

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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Mrs. ERNST introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**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           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.