

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,*

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) **ANNUITIES AND ALLOWANCES.**—

16 “(1) **ANNUITY.**—Each former President shall
17 be entitled to receive from the United States an an-
18 nuity, subject to subsections (b) and (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.

23 “(2) **ALLOWANCE.**—The General Services Ad-
24 ministration is authorized to provide each former
25 President a monetary allowance, subject to appro-

1 priations and subsections (b), (c), and (d), at the
2 rate of—

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

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

11 “(C) \$250,000 per year thereafter.

12 “(b) DURATION; FREQUENCY.—

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

15 “(A) terminate on the date that is 30 days
16 after the date on which the former President
17 dies; and

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

20 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

21 The annuity and monetary allowance under sub-
22 section (a) shall not be payable for any period dur-
23 ing which a former President holds an appointive or
24 elective position in or under the Federal Government

1 to which is attached a rate of pay other than a
2 nominal rate.

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

11 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

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

22 “(ii) the applicable reduction amount
23 for the 12-month period; and

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

1 “(2) DEFINITION.—

2 “(A) IN GENERAL.—For purposes of para-
3 graph (1), the term ‘applicable reduction
4 amount’ means, with respect to any former
5 President and in connection with any 12-month
6 period, the amount by which—

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

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

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

20 “(C) COST-OF-LIVING INCREASES.—The
21 dollar amount specified in subparagraph (A)(ii)
22 shall be adjusted at the same time that, and by
23 the same percentage by which, the monetary al-
24 lowance of the former President is increased

1 under subsection (c) (disregarding this sub-
2 section).

3 “(3) DISCLOSURE REQUIREMENT.—

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

5 “(i) the terms ‘return’ and ‘return in-
6 formation’ have the meanings given those
7 terms in section 6103(b) of the Internal
8 Revenue Code of 1986; and

9 “(ii) the term ‘Secretary’ means the
10 Secretary of the Treasury or the Secretary
11 of the Treasury’s delegate.

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

22 “(C) CONFIDENTIALITY.—Except as pro-
23 vided in section 6103 of the Internal Revenue
24 Code of 1986 and notwithstanding any other
25 provision of law, the Secretary may not, with

1 respect to a return or return information dis-
2 closed to the Secretary under subparagraph
3 (B)—

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

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

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

21 (3) by inserting after subsection (e) the fol-
22 lowing:

23 “(f) OFFICE STAFF.—

24 “(1) IN GENERAL.—The Administrator of Gen-
25 eral Services shall, without regard to the civil service

1 and classification laws, provide for each former
2 President an office staff of not more than 13 indi-
3 viduals, at the request of the former President, on
4 a reimbursable basis.

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

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

13 “(A) shall be selected by the former Presi-
14 dent; and

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

17 “(g) OFFICE SPACE AND RELATED FURNISHINGS
18 AND EQUIPMENT.—

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

1 “(2) FURNISHINGS AND EQUIPMENT.—

2 “(A) REIMBURSABLE.—The Administrator
3 may, at the request of a former President, pro-
4 vide the former President with suitable office
5 furnishings and equipment on a reimbursable
6 basis.

7 “(B) WITHOUT REIMBURSEMENT.—

8 “(i) GRANDFATHERED FORMER
9 PRESIDENTS.—In the case of any indi-
10 vidual who is a former President on the
11 date of enactment of the Presidential Al-
12 lowance Modernization Act of 2017, the
13 former President may retain without reim-
14 bursement any furniture and equipment in
15 the possession of the former President.

16 “(ii) PRESIDENTIAL TRANSITION
17 ACT.—A former President may retain with-
18 out reimbursement any furniture or equip-
19 ment acquired under section 5 of the Pres-
20 idential Transition Act of 1963 (3 U.S.C.
21 102 note).

22 “(iii) EXCESS FURNITURE AND EQUIP-
23 MENT.—The Administrator may provide
24 excess furniture and equipment to the of-

1 fice of a former President at no cost other
2 than necessary transportation costs.”; and

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

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

10 (b) SURVIVING SPOUSES OF FORMER PRESI-
11 DENTS.—

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

15 (A) in the first sentence, by striking
16 “\$20,000 per annum,” and inserting “\$100,000
17 per year (subject to paragraph (4)),”; and

18 (B) in the second sentence—

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

21 (ii) in paragraph (3)—

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

1 (II) by striking the period and
2 inserting “; and”; and

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

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

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

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

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

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

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

22 (2) in subsection (h) (as redesignated by sub-
23 section (a)(1)), by inserting after the subsection enu-
24 merator 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)”;

(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;

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.

Passed the House of Representatives November 13,
2017.

Attest:

KAREN L. HAAS,

Clerk.