirements of, establishing a museum of the Presidents. With respect to such costs, the study shall examine the feasibility of establishing and operating such museum exclusively with non-Federal funds.

(b) COOPERATION OF OTHER FEDERAL AGENCIES.—Each Federal agency shall cooperate with the Archivist in conducting the study required by subsection (a).

1 (c) SUBMISSION OF RESULTS OF STUDY.—In the
2 annual report for fiscal year 1986 required by section 2106 of
3 title 44, United States Code, the Archivist shall include a
4 statement of the results of the study required by subsection
5 (a) and any recommendations of the Archivist with respect to
6 establishing such a museum.

Passed the House of Representatives June 4, 1985.

Attest: BENJAMIN J. GUTHRIE,

*Clerk.*

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

R Alt
ASAP
comments to Jane
plz
346045cu

TO: FRED FIELDING

FROM: JOSEPH WRIGHT
ACTING DIRECTOR

SUBJECT: PRESIDENTIAL LIBRARIES -- S. 1047

---

On September 10 we sent a letter to the Senate Governmental Affairs Committee in general support of title I of S. 1047, the "Former Presidents Facilities and Services Reform Act of 1985." This bill -- this year's version of Senator Chiles' former Presidents legislation -- is scheduled for full committee markup during the week of September 23.

According to committee staff, only title I of the bill, concerning Presidential libraries, will be marked up. (Titles II and III, deal with staff and office support for former Presidents and Secret Service protection for former Presidents and their families). Title I, which is similar to H.R. 1349, which passed the House of June 4, whould prohibit the Archivist from accepting a library on behalf of the United States unless an endowment equal to at least 20 percent of the cost of acquiring and constructing the library is established, the proceeds of which would be used to offset operating costs. The Archivist would also be required to promulgate architectural and design standards for Presidential libraries.

Consistent with the Administration's position on H.R. 1349, our letter supports title I to the extent that its major provisions do not apply to President Reagan's library. (As introduced, the President's library would not be subject to the 20 percent endowment requirement; it would be subject to the architectural and design standards.)

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DRAFT

Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in reply to your request for the views of the Office of Management and Budget on S. 1047, the "Former Presidents Facilities and Services Reform Act of 1985."

I understand that the Committee will limit its consideration of this legislation to title I of the bill, concerning Presidential libraries. Consequently, I will confine my remarks to that title.

Key provisions of title I of S. 1047 are noted below.

- The Archivist would be prohibited from accepting a library for any President who first takes office on or after May 9, 1984, unless there is established an endowment equal to at least twenty percent of the cost of acquiring and constructing the library, the proceeds of which would be used to offset operational costs. A larger endowment, determined according to a formula contained in the bill, would have to be established for any library that exceeds 70,000 square feet in area.

- The Archivist of the United States would be required to promulgate architectural and design guidelines to ensure adequate research space and suitability for archival purposes.

- Endowments would be established for each library. Gifts to the endowments would be used to offset operating costs.

Consistent with the position taken by the Administration on H.R. 1349, a similar bill that passed the House on June 4, 1985, we support title I of S. 1047 to the extent that its major provisions do not apply to the library of the incumbent President. Accordingly, we recommend that the bill be amended to make it clear that the Archivist's authority to issue architectural and design standards applies only to Presidents who take office for the first time on or after January 20, 1985. In particular, we suggest amending section 103 of the bill to read, as follows:

> Sec. 103. Paragraphs (3) and (4) of section 2108(g) and paragraph (2) of section 2112(a) of title 44, United States Code (as added by the amendments made by section

102 of this Act), shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985.

In addition, I believe that the Committee should give serious consideration to the concerns expressed by the National Archives and Records Administration. More specifically, I am uncertain about the need for an additional endowment for Presidential libraries that exceed 70,000 square feet in area. In my view, an across-the-board requirement for a twenty percent endowment should be adequate to assure sufficient private sector participation in defraying operating costs of Presidential libraries. I also believe that encouraging compliance with an arbitrary square footage limitation could interfere inappropriately with the design and construction of future libraries. If the Committee nonetheless wishes to impose a square footage ceiling, it should be considerably higher than 70,000 square feet (i.e., at least 80,000 square feet for a one-term President and at least 85,000 square feet for a President who serves more than one term).

Sincerely,

Joseph R. Wright, Jr.
Acting Director

99TH CONGRESS
1ST SESSION

# S. 1047

To reform the laws relating to former Presidents.

---

IN THE SENATE OF THE UNITED STATES

MAY 1 (legislative day, APRIL 15), 1985

Mr. CHILES (for himself, Mr. ROTH, Mr. PRYOR, Mrs. KASSEBAUM, Mr. BURDICK, Mr. COHEN, Mr. HOLLINGS, Mr. DECONCINI, Mr. SASSER, Mr. EXON, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

---

# A BILL

To reform the laws relating to former Presidents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Former Presidents Facilities and Services Reform Act of 1985".

DEFINITIONS

SEC. 2. For purposes of this Act, the term "former President" means an individual—

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

(2) whose service in such office has 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 currently hold such office.

## TITLE I—PRESIDENTIAL LIBRARIES

### RESEARCH AND MUSEUM FACILITIES

SEC. 101. Section 2101(1) of title 44, United States Code, is amended by inserting before the semicolon a comma and "and may include research facilities and museum facilities in accordance with this chapter".

### PRESIDENTIAL ARCHIVAL DEPOSITORIES

SEC. 102. (a) Section 2112(a) of title 44, United States Code, is amended to read as follows:

"(a)(1) When the Archivist considers it to be in the public interest, the Archivist may—

"(A)(i) accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository;

"(ii) take title to the land, facility, and equipment on behalf of the United States; and

"(iii) maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository and as part of the national archives system;

"(B)(i) make agreements, upon terms and conditions the Archivist considers proper, with a State, political subdivision, university, institution of higher

1 learning, institute, or foundation to use as a Presiden-
2 tial archival depository land, a facility, and equipment
3 of the State, subdivision, university, or other organiza-
4 tion, to be made available by it without transfer of title
5 to the United States; and

6 "(ii) maintain, operate, and protect the depository
7 as a part of the national archives system; and

8 "(C) accept, for and in the name of the United
9 States, gifts offered for the purpose of making any
10 physical or material change or addition to a Presiden-
11 tial archival depository.

12 "(2) The Archivist shall promulgate architectural and
13 design standards applicable to Presidential archival deposi-
14 tories in order to ensure that such depositories (A) preserve
15 Presidential records subject to chapter 22 of this title and
16 papers and other historical materials accepted for deposit
17 under section 2107 of this title and (B) contain adequate re-
18 search facilities.

19 "(3) Prior to accepting and taking title to any land, fa-
20 cility, or equipment under subparagraph (A) of paragraph (1),
21 or prior to entering into any agreement under subparagraph
22 (B) of such paragraph or any other agreement to accept or
23 establish a Presidential archival depository, the Archivist
24 shall submit a written report on the proposed Presidential
25 archival depository to the President of the Senate and the

1 Speaker of the House of Representatives. The report shall
2 include—

3 "(A) a description of the land, facility, and equip-
4 ment offered as a gift or to be made available without
5 transfer of title;

6 "(B) a statement specifying the estimated total
7 cost of the proposed depository and the amount of the
8 endowment for the depository required pursuant to sub-
9 section (g) of this section;

10 "(C) a statement of the terms of the proposed
11 agreement, if any;

12 "(D) a general description of the types of papers,
13 documents, or other historical materials proposed to be
14 deposited in the depository to be created, and of the
15 terms of the proposed deposit;

16 "(E) a statement of any additional improvements
17 and equipment associated with the development and
18 operation of the depository, an estimate of the costs of
19 such improvements and equipment, and a statement as
20 to the extent to which such costs will be incurred by
21 any Federal or State government agency;

22 "(F) an estimate of the total annual cost to the
23 United States of maintaining, operating, and protecting
24 the depository;

"(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection; and

"(H) a statement that the Archivist has determined that the amount required pursuant to subsection (g) of this section to be deposited in an endowment for the Presidential archival depository will be available for deposit in accordance with the requirements of such subsection.

"(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

"(A) a description of such gift;

"(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

"(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

"(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

"(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition;

"(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection; and

"(G) a statement that the Archivist has determined that the amount required pursuant to subsection (g) of this section to be deposited in an endowment for the depository in order to meet the cost of such change or addition will be available for deposit in accordance with the requirements of such subsection.

"(5) The Archivist may not—

"(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for

1 the purpose of creating a Presidential archival deposi-
2 tory;
3 "(B) enter into any agreement under subpara-
4 graph (B) of such paragraph or any other agreement to
5 accept or establish a Presidential archival depository;
6 or
7 "(C) accept any gift under subparagraph (C) of
8 such paragraph for the purpose of making any physical
9 or material change to a Presidential archival deposi-
10 tory,
11 until the expiration of a period of 60 days of continuous ses-
12 sion of Congress beginning on the date on which the Archi-
13 vist transmits the report required under paragraph (3) of this
14 subsection with respect to such Presidential archival deposi-
15 tory or the report required under paragraph (4) of this sub-
16 section with respect to such change or addition, as the case
17 may be.".
18 (b) Section 2112(g) of title 44, United States Code, is
19 amended to read as follows:
20 "(g)(1) When the Archivist considers it be in the public
21 interest, the Archivist may solicit and accept gifts or bequests
22 of money or other property for the purpose of maintaining,
23 operating, protecting, or improving a Presidential archival
24 depository. The proceeds of gifts or bequests, together with
25 the proceeds from fees or from sales of historical materials,

1 copies or reproductions, catalogs, or other items, having to do
2 with a Presidential archival depository, shall be paid into an
3 account in the National Archives Trust Fund and shall be
4 held, administered, and expended for the benefit and in the
5 interest of the Presidential archival depository in connection
6 with which they were received, and for the same purposes
7 and objects, including custodial and administrative services
8 for which appropriations for the maintenance, operation, pro-
9 tection, or improvement of Presidential archival depositories
10 might be expended.

11 "(2) The Archivist shall provide for the establishment in
12 such Trust Fund of separate endowments for the mainte-
13 nance of the land, facility, and equipment of each Presidential
14 archival depository, to which shall be credited any gifts or
15 bequests received under paragraph (1) that are offered for
16 that purpose. Income to each such endowment shall be avail-
17 able to cover the cost of facility operations, but shall not be
18 available for the performance of archival functions under this
19 title.

20 "(3) The Archivist shall not accept or take title to any
21 land, facility, or equipment under subparagraph (A) of subsec-
22 tion (a)(1), or enter into any agreement to use any land, facil-
23 ity, or equipment under subparagraph (B) of such subsection
24 for the purpose of creating a Presidential archival depository,
25 unless the Archivist determines that there is available, by gift

1 or bequest for deposit under paragraph (2) of this subsection
2 in an endowment with respect to such depository, an amount
3 for the purpose of maintaining such land, facility, and equip-
4 ment equal to—

5 "(A) the product of—

6 "(i) the total cost of acquiring or constructing
7 such facility and of acquiring and installing such
8 equipment, multiplied by

9 "(ii) 20 percent; plus

10 "(B)(i) if title to the land is to be vested in the
11 United States, the product of—

12 "(I) the total cost of acquiring the land upon
13 which such facility is located, or such other meas-
14 ure of the value of such land as is mutually
15 agreed upon by the Archivist and the donor, mul-
16 tiplied by

17 "(II) 20 percent; or

18 "(ii) if title to the land is not to be vested in the
19 United States, the product of—

20 "(I) the total cost to the donor of any im-
21 provements to the land upon which such facility is
22 located (other than such facility and equipment),
23 multiplied by

24 "(II) 20 percent; plus

1 "(C) if the Presidential archival depository will
2 exceed 70,000 square feet in area, an amount equal to
3 the product of—
4 "(i) the sum of—
5 "(I) the total cost described in clause (i)
6 of subparagraph (A); plus
7 "(II) the total cost described in sub-
8 clause (I) or (II) of subparagraph (B)(i), as
9 the case may be, multiplied by
10 "(ii) the percentage obtained by dividing the
11 number of square feet by which such depository
12 will exceed 70,000 square feet by 70,000.
13 "(4) The Archivist may not accept any gift under sub-
14 paragraph (C) of paragraph (1) for the purpose of making any
15 physical or material change in a Presidential archival deposi-
16 tory unless the Archivist determines that there is available,
17 by gift or bequest for deposit under paragraph (2) of this sub-
18 section in an endowment with respect to such depository, an
19 amount for the purpose of maintaining the land, facility, and
20 equipment of such depository equal to the difference be-
21 tween—
22 "(A) the amount which, pursuant to paragraph (3)
23 of this subsection, would have been required to have
24 been available for deposit in such endowment with re-

spect to such depository if such change or addition had been included in such depository on—

"(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

"(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph,

as the case may be; minus

"(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.".

APPLICABILITY

SEC. 103. Paragraphs (3) and (4) of section 2108(g) of title 44, United States Code (as added by the amendment made by section 102 of this Act) shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after May 9, 1984.

1 TITLE II—FORMER PRESIDENTS

2 SPOUSAL PENSIONS

3 SEC. 201. Subsection (e) of the first section of the Act
4 entitled "An Act to provide retirement, clerical assistants,
5 and free mailing privileges to former Presidents of the United
6 States, and for other purposes", approved August 25, 1958
7 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as
8 follows:

9 "(e) The spouse of a deceased former President shall be
10 entitled to receive from the United States a monetary allow-
11 ance at a rate per annum, payable monthly by the Secretary
12 of the Treasury, which is equal to two-thirds of the rate
13 which is payable under subsection (a) to a former President.
14 The monetary allowance of such spouse—

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

17 "(2) terminates on the last day of the month
18 before such spouse—

19 "(A) dies; or

20 "(B) remarries before becoming sixty years
21 of age; and

22 "(3) is not payable for any period during which
23 such spouse holds an appointive or elective office or
24 position in or under the Federal Government or the

1 government of the District of Columbia to which is at-
2 tached a rate of pay other than a nominal rate.".

3 OFFICE AND STAFF FOR FORMER PRESIDENTS

4 SEC. 202. (a) Subsections (b) and (c) of the first section
5 of the Act entitled "An Act to provide retirement, clerical
6 assistants, and free mailing privileges to former Presidents of
7 the United States, and for other purposes", approved August
8 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to
9 read as follows:

10 "(b)(1) The Administrator of General Services (herein-
11 after referred to as the 'Administrator') is authorized to pro-
12 vide to each former President, upon request, necessary serv-
13 ices and facilities, including—

14 "(A) one suitable office, not to exceed four thou-
15 sand square feet in area unless the Administrator de-
16 termines that circumstances exist to warrant the provi-
17 sion of an office in excess of four thousand square feet,
18 in a public building owned or leased by the United
19 States in a location in the United States as the former
20 President shall designate;

21 "(B) appropriate equipment for such office, includ-
22 ing furniture, furnishings, office machines and equip-
23 ment, and office supplies, as determined by the Admin-
24 istrator after consultation with the former President or
25 the individual designated by the former President under
26 subsection (c);

1 "(C) payment of the compensation of members of
2 an office staff designated by the former President at
3 rates determined by the former President which are
4 not in excess of the rate provided for level II of the
5 Executive Schedule under section 5313 of title 5,
6 United States Code, except that notwithstanding any
7 other provision of law, persons receiving compensation
8 as members of an office staff of a former President
9 under this subsection shall not be considered to be em-
10 ployees of the Federal Government except for purposes
11 of chapters 81, 83, 87, and 89 of title 5, United States
12 Code;

13 "(D) payment of travel expenses and subsistence
14 allowances, including rental of Government or hired
15 motor vehicles, found necessary by the former Presi-
16 dent, as authorized for employees serving intermittent-
17 ly under section 5703 of such title;

18 "(E) when authorized by the President, transpor-
19 tation on Government aircraft or Government char-
20 tered aircraft solely for the purpose of enabling a
21 former President to complete the affairs of such former
22 President's office and otherwise as required incidentally
23 to protect such former President;

24 "(F) communications services found necessary by
25 the former President;

1 "(G) payment of expenses for necessary printing
2 and binding, notwithstanding the provisions of section
3 501 of title 44, United States Code; and
4 "(H) movement of the personal effects and house-
5 hold goods of a former President and the family of the
6 former President from the Executive Residence at the
7 White House in Washington, the District of Columbia,
8 to a location in the United States selected by such
9 former President.
10 "(2) Any Federal employee may be detailed to the office
11 staff of a former President on a reimbursable basis with the
12 consent of the head of the agency involved. Any such detail
13 shall be for a period not in excess of eight months and ten
14 days after the date on which the former President leaves
15 office. An employee detailed to the office of a former Presi-
16 dent shall be responsible only to the former President for the
17 performance of such employee's duties during the period of
18 such detail. An employee detailed under this paragraph is
19 deemed, for the purpose of preserving the employee's allow-
20 ances, privileges, rights, seniority, and other benefits, an em-
21 ployee of the agency from which such employee is detailed,
22 and such employee is entitled to pay, allowances, and bene-
23 fits from funds available to that agency. The authorization
24 and payment of such allowances and other benefits from ap-

1 propriations available therefor is deemed to comply with sec-
2 tion 5536 of title 5, United States Code.

3 "(3) The costs of providing transportation to a former
4 President under subparagraph (E) of paragraph (2) shall be
5 paid from amounts appropriated for such former President
6 under subsection (i) and from such amounts as may be col-
7 lected by the Administrator from the Secret Service, other
8 Federal agencies, or other persons for the use of space on
9 Government aircraft or Government chartered aircraft and
10 are credited (with respect to such former President) to the
11 account for appropriations under this Act.

12 "(c) Each former President may designate to the Ad-
13 ministrator an individual authorized to make, on the behalf of
14 such former President, such designations or findings of neces-
15 sity as may be required in connection with the services and
16 facilities to be provided under subsection (b).".

17 (b)(1)(A) Subsection (e) of such section (as amended by
18 section 201 of this Act) is redesignated as subsection (j).

19 (B) Subsection (f) of such section is redesignated as sub-
20 section (k).

21 (2) Such section is amended by inserting immediately
22 after subsection (c) the following new subsections:

23 "(d) Funds provided for necessary services and facilities
24 for a former President under this Act shall be used for activi-
25 ties which are the direct result of such former President

1 having held the office of President. Such funds may not be
2 used for partisan political activities or income generating ac-
3 tivities (including the preparation of the memoirs of such
4 former President and the preparation for any speech, radio or
5 television appearance, or other activity for which such former
6 President will receive any compensation or honorarium), as
7 determined under standards established by the Administrator.
8 "(e)(1) The Administrator is authorized to provide nec-
9 essary services and facilities to a former Vice President for
10 use in connection with winding up the affairs of office of such
11 former Vice President. Such services and facilities shall be of
12 the same general character as the services and facilities pro-
13 vided to a former President under subsection (b). The Admin-
14 istrator shall provide for the movement of the personal effects
15 and household goods of a former Vice President and the
16 family of the former Vice President from the Vice President's
17 House in Washington, the District of Columbia, to a location
18 in the United States selected by such former Vice President.
19 "(2) Each former Vice President shall be entitled to
20 conveyance within the United States and its territories and
21 possessions of all mail matter, including airmail, sent by such
22 former Vice President under the written autograph signature
23 of such former Vice President in connection with prepara-
24 tions for winding up of official duties as Vice President.

1 "(3) No funds for necessary services and facilities pro-
2 vided to a former Vice President under this Act shall be used
3 for partisan political activities or income generating activities
4 (including the preparation of the memoirs of such former Vice
5 President and the preparation for any speech, radio or televi-
6 sion appearance, or other activity for which such former Vice
7 President will receive any compensation or honorarium), as
8 determined under standards established by the Administrator.
9 "(f) No funds appropriated under this Act may be ex-
10 pended by the Administrator for the provision of services and
11 facilities under this Act with respect to a former President or
12 former Vice President at any time after ninety days after the
13 date on which such former President or former Vice Presi-
14 dent dies.
15 "(g) Except for expenditures from an imprest fund con-
16 sisting of such amounts as the Administrator shall determine,
17 any expenditure of funds under this Act may be made only
18 with the prior approval of the Administrator or the designee
19 of the Administrator.
20 "(h) By March 1 of each year, each former President
21 shall prepare and transmit to the Committee on Governmen-
22 tal Affairs of the Senate, the Committee on Government Op-
23 erations of the House of Representatives, and the Commit-
24 tees on Appropriations of the Senate and the House of Rep-
25 resentatives a report concerning activities carried out with

1 the funds for necessary services and facilities provided under
2 this Act.

3 "(i)(1) To carry out the provisions of subsections (b) and
4 (e), there are authorized to be appropriated to the Adminis-
5 trator with respect to a former President and former Vice
6 President a total of $1,000,000 for the fiscal year in which
7 the term of a former President expires, except that no funds
8 appropriated pursuant to this paragraph shall be available for
9 expenditure until the day on which such term expires.

10 "(2) Except as provided in paragraphs (3) and (4), to
11 carry out the provisions of subsection (b) with respect to each
12 former President, there are authorized to be appropriated to
13 the Administrator—

14 "(A) $300,000 for each of the first four fiscal
15 years beginning after the fiscal year in which the term
16 of a former President expired;

17 "(B) $250,000 for the fifth and each of the three
18 succeeding fiscal years beginning after the fiscal year
19 in which the term of a former President expired; and

20 "(C) $200,000 for the ninth and each of the suc-
21 ceeding fiscal years beginning after the fiscal year in
22 which the term of a former President expired.

23 "(3) Except as provided in paragraph (4), to carry out
24 the provisions of subsection (b) with respect to any individual
25 who is a former President on the date of enactment of this

1 subsection, there are authorized to be appropriated to the
2 Administrator—
3 "(A) $300,000 for each of the four fiscal years
4 beginning after the fiscal year in which this subsection
5 is enacted;
6 "(B) $250,000 for the fifth and each of the three
7 succeeding fiscal years beginning after the fiscal year
8 in which this subsection is enacted; and
9 "(C) $200,000 for the ninth and each succeeding
10 fiscal year beginning after the fiscal year in which this
11 subsection is enacted.
12 "(4) The provisions of paragraphs (2) and (3) shall cease
13 to be in effect ten years after the date of enactment of this
14 subsection.".
15 (c) Section 4 of the Presidential Transition Act of 1963
16 (3 U.S.C. 102 note) is repealed.
17 (d) Section 5 of such Act is amended to read as follows:
18 "AUTHORIZATION OF APPROPRIATIONS
19 "SEC. 5. There are authorized to be appropriated to the
20 Administrator such sums as may be necessary for carrying
21 out the purposes of this Act, except that with respect to any
22 one Presidential transition not more than $2,000,000 may be
23 appropriated for the purposes of providing services and facili-
24 ties to the President-elect and Vice-President-elect under
25 section 3. The President shall include in the budget transmit-
26 ted to Congress, for each fiscal year in which the President's

1 regular term of office will expire, a proposed appropriation
2 for carrying out the purposes of this Act.".

3 TITLE III—PROTECTION OF FORMER PRESI-
4 DENTS, FORMER VICE PRESIDENTS, AND
5 THEIR FAMILIES

6 PROTECTION AUTHORIZED

7 SEC. 301. (a) On or after the date of enactment of this
8 Act, no Secret Service protection shall be provided to a
9 former President or to the spouse or child of a former Presi-
10 dent, unless such protection is authorized by subsection (b) or
11 is extended or reinstated by the Secretary of the Treasury or
12 the President in accordance with section 302.

13 (b) The Secret Service is authorized to protect a former
14 President after the date of enactment of this Act for a period
15 of five years beginning on the date of enactment of this Act
16 or on the date on which an individual becomes a former
17 President, whichever is later, and for such additional periods
18 as the Secretary of the Treasury may authorize under section
19 302. The Secret Service is authorized to protect the spouse
20 or child of a former President after the date of enactment of
21 this Act to the extent that such protection is incidental to the
22 protection of the former President or if such protection is
23 authorized by the Secretary of the Treasury or the President
24 under section 302. The Secret Service is authorized to pro-
25 tect the spouse of a deceased former President after the date

1 of enactment of this Act for a period of six months after the
2 date on which such former President dies and for such addi-
3 tional periods as the Secretary of the Treasury may authorize
4 under section 302.

5 REINSTATEMENT OF PROTECTION

6 SEC. 302. (a)(1) After the expiration or termination of
7 Secret Service protection to a former President or the spouse
8 or child of a former President, the Secretary of the Treasury
9 may authorize the reinstatement of such protection—

10 (A) in the case of a former President, for one one-
11 year period; and

12 (B) in the case of a spouse or child of a former
13 President, for one six-month period,

14 upon a finding that a threat warranting such protection exists
15 to the individual.

16 (2) The Secretary of the Treasury may extend Secret
17 Service protection reinstated under paragraph (1) or provided
18 under section 3056 of title 18, United States Code, prior to
19 the date of enactment of this Act or under section 301 on or
20 after the date of enactment of this Act—

21 (A) in the case of a former President, for addition-
22 al consecutive one-year periods; and

23 (B) in the case of a spouse or child of a former
24 President, for additional consecutive six-month periods.

25 (b) No extension of Secret Service protection under sub-
26 section (a)(2) shall become effective unless the Secretary of

1 the Treasury submits the request for such extension to the
2 Congress and a period of sixty days of continuous session of
3 the Congress has expired after the date on which the request
4 is submitted. For purposes of this subsection and subsection
5 (c), continuity of session is broken only by an adjournment
6 sine die, but the days on which either House is not in session
7 because of an adjournment of more than three days to a day
8 certain are excluded.

9 (c) The President is authorized to direct the United
10 States Secret Service to protect a former President or a
11 spouse or child of a former President upon a determination
12 that a threat warrants emergency action. The President shall
13 notify Congress of any such action. Such authorization shall
14 extend for—

15 (1) a period not in excess of sixty calendar days;
16 or

17 (2) in the case of the submission by the Secretary
18 of the Treasury of a request for extension under sub-
19 section (b) within such sixty-day period, a period not in
20 excess of the time required for the expiration of sixty
21 days of continuous session of Congress after the date
22 on which such request is submitted.

23 PROTECTION OF FORMER VICE PRESIDENTS

24 SEC. 303. (a) The Secret Service is authorized to pro-
25 tect a former Vice President if such protection is authorized

1 by the Secretary of the Treasury in accordance with subsec-
2 tion (b).

3 (b) The Secretary of the Treasury may authorize the
4 provision of Secret Service protection to a former Vice Presi-
5 dent upon a finding that a threat warranting such protection
6 exists to such former Vice President. The Secretary of the
7 Treasury may authorize the provision of such protection for a
8 period beginning on the date on which the Vice Presidential
9 term of such former Vice President expires and ending on the
10 last day of the fiscal year in which such term expired.

11 TECHNICAL AMENDMENT

12 SEC. 304. Section 3056(a) of title 18, United States
13 Code, is amended by adding at the end thereof the following
14 new sentence: "The protection authorized in paragraphs (3)
15 and (4) shall only be provided in accordance with sections
16 301 and 302 of the Former Presidents Services and Facilities
17 Reform Act of 1985.".

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON D.C. 20503

September 24, 1985

OFFICE OF
THE DIRECTOR

MEMORANDUM FOR CHRIS HICKS

FROM: JOE WRIGHT

SUBJECT: S. 1047

You should be aware of this legislation.

Comment

THE WHITE HOUSE
WASHINGTON

9/24/85 memo

TO: BIFF HENLEY

FROM: CHRISTOPHER HICKS CH

The attached is for your information.

ATTACHMENT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

SEP 24 1985

Honorable William V. Roth, Jr.
Chairman
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

This is in reply to your request for the views of the Office of Management and Budget on S. 1047, the "Former Presidents Facilities and Services Reform Act of 1985."

I understand that the Committee will limit its consideration of this legislation to title I of the bill, concerning Presidential libraries. Consequently, I will confine my remarks to that title.

Key provisions of title I of S. 1047 are noted below.

- The Archivist would be prohibited from accepting a library for any President who first takes office on or after May 9, 1984, unless there is established an endowment equal to at least twenty percent of the cost of acquiring and constructing the library, the proceeds of which would be used to offset operational costs. A larger endowment, determined according to a formula contained in the bill, would have to be established for any library that exceeds 70,000 square feet in area.

- The Archivist of the United States would be required to promulgate architectural and design guidelines to ensure adequate research space and suitability for archival purposes.

- Endowments would be established for each library. Gifts to the endowments would be used to offset operating costs.

Consistent with the position taken by the Administration on H.R. 1349, a similar bill that passed the House on June 4, 1985, we support title I of S. 1047 to the extent that its major provisions do not apply to the library of the incumbent President. Accordingly, we recommend that the bill be amended to make it clear that the Archivist's authority to issue architectural and design standards applies only to Presidents who take office for the first time on or after January 20, 1985. In particular, we suggest amending section 103 of the bill to read, as follows:

> Sec. 103. Paragraphs (3) and (4) of section 2108(g) and paragraph (2) of section 2112(a) of title 44, United States Code (as added by the amendments made by section

102 of this Act), shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after January 20, 1985.

In addition, I believe that the Committee should give serious consideration to the concerns expressed by the National Archives and Records Administration. More specifically, I am uncertain about the need for an additional endowment for Presidential libraries that exceed 70,000 square feet in area. In my view, an across-the-board requirement for a twenty percent endowment should be adequate to assure sufficient private sector participation in defraying operating costs of Presidential libraries. I also believe that encouraging compliance with an arbitrary square footage limitation could interfere inappropriately with the design and construction of future libraries. If the Committee nonetheless wishes to impose a square footage ceiling, it should be considerably higher than 70,000 square feet (i.e., at least 80,000 square feet for a one-term President and at least 85,000 square feet for a President who serves more than one term).

Sincerely,

Joseph R. Wright, Jr.
Acting Director

99TH CONGRESS
1ST SESSION

# S. 1047

To reform the laws relating to former Presidents.

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IN THE SENATE OF THE UNITED STATES

MAY 1 (legislative day, APRIL 15), 1985

Mr. CHILES (for himself, Mr. ROTH, Mr. PRYOR, Mrs. KASSEBAUM, Mr. BURDICK, Mr. COHEN, Mr. HOLLINGS, Mr. DECONCINI, Mr. SASSER, Mr. EXON, and Mr. NICKLES) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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# A BILL

To reform the laws relating to former Presidents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Former Presidents Facilities and Services Reform Act of 1985".

DEFINITIONS

SEC. 2. For purposes of this Act, the term "former President" means an individual—

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

(2) whose service in such office has terminated other than by removal pursuant to section 4 of article

1 II of the Constitution of the United States of America;
2 and
3 (3) who does not currently hold such office.

4 TITLE I—PRESIDENTIAL LIBRARIES

5 RESEARCH AND MUSEUM FACILITIES

6 SEC. 101. Section 2101(1) of title 44, United States
7 Code, is amended by inserting before the semicolon a comma
8 and "and may include research facilities and museum facili-
9 ties in accordance with this chapter".

10 PRESIDENTIAL ARCHIVAL DEPOSITORIES

11 SEC. 102. (a) Section 2112(a) of title 44, United States
12 Code, is amended to read as follows:
13 "(a)(1) When the Archivist considers it to be in the
14 public interest, the Archivist may—
15 "(A)(i) accept, for and in the name of the United
16 States, land, a facility, and equipment offered as a gift
17 to the United States for the purposes of creating a
18 Presidential archival depository;
19 "(ii) take title to the land, facility, and equipment
20 on behalf of the United States; and
21 "(iii) maintain, operate, and protect the land, fa-
22 cility, and equipment as a Presidential archival deposi-
23 tory and as part of the national archives system;
24 "(B)(i) make agreements, upon terms and condi-
25 tions the Archivist considers proper, with a State, po-
26 litical subdivision, university, institution of higher

1 learning, institute, or foundation to use as a Presiden-
2 tial archival depository land, a facility, and equipment
3 of the State, subdivision, university, or other organiza-
4 tion, to be made available by it without transfer of title
5 to the United States; and

6 "(ii) maintain, operate, and protect the depository
7 as a part of the national archives system; and

8 "(C) accept, for and in the name of the United
9 States, gifts offered for the purpose of making any
10 physical or material change or addition to a Presiden-
11 tial archival depository.

12 "(2) The Archivist shall promulgate architectural and
13 design standards applicable to Presidential archival deposi-
14 tories in order to ensure that such depositories (A) preserve
15 Presidential records subject to chapter 22 of this title and
16 papers and other historical materials accepted for deposit
17 under section 2107 of this title and (B) contain adequate re-
18 search facilities.

19 "(3) Prior to accepting and taking title to any land, fa-
20 cility, or equipment under subparagraph (A) of paragraph (1),
21 or prior to entering into any agreement under subparagraph
22 (B) of such paragraph or any other agreement to accept or
23 establish a Presidential archival depository, the Archivist
24 shall submit a written report on the proposed Presidential
25 archival depository to the President of the Senate and the

1 Speaker of the House of Representatives. The report shall
2 include—
3 "(A) a description of the land, facility, and equip-
4 ment offered as a gift or to be made available without
5 transfer of title;
6 "(B) a statement specifying the estimated total
7 cost of the proposed depository and the amount of the
8 endowment for the depository required pursuant to sub-
9 section (g) of this section;
10 "(C) a statement of the terms of the proposed
11 agreement, if any;
12 "(D) a general description of the types of papers,
13 documents, or other historical materials proposed to be
14 deposited in the depository to be created, and of the
15 terms of the proposed deposit;
16 "(E) a statement of any additional improvements
17 and equipment associated with the development and
18 operation of the depository, an estimate of the costs of
19 such improvements and equipment, and a statement as
20 to the extent to which such costs will be incurred by
21 any Federal or State government agency;
22 "(F) an estimate of the total annual cost to the
23 United States of maintaining, operating, and protecting
24 the depository;

"(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection; and

"(H) a statement that the Archivist has determined that the amount required pursuant to subsection (g) of this section to be deposited in an endowment for the Presidential archival depository will be available for deposit in accordance with the requirements of such subsection.

"(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

"(A) a description of such gift;

"(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

"(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

"(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

"(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition;

"(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection; and

"(G) a statement that the Archivist has determined that the amount required pursuant to subsection (g) of this section to be deposited in an endowment for the depository in order to meet the cost of such change or addition will be available for deposit in accordance with the requirements of such subsection.

"(5) The Archivist may not—

"(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for

1 the purpose of creating a Presidential archival deposi-
2 tory;
3 "(B) enter into any agreement under subpara-
4 graph (B) of such paragraph or any other agreement to
5 accept or establish a Presidential archival depository;
6 or
7 "(C) accept any gift under subparagraph (C) of
8 such paragraph for the purpose of making any physical
9 or material change to a Presidential archival deposi-
10 tory,
11 until the expiration of a period of 60 days of continuous ses-
12 sion of Congress beginning on the date on which the Archi-
13 vist transmits the report required under paragraph (3) of this
14 subsection with respect to such Presidential archival deposi-
15 tory or the report required under paragraph (4) of this sub-
16 section with respect to such change or addition, as the case
17 may be.".
18 (b) Section 2112(g) of title 44, United States Code, is
19 amended to read as follows:
20 "(g)(1) When the Archivist considers it be in the public
21 interest, the Archivist may solicit and accept gifts or bequests
22 of money or other property for the purpose of maintaining,
23 operating, protecting, or improving a Presidential archival
24 depository. The proceeds of gifts or bequests, together with
25 the proceeds from fees or from sales of historical materials,

1 copies or reproductions, catalogs, or other items, having to do
2 with a Presidential archival depository, shall be paid into an
3 account in the National Archives Trust Fund and shall be
4 held, administered, and expended for the benefit and in the
5 interest of the Presidential archival depository in connection
6 with which they were received, and for the same purposes
7 and objects, including custodial and administrative services
8 for which appropriations for the maintenance, operation, pro-
9 tection, or improvement of Presidential archival depositories
10 might be expended.

11 "(2) The Archivist shall provide for the establishment in
12 such Trust Fund of separate endowments for the mainte-
13 nance of the land, facility, and equipment of each Presidential
14 archival depository, to which shall be credited any gifts or
15 bequests received under paragraph (1) that are offered for
16 that purpose. Income to each such endowment shall be avail-
17 able to cover the cost of facility operations, but shall not be
18 available for the performance of archival functions under this
19 title.

20 "(3) The Archivist shall not accept or take title to any
21 land, facility, or equipment under subparagraph (A) of subsec-
22 tion (a)(1), or enter into any agreement to use any land, facil-
23 ity, or equipment under subparagraph (B) of such subsection
24 for the purpose of creating a Presidential archival depository,
25 unless the Archivist determines that there is available, by gift

1 or bequest for deposit under paragraph (2) of this subsection
2 in an endowment with respect to such depository, an amount
3 for the purpose of maintaining such land, facility, and equip-
4 ment equal to—
5 "(A) the product of—
6 "(i) the total cost of acquiring or constructing
7 such facility and of acquiring and installing such
8 equipment, multiplied by
9 "(ii) 20 percent; plus
10 "(B)(i) if title to the land is to be vested in the
11 United States, the product of—
12 "(I) the total cost of acquiring the land upon
13 which such facility is located, or such other meas-
14 ure of the value of such land as is mutually
15 agreed upon by the Archivist and the donor, mul-
16 tiplied by
17 "(II) 20 percent; or
18 "(ii) if title to the land is not to be vested in the
19 United States, the product of—
20 "(I) the total cost to the donor of any im-
21 provements to the land upon which such facility is
22 located (other than such facility and equipment),
23 multiplied by
24 "(II) 20 percent; plus

"(C) if the Presidential archival depository will exceed 70,000 square feet in area, an amount equal to the product of—

"(i) the sum of—

"(I) the total cost described in clause (i) of subparagraph (A); plus

"(II) the total cost described in subclause (I) or (II) of subparagraph (B)(i), as the case may be, multiplied by

"(ii) the percentage obtained by dividing the number of square feet by which such depository will exceed 70,000 square feet by 70,000.

"(4) The Archivist may not accept any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change in a Presidential archival depository unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining the land, facility, and equipment of such depository equal to the difference between—

"(A) the amount which, pursuant to paragraph (3) of this subsection, would have been required to have been available for deposit in such endowment with re-

spect to such depository if such change or addition had been included in such depository on—

"(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

"(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph,

as the case may be; minus

"(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.".

APPLICABILITY

SEC. 103. Paragraphs (3) and (4) of section 2108(g) of title 44, United States Code (as added by the amendment made by section 102 of this Act) shall apply with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Federal records pertaining to any President who takes the oath of office as President for the first time on or after May 9, 1984.

# TITLE II—FORMER PRESIDENTS

## SPOUSAL PENSIONS

SEC. 201. Subsection (e) of 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 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as follows:

"(e) The spouse of a deceased former President shall be entitled 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 two-thirds of the rate which is payable under subsection (a) to a former President. The monetary allowance of such spouse—

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

"(2) terminates on the last day of the month before such spouse—

"(A) dies; or

"(B) remarries before becoming sixty years of age; and

"(3) is not payable for any period during which such spouse holds an appointive or elective office or position in or under the Federal Government or the

1 government of the District of Columbia to which is at-
2 tached a rate of pay other than a nominal rate.".

3 OFFICE AND STAFF FOR FORMER PRESIDENTS

4 SEC. 202. (a) Subsections (b) and (c) of the first section
5 of the Act entitled "An Act to provide retirement, clerical
6 assistants, and free mailing privileges to former Presidents of
7 the United States, and for other purposes", approved August
8 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to
9 read as follows:

10 "(b)(1) The Administrator of General Services (herein-
11 after referred to as the 'Administrator') is authorized to pro-
12 vide to each former President, upon request, necessary serv-
13 ices and facilities, including—

14 "(A) one suitable office, not to exceed four thou-
15 sand square feet in area unless the Administrator de-
16 termines that circumstances exist to warrant the provi-
17 sion of an office in excess of four thousand square feet,
18 in a public building owned or leased by the United
19 States in a location in the United States as the former
20 President shall designate;

21 "(B) appropriate equipment for such office, includ-
22 ing furniture, furnishings, office machines and equip-
23 ment, and office supplies, as determined by the Admin-
24 istrator after consultation with the former President or
25 the individual designated by the former President under
26 subsection (c);

"(C) payment of the compensation of members of an office staff designated by the former President at rates determined by the former President which are not in excess of the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, except that notwithstanding any other provision of law, persons receiving compensation as members of an office staff of a former President under this subsection shall not be considered to be employees of the Federal Government except for purposes of chapters 81, 83, 87, and 89 of title 5, United States Code;

"(D) payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the former President, as authorized for employees serving intermittently under section 5703 of such title;

"(E) when authorized by the President, transportation on Government aircraft or Government chartered aircraft solely for the purpose of enabling a former President to complete the affairs of such former President's office and otherwise as required incidentally to protect such former President;

"(F) communications services found necessary by the former President;

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1 "(G) payment of expenses for necessary printing
2 and binding, notwithstanding the provisions of section
3 501 of title 44, United States Code; and
4 "(H) movement of the personal effects and house-
5 hold goods of a former President and the family of the
6 former President from the Executive Residence at the
7 White House in Washington, the District of Columbia,
8 to a location in the United States selected by such
9 former President.
10 "(2) Any Federal employee may be detailed to the office
11 staff of a former President on a reimbursable basis with the
12 consent of the head of the agency involved. Any such detail
13 shall be for a period not in excess of eight months and ten
14 days after the date on which the former President leaves
15 office. An employee detailed to the office of a former Presi-
16 dent shall be responsible only to the former President for the
17 performance of such employee's duties during the period of
18 such detail. An employee detailed under this paragraph is
19 deemed, for the purpose of preserving the employee's allow-
20 ances, privileges, rights, seniority, and other benefits, an em-
21 ployee of the agency from which such employee is detailed,
22 and such employee is entitled to pay, allowances, and bene-
23 fits from funds available to that agency. The authorization
24 and payment of such allowances and other benefits from ap-

1 propriations available therefor is deemed to comply with sec-
2 tion 5536 of title 5, United States Code.
3 "(3) The costs of providing transportation to a former
4 President under subparagraph (E) of paragraph (2) shall be
5 paid from amounts appropriated for such former President
6 under subsection (i) and from such amounts as may be col-
7 lected by the Administrator from the Secret Service, other
8 Federal agencies, or other persons for the use of space on
9 Government aircraft or Government chartered aircraft and
10 are credited (with respect to such former President) to the
11 account for appropriations under this Act.
12 "(c) Each former President may designate to the Ad-
13 ministrator an individual authorized to make, on the behalf of
14 such former President, such designations or findings of neces-
15 sity as may be required in connection with the services and
16 facilities to be provided under subsection (b).".
17 (b)(1)(A) Subsection (e) of such section (as amended by
18 section 201 of this Act) is redesignated as subsection (j).
19 (B) Subsection (f) of such section is redesignated as sub-
20 section (k).
21 (2) Such section is amended by inserting immediately
22 after subsection (c) the following new subsections:
23 "(d) Funds provided for necessary services and facilities
24 for a former President under this Act shall be used for activi-
25 ties which are the direct result of such former President



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1 having held the office of President. Such funds may not be
2 used for partisan political activities or income generating ac-
3 tivities (including the preparation of the memoirs of such
4 former President and the preparation for any speech, radio or
5 television appearance, or other activity for which such former
6 President will receive any compensation or honorarium), as
7 determined under standards established by the Administrator.
8 "(e)(1) The Administrator is authorized to provide nec-
9 essary services and facilities to a former Vice President for
10 use in connection with winding up the affairs of office of such
11 former Vice President. Such services and facilities shall be of
12 the same general character as the services and facilities pro-
13 vided to a former President under subsection (b). The Admin-
14 istrator shall provide for the movement of the personal effects
15 and household goods of a former Vice President and the
16 family of the former Vice President from the Vice President's
17 House in Washington, the District of Columbia, to a location
18 in the United States selected by such former Vice President.
19 "(2) Each former Vice President shall be entitled to
20 conveyance within the United States and its territories and
21 possessions of all mail matter, including airmail, sent by such
22 former Vice President under the written autograph signature
23 of such former Vice President in connection with prepara-
24 tions for winding up of official duties as Vice President.

1 "(3) No funds for necessary services and facilities pro-
2 vided to a former Vice President under this Act shall be used
3 for partisan political activities or income generating activities
4 (including the preparation of the memoirs of such former Vice
5 President and the preparation for any speech, radio or televi-
6 sion appearance, or other activity for which such former Vice
7 President will receive any compensation or honorarium), as
8 determined under standards established by the Administrator.
9 "(f) No funds appropriated under this Act may be ex-
10 pended by the Administrator for the provision of services and
11 facilities under this Act with respect to a former President or
12 former Vice President at any time after ninety days after the
13 date on which such former President or former Vice Presi-
14 dent dies.
15 "(g) Except for expenditures from an imprest fund con-
16 sisting of such amounts as the Administrator shall determine,
17 any expenditure of funds under this Act may be made only
18 with the prior approval of the Administrator or the designee
19 of the Administrator.
20 "(h) By March 1 of each year, each former President
21 shall prepare and transmit to the Committee on Governmen-
22 tal Affairs of the Senate, the Committee on Government Op-
23 erations of the House of Representatives, and the Commit-
24 tees on Appropriations of the Senate and the House of Rep-
25 resentatives a report concerning activities carried out with

1 the funds for necessary services and facilities provided under
2 this Act.

3 "(i)(1) To carry out the provisions of subsections (b) and
4 (e), there are authorized to be appropriated to the Adminis-
5 trator with respect to a former President and former Vice
6 President a total of $1,000,000 for the fiscal year in which
7 the term of a former President expires, except that no funds
8 appropriated pursuant to this paragraph shall be available for
9 expenditure until the day on which such term expires.

10 "(2) Except as provided in paragraphs (3) and (4), to
11 carry out the provisions of subsection (b) with respect to each
12 former President, there are authorized to be appropriated to
13 the Administrator—

14 "(A) $300,000 for each of the first four fiscal
15 years beginning after the fiscal year in which the term
16 of a former President expired;

17 "(B) $250,000 for the fifth and each of the three
18 succeeding fiscal years beginning after the fiscal year
19 in which the term of a former President expired; and

20 "(C) $200,000 for the ninth and each of the suc-
21 ceeding fiscal years beginning after the fiscal year in
22 which the term of a former President expired.

23 "(3) Except as provided in paragraph (4), to carry out
24 the provisions of subsection (b) with respect to any individual
25 who is a former President on the date of enactment of this

1 subsection, there are authorized to be appropriated to the
2 Administrator—
3 "(A) $300,000 for each of the four fiscal years
4 beginning after the fiscal year in which this subsection
5 is enacted;
6 "(B) $250,000 for the fifth and each of the three
7 succeeding fiscal years beginning after the fiscal year
8 in which this subsection is enacted; and
9 "(C) $200,000 for the ninth and each succeeding
10 fiscal year beginning after the fiscal year in which this
11 subsection is enacted.
12 "(4) The provisions of paragraphs (2) and (3) shall cease
13 to be in effect ten years after the date of enactment of this
14 subsection.".
15 (c) Section 4 of the Presidential Transition Act of 1963
16 (3 U.S.C. 102 note) is repealed.
17 (d) Section 5 of such Act is amended to read as follows:
18 "AUTHORIZATION OF APPROPRIATIONS
19 "SEC. 5. There are authorized to be appropriated to the
20 Administrator such sums as may be necessary for carrying
21 out the purposes of this Act, except that with respect to any
22 one Presidential transition not more than $2,000,000 may be
23 appropriated for the purposes of providing services and facili-
24 ties to the President-elect and Vice-President-elect under
25 section 3. The President shall include in the budget transmit-
26 ted to Congress, for each fiscal year in which the President's

1 regular term of office will expire, a proposed appropriation
2 for carrying out the purposes of this Act.".

3 TITLE III—PROTECTION OF FORMER PRESI-
4 DENTS, FORMER VICE PRESIDENTS, AND
5 THEIR FAMILIES

6 PROTECTION AUTHORIZED

7 SEC. 301. (a) On or after the date of enactment of this
8 Act, no Secret Service protection shall be provided to a
9 former President or to the spouse or child of a former Presi-
10 dent, unless such protection is authorized by subsection (b) or
11 is extended or reinstated by the Secretary of the Treasury or
12 the President in accordance with section 302.

13 (b) The Secret Service is authorized to protect a former
14 President after the date of enactment of this Act for a period
15 of five years beginning on the date of enactment of this Act
16 or on the date on which an individual becomes a former
17 President, whichever is later, and for such additional periods
18 as the Secretary of the Treasury may authorize under section
19 302. The Secret Service is authorized to protect the spouse
20 or child of a former President after the date of enactment of
21 this Act to the extent that such protection is incidental to the
22 protection of the former President or if such protection is
23 authorized by the Secretary of the Treasury or the President
24 under section 302. The Secret Service is authorized to pro-
25 tect the spouse of a deceased former President after the date

of enactment of this Act for a period of six months after the date on which such former President dies and for such additional periods as the Secretary of the Treasury may authorize under section 302.

REINSTATEMENT OF PROTECTION

SEC. 302. (a)(1) After the expiration or termination of Secret Service protection to a former President or the spouse or child of a former President, the Secretary of the Treasury may authorize the reinstatement of such protection—

(A) in the case of a former President, for one one-year period; and

(B) in the case of a spouse or child of a former President, for one six-month period,

upon a finding that a threat warranting such protection exists to the individual.

(2) The Secretary of the Treasury may extend Secret Service protection reinstated under paragraph (1) or provided under section 3056 of title 18, United States Code, prior to the date of enactment of this Act or under section 301 on or after the date of enactment of this Act—

(A) in the case of a former President, for additional consecutive one-year periods; and

(B) in the case of a spouse or child of a former President, for additional consecutive six-month periods.

(b) No extension of Secret Service protection under subsection (a)(2) shall become effective unless the Secretary of

1 the Treasury submits the request for such extension to the
2 Congress and a period of sixty days of continuous session of
3 the Congress has expired after the date on which the request
4 is submitted. For purposes of this subsection and subsection
5 (c), continuity of session is broken only by an adjournment
6 sine die, but the days on which either House is not in session
7 because of an adjournment of more than three days to a day
8 certain are excluded.

9 (c) The President is authorized to direct the United
10 States Secret Service to protect a former President or a
11 spouse or child of a former President upon a determination
12 that a threat warrants emergency action. The President shall
13 notify Congress of any such action. Such authorization shall
14 extend for—

15 (1) a period not in excess of sixty calendar days;
16 or

17 (2) in the case of the submission by the Secretary
18 of the Treasury of a request for extension under sub-
19 section (b) within such sixty-day period, a period not in
20 excess of the time required for the expiration of sixty
21 days of continuous session of Congress after the date
22 on which such request is submitted.

23 PROTECTION OF FORMER VICE PRESIDENTS

24 SEC. 303. (a) The Secret Service is authorized to pro-
25 tect a former Vice President if such protection is authorized

1 by the Secretary of the Treasury in accordance with subsec-
2 tion (b).

3 (b) The Secretary of the Treasury may authorize the
4 provision of Secret Service protection to a former Vice Presi-
5 dent upon a finding that a threat warranting such protection
6 exists to such former Vice President. The Secretary of the
7 Treasury may authorize the provision of such protection for a
8 period beginning on the date on which the Vice Presidential
9 term of such former Vice President expires and ending on the
10 last day of the fiscal year in which such term expired.

11 TECHNICAL AMENDMENT

12 SEC. 304. Section 3056(a) of title 18, United States
13 Code, is amended by adding at the end thereof the following
14 new sentence: "The protection authorized in paragraphs (3)
15 and (4) shall only be provided in accordance with sections
16 301 and 302 of the Former Presidents Services and Facilities
17 Reform Act of 1985.".

O