

Calendar No. 128

116TH CONGRESS
1ST SESSION

S. 580

[Report No. 116–53]

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

FEBRUARY 27, 2019

Ms. ERNST (for herself, Ms. HASSAN, Mr. ENZI, Ms. SINEMA, Mr. BRAUN, and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 27, 2019

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

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 2019”.

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 by
11 striking the matter preceding subsection (c) and inserting
12 the following:

13 “(a) **ANNUITIES AND ALLOWANCES.**—

14 “(1) **ANNUITY.**—Each former President shall
15 be entitled for the remainder of his or her life to re-
16 ceive from the United States an annuity at the rate
17 of \$200,000 per year, subject to subsections (b)(2)
18 and (c), to be paid by the Secretary of the Treasury.

19 “(2) **ALLOWANCE.**—The Administrator of Gen-
20 eral Services is authorized to provide each former
21 President a monetary allowance at the rate of
22 \$200,000 per year, subject to the availability of ap-
23 propriations and subsections (b)(2), (c), and (d).

24 “(b) **DURATION; FREQUENCY.**—

25 “(1) **IN GENERAL.**—The annuity and allowance
26 under subsection (a) shall each—

1 “(A) commence on the day after the date
2 on which an individual becomes a former Presi-
3 dent;

4 “(B) terminate on the date on which the
5 former President dies; and

6 “(C) be payable on a monthly basis.

7 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

8 The annuity and allowance under subsection (a)
9 shall not be payable for any period during which a
10 former President holds an appointive or elective po-
11 sition in or under the Federal Government to which
12 is attached a rate of pay other than a nominal rate.

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

21 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

3 “(i) the monetary allowance that (but
4 for this subsection) would otherwise be so
5 payable for such 12-month period; exceeds
6 (if at all)

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

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

11 “(2) DEFINITION.—

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

17 “(i) the sum of—

18 “(I) the adjusted gross income
19 (as defined in section 62 of the Inter-
20 nal Revenue Code of 1986) of the
21 former President for the most recent
22 taxable year for which a tax return is
23 available; and

24 “(II) any interest excluded from
25 the gross income of the former Presi-

1 dent under section 103 of such Code
 2 for such taxable year, exceeds (if at
 3 all)

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

6 “(B) JOINT RETURNS.—In the case of a
 7 joint return, subclauses (I) and (II) of subpara-
 8 graph (A)(i) shall be applied by taking into ac-
 9 count both the amounts properly allocable to
 10 the former President and the amounts properly
 11 allocable to the spouse of 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 (e) (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 “(ii) the term ‘Secretary’ means the
 2 Secretary of the Treasury or the Secretary
 3 of the Treasury’s delegate.

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

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

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

23 “(ii) use the return or return informa-
 24 tion for any purpose other than to cal-

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 al-
11 lowance that is needed to pay the increased cost of
12 doing business that is attributable to the security
13 needs of the former President.”.

14 (b) ~~SURVIVING SPOUSES OF FORMER PRESI-~~
15 ~~DENTS.—~~

16 (1) ~~INCREASE IN AMOUNT OF MONETARY AL-~~
17 ~~LOWANCE.—~~Subsection (e) of the first section of the
18 Former Presidents Act of 1958 is amended—

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

22 (B) in the second sentence—

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

25 (ii) in paragraph (3)—

1 (I) by striking “or the govern-
2 ment of the District of Columbia”;
3 and

4 (II) by striking the period and
5 inserting “; and”; and

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

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

12 (2) COVERAGE OF WIDOWER OF A FORMER
13 PRESIDENT.—Subsection (c) of the first section of
14 the Former Presidents Act of 1958, as amended by
15 paragraph (1), is amended—

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

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

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

22 (1) in subsection (c), by inserting after the sub-
23 section enumerator the following: “WIDOWS AND
24 WIDOWERS.—”;

1 (2) in subsection (f), by inserting after the sub-
 2 section enumerator the following: “DEFINITION.—”;
 3 and

4 (3) in subsection (g), by inserting after the sub-
 5 section enumerator the following: “AUTHORIZATION
 6 OF APPROPRIATIONS.—”.

7 **SEC. 3. RULE OF CONSTRUCTION.**

8 Nothing in this Act or an amendment made by this
 9 Act shall be construed to affect—

10 (1) any provision of law relating to the security
 11 or protection of a former President or a member of
 12 the family of a former President; or

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

16 **SEC. 4. APPLICABILITY.**

17 This Act and the amendments made by this Act shall
 18 not apply to—

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

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

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Presidential Allowance*
 25 *Modernization Act of 2019”.*

1 **SEC. 2. AMENDMENTS.**

2 (a) *IN GENERAL.*—*The Act entitled “An Act to provide*
 3 *retirement, clerical assistants, and free mailing privileges*
 4 *to former Presidents of the United States, and for other pur-*
 5 *poses”, approved August 25, 1958 (commonly known as the*
 6 *“Former Presidents Act of 1958”) (3 U.S.C. 102 note), is*
 7 *amended—*

8 (1) *by striking “That (a) each” and inserting the*
 9 *following:*

10 **“SECTION 1. FORMER PRESIDENTS LEAVING OFFICE BE-**
 11 **FORE PRESIDENTIAL ALLOWANCE MOD-**
 12 **ERNIZATION ACT OF 2019.**

13 “(a) *Each*”;

14 (2) *by redesignating subsection (g) as section 3*
 15 *and adjusting the margin accordingly; and*

16 (3) *by inserting after section 1, as so designated,*
 17 *the following:*

18 **“SEC. 2. FORMER PRESIDENTS LEAVING OFFICE AFTER**
 19 **PRESIDENTIAL ALLOWANCE MODERNIZATION**
 20 **ACT OF 2019.**

21 “(a) *ANNUITIES AND ALLOWANCES.*—

22 “(1) *ANNUITY.*—*Each modern former President*
 23 *shall be entitled for the remainder of his or her life*
 24 *to receive from the United States an annuity at the*
 25 *rate of \$200,000 per year, subject to subsections (b)(2)*
 26 *and (c), to be paid by the Secretary of the Treasury.*

1 “(2) *ALLOWANCE.*—*The Administrator of Gen-*
 2 *eral Services is authorized to provide each modern*
 3 *former President a monetary allowance at the rate of*
 4 *\$200,000 per year, subject to the availability of ap-*
 5 *propriations and subsections (b)(2), (c), and (d).*

6 “(b) *DURATION; FREQUENCY.*—

7 “(1) *IN GENERAL.*—*The annuity and allowance*
 8 *under subsection (a) shall each—*

9 “(A) *commence on the day after the date on*
 10 *which an individual becomes a modern former*
 11 *President;*

12 “(B) *terminate on the date on which the*
 13 *modern former President dies; and*

14 “(C) *be payable on a monthly basis.*

15 “(2) *APPOINTIVE OR ELECTIVE POSITIONS.*—*The*
 16 *annuity and allowance under subsection (a) shall not*
 17 *be payable for any period during which a modern*
 18 *former President holds an appointive or elective posi-*
 19 *tion in or under the Federal Government to which is*
 20 *attached a rate of pay other than a nominal rate.*

21 “(c) *COST-OF-LIVING INCREASES.*—*Effective December*
 22 *1 of each year, each annuity and allowance under sub-*
 23 *section (a) that commenced before that date shall be in-*
 24 *creased by the same percentage by which benefit amounts*
 25 *under title II of the Social Security Act (42 U.S.C. 401*

1 *et seq.) are increased, effective as of that date, as a result*
 2 *of a determination under section 215(i) of that Act (42*
 3 *U.S.C. 415(i)).*

4 “(d) *LIMITATION ON MONETARY ALLOWANCE.—*

5 “(1) *IN GENERAL.—Notwithstanding any other*
 6 *provision of this section, the monetary allowance pay-*
 7 *able under subsection (a)(2) to a modern former*
 8 *President for any 12-month period—*

9 “(A) *except as provided in subparagraph*
 10 *(B), may not exceed the amount by which—*

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

15 “(ii) *the applicable reduction amount*
 16 *for such 12-month period; and*

17 “(B) *shall not be less than the amount de-*
 18 *termined under paragraph (4).*

19 “(2) *DEFINITION.—*

20 “(A) *IN GENERAL.—For purposes of para-*
 21 *graph (1), the term ‘applicable reduction*
 22 *amount’ means, with respect to any modern*
 23 *former President and in connection with any 12-*
 24 *month period, the amount by which—*

25 “(i) *the sum of—*

1 “(I) the adjusted gross income (as
 2 defined in section 62 of the Internal
 3 Revenue Code of 1986) of the modern
 4 former President for the most recent
 5 taxable year for which a tax return is
 6 available; and

7 “(II) any interest excluded from
 8 the gross income of the modern former
 9 President under section 103 of such
 10 Code for such taxable year, exceeds (if
 11 at all)

12 “(ii) \$400,000, subject to subparagraph
 13 (C).

14 “(B) JOINT RETURNS.—In the case of a
 15 joint return, subclauses (I) and (II) of subpara-
 16 graph (A)(i) shall be applied by taking into ac-
 17 count both the amounts properly allocable to the
 18 modern former President and the amounts prop-
 19 erly allocable to the spouse of the modern former
 20 President.

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

1 *creased under subsection (c) (disregarding this*
 2 *subsection).*

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 modern former*
 13 *President may not receive a monetary allowance*
 14 *under subsection (a)(2) unless the modern former*
 15 *President discloses to the Secretary, upon the re-*
 16 *quest of the Secretary, any return or return in-*
 17 *formation of the modern former President or*
 18 *spouse of the modern former President that the*
 19 *Secretary determines is necessary for purposes of*
 20 *calculating the applicable reduction amount*
 21 *under paragraph (2) of this 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 re-*

1 *spect to a return or return information disclosed*
 2 *to the Secretary under subparagraph (B)—*

3 “(i) *disclose the return or return infor-*
 4 *mation to any entity or person; or*

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

9 “(4) *INCREASED COSTS DUE TO SECURITY*
 10 *NEEDS.—With respect to the monetary allowance that*
 11 *would be payable to a modern former President under*
 12 *subsection (a)(2) for any 12-month period but for the*
 13 *limitation under paragraph (1)(A) of this subsection,*
 14 *the Administrator of General Services, in coordina-*
 15 *tion with the Director of the United States Secret*
 16 *Service, shall determine the amount of the allowance*
 17 *that is needed to pay the increased cost of doing busi-*
 18 *ness that is attributable to the security needs of the*
 19 *modern former President.*

20 “(e) *WIDOWS AND WIDOWERS.—The widow or wid-*
 21 *ower of each modern former President shall be entitled to*
 22 *receive from the United States a monetary allowance at a*
 23 *rate of \$100,000 per year (subject to paragraph (4)), pay-*
 24 *able monthly by the Secretary of the Treasury, if such*
 25 *widow or widower shall waive the right to each other annu-*

1 *ity or pension to which she or he is entitled under any other*
 2 *Act of Congress. The monetary allowance of such widow or*
 3 *widower—*

4 “(1) *commences on the day after the modern*
 5 *former President dies;*

6 “(2) *terminates on the last day of the month be-*
 7 *fore such widow or widower—*

8 “(A) *dies; or*

9 “(B) *remarries before becoming 60 years of*
 10 *age;*

11 “(3) *is not payable for any period during which*
 12 *such widow or widower holds an appointive or elec-*
 13 *tive office or position in or under the Federal Govern-*
 14 *ment to which is attached a rate of pay other than*
 15 *a nominal rate; and*

16 “(4) *shall, after its commencement date, be in-*
 17 *creased at the same time that, and by the same per-*
 18 *centage by which, annuities of modern former Presi-*
 19 *dents are increased under subsection (c).*

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

22 “(1) *who shall have held the office of President*
 23 *of the United States of America;*

24 “(2) *whose service in such office shall have ter-*
 25 *minated—*

1 “(A) other than by removal pursuant to sec-
 2 tion 4 of article II of the Constitution of the
 3 United States of America; and

4 “(B) after the date of enactment of the Pres-
 5 idential Allowance Modernization Act of 2019;
 6 and

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

9 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 10 *The Former Presidents Act of 1958 is amended—*

11 (1) *in section 1(f)(2), as designated by this sec-*
 12 *tion—*

13 (A) *by striking “terminated other than”*
 14 *and inserting the following: “terminated—*

15 *“(A) other than”; and*

16 (B) *by adding at the end the following:*

17 *“(B) on or before the date of enactment of*
 18 *the Presidential Allowance Modernization Act of*
 19 *2019; and”;* and

20 (2) *in section 3, as redesignated by this sec-*
 21 *tion—*

22 (A) *by inserting after the section enu-*
 23 *merator the following: “**AUTHORIZATION OF***
 24 ***APPROPRIATIONS.**”;* and

1 (B) by inserting “or modern former Presi-
 2 dent” after “former President” each place that
 3 term appears.

4 **SEC. 3. RULE OF CONSTRUCTION.**

5 *Nothing in this Act or an amendment made by this*
 6 *Act shall be construed to affect—*

7 (1) *any provision of law relating to the security*
 8 *or protection of a former President or modern former*
 9 *President, or a member of the family of a former*
 10 *President or modern former President; or*

11 (2) *funding, under the Former Presidents Act of*
 12 *1958 or any other law, to carry out any provision of*
 13 *law described in paragraph (1).*

14 **SEC. 4. APPLICABILITY.**

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

17 (1) *any individual who is a former President on*
 18 *the date of enactment of this Act; or*

19 (2) *the widow or widower of an individual de-*
 20 *scribed in paragraph (1).*

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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.

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Reported with an amendment