

115TH CONGRESS
1ST SESSION

S. 1791

To amend the Act of August 25, 1958, commonly known as the “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2017

Mrs. ERNST (for herself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Act of August 25, 1958, commonly known as the “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Presidential Allowance
5 Modernization Act of 2017”.

6 **SEC. 2. AMENDMENTS.**

7 (a) **FORMER PRESIDENTS.**—The first section of the
8 Act entitled “An Act to provide retirement, clerical assist-

1 ants, and free mailing privileges to former Presidents of
2 the United States, and for other purposes”, approved Au-
3 gust 25, 1958 (commonly known as the “Former Presi-
4 dents Act of 1958”) (3 U.S.C. 102 note), is amended—

5 (1) by redesignating subsections (f) and (g) as
6 subsections (h) and (i), respectively;

7 (2) by striking the matter preceding subsection
8 (e) and inserting the following:

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

11 “(1) an annuity, subject to subsections (b) and
12 (c)—

13 “(A) at the rate of \$200,000 per year; and

14 “(B) which shall commence on the day
15 after the date on which an individual becomes
16 a former President; and

17 “(2) a monetary allowance, subject to sub-
18 sections (b), (c), and (d), at the rate of—

19 “(A) \$500,000 per year for 5 years begin-
20 ning on the day after the last day of the period
21 described in the first sentence of section 5 of
22 the Presidential Transition Act of 1963 (3
23 U.S.C. 102 note);

1 “(B) \$350,000 per year for the 5 years fol-
2 lowing the 5-year period under subparagraph
3 (A); and

4 “(C) \$250,000 per year thereafter.

5 “(b) DURATION; FREQUENCY.—

6 “(1) IN GENERAL.—The annuity and monetary
7 allowance under subsection (a) shall—

8 “(A) terminate on the date that is 30 days
9 after the date on which the former President
10 dies; and

11 “(B) be payable by the Secretary of the
12 Treasury on a monthly basis.

13 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

14 The annuity and monetary allowance under sub-
15 section (a) shall not be payable for any period dur-
16 ing which a former President holds an appointive or
17 elective position in or under the Federal Government
18 to which is attached a rate of pay other than a
19 nominal rate.

20 “(c) COST-OF-LIVING INCREASES.—Effective Decem-

21 ber 1 of each year, each annuity and monetary allowance
22 under subsection (a) that commenced before that date
23 shall be increased by the same percentage by which benefit
24 amounts under title II of the Social Security Act (42
25 U.S.C. 401 et seq.) are increased, effective as of that date,

1 as a result of a determination under section 215(i) of that
2 Act (42 U.S.C. 415(i)).

3 “(d) LIMITATION ON MONETARY ALLOWANCE.—

4 “(1) IN GENERAL.—Notwithstanding any other
5 provision of this section, the monetary allowance
6 payable under subsection (a)(2) to a former Presi-
7 dent for any 12-month period—

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

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

14 “(ii) the applicable reduction amount
15 for the 12-month period; and

16 “(B) shall not be less than the amount de-
17 termined under paragraph (4).

18 “(2) DEFINITION.—

19 “(A) IN GENERAL.—For purposes of para-
20 graph (1), the term ‘applicable reduction
21 amount’ means, with respect to any former
22 President and in connection with any 12-month
23 period, the amount by which—

24 “(i) the earned income (as defined in
25 section 32(c)(2) of the Internal Revenue

1 Code of 1986) of the former President for
2 the most recent taxable year for which a
3 tax return is available, exceeds (if at all)

4 “(ii) \$400,000, subject to subpara-
5 graph (C).

6 “(B) JOINT RETURNS.—In the case of a
7 joint return, subparagraph (A)(i) shall be ap-
8 plied by taking into account both the amounts
9 properly allocable to the former President and
10 the amounts properly allocable to the spouse of
11 the former President.

12 “(C) COST-OF-LIVING INCREASES.—The
13 dollar amount specified in subparagraph (A)(ii)
14 shall be adjusted at the same time that, and by
15 the same percentage by which, the monetary al-
16 lowance of the former President is increased
17 under subsection (c) (disregarding this sub-
18 section).

19 “(3) DISCLOSURE REQUIREMENT.—

20 “(A) DEFINITIONS.—In this paragraph—

21 “(i) the terms ‘return’ and ‘return in-
22 formation’ have the meanings given those
23 terms in section 6103(b) of the Internal
24 Revenue Code of 1986; and

1 “(ii) the term ‘Secretary’ means the
2 Secretary of the Treasury or the Secretary
3 of the Treasury’s delegate.

4 “(B) REQUIREMENT.—A former President
5 may not receive a monetary allowance under
6 subsection (a)(2) unless the former President
7 discloses to the Secretary, upon the request of
8 the Secretary, any return or return information
9 of the former President or spouse of the former
10 President that the Secretary determines is nec-
11 essary for purposes of calculating the applicable
12 reduction amount under paragraph (2) of this
13 subsection.

14 “(C) CONFIDENTIALITY.—Except as pro-
15 vided in section 6103 of the Internal Revenue
16 Code of 1986 and notwithstanding any other
17 provision of law, the Secretary may not, with
18 respect to a return or return information dis-
19 closed to the Secretary under subparagraph
20 (B)—

21 “(i) disclose the return or return in-
22 formation to any entity or person; or

23 “(ii) use the return or return informa-
24 tion for any purpose other than to cal-

1 culate the applicable reduction amount
2 under paragraph (2).

3 “(4) INCREASED COSTS DUE TO SECURITY
4 NEEDS.—With respect to the monetary allowance
5 that would be payable to a former President under
6 subsection (a)(2) for any 12-month period but for
7 the limitation under paragraph (1) of this sub-
8 section, the Administrator of General Services, in co-
9 ordination with the Director of the United States
10 Secret Service, shall determine the amount of the
11 monetary allowance that is needed to pay the in-
12 creased cost of doing business that is attributable to
13 the security needs of the former President.”;

14 (3) by inserting after subsection (e) the fol-
15 lowing:

16 “(f) OFFICE STAFF.—

17 “(1) IN GENERAL.—The Administrator of Gen-
18 eral Services shall, without regard to the civil service
19 and classification laws, provide for each former
20 President an office staff of not more than 13 indi-
21 viduals, at the request of the former President, on
22 a reimbursable basis.

23 “(2) COMPENSATION.—The annual rate of com-
24 pensation payable to any individual under paragraph
25 (1) shall not exceed the highest annual rate of basic

1 pay for positions at level II of the Executive Sched-
2 ule under section 5313 of title 5, United States
3 Code.

4 “(3) SELECTION; RESPONSIBILITY.—An indi-
5 vidual employed under this subsection—

6 “(A) shall be selected by the former Presi-
7 dent; and

8 “(B) shall be responsible only to the
9 former President for the performance of duties.

10 “(g) OFFICE SPACE AND RELATED FURNISHINGS
11 AND EQUIPMENT.—

12 “(1) OFFICE SPACE.—The Administrator of
13 General Services (referred to in this subsection as
14 the ‘Administrator’) shall, at the request of a former
15 President, on a reimbursable basis provide for the
16 former President suitable office space, as determined
17 by the Administrator, at a place within the United
18 States specified by the former President.

19 “(2) FURNISHINGS AND EQUIPMENT.—

20 “(A) REIMBURSABLE.—The Administrator
21 may, at the request of a former President, pro-
22 vide the former President with suitable office
23 furnishings and equipment on a reimbursable
24 basis.

25 “(B) WITHOUT REIMBURSEMENT.—

1 “(i) GRANDFATHERED FORMER
2 PRESIDENTS.—In the case of any indi-
3 vidual who is a former President on the
4 date of enactment of the Presidential Al-
5 lowance Modernization Act of 2017, the
6 former President may retain without reim-
7 bursement any furniture and equipment in
8 the possession of the former President.

9 “(ii) PRESIDENTIAL TRANSITION
10 ACT.—A former President may retain with-
11 out reimbursement any furniture or equip-
12 ment acquired under section 5 of the Pres-
13 idential Transition Act of 1963 (3 U.S.C.
14 102 note).

15 “(iii) EXCESS FURNITURE AND EQUIP-
16 MENT.—The Administrator may provide
17 excess furniture and equipment to the of-
18 fice of a former President at no cost other
19 than necessary transportation costs.”; and
20 (4) by adding at the end the following:

21 “(j) APPLICABILITY.—Subsections (f), (g) (other
22 than paragraph (2)(B)(i) of that subsection), and (i) shall
23 apply with respect to a former President on and after the
24 day after the last day of the period described in the first

1 sentence of section 5 of the Presidential Transition Act
2 of 1963 (3 U.S.C. 102 note).”.

3 (b) SURVIVING SPOUSES OF FORMER PRESI-
4 DENTS.—

5 (1) INCREASE IN AMOUNT OF MONETARY AL-
6 LOWANCE.—Subsection (e) of the first section of the
7 Former Presidents Act of 1958 is amended—

8 (A) in the first sentence, by striking
9 “\$20,000 per annum,” and inserting “\$100,000
10 per year (subject to paragraph (4)),”; and

11 (B) in the second sentence—

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

14 (ii) in paragraph (3)—

15 (I) by striking “or the govern-
16 ment of the District of Columbia”;
17 and

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

20 (iii) by inserting after paragraph (3)
21 the following:

22 “(4) shall, after its commencement date, be in-
23 creased at the same time that, and by the same per-
24 centage by which, annuities of former Presidents are
25 increased under subsection (c).”.

1 (2) COVERAGE OF WIDOWER OF A FORMER
2 PRESIDENT.—Subsection (e) of the first section of
3 the Former Presidents Act of 1958, as amended by
4 paragraph (1), is amended—

5 (A) by striking “widow” each place it ap-
6 pears and inserting “widow or widower”; and

7 (B) by striking “she” and inserting “she
8 or he”.

9 (c) SUBSECTION HEADINGS.—The first section of the
10 Former Presidents Act of 1958 is amended—

11 (1) in subsection (e), by inserting after the sub-
12 section enumerator the following: “WIDOWS AND
13 WIDOWERS.—”;

14 (2) in subsection (h) (as redesignated by sub-
15 section (a)(1)), by inserting after the subsection enu-
16 merator the following: “DEFINITION.—”; and

17 (3) in subsection (i) (as redesignated by sub-
18 section (a)(1)), by inserting after the subsection enu-
19 merator the following: “AUTHORIZATION OF APPRO-
20 PRIATIONS.—”.

21 (d) CONFORMING AMENDMENTS.—

22 (1) TITLE 5.—Subpart G of part III of title 5,
23 United States Code, is amended—

24 (A) in section 8101(1)(E), by striking
25 “1(b)” and inserting “1(f)”;

1 (B) in section 8331(1)(I), by striking
2 “1(b)” and inserting “1(f)”;

3 (C) in section 8701(a)(9), by striking
4 “1(b)” and inserting “1(f)”; and

5 (D) in section 8901(1)(H) by striking
6 “1(b)” and inserting “1(f)”.

7 (2) PRESIDENTIAL TRANSITION ACT OF 1963.—
8 Section 5 of the Presidential Transition Act of 1963
9 (3 U.S.C. 102 note) is amended by striking the last
10 sentence.

11 **SEC. 3. RULE OF CONSTRUCTION.**

12 Nothing in this Act or an amendment made by this
13 Act shall be construed to affect—

14 (1) any provision of law relating to the security
15 or protection of a former President or a member of
16 the family of a former President;

17 (2) funding, under the Former Presidents Act
18 of 1958 or any other law, to carry out any provision
19 of law described in paragraph (1); or

20 (3) funding for any office space lease in effect
21 on the day before the date of enactment of this Act
22 under subsection (c) of the first section of the
23 Former Presidents Act of 1958 (as in effect on the
24 day before the date of enactment of this Act) until
25 the expiration date contained in the lease, if the

1 lease was submitted to the Committee on Oversight
2 and Government Reform of the House of Represent-
3 atives on April 12, 2017.

4 **SEC. 4. TRANSITION RULES.**

5 (a) **FORMER PRESIDENTS.**—In the case of any indi-
6 vidual who is a former President on the date of enactment
7 of this Act, the amendments made by section 2(a) shall
8 be applied as if the commencement date referred in sub-
9 sections (a)(1)(B) and (a)(2)(A) of the first section of the
10 Former Presidents Act of 1958, as amended by section
11 2(a), coincided with the date that is 180 days after the
12 date of enactment of this Act.

13 (b) **WIDOWS.**—In the case of any individual who is
14 the widow of a former President on the date of enactment
15 of this Act, the amendments made by section 2(b)(1) shall
16 be applied as if the commencement date referred to in sub-
17 section (e)(1) of the first section of the Former Presidents
18 Act of 1958, as amended by section 2(b)(1), coincided
19 with the date that is 180 days after the date of enactment
20 of this Act.

21 **SEC. 5. APPLICABILITY.**

22 For a former President receiving a monetary allow-
23 ance under the Former Presidents Act of 1958 on the day
24 before the date of enactment of this Act, the limitation
25 under subsection (d)(1) of the first section of that Act,

1 as amended by section 2(a), shall apply to the monetary
2 allowance of the former President, except to the extent
3 that the application of the limitation would prevent the
4 former President from being able to pay the cost of a lease
5 or other contract that is in effect on the day before the
6 date of enactment of this Act and under which the former
7 President makes payments using the monetary allowance,
8 as determined by the Administrator of General Services.

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