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1ST SESSION

H. R. 1496

IN THE SENATE OF THE UNITED STATES

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Received

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 2019”.

4 **SEC. 2. AMENDMENTS.**

5 (a) IN GENERAL.—The Act entitled “An Act to pro-
6 vide retirement, clerical assistants, and free mailing privi-
7 leges to former Presidents of the United States, and for
8 other purposes”, approved August 25, 1958 (commonly
9 known as the “Former Presidents Act of 1958”) (3 U.S.C.
10 102 note), is amended—

11 (1) by striking “That (a) each” and inserting
12 the following:

13 **“SECTION 1. FORMER PRESIDENTS LEAVING OFFICE BE-**
14 **FORE PRESIDENTIAL ALLOWANCE MOD-**
15 **ERNIZATION ACT OF 2019.**

16 “(a) Each”;

17 (2) by redesignating subsection (g) as section 3
18 and adjusting the margin accordingly; and

19 (3) by inserting after section 1, as so des-
20 ignated, the following:

21 **“SEC. 2. FORMER PRESIDENTS LEAVING OFFICE AFTER**
22 **PRESIDENTIAL ALLOWANCE MODERNIZA-**
23 **TION ACT OF 2019.**

24 “(a) ANNUITIES AND ALLOWANCES.—

25 “(1) ANNUITY.—Each modern former President
26 shall be entitled for the remainder of his or her life

1 to receive from the United States an annuity at the
2 rate of \$200,000 per year, subject to subsections
3 (b)(2) and (c), to be paid by the Secretary of the
4 Treasury.

5 “(2) ALLOWANCE.—The Administrator of Gen-
6 eral Services is authorized to provide each modern
7 former President a monetary allowance at the rate
8 of \$200,000 per year, subject to the availability of
9 appropriations and subsections (b)(2), (c), and (d).

10 “(b) DURATION; FREQUENCY.—

11 “(1) IN GENERAL.—The annuity and allowance
12 under subsection (a) shall each—

13 “(A) commence on the day after the date
14 on which an individual becomes a modern
15 former President;

16 “(B) terminate on the date on which the
17 modern former President dies; and

18 “(C) be payable on a monthly basis.

19 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—
20 The annuity and allowance under subsection (a)
21 shall not be payable for any period during which a
22 modern former President holds an appointive or
23 elective position in or under the Federal Government
24 to which is attached a rate of pay other than a
25 nominal rate.

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

9 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

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

20 “(ii) the applicable reduction amount
21 for such 12-month period; and

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

24 “(2) DEFINITION.—

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

6 “(i) the sum of—

7 “(I) the adjusted gross income
8 (as defined in section 62 of the Inter-
9 nal Revenue Code of 1986) of the
10 modern former President for the most
11 recent taxable year for which a tax re-
12 turn is available; and

13 “(II) any interest excluded from
14 the gross income of the modern
15 former President under section 103 of
16 such Code for such taxable year, ex-
17 ceeds (if at all)

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

20 “(B) JOINT RETURNS.—In the case of a
21 joint return, subclauses (I) and (II) of subpara-
22 graph (A)(i) shall be applied by taking into ac-
23 count both the amounts properly allocable to
24 the modern former President and the amounts

1 properly allocable to the spouse of the modern
2 former President.

3 “(C) COST-OF-LIVING INCREASES.—The
4 dollar amount specified in subparagraph (A)(ii)
5 shall be adjusted at the same time that, and by
6 the same percentage by which, the monetary al-
7 lowance of the modern former President is in-
8 creased under subsection (c) (disregarding this
9 subsection).

10 “(3) DISCLOSURE REQUIREMENT.—

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

12 “(i) the terms ‘return’ and ‘return in-
13 formation’ have the meanings given those
14 terms in section 6103(b) of the Internal
15 Revenue Code of 1986; and

16 “(ii) the term ‘Secretary’ means the
17 Secretary of the Treasury or the Secretary
18 of the Treasury’s delegate.

19 “(B) REQUIREMENT.—A modern former
20 President may not receive a monetary allowance
21 under subsection (a)(2) unless the modern
22 former President discloses to the Secretary,
23 upon the request of the Secretary, any return
24 or return information of the modern former
25 President or spouse of the modern former

1 President that the Secretary determines is nec-
2 essary for purposes of calculating the applicable
3 reduction amount under paragraph (2) of this
4 subsection.

5 “(C) CONFIDENTIALITY.—Except as pro-
6 vided in section 6103 of the Internal Revenue
7 Code of 1986 and notwithstanding any other
8 provision of law, the Secretary may not, with
9 respect to a return or return information dis-
10 closed to the Secretary under subparagraph
11 (B)—

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

14 “(ii) use the return or return informa-
15 tion for any purpose other than to cal-
16 culate the applicable reduction amount
17 under paragraph (2).

18 “(4) INCREASED COSTS DUE TO SECURITY
19 NEEDS.—With respect to the monetary allowance
20 that would be payable to a modern former President
21 under subsection (a)(2) for any 12-month period but
22 for the limitation under paragraph (1)(A) of this
23 subsection, the Administrator of General Services, in
24 coordination with the Director of the United States
25 Secret Service, shall determine the amount of the al-

1 lowance that is needed to pay the increased cost of
2 doing business that is attributable to the security
3 needs of the modern former President.

4 “(e) WIDOWS AND WIDOWERS.—The widow or wid-
5 ower of each modern former President shall be entitled
6 to receive from the United States a monetary allowance
7 at a rate of \$100,000 per year (subject to paragraph (4)),
8 payable monthly by the Secretary of the Treasury, if such
9 widow or widower shall waive the right to each other annu-
10 ity or pension to which she or he is entitled under any
11 other Act of Congress. The monetary allowance of such
12 widow or widower—

13 “(1) commences on the day after the modern
14 former President dies;

15 “(2) terminates on the last day of the month
16 before such widow or widower dies;

17 “(3) is not payable for any period during which
18 such widow or widower holds an appointive or elec-
19 tive office or position in or under the Federal Gov-
20 ernment to which is attached a rate of pay other
21 than a nominal rate; and

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 modern former Presi-
25 dents are increased under subsection (c).

1 “(f) DEFINITION.—In this section, the term ‘modern
2 former President’ means a person—

3 “(1) who shall have held the office of President
4 of the United States of America;

5 “(2) whose service in such office shall have ter-
6 minated—

7 “(A) other than by removal pursuant to
8 section 4 of article II of the Constitution of the
9 United States of America; and

10 “(B) after the date of enactment of the
11 Presidential Allowance Modernization Act of
12 2019; and

13 “(3) who does not then currently hold such of-
14 fice.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
16 The Former Presidents Act of 1958 is amended—

17 (1) in section 1(f)(2), as designated by this sec-
18 tion—

19 (A) by striking “terminated other than”
20 and inserting the following: “terminated—

21 “(A) other than”; and

22 (B) by adding at the end the following:

23 “(B) on or before the date of enactment of
24 the Presidential Allowance Modernization Act of
25 2019; and”; and

1 (2) in section 3, as redesignated by this sec-
2 tion—

3 (A) by inserting after the section enu-
4 merator the following: “**AUTHORIZATION OF**
5 **APPROPRIATIONS.**”; and

6 (B) by inserting “or modern former Presi-
7 dent” after “former President” each place that
8 term appears.

9 **SEC. 3. RULE OF CONSTRUCTION.**

10 Nothing in this Act or an amendment made by this
11 Act shall be construed to affect—

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

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

19 **SEC. 4. APPLICABILITY.**

20 Section 2 of the Former Presidents Act of 1958, as
21 added by section 2(a)(3) of this Act, shall not apply to—

22 (1) any individual who is a former President on
23 the date of enactment of this Act; or

24 (2) the widow or widower of an individual de-
25 scribed in paragraph (1).

