115TH CONGRESS  
1ST SESSION  

H. R. 3739

IN THE SENATE OF THE UNITED STATES 

NOVEMBER 14, 2017

Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

AN ACT

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,
SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Allowance Modernization Act of 2017".

SEC. 2. AMENDMENTS.

(a) FORMER PRESIDENTS.—The first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (commonly known as the "Former Presidents Act of 1958") (3 U.S.C. 102 note), is amended—

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

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

"(a) ANNUITIES AND ALLOWANCES.—

"(1) ANNUITY.—Each former President shall be entitled to receive from the United States 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.

"(2) ALLOWANCE.—The General Services Administration is authorized to provide each former President a monetary allowance, subject to appro-
priations and 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.”;

(3) by inserting after subsection (e) the following:

"(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 indi-
viduals, at the request of the former President, on
a reimbursable basis.

“(2) COMPENSATION.—The annual rate of com-
pensation 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 Sched-
ule under section 5313 of title 5, United States
Code.

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

“(A) shall be selected by the former Presi-
dent; 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 of-
fice of a former President at no cost other
than necessary transportation costs.”; and

(4) by adding at the end the following:

“(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).’’.

(b) Surviving Spouses of Former Presidents.—

(1) Increase in Amount of Monetary Allowance.—Subsection (e) of the first section of the
Former Presidents Act of 1958 is amended—

(A) in the first sentence, by striking

“$20,000 per annum,” and inserting “$100,000
per year (subject to paragraph (4)),’’; and

(B) in the second sentence—

(i) in paragraph (2), by striking

“and” at the end;

(ii) in paragraph (3)—

(I) by striking “or the govern-
ment of the District of Columbia”; and
(II) by striking the period and inserting “; and”; and

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

“(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).”.

(2) Coverage of widower of a former president.—Subsection (e) of the first section of the Former Presidents Act of 1958, as amended by paragraph (1), is amended—

(A) by striking “widow” each place it appears and inserting “widow or widower”; and

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

(c) Subsection headings.—The first section of the Former Presidents Act of 1958 is amended—

(1) in subsection (e), by inserting after the subsection enumerator the following: “Widows and widowers.—”;

(2) in subsection (h) (as redesignated by subsection (a)(1)), by inserting after the subsection enumerator the following: “Definition.—”; and
(3) in subsection (i) (as redesignated by subsection (a)(1)), by inserting after the subsection enumerator the following: “AUTHORIZATION OF APPROPRIATIONS.—”.

(d) CONFORMING AMENDMENTS.—

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

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

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

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

and

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

(2) PRESIDENTIAL TRANSITION ACT OF 1963.—

Section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended by striking the last sentence.

SEC. 3. RULE OF CONSTRUCTION.

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); or

(3) funding for any office space lease in effect on the day before the date of enactment of this Act under subsection (c) of the first section of the Former Presidents Act of 1958 (as in effect on the day before the date of enactment of this Act) until the expiration date contained in the lease, if the lease was submitted to the Committee on Oversight and Government Reform of the House of Representatives on April 12, 2017.

SEC. 4. TRANSITION RULES.

(a) FORMER PRESIDENTS.—In the case of any individual who is a former President on the date of enactment of this Act, the amendments made by section 2(a) shall be applied as if the commencement date referred in subsections (a)(1)(B) and (a)(2)(A) of the first section of the Former Presidents Act of 1958, as amended by section 2(a), coincided with the date that is 180 days after the date of enactment of this Act.

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

SEC. 5. APPLICABILITY.

For a former President receiving a monetary allowance under the Former Presidents Act of 1958 on the day before the date of enactment of this Act, the limitation under subsection (d)(1) of the first section of that Act, as amended by section 2(a), shall apply to the monetary allowance of the former President, except to the extent that the application of the limitation would prevent the former President from being able to pay the cost of a lease or other contract that is in effect on the day before the date of enactment of this Act and under which the former President makes payments using the monetary allowance, as determined by the Administrator of General Services.

Passed the House of Representatives November 13, 2017.

Attest: KAREN L. HAAS,

Clerk.