

103^D CONGRESS
1ST SESSION

H. R. 213

To amend Public Law 85-745 to provide that a former President may not receive a monetary allowance thereunder except upon waiving the right to receive any other Government annuity or pension.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. JACOBS introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend Public Law 85-745 to provide that a former President may not receive a monetary allowance thereunder except upon waiving the right to receive any other Government annuity or pension.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. MONETARY ALLOWANCES FOR FORMER PRESI-**
4 **DENTS.**

5 (a) IN GENERAL.—Subsection (a) of the first section
6 of Public Law 85-745 (3 U.S.C. 102 note) is amended
7 to read as follows:

1 “(a)(1) Each former President shall be entitled for
2 the remainder of that individual’s life to receive from the
3 United States a monetary allowance, payable monthly by
4 the Secretary of the Treasury, at a rate equal to the rate
5 of basic pay, as in effect from time to time, of the head
6 of an executive department, as defined in section 101 of
7 title 5, United States Code, but only if, not later than the
8 30th day after the date as of which that individual’s Presi-
9 dential service terminates, such individual waives the right
10 to any other annuity or pension to which such individual
11 is then (or might otherwise subsequently become) entitled
12 under any other Act of Congress, except as provided in
13 paragraph (3). The amount of any monetary allowance
14 payable under this subsection to a former President for
15 the 12-month period following the termination of such in-
16 dividual’s Presidential service shall be reduced by the
17 amount of any other such annuity or pension paid to the
18 former President (before the waiver executed under the
19 preceding sentence with respect to such annuity or pension
20 becomes effective, and excluding any benefits referred to
21 in paragraph (3)) for any portion of that period.

22 “(2) The monetary allowance referred to in para-
23 graph (1) shall not be paid for any period during which
24 the former President holds an appointive or elective office,
25 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 “(3) A waiver under paragraph (1) shall not affect
4 a right to receive benefits under title XVIII of the Social
5 Security Act.”.

6 (b) REFUNDS.—Public Law 85–745 (3 U.S.C. 102
7 note) is amended by redesignating subsection (f) and any
8 references thereto as subsection (g), and by adding after
9 subsection (e) the following:

10 “(f)(1) When a President or former President waives
11 that individual’s entitlement to an annuity or pension
12 under subsection (a)(1), there shall be refunded to such
13 individual (or, if applicable, to the appropriate individual
14 specified under paragraph (2)) upon proper application
15 the amount of such individual’s contribution, except em-
16 ployment taxes, toward the annuity or pension less any
17 amount previously refunded or paid as an annuity benefit
18 or pension. A refund under this subsection shall be made
19 with interest at the rate and for the period provided under
20 the statute, regulation, or agreement under which the an-
21 nuity or pension would have been payable.

22 “(2) If a President or former President who has
23 elected to waive the entitlement to an annuity or pension
24 under subsection (a)(1) dies before the refund described
25 by paragraph (1) is made, the refund shall be made to—

1 “(A) the beneficiary designated to receive re-
2 funds by or under the statute, regulation, or agree-
3 ment under which the annuity or pension would have
4 been payable; or

5 “(B) if no beneficiary is designated, to those in-
6 dividuals (in order of preference) designated in such
7 circumstances to be paid the refund under such ap-
8 plicable statute, regulation, or agreement.”.

9 **SEC. 2. EFFECTIVE DATE.**

10 The amendments made by this Act shall be applicable
11 only with respect to individuals whose service in the office
12 of President terminates after the date of the enactment
13 of this Act.

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