

PRESIDENTIAL ALLOWANCE MODERNIZATION ACT OF  
2017

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NOVEMBER 13, 2017.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 3739]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom  
was referred the bill (H.R. 3739) to amend the Act of August 25,  
1958, commonly known as the “Former Presidents Act of 1958”,  
with respect to the monetary allowance payable to a former Presi-  
dent, and for other purposes, having considered the same, report  
favorably thereon without amendment and recommend that the bill  
do pass.

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## COMMITTEE STATEMENT AND VIEWS

## PURPOSE AND SUMMARY

The Presidential Allowance Modernization Act of 2017 (H.R. 3739) reforms pensions and allowances provided to former presidents and surviving spouses and reduces unnecessary costs to the taxpayer. Specifically, H.R. 3739 amends the Former Presidents Act of 1958 to establish limits on the allowance for a former president. The allowance will be reduced dollar-for-dollar by each dollar of earned income in excess of \$400,000. The allowance will otherwise be reduced to \$350,000 five years after leaving office and then to \$250,000 after eleven years. The bill sets a former president's pension at \$200,000. Current law establishes the pension at the salary of a cabinet secretary. The bill also increases the pension for the surviving spouse of a former president from \$20,000 to \$100,000. Finally, a rule of construction clarifies that nothing in the bill affects any law relating to security or protection of a former president.

## BACKGROUND AND NEED FOR LEGISLATION

In 1958, Congress passed the Former Presidents Act (FPA)<sup>1</sup> to maintain the dignity of the Office of the President and assist former presidents who lacked independent or personal financial resources. Prior to 1958, former presidents did not receive a federal pension or financial assistance. There were discussions about providing support to former presidents beginning in 1912 and over the subsequent years, but Congress passed the 1958 Act largely in the context of former President Harry Truman's financial difficulties.<sup>2</sup>

The FPA authorizes funding to provide each former president a pension (equal to a cabinet secretary's salary<sup>3</sup>) and to cover expenses for staff, office space, travel, and franked mail to support their post-presidential life. The General Services Administration (GSA) administers the FPA, and Congress appropriates funds for former presidents annually in the Financial Services and General Government appropriations acts. Currently, there are five former presidents receiving pensions and benefits under the FPA: Jimmy Carter, George H.W. Bush, William J. Clinton, George W. Bush, and Barack H. Obama.

The federal government spent \$3,277,000 for pensions and expenses of former presidents in fiscal year 2016, and \$3,865,000 in fiscal year 2017.<sup>4</sup> For fiscal year 2018, the Administration requested funding of \$4,754,000.<sup>5</sup> The largest expense area has been office space: \$1,201,000 in fiscal year 2016; \$1,434,000 in fiscal year 2017; and \$1,952,000 requested for fiscal year 2018.<sup>6</sup>

The FPA has served an important role in supporting former presidents after leaving office. The office of a former president continues to play an important institutional role in the United States

<sup>1</sup> Pub. L. 85-745 (1958), codified as amended at 3 U.S.C. § 102 note.

<sup>2</sup> Wendy Ginsberg, Cong. Research Serv., RL34631, Former Presidents: Pensions, Office Allowances, and Other Federal Benefits I, App. A, (Mar. 16, 2016).

<sup>3</sup> As of January 2017, the annual rate of pay for cabinet secretaries was \$207,800, consistent with cabinet secretaries' designation as a Level I executive. 5 U.S.C. § 5312.

<sup>4</sup> Barbara L Schwemle, Cong. Research Serv., IN10759, Allowances and Office Staff for Former Presidents, FY2016–FY2018 Appropriations (Aug. 28, 2017).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

in providing a platform for these American leaders to continue to serve a variety of charitable and social interests as well as continue to correspond with American citizens.

However, times have changed since 1958. Today, former presidents have the opportunity to earn millions of dollars from speaking fees and book deals upon leaving office. For example, President Clinton reportedly earned more than \$100 million in speaking fees between 2001 and 2013.<sup>7</sup> According to other reports, President George W. Bush received \$10 million for a book deal and earned about \$15 million for more than 140 paid speeches from 2009 and 2015.<sup>8</sup> In April 2017, President Obama spoke at a Wall Street firm for a fee of \$400,000.<sup>9</sup> Further, President Obama and First Lady Michelle Obama reportedly signed a joint book deal worth more than \$65 million.<sup>10</sup> Finally, the current President accumulated significant financial resources prior to office with an estimated net worth of over \$3 billion.<sup>11</sup>

Given the modern opportunities for former presidents to earn significant income, taxpayer-funded support is no longer necessary at the levels it once was. While the funding currently provided to former presidents is low relative to other federally-funded programs, it is an example of unnecessary spending that should be curbed in the interest of fiscal responsibility.

H.R. 3739 amends the FPA in several ways: First, the bill sets a former president's pension at \$200,000 versus current law linking the pension to cabinet secretaries' salaries. Next, the bill deems surviving spouses of former presidents eligible for a \$100,000 pension, an increase from the \$20,000 pension provided under current law.

Annual appropriations fund other benefits for former presidents under current law. Such benefits include office space and leases, furniture and supplies, and staff salaries. H.R. 3739 establishes a \$500,000 allowance for eligible former presidents to cover such expenses. This allowance is reduced dollar-for-dollar for any earned income in excess of \$400,000. For those former presidents eligible for this allowance, such allowance is reduced over time. Five years after leaving office, the allowance is reduced to \$350,000, and after ten years to \$250,000.

In addition, H.R. 3739 clarifies the pension and allowance terminate 30 days after the death of a former president, instead of immediately upon death, which is the case under current law. The bill also provides authority for GSA to provide employees on a reimbursable basis and authorize designation of these employees for purposes of federal benefits on a reimbursable basis. The bill does not affect funding for the security or protection of former presidents.

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<sup>7</sup> Philip Rucker, Tom Hamburger, & Alexander Becker, *How the Clintons went from 'dead broke' to rich: Bill earned \$104.9 million for speeches*, Wash. Post, June 26, 2014.

<sup>8</sup> Alexandra Alter, *Obamas Make Book Deal With Penguin Random House*, N.Y. Times, Feb. 28, 2017; Joseph Morton, *Ernst: Cap expense accounts for former presidents at \$200,000 per year*, Omaha World-Herald, May 22, 2015.

<sup>9</sup> Warren, *Sanders Unhappy by Wall Street-paid Obama Speech*, Associated Press, Apr. 28, 2017.

<sup>10</sup> Tufayel Ahmed, *Barack and Michelle Obama Sign Joint Book Deal Worth Over \$65 million: Report*, Newsweek, Mar. 1, 2017.

<sup>11</sup> Forbes: The World's Billionaires 2017 Ranking (showing President Trump's net worth at \$3.5 billion) available at <https://www.forbes.com/billionaires/list/13/#version:static> (accessed Nov. 12, 2017).

Finally, the bill provides for transition periods to allow the current former presidents to plan for the new law. For example, existing office leases continue to be eligible for funding until those leases expire. In addition, the bill becomes effective six months after its enactment.

#### LEGISLATIVE HISTORY

On September 12, 2017, Representative Jody Hice (R-GA) introduced H.R. 3739, the Presidential Allowance Modernization Act of 2017, which was referred to the Committee on Oversight and Government Reform. Senator Joni Ernst introduced the Senate companion bill (S. 1791) on the same day. The Committee considered H.R. 3739 at a business meeting on September 13, 2017 and ordered the bill reported favorably, without amendment, by voice vote. The Senate Homeland Security and Governmental Affairs Committee ordered S. 1791 reported on October 4, 2017.

There have been several efforts in prior Congresses to reform the FPA. On April 14, 2015, Representative Jason Chaffetz (R-UT) introduced H.R. 1777, the Presidential Allowance Modernization Act of 2015, with Representative Elijah Cummings (D-MD). On May 19, 2015, the Committee ordered H.R. 1777 reported favorably, with an amendment in the nature of a substitute, by voice vote. On January 11, 2016, the House passed H.R. 1777 by voice vote under suspension of the rules. On June 21, 2016, the Senate passed H.R. 1777, as amended, by unanimous consent. On July 8, 2016, the House agreed to the Senate amendment by unanimous consent. H.R. 1777 was presented to the President on July 12, 2016. The President vetoed H.R. 1777 on July 22, 2016, citing unintended consequences.<sup>12</sup>

On May 21, 2015, Senator Joni Ernst (R-IA) introduced a similar version of the bill, S. 1411, the Presidential Allowance Modernization Act of 2015, with Senators Mark Kirk (R-IL) and Marco Rubio (R-FL). S. 1411 was referred to the Senate Committee on Homeland Security and Governmental Affairs. The Committee considered S. 1411 at a business meeting on February 10, 2016, and ordered the bill reported favorably, with an amendment in the nature of a substitute, by voice vote.

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

#### SECTION-BY-SECTION

##### *Section 1. Short title*

Section 1 provides the short title of the bill.

##### *Sec. 2. Amendments*

Section 2(a) amends the Former Presidents Act of 1958 by providing each former president: (1) an annuity of \$200,000 annually, which will commence on the date on which an individual becomes a former president; and (2) a monetary allowance of \$500,000 annually for five years beginning at the end of the presidential transi-

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<sup>12</sup>Veto Message from the President (H. Doc. 114-155) (July 25, 2016).

tion period, which will be reduced to \$350,000 annually for years six to ten, and \$250,000 annually after year ten.

Under the revised law, the annuity and monetary allowance will terminate 30 days after the date on which a former president dies, and are not paid during any time a former president holds a paid appointment or elected position in the federal government.

The pension and monetary allowance are subject to annual cost of living increases with some restrictions. Specifically, for every dollar by which the former president's earned income exceeds \$400,000 for the most recent tax year, the allowance is reduced by one dollar. To ensure the reduction can be correctly calculated, a former president's receipt of the monetary allowance is conditioned upon disclosure of tax return information to the Secretary of the Treasury. Such disclosures remain subject to confidentiality provisions of Section 6103 of title 26, United States Code.

Section 2(a) also provides for a minimum allowance to account for increased costs of doing business resulting from security needs, determined by the Administrator of the General Services Administration (Administrator), in coordination with the Director of the U.S. Secret Service.

In addition, new subsections (f) and (g) in the FPA establish rules for offices of former presidents, capping staff at 13 and limiting compensation to the highest annual rate of basic pay for positions at level II of the Executive Schedule. Additional provisions establish rules for office space and related furnishings and equipment, which can be provided by the Administrator on a reimbursable basis. Further, the Administrator may provide excess furniture and equipment to the office of a former president at no cost, other than transportation costs. In the case of a former president on the date of enactment, the former president may retain without reimbursement any furniture or equipment acquired under section 5 of the Presidential Transition Act of 1963. These provisions as well as those related to travel and security authorization apply at the end of the presidential transition period—six months after the President's term expires—avoiding overlapping benefits between the Presidential Transition Act of 1963 and the Former Presidents Act of 1958.

Subsection (b) of the act increases the pension of surviving spouses of former presidents from \$20,000 to \$100,000 and harmonizes the timing for cost of living increases to the surviving spouse's pension with the cost of living increases for former presidents.

Section 2(d) makes conforming amendments related to amendments in the preceding subsections.

### *Section 3. Rule of construction*

Section 3 provides that nothing in this Act or an amendment made by this Act shall be construed to affect: (1) any provision of law relating to the security or protection of a former president or a member of the family of a former president; (2) funding under the Former Presidents Act of 1958 or any other law, to carry out any provision of law described in paragraph (1) related to security; or (3) funding for any office space lease in effect on the day before enactment until the expiration date in the lease, if the lease was sub-

mitted to the House Committee on Oversight and Government Reform on April 12, 2017.

*Section 4. Transition rules*

Section 4 provides for a six-month transition period before the amendments to the Former Presidents Act of 1958 in Section 2(a) and 2(b)(1) are effective.

*Section 5. Applicability*

Section 5 states, for a former president receiving a monetary allowance on the day before enactment, that the limitation on the allowance under subsection (d)(1) (as amended by section 2(a)) shall apply, except to the extent that application of the limitation would prevent a former president from being able to pay the cost of a lease or other contract in effect on the day before enactment and under which payments are made using the monetary allowance, as determined by the Administrator.

EXPLANATION OF AMENDMENTS

There were no amendments to H.R. 3739 offered or adopted during Committee consideration of the bill.

COMMITTEE CONSIDERATION

On September 13, 2017, the Committee met in open session and, with a quorum being present, ordered the bill favorably reported without amendment by voice vote.

ROLL CALL VOTES

There were no roll call votes requested or conducted during consideration of H.R. 3739.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill amends the Former Presidents Act of 1958 by reforming the pension and allowance rules for former presidents. As such, this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

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

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to amend the Former Presidents Act of 1958 by reforming the pension and allowance rules for former presidents.

#### DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 2(c)(5) of rule XIII no provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

#### FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of Section 5(b) of the appendix to title 5, United States Code.

#### UNFUNDED MANDATES STATEMENT

Pursuant to section 423 of the Congressional Budget and Impoundment Control Act (Pub. L. 113–67) the Committee has included a letter received from the Congressional Budget Office below.

#### EARMARK IDENTIFICATION

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

#### COMMITTEE ESTIMATE

At the time of this writing, the Committee had yet to receive a formal cost estimate from the Congressional Budget Office for H.R. 3739. However, the Committee considered substantially similar legislation during the 114th Congress, H.R. 1777, from which it will base its committee estimate for H.R. 3739. For H.R. 1777, the Congressional Budget Office estimated that enacting the bill would reduce outlays by \$10 million over the 2016–2020 period, assuming appropriations are reduced by those amounts. CBO also stated that enacting H.R. 1777 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. Finally, CBO estimated that enacting H.R. 1777 would impose a private-sector mandate, as defined in UMRA, by decreasing the pensions of former Presidents. Therefore, the Committee estimates enacting H.R. 3739 would not have a substantial cost and would likely achieve a net savings.

#### NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the

Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has not received a cost estimate for this bill from the Director of Congressional Budget Office, and instead has included a committee estimate in the prior section.

**CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED**

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

**ACT OF AUGUST 25, 1958**

(Public Law 85-745)

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

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

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

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

(a) *IN GENERAL.*—*Each former President shall be entitled to receive from the United States—*

- (1) *an annuity, subject to subsections (b) and (c)—*
  - (A) *at the rate of \$200,000 per year; and*
  - (B) *which shall commence on the day after the date on which an individual becomes a former President; and*
- (2) *a monetary allowance, subject to subsections (b), (c), and (d), at the rate of—*
  - (A) *\$500,000 per year for 5 years beginning on the day after the last day of the period described in the first sentence of section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note);*
  - (B) *\$350,000 per year for the 5 years following the 5-year period under subparagraph (A); and*
  - (C) *\$250,000 per year thereafter.*

(b) *DURATION; FREQUENCY.*—

- (1) *IN GENERAL.*—*The annuity and monetary allowance under subsection (a) shall—*
  - (A) *terminate on the date that is 30 days after the date on which the former President dies; and*
  - (B) *be payable by the Secretary of the Treasury on a monthly basis.*

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

(c) *COST-OF-LIVING INCREASES.*—*Effective December 1 of each year, each annuity and monetary allowance under subsection (a) that commenced before that date shall be increased by the same percentage by which benefit amounts under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased, effective as of that date, as a result of a determination under section 215(i) of that Act (42 U.S.C. 415(i)).*

(d) *LIMITATION ON MONETARY ALLOWANCE.*—

(1) *IN GENERAL.*—*Notwithstanding any other provision of this section, the monetary allowance payable under subsection (a)(2) to a former President for any 12-month period—*

(A) *except as provided in subparagraph (B), may not exceed the amount by which—*

(i) *the monetary allowance that (but for this subsection) would otherwise be so payable for the 12-month period, exceeds (if at all)*

(ii) *the applicable reduction amount for the 12-month period; and*

(B) *shall not be less than the amount determined under paragraph (4).*

(2) *DEFINITION.*—

(A) *IN GENERAL.*—*For purposes of paragraph (1), the term “applicable reduction amount” means, with respect to*

*any former President and in connection with any 12-month period, the amount by which—*

*(i) the earned income (as defined in section 32(c)(2) of the Internal Revenue Code of 1986) of the former President for the most recent taxable year for which a tax return is available, exceeds (if at all)*

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

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

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

**(3) DISCLOSURE REQUIREMENT.—**

*(A) DEFINITIONS.—In this paragraph—*

*(i) the terms “return” and “return information” have the meanings given those terms in section 6103(b) of the Internal Revenue Code of 1986; and*

*(ii) the term “Secretary” means the Secretary of the Treasury or the Secretary of the Treasury’s delegate.*

*(B) REQUIREMENT.—A former President may not receive a monetary allowance under subsection (a)(2) unless the former President discloses to the Secretary, upon the request of the Secretary, any return or return information of the former President or spouse of the former President that the Secretary determines is necessary for purposes of calculating the applicable reduction amount under paragraph (2) of this subsection.*

*(C) CONFIDENTIALITY.—Except as provided in section 6103 of the Internal Revenue Code of 1986 and notwithstanding any other provision of law, the Secretary may not, with respect to a return or return information disclosed to the Secretary under subparagraph (B)—*

*(i) disclose the return or return information to any entity or person; or*

*(ii) use the return or return information for any purpose other than to calculate the applicable reduction amount under paragraph (2).*

*(4) INCREASED COSTS DUE TO SECURITY NEEDS.—With respect to the monetary allowance that would be payable to a former President under subsection (a)(2) for any 12-month period but for the limitation under paragraph (1) of this subsection, the Administrator of General Services, in coordination with the Director of the United States Secret Service, shall determine the amount of the monetary allowance that is needed to pay the increased cost of doing business that is attributable to the security needs of the former President.*

*(e) WIDOWS AND WIDOWERS.—The [widow] widow or widower of each former President shall be entitled to receive from the United States a monetary allowance at a rate of [\$20,000 per annum,] \$100,000 per year (subject to paragraph (4)), payable monthly by*

the Secretary of the Treasury, if such [widow] *widow or widower* shall waive the right to each other annuity or pension to which [she] *she or he* is entitled under any other Act of Congress. The monetary allowance of such [widow] *widow or widower*—

- (1) commences on the day after the former President dies;
- (2) terminates on the last day of the month before such [widow] *widow or widower*—
  - (A) dies; or
  - (B) remarries before becoming 60 years of age; [and]
  - (3) is not payable for any period during which such [widow] *widow or widower* holds an appointive or elective office or position in or under the Federal Government [or the government of the District of Columbia] to which is attached a rate of pay other than a nominal rate[.]; and
  - (4) *shall, after its commencement date, be increased at the same time that, and by the same percentage by which, annuities of former Presidents are increased under subsection (c).*

(f) *OFFICE STAFF.*—

(1) *IN GENERAL.*—The Administrator of General Services shall, without regard to the civil service and classification laws, provide for each former President an office staff of not more than 13 individuals, at the request of the former President, on a reimbursable basis.

(2) *COMPENSATION.*—The annual rate of compensation payable to any individual under paragraph (1) shall not exceed the highest annual rate of basic pay for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

(3) *SELECTION; RESPONSIBILITY.*—An individual employed under this subsection—

- (A) shall be selected by the former President; and
- (B) shall be responsible only to the former President for the performance of duties.

(g) *OFFICE SPACE AND RELATED FURNISHINGS AND EQUIPMENT.*—

(1) *OFFICE SPACE.*—The Administrator of General Services (referred to in this subsection as the “Administrator”) shall, at the request of a former President, on a reimbursable basis provide for the former President suitable office space, as determined by the Administrator, at a place within the United States specified by the former President.

(2) *FURNISHINGS AND EQUIPMENT.*—

(A) *REIMBURSABLE.*—The Administrator may, at the request of a former President, provide the former President with suitable office furnishings and equipment on a reimbursable basis.

(B) *WITHOUT REIMBURSEMENT.*—

(i) *GRANDFATHERED FORMER PRESIDENTS.*—In the case of any individual who is a former President on the date of enactment of the Presidential Allowance Modernization Act of 2017, the former President may retain without reimbursement any furniture and equipment in the possession of the former President.

(ii) *PRESIDENTIAL TRANSITION ACT.*—A former President may retain without reimbursement any furniture

*or equipment acquired under section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).*

*(iii) EXCESS FURNITURE AND EQUIPMENT.—The Administrator may provide excess furniture and equipment to the office of a former President at no cost other than necessary transportation costs.*

**[(f)] (h) DEFINITION.**—As used in this section, the term “former President” means a person—

- (1) who shall have held the office of President of the United States of America;
- (2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and
- (3) who does not then currently hold such office.

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

*(j) APPLICABILITY.—Subsections (f), (g) (other than paragraph (2)(B)(i) of that subsection), and (i) shall apply with respect to a former President on and after the day after the last day of the period described in the first sentence of section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note).*

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## TITLE 5, UNITED STATES CODE

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### PART III—EMPLOYEES

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#### SUBPART G—INSURANCE AND ANNUITIES

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##### CHAPTER 81—COMPENSATION FOR WORK INJURIES

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###### SUBCHAPTER I—GENERALLY

###### § 8101. Definitions

For the purpose of this subchapter—

- (1) “employee” means—

(A) a civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

(B) an individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(C) an individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber and logging operations on that reservation;

(D) an individual employed by the government of the District of Columbia;

(E) an individual appointed to a position on the office staff of a former President under section ~~1(b)~~ 1(f) of the Act of August 25, 1958 (72 Stat. 838);

(F) an individual selected pursuant to chapter 121 of title 28, and serving as a petit or grand juror; and

(G) an individual who is a System member of the National Urban Search and Rescue Response System during a period of appointment into Federal service pursuant to section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; but does not include—

(i) a commissioned officer of the Regular Corps of the Public Health Service;

(ii) a commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) a commissioned officer of the Environmental Science Services Administration; or

(iv) a member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under sections 521-535 of title 4, District of Columbia Code; and

(2) "physician" includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. The term "physician" includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary;

(3) "medical, surgical, and hospital services and supplies" includes services and supplies by podiatrists, dentists, clinical psychologists, optometrists, chiropractors, osteopathic practitioners and hospitals within the scope of their practice as defined by State law. Reimbursable chiropractic services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary;

(4) "monthly pay" means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the

monthly pay at the time compensable disability recurs, if the recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 8113 of this title with respect to any period;

(5) "injury" includes, in addition to injury by accident, a disease proximately caused by the employment, and damage to or destruction of medical braces, artificial limbs, and other prosthetic devices which shall be replaced or repaired, and such time lost while such device or appliance is being replaced or repaired; except that eyeglasses and hearing aids would not be replaced, repaired, or otherwise compensated for, unless the damages or destruction is incident to a personal injury requiring medical services;

(6) "widow" means the wife living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of his desertion;

(7) "parent" includes stepparents and parents by adoption;

(8) "brother" and "sister" mean one who at the time of the death of the employee is under 18 years of age or over that age and incapable of self-support, and include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters;

(9) "child" means one who at the time of the death of the employee is under 18 years of age or over that age and incapable of self-support, and includes stepchildren, adopted children, and posthumous children, but does not include married children;

(10) "grandchild" means one who at the time of the death of the employee is under 18 years of age or over that age and incapable of self-support;

(11) "widower" means the husband living with or dependent for support on the decedent at the time of her death, or living apart for reasonable cause or because of her desertion;

(12) "compensation" includes the money allowance payable to an employee or his dependents and any other benefits paid for from the Employees' Compensation Fund, but this does not in any way reduce the amount of the monthly compensation payable for disability or death;

(13) "war-risk hazard" means a hazard arising during a war in which the United States is engaged; during an armed conflict in which the United States is engaged, whether or not war has been declared; or during a war or armed conflict between military forces of any origin, occurring in the country in which an individual to whom this subchapter applies is serving; from—

(A) the discharge of a missile, including liquids and gas, or the use of a weapon, explosive, or other noxious thing by a hostile force or individual or in combating an attack or an imagined attack by a hostile force or individual;

(B) action of a hostile force or individual, including rebellion or insurrection against the United States or any of its allies;

(C) the discharge or explosion of munitions intended for use in connection with a war or armed conflict with a hostile force or individual;

(D) the collision of vessels on convoy or the operation of vessels or aircraft without running lights or without other customary peacetime aids to navigation; or

(E) the operation of vessels or aircraft in a zone of hostilities or engaged in war activities;

(14) "hostile force or individual" means a nation, a subject of a foreign nation, or an individual serving a foreign nation—

(A) engaged in a war against the United States or any of its allies;

(B) engaged in armed conflict, whether or not war has been declared, against the United States or any of its allies; or

(C) engaged in a war or armed conflict between military forces of any origin in a country in which an individual to whom this subchapter applies is serving;

(15) "allies" means any nation with which the United States is engaged in a common military effort or with which the United States has entered into a common defensive military alliance;

(16) "war activities" includes activities directly relating to military operations;

(17) "student" means an individual under 23 years of age who has not completed 4 years of education beyond the high school level and who is regularly pursuing a full-time course of study or training at an institution which is—

(A) a school or college or university operated or directly supported by the United States, or by a State or local government or political subdivision thereof;

(B) a school or college or university which has been accredited by a State or by a State-recognized or nationally recognized accrediting agency or body;

(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by at least three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; or

(D) an additional type of educational or training institution as defined by the Secretary of Labor.

Such an individual is deemed not to have ceased to be a student during an interim between school years if the interim is not more than 4 months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of study or training during the semester or other enrollment period immediately after the interim or during periods of reasonable duration during which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A student whose 23rd birthday occurs during a semester or other enrollment period is deemed a student until the end of the semester or other enrollment period;

(18) "price index" means the Consumer Price Index (all items - United States city average) published monthly by the Bureau of Labor Statistics; and

(19) "organ" means a part of the body that performs a special function, and for purposes of this subchapter excludes the brain, heart, and back; and

(20) "United States medical officers and hospitals" includes medical officers and hospitals of the Army, Navy, Air Force, Department of Veterans Affairs, and United States Public Health Service, and any other medical officer or hospital designated as a United States medical officer or hospital by the Secretary of Labor.

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## CHAPTER 83—RETIREMENT

\* \* \* \* \*

### SUBCHAPTER III—CIVIL SERVICE RETIREMENT

#### § 8331. Definitions

For the purpose of this subchapter—

(1) "employee" means—

(A) an employee as defined by section 2105 of this title;

(B) the Architect of the Capitol, an employee of the Architect of the Capitol, and an employee of the Botanic Garden;

(C) a Congressional employee as defined by section 2107 of this title (other than the Architect of the Capitol, an employee of the Architect of the Capitol, and an employee of the Botanic Garden), after he gives notice in writing to the official by whom he is paid of his desire to become subject to this subchapter;

(D) a temporary Congressional employee appointed at an annual rate of pay, after he gives notice in writing to the official by whom he is paid of his desire to become subject to this subchapter;

(E) a United States Commissioner whose total pay for services performed as Commissioner is not less than \$3,000 in each of the last 3 consecutive calendar years ending after December 31, 1954;

(F) an individual employed by a county committee established under section 590h(b) of title 16;

(G) an individual first employed by the government of the District of Columbia before October 1, 1987;

(H) an individual employed by Gallaudet College;

(I) an individual appointed to a position on the office staff of a former President under section **【1(b)】 1(f)** of the Act of August 25, 1958 (72 Stat. 838);

(J) an alien (i) who was previously employed by the Government, (ii) who is employed full time by a foreign government for the purpose of protecting or furthering the interests of the United States during an interruption of diplomatic or consular relations, and (iii) for whose services reimbursement is made to the foreign government by the United States;

(K) an individual appointed to a position on the office staff of a former President, or a former Vice President

under section 5 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other subparagraph of this paragraph; and

(L) an employee described in section 2105(c) who has made an election under section 8347(q)(1) to remain covered under this subchapter;

but does not include—

(i) a justice or judge of the United States as defined by section 451 of title 28;

(ii) an employee subject to another retirement system for Government employees (besides any employee excluded by clause (x), but including any employee who has made an election under section 8347(q)(2) to remain covered by a retirement system established for employees described in section 2105(c));

(iii) an employee or group of employees in or under an Executive agency excluded by the Office of Personnel Management under section 8347(g) of this title;

(iv) an individual or group of individuals employed by the government of the District of Columbia excluded by the Office under section 8347(h) of this title;

(v) an employee of the Administrative Office of the United States Courts, the Federal Judicial Center, or a court named by section 610 of title 28, excluded by the Director of the Administrative Office under section 8347(o) of this title;

(vi) a construction employee or other temporary, part-time, or intermittent employee of the Tennessee Valley Authority;

(vii) an employee under the Office of the Architect of the Capitol excluded by the Architect of the Capitol under section 8347(i) of this title;

(viii) an employee under the Library of Congress excluded by the Librarian of Congress under section 8347(j) of this title;

(ix) a student-employee as defined by section 5351 of this title;

(x) an employee subject to the Federal Employees' Retirement System;

(xi) an employee under the Botanic Garden excluded by the Director or Acting Director of the Botanic Garden under section 8347(l) of this title; or

(xii) a member of the Foreign Service (as described in section 103(6) of the Foreign Service Act of 1980), appointed after December 31, 1987.

Notwithstanding this paragraph, the employment of a teacher in the recess period between two school years in a position other than a teaching position in which he served immediately before the recess period does not qualify the individual as an employee for the purpose of this subchapter. For the purpose of the preceding sentence, "teacher" and "teaching position" have the meanings given them by section 901 of title 20;

(2) "Member" means a Member of Congress as defined by section 2106 of this title, after he gives notice in writing to the

official by whom he is paid of his desire to become subject to this subchapter, but does not include any such Member of Congress who is subject to the Federal Employees' Retirement System or who makes an election under section 8401(20) of this title not to be subject to such System;

(3) "basic pay" includes—

(A) the amount a Member received from April 1, 1954, to February 28, 1955, as expense allowance under section 601(b) of the Legislative Reorganization Act of 1946 (60 Stat. 850), as amended; and that amount from January 3, 1953, to March 31, 1954, if deposit is made therefor as provided by section 8334 of this title;

(B) additional pay provided by—

(i) subsection (a) of section 60e-7 of title 2 and the provisions of law referred to by that subsection; and  
 (ii) sections 60e-8, 60e-9, 60e-10, 60e-11, 60e-12, 60e-13, and 60e-14 of title 2;

(C) premium pay under section 5545(c)(1) of this title;

(D) with respect to a law enforcement officer, premium pay under section 5545(c)(2) of this title;

(E) availability pay—

(i) received by a criminal investigator under section 5545a of this title; or  
 (ii) received after September 11, 2001, by a Federal air marshal of the Department of Transportation, subject to all restrictions and earning limitations imposed on criminal investigators under section 5545a;

(F) pay as provided in section 5545b (b)(2) and (c)(2);

(G) with respect to a customs officer (referred to in subsection (e)(1) of section 5 of the Act of February 13, 1911), compensation for overtime inspectional services provided for under subsection (a) of such section 5, but not to exceed 50 percent of any statutory maximum in overtime pay for customs officers which is in effect for the year involved;

(H) any amount received under section 5948 (relating to physicians comparability allowances); and

(I) with respect to a border patrol agent, the amount of supplemental pay received through application of the level 1 border patrol rate of pay or the level 2 border patrol rate of pay for scheduled overtime within the regular tour of duty of the border patrol agent as provided in section 5550;

but does not include bonuses, allowances, overtime pay, military pay, pay given in addition to the base pay of the position as fixed by law or regulation except as provided by subparagraphs (B) through (I) of this paragraph retroactive pay under section 5344 of this title in the case of a retired or deceased employee, uniform allowances under section 5901 of this title, or lump-sum leave payments under subchapter VI of chapter 55 of this title. For an employee paid on a fee basis, the maximum amount of basic pay which may be used is \$10,000;

(4) "average pay" means the largest annual rate resulting from averaging an employee's or Member's rates of basic pay in effect over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of sec-

tion 8341 of this title based on service of less than 3 years, over the total service, with each rate weighted by the time it was in effect;

(5) "Fund" means the Civil Service Retirement and Disability Fund;

(7) "Government" means the Government of the United States, the government of the District of Columbia, Gallaudet University, and, in the case of an employee described in paragraph (1)(L), a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c);

(8) "lump-sum credit" means the unrefunded amount consisting of—

(A) retirement deductions made from the basic pay of an employee or Member;

(B) amounts deposited by an employee or Member covering earlier service, including any amounts deposited under section 8334(j) of this title; and

(C) interest on the deductions and deposits at 4 percent a year to December 31, 1947, and 3 percent a year thereafter compounded annually to December 31, 1956, or, in the case of an employee or Member separated or transferred to a position in which he does not continue subject to this subchapter before he has completed 5 years of civilian service, to the date of the separation or transfer;

but does not include interest—

(i) if the service covered thereby aggregates 1 year or less; or

(ii) for the fractional part of a month in the total service;

(9) "annuitant" means a former employee or Member who, on the basis of his service, meets all requirements of this subchapter for title to annuity and files claim therefor;

(10) "survivor" means an individual entitled to annuity under this subchapter based on the service of a deceased employee, Member, or annuitant;

(11) "survivor annuitant" means a survivor who files claim for annuity;

(12) "service" means employment creditable under section 8332 of this title;

(13) "military service" means honorable active service—

(A) in the armed forces;

(B) in the Regular or Reserve Corps of the Public Health Service after June 30, 1960; or

(C) as a commissioned officer of the Environmental Science Services Administration after June 30, 1961;

and includes service as a cadet at the United States Military Academy, the United States Air Force Academy, or the United States Coast Guard Academy, or as a midshipman at the United States Naval Academy, but does not include service in the National Guard except when ordered to active duty in the service of the United States or full-time National Guard duty (as such term is defined in section 101(d) of title 10) if such service interrupts creditable civilian service under this subchapter and is followed by reemployment in accordance with chapter 43 of title 38 that occurs on or after August 1, 1990;

(14) "Member service" means service as a Member and includes the period from the date of the beginning of the term for which elected or appointed to the date on which he takes office as a Member;

(15) "price index" means the Consumer Price Index (all items - United States city average) published monthly by the Bureau of Labor Statistics;

(16) "base month" means the month for which the price index showed a percent rise forming the basis for a cost-of-living annuity increase;

(17) "normal-cost percentage" means the entry-age normal cost computed by the Office of Personnel Management in accordance with generally accepted actuarial practice and standards (using dynamic assumptions) and expressed as a level percentage of aggregate basic pay;

(18) "Fund balance" means the current net assets of the Fund available for payment of benefits, as determined by the Office in accordance with appropriate accounting standards, but does not include any amount attributable to—

(A) the Federal Employees' Retirement System; or  
(B) contributions made under the Federal Employees' Retirement Contribution Temporary Adjustment Act of 1983 by or on behalf of any individual who became subject to the Federal Employees' Retirement System;

(19) "unfunded liability" means the estimated excess of the present value of all benefits payable from the Fund to employees and Members, and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—

(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

(B) the present value of Government payments to the Fund under section 8348(f) of this title; plus

(C) the Fund balance as of the date the unfunded liability is determined;

(20) "law enforcement officer" means an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this paragraph, "detention" includes the duties of—

(A) employees of the Bureau of Prisons and Federal Prison Industries, Incorporated;

(B) employees of the Public Health Service assigned to the field service of the Bureau of Prisons or of the Federal Prison Industries, Incorporated;

(C) employees in the field service at Army or Navy disciplinary barracks or at confinement and rehabilitation facilities operated by any of the armed forces; and

(D) employees of the Department of Corrections of the District of Columbia, its industries and utilities; whose duties in connection with individuals in detention suspected or convicted of offenses against the criminal laws of the

United States or of the District of Columbia or offenses against the punitive articles of the Uniformed Code of Military Justice (chapter 47 of title 10) require frequent (as determined by the appropriate administrative authority with the concurrence of the Office) direct contact with these individuals in their detention, direction, supervision, inspection, training, employment, care, transportation, or rehabilitation;

(21) "firefighter" means an employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position;

(22) "bankruptcy judge" means an individual—

(A) who is appointed under section 34 of the Bankruptcy Act (11 U.S.C. 62) or under section 404(d) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), and—

(i) who is serving as a United States bankruptcy judge on March 31, 1984; or

(ii) whose service as a United States bankruptcy judge at any time in the period beginning on October 1, 1979, and ending on July 10, 1984, is terminated by reason of death or disability; or

(B) who is appointed as a bankruptcy judge under section 152 of title 28;

(23) "former spouse" means a former spouse of an individual—

(A) if such individual performed at least 18 months of civilian service covered under this subchapter as an employee or Member, and

(B) if the former spouse was married to such individual for at least 9 months;

(24) "Indian court" means an Indian court as defined by section 201(3) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (25 U.S.C. 1301(3); 82 Stat. 77);

(25) "magistrate judge" or "United States magistrate judge" means an individual appointed under section 631 of title 28;

(26) "Court of Federal Claims judge" means a judge of the United States Court of Federal Claims who is appointed under chapter 7 of title 28 or who has served under section 167 of the Federal Courts Improvement Act of 1982;

(27) "Nuclear materials courier"—

(A) means an employee of the Department of Energy, the duties of whose position are primarily to transport, and provide armed escort and protection during transit of, nuclear weapons, nuclear weapon components, strategic quantities of special nuclear materials or other materials related to national security; and

(B) includes an employee who is transferred directly to a supervisory or administrative position within the same Department of Energy organization, after performing duties referred to in subparagraph (A) for at least 3 years;

(28) "Government physician" has the meaning given that term under section 5948;

(29) "dynamic assumptions" means economic assumptions that are used in determining actuarial costs and liabilities of a retirement system and in anticipating the effects of long-term future—

- (A) investment yields;
- (B) increases in rates of basic pay; and
- (C) rates of price inflation;

(30) the term "air traffic controller" or "controller" means—

- (A) a controller within the meaning of section 2109(1); and

- (B) a civilian employee of the Department of Transportation or the Department of Defense who is the immediate supervisor of a person described in section 2109(1)(B);

(31) "customs and border protection officer" means an employee in the Department of Homeland Security (A) who holds a position within the GS-1895 job series (determined applying the criteria in effect as of September 1, 2007) or any successor position, and (B) whose duties include activities relating to the arrival and departure of persons, conveyances, and merchandise at ports of entry, including any such employee who is transferred directly to a supervisory or administrative position in the Department of Homeland Security after performing such duties (as described in subparagraph (B)) in 1 or more positions (as described in subparagraph (A)) for at least 3 years; and

(32) "Director" means the Director of the Office of Personnel Management.

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## CHAPTER 87—LIFE INSURANCE

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### § 8701. Definitions

(a) For the purpose of this chapter, "employee" means—

- (1) an employee as defined by section 2105 of this title;

- (2) a Member of Congress as defined by section 2106 of this title;

- (3) a Congressional employee as defined by section 2107 of this title;

- (4) the President;

- (5) a justice or judge of the United States appointed to hold office during good behavior (i) who is in regular active judicial service, or (ii) who is retired from regular active service under section 371(b) or 372(a) of title 28, United States Code, or (iii) who has resigned the judicial office under section 371(a) of title 28 with the continued right during the remainder of his lifetime to receive the salary of the office at the time of his resignation;

- (6) an individual first employed by the government of the District of Columbia before October 1, 1987;

- (7) an individual employed by Gallaudet College;

(8) an individual employed by a county committee established under section 590h(b) of title 16;

(9) an individual appointed to a position on the office staff of a former President under section ~~1(b)~~ 1(f) of the Act of August 25, 1958 (72 Stat. 838); and

(10) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 5 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other paragraph of this subsection;

but does not include—

(A) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(B) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone; or

(C) an employee excluded by regulation of the Office of Personnel Management under section 8716(b) of this title.

(b) Notwithstanding subsection (a) of this section, the employment of a teacher in the recess period between two school years in a position other than a teaching position in which he served immediately before the recess period does not qualify the individual as an employee for the purpose of this chapter. For the purpose of this subsection, "teacher" and "teaching position" have the meanings given them by section 901 of title 20.

(c) For the purpose of this chapter, "basic insurance amount" means, in the case of any employee under this chapter, an amount equal to the greater of—

(1) the annual rate of basic pay payable to the employee, rounded to the next higher multiple of \$1,000, plus \$2,000, or  
 (2) \$10,000.

In the case of any former employee entitled to coverage under this chapter, the term means the basic insurance amount applicable for the employee at the time the insurance to which the employee is entitled as an employee under this chapter stops pursuant to section 8706(a) of this title.

(d)(1) For the purpose of this chapter, "family member", when used with respect to any individual, means—

(A) the spouse of the individual; and

(B) an unmarried dependent child of the individual (other than a stillborn child), including an adopted child, stepchild or foster child (but only if the stepchild or foster child lived with the individual in a regular parent-child relationship), or recognized natural child—

(i) who is less than 22 years of age, or

(ii) who is 22 years of age or older and is incapable of self-support because of a mental or physical disability which existed before the child became 22 years of age.

(2) For the purpose of this subsection, "dependent", in the case of any child, means that the individual involved was, at the time of the child's death, either living with or contributing to the support of the child, as determined in accordance with the regulations the Office shall prescribe.

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## CHAPTER 89—HEALTH INSURANCE

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### § 8901. Definitions

For the purpose of this chapter—

(1) "employee" means—

- (A) an employee as defined by section 2105 of this title;
- (B) a Member of Congress as defined by section 2106 of this title;
- (C) a Congressional employee as defined by section 2107 of this title;
- (D) the President;
- (E) an individual first employed by the government of the District of Columbia before October 1, 1987;
- (F) an individual employed by Gallaudet College;
- (G) an individual employed by a county committee established under section 590h(b) of title 16;
- (H) an individual appointed to a position on the office staff of a former President under section ~~1(b)~~ 1(f) of the Act of August 25, 1958 (72 Stat. 838);
- (I) an individual appointed to a position on the office staff of a former President, or a former Vice President under section 5 of the Presidential Transition Act of 1963, as amended (78 Stat. 153), who immediately before the date of such appointment was an employee as defined under any other subparagraph of this paragraph; and
- (J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,

but does not include—

(i) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(ii) an individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless the individual was an employee for the purpose of this chapter on September 30, 1979, by reason of service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone;

(iii) an employee of the Tennessee Valley Authority; or

(iv) an employee excluded by regulation of the Office of Personnel Management under section 8913(b) of this title;

(2) "Government" means the Government of the United States and the government of the District of Columbia;

(3) "annuitant" means—

(A) an employee who retires—

(i) on an immediate annuity under subchapter III of chapter 83 of this title, or another retirement system for employees of the Government, after 5 or more years of service;

(ii) under section 8412 or 8414 of this title;

(iii) for disability under subchapter III of chapter 83 of this title, chapter 84 of this title, or another retirement system for employees of the Government; or

(iv) on an immediate annuity under a retirement system established for employees described in section 2105(c), in the case of an individual who elected under section 8347(q)(2) or 8461(n)(2) to remain subject to such a system;

(B) a member of a family who receives an immediate annuity as the survivor of an employee (including a family member entitled to an amount under section 8442(b)(1)(A)), whether or not such family member is entitled to an annuity under section 8442(b)(1)(B)) or of a retired employee described by subparagraph (A) of this paragraph;

(C) an employee who receives monthly compensation under subchapter I of chapter 81 of this title and who is determined by the Secretary of Labor to be unable to return to duty; and

(D) a member of a family who receives monthly compensation under subchapter I of chapter 81 of this title as the surviving beneficiary of—

(i) an employee who dies as a result of injury or illness compensable under that subchapter; or

(ii) a former employee who is separated after having completed 5 or more years of service and who dies while receiving monthly compensation under that subchapter and who has been held by the Secretary to have been unable to return to duty;

(4) “service”, as used by paragraph (3) of this section, means service which is creditable under subchapter III of chapter 83 or chapter 84 of this title;

(5) “member of family” means the spouse of an employee or annuitant and an unmarried dependent child under 22 years of age, including—

(A) an adopted child or recognized natural child; and

(B) a stepchild or foster child but only if the child lives with the employee or annuitant in a regular parent-child relationship;

or such an unmarried dependent child regardless of age who is incapable of self-support because of mental or physical disability which existed before age 22;

(6) “health benefits plan” means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, paying for, or reimbursing expenses for health services;

(7) “carrier” means a voluntary association, corporation, partnership, or other nongovernmental organization which is lawfully engaged in providing, paying for, or reimbursing the cost of, health services under group insurance policies or con-

tracts, medical or hospital service agreements, membership or subscription contracts, or similar group arrangements, in consideration of premiums or other periodic charges payable to the carrier, including a health benefits plan duly sponsored or underwritten by an employee organization and an association of organizations or other entities described in this paragraph sponsoring a health benefits plan;

(8) "employee organization" means—

(A) an association or other organization of employees which is national in scope, or in which membership is open to all employees of a Government agency who are eligible to enroll in a health benefits plan under this chapter and which, after December 31, 1978, and before January 1, 1980, applied to the Office for approval of a plan provided under section 8903(3) of this title; and

(B) an association or other organization which is national in scope, in which membership is open only to employees, annuitants, or former spouses, or any combination thereof, and which, during the 90-day period beginning on the date of enactment of section 8903a of this title, applied to the Office for approval of a plan provided under such section;

(9) "dependent", in the case of any child, means that the employee or annuitant involved is either living with or contributing to the support of such child, as determined in accordance with such regulations as the Office shall prescribe;

(10) "former spouse" means a former spouse of an employee, former employee, or annuitant—

(A) who has not remarried before age 55 after the marriage to the employee, former employee, or annuitant was dissolved,

(B) who was enrolled in an approved health benefits plan under this chapter as a family member at any time during the 18-month period before the date of the dissolution of the marriage to the employee, former employee, or annuitant, and

(C)(i) who is receiving any portion of an annuity under section 8345(j) or 8467 of this title or a survivor annuity under section 8341(h) or 8445 of this title (or benefits similar to either of the aforementioned annuity benefits under a retirement system for Government employees other than the Civil Service Retirement System or the Federal Employees' Retirement System),

(ii) as to whom a court order or decree referred to in section 8341(h), 8345(j), 8445, or 8467 of this title (or similar provision of law under any such retirement system other than the Civil Service Retirement System or the Federal Employees' Retirement System) has been issued, or for whom an election has been made under section 8339(j)(3) or 8417(b) of this title (or similar provision of law), or

(iii) who is otherwise entitled to an annuity or any portion of an annuity as a former spouse under a retirement system for Government employees,

except that such term shall not include any such unremarried former spouse of a former employee whose marriage was dis-

solved after the former employee's separation from the service (other than by retirement); and

- (11) "qualified clinical social worker" means an individual—
  - (A) who is licensed or certified as a clinical social worker by the State in which such individual practices; or
  - (B) who, if such State does not provide for the licensing or certification of clinical social workers—
    - (i) is certified by a national professional organization offering certification of clinical social workers; or
    - (ii) meets equivalent requirements (as prescribed by the Office).

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#### **PRESIDENTIAL TRANSITION ACT OF 1963**

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##### SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO FORMER PRESIDENTS AND FORMER VICE PRESIDENTS

SEC. 5. The Administrator is authorized to provide, upon request to each former President and each former Vice President, for a period not to exceed seven months from 30 days before the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary, services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents-elect. Any person appointed or detailed to serve a former President or former Vice President under authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this Act applicable to persons appointed or detailed under authority of that section. [The provisions of the Act of August 25, 1958 (72 Stat. 838; 3 U.S.C. 102, note), other than subsections (a) and (e) shall not become effective with respect to a former President until six months after the expiration of his term of office as President.]

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