

Calendar No. 337

115TH CONGRESS
2D SESSION

S. 1791

[Report No. 115–211]

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, Mr. ENZI, Mrs. FISCHER, and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 26, 2018

Reported by Mr. JOHNSON, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Presidential Allowance
3 Modernization Act of 2017”.

4 **SEC. 2. AMENDMENTS.**

5 (a) FORMER PRESIDENTS.—The first section of the
6 Act entitled “An Act to provide retirement, clerical assist-
7 ants, and free mailing privileges to former Presidents of
8 the United States, and for other purposes”, approved Au-
9 gust 25, 1958 (commonly known as the “Former Presi-
10 dents Act of 1958”) (3 U.S.C. 102 note), is amended—

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

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

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

17 “(1) an annuity, subject to subsections (b) and
18 (c)—

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

20 “(B) which shall commence on the day
21 after the date on which an individual becomes
22 a former President; and

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

25 “(A) \$500,000 per year for 5 years begin-
26 ning on the day after the last day of the period

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

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

7 “(C) \$250,000 per year thereafter.

8 “(b) DURATION; FREQUENCY.—

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

11 “(A) terminate on the date that is 30 days
 12 after the date on which the former President
 13 dies; and

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

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

23 “(c) COST-OF-LIVING INCREASES.—Effective Decem-
 24 ber 1 of each year, each annuity and monetary allowance
 25 under subsection (a) that commenced before that date

1 shall be increased by the same percentage by which benefit
 2 amounts under title II of the Social Security Act (42
 3 U.S.C. 401 et seq.) are increased, effective as of that date,
 4 as a result of a determination under section 215(i) of that
 5 Act (42 U.S.C. 415(i)).

6 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

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

17 “(ii) the applicable reduction amount
 18 for the 12-month period; and

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

21 “(2) DEFINITION.—

22 “(A) IN GENERAL.—For purposes of para-
 23 graph (1), the term ‘applicable reduction
 24 amount’ means, with respect to any former

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

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

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

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

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

23 “(3) DISCLOSURE REQUIREMENT.—

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

1 “(i) the terms ‘return’ and ‘return in-
2 formation’ have the meanings given those
3 terms in section 6103(b) of the Internal
4 Revenue Code of 1986; and

5 “(ii) the term ‘Secretary’ means the
6 Secretary of the Treasury or the Secretary
7 of the Treasury’s delegate.

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

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

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

3 “(ii) use the return or return informa-
 4 tion for any purpose other than to cal-
 5 culate the applicable reduction amount
 6 under paragraph (2).

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

18 (3) by inserting after subsection (e) the fol-
 19 lowing:

20 “(f) OFFICE STAFF.—

21 “(1) IN GENERAL.—The Administrator of Gen-
 22 eral Services shall, without regard to the civil service
 23 and classification laws, provide for each former
 24 President an office staff of not more than 13 indi-

1 viduals, at the request of the former President, on
2 a reimbursable basis.

3 “(2) COMPENSATION.—The annual rate of com-
4 pensation payable to any individual under paragraph
5 (1) shall not exceed the highest annual rate of basic
6 pay for positions at level II of the Executive Sched-
7 ule under section 5313 of title 5, United States
8 Code.

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

11 “(A) shall be selected by the former Presi-
12 dent; and

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

15 “(g) OFFICE SPACE AND RELATED FURNISHINGS
16 AND EQUIPMENT.—

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

24 “(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.”; and

1 (4) by adding at the end the following:

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

8 (b) SURVIVING SPOUSES OF FORMER PRESI-
9 DENTS.—

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

13 (A) in the first sentence, by striking
14 “\$20,000 per annum,” and inserting “\$100,000
15 per year (subject to paragraph (4)),”; and

16 (B) in the second sentence—

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

19 (ii) in paragraph (3)—

20 (I) by striking “or the govern-
21 ment of the District of Columbia”;
22 and

23 (II) by striking the period and
24 inserting “; and”; and

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

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

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

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

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

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

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

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

23 (3) in subsection (i) (as redesignated by sub-
 24 section (a)(1)), by inserting after the subsection enu-

1 merator the following: “AUTHORIZATION OF APPRO-
 2 PRIATIONS.—”.

3 (d) CONFORMING AMENDMENTS.—

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

6 (A) in section 8101(1)(E), by striking
 7 “1(b)” and inserting “1(f)”;

8 (B) in section 8331(1)(I), by striking
 9 “1(b)” and inserting “1(f)”;

10 (C) in section 8701(a)(9), by striking
 11 “1(b)” and inserting “1(f)”;

12 (D) in section 8901(1)(H) by striking
 13 “1(b)” and inserting “1(f)”.

14 (2) PRESIDENTIAL TRANSITION ACT OF 1963.—

15 Section 5 of the Presidential Transition Act of 1963
 16 (3 U.S.C. 102 note) is amended by striking the last
 17 sentence.

18 **SEC. 3. RULE OF CONSTRUCTION.**

19 Nothing in this Act or an amendment made by this
 20 Act shall be construed to affect—

21 (1) any provision of law relating to the security
 22 or protection of a former President or a member of
 23 the family of a former President;

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

4 (3) funding for any office space lease in effect
5 on the day before the date of enactment of this Act
6 under subsection (c) of the first section of the
7 Former Presidents Act of 1958 (as in effect on the
8 day before the date of enactment of this Act) until
9 the expiration date contained in the lease, if the
10 lease was submitted to the Committee on Oversight
11 and Government Reform of the House of Represent-
12 atives on April 12, 2017.

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

14 (a) **FORMER PRESIDENTS.**—In the case of any indi-
15 vidual who is a former President on the date of enactment
16 of this Act, the amendments made by section 2(a) shall
17 be applied as if the commencement date referred in sub-
18 sections (a)(1)(B) and (a)(2)(A) of the first section of the
19 Former Presidents Act of 1958, as amended by section
20 2(a), coincided with the date that is 180 days after the
21 date of enactment of this Act.

22 (b) **WIDOWS.**—In the case of any individual who is
23 the widow of a former President on the date of enactment
24 of this Act, the amendments made by section 2(b)(1) shall
25 be applied as if the commencement date referred to in sub-

1 section (e)(1) of the first section of the Former Presidents
2 Act of 1958, as amended by section 2(b)(1), coincided
3 with the date that is 180 days after the date of enactment
4 of this Act.

5 **SEC. 5. APPLICABILITY.**

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

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