

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 580

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.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Allowance
5 Modernization Act of 2019”.

6 **SEC. 2. AMENDMENTS.**

7 (a) IN GENERAL.—The Act entitled “An Act to pro-
8 vide retirement, clerical assistants, and free mailing privi-
9 leges to former Presidents of the United States, and for
10 other purposes”, approved August 25, 1958 (commonly

1 known as the “Former Presidents Act of 1958”) (3 U.S.C.
2 102 note), is amended—

3 (1) by striking “That (a) each” and inserting
4 the following:

5 **“SECTION 1. FORMER PRESIDENTS LEAVING OFFICE BE-**
6 **FORE PRESIDENTIAL ALLOWANCE MOD-**
7 **ERNIZATION ACT OF 2019.**

8 “(a) Each”;

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

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

13 **“SEC. 2. FORMER PRESIDENTS LEAVING OFFICE AFTER**
14 **PRESIDENTIAL ALLOWANCE MODERNIZA-**
15 **TION ACT OF 2019.**

16 “(a) ANNUITIES AND ALLOWANCES.—

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

23 “(2) ALLOWANCE.—The Administrator of Gen-
24 eral Services is authorized to provide each modern
25 former President a monetary allowance at the rate

1 of \$200,000 per year, subject to the availability of
2 appropriations and subsections (b)(2), (c), and (d).

3 “(b) DURATION; FREQUENCY.—

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

6 “(A) commence on the day after the date
7 on which an individual becomes a modern
8 former President;

9 “(B) terminate on the date on which the
10 modern former President dies; and

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

12 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

13 The annuity and allowance under subsection (a)
14 shall not be payable for any period during which a
15 modern former President holds an appointive or
16 elective position in or under the Federal Government
17 to which is attached a rate of pay other than a
18 nominal rate.

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

1 of a determination under section 215(i) of that Act (42
2 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 modern former
7 President 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 such 12-month period, exceeds
13 (if at all)

14 “(ii) the applicable reduction amount
15 for such 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 modern
22 former President and in connection with any
23 12-month period, the amount by which—

24 “(i) the sum of—

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

7 “(II) any interest excluded from
8 the gross income of the modern
9 former President under section 103 of
10 such Code for such taxable year, ex-
11 ceeds (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, 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
18 the modern former President and the amounts
19 properly allocable to the spouse of the modern
20 former President.

21 “(C) COST-OF-LIVING INCREASES.—The
22 dollar 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
15 former President discloses to the Secretary,
16 upon the request of the Secretary, any return
17 or return information of the modern former
18 President or spouse of the modern former
19 President that the Secretary determines is nec-
20 essary for purposes of calculating the applicable
21 reduction amount under paragraph (2) of this
22 subsection.

23 “(C) CONFIDENTIALITY.—Except as pro-
24 vided in section 6103 of the Internal Revenue
25 Code of 1986 and notwithstanding any other

1 provision of law, the Secretary may not, with
2 respect to a return or return information dis-
3 closed to the Secretary under subparagraph
4 (B)—

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

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

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

22 “(e) WIDOWS AND WIDOWERS.—The widow or wid-
23 ower of each modern former President shall be entitled
24 to receive from the United States a monetary allowance
25 at a rate of \$100,000 per year (subject to paragraph (4)),

1 payable monthly by the Secretary of the Treasury, if such
2 widow or widower shall waive the right to each other annu-
3 ity or pension to which she or he is entitled under any
4 other Act of Congress. The monetary allowance of such
5 widow or widower—

6 “(1) commences on the day after the modern
7 former President dies;

8 “(2) terminates on the last day of the month
9 before such widow or widower—

10 “(A) dies; or

11 “(B) remarries before becoming 60 years
12 of age;

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

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

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

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

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

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

6 “(B) after the date of enactment of the
7 Presidential Allowance Modernization Act of
8 2019; and

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

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

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

15 (A) by striking “terminated other than”
16 and inserting the following: “terminated—
17 “(1) other than”; and

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

19 “(2) on or before the date of enactment of the
20 Presidential Allowance Modernization Act of 2019;
21 and”; and

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

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

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

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 modern
12 former President, or a member of the family of a
13 former President or modern former President; or

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

17 **SEC. 4. APPLICABILITY.**

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

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

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