

In the Senate of the United States,

June 21, 2016.

Resolved, That the bill from the House of Representatives (H.R. 1777) entitled “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.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Presidential Allowance*
3 *Modernization Act of 2016”.*

4 ***SEC. 2. AMENDMENTS.***

5 *(a) FORMER PRESIDENTS.—The first section of the Act*
6 *entitled “An Act to provide retirement, clerical assistants,*
7 *and free mailing privileges to former Presidents of the*
8 *United States, and for other purposes”, approved August*
9 *25, 1958 (commonly known as the “Former Presidents Act*

1 of 1958”) (3 U.S.C. 102 note), is amended by striking the
 2 matter preceding subsection (e) and inserting the following:

3 “(a) *IN GENERAL.*—Each former President shall be en-
 4 titled for the remainder of his or her life to receive from
 5 the United States—

6 “(1) an annuity at the rate of \$200,000 per
 7 year, subject to subsection (c); and

8 “(2) a monetary allowance at the rate of
 9 \$200,000 per year, subject to subsections (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 on
 14 which an individual becomes a former President;

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

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

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

1 “(c) *COST-OF-LIVING INCREASES*.—Effective December
 2 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 pay-
 12 able under subsection (a)(2) to a former President for
 13 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*.—

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

“(i) the sum of—

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

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

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

“(B) *JOINT RETURNS.*—In the case of a joint return, subclauses (I) and (II) of subparagraph (A)(i) shall be applied by taking into account both the amounts properly allocable to the former President and the amounts properly allocable to the spouse of the former President.

1 “(C) *COST-OF-LIVING INCREASES.*—*The dol-*
 2 *lar amount specified in subparagraph (A)(ii)*
 3 *shall be adjusted at the same time that, and by*
 4 *the same percentage by which, the monetary al-*
 5 *lowance of the former President is increased*
 6 *under subsection (c) (disregarding this sub-*
 7 *section).*

8 “(3) *DISCLOSURE REQUIREMENT.*—

9 “(A) *DEFINITIONS.*—*In this paragraph—*

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

14 “(ii) *the term ‘Secretary’ means the*
 15 *Secretary of the Treasury or the Secretary*
 16 *of the Treasury’s delegate.*

17 “(B) *REQUIREMENT.*—*A former President*
 18 *may not receive a monetary allowance under*
 19 *subsection (a)(2) unless the former President dis-*
 20 *closes to the Secretary, upon the request of the*
 21 *Secretary, any return or return information of*
 22 *the former President or spouse of the former*
 23 *President that the Secretary determines is nec-*
 24 *essary for purposes of calculating the applicable*

1 *reduction amount under paragraph (2) of this*
 2 *subsection.*

3 “(C) *CONFIDENTIALITY.—Except as pro-*
 4 *vided in section 6103 of the Internal Revenue*
 5 *Code of 1986 and notwithstanding any other*
 6 *provision of law, the Secretary may not, with re-*
 7 *spect to a return or return information disclosed*
 8 *to the Secretary under subparagraph (B)—*

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

11 *“(ii) use the return or return informa-*
 12 *tion for any purpose other than to calculate*
 13 *the applicable reduction amount under*
 14 *paragraph (2).*

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

25 (b) *SURVIVING SPOUSES OF FORMER PRESIDENTS.—*

1 (1) *INCREASE IN AMOUNT OF MONETARY ALLOW-*
 2 *ANCE.—Subsection (e) of the first section of the*
 3 *Former Presidents Act of 1958 is amended—*

4 (A) *in the first sentence, by striking*
 5 *“\$20,000 per annum,” and inserting “\$100,000*
 6 *per year (subject to paragraph (4)),”; and*

7 (B) *in the second sentence—*

8 (i) *in paragraph (2), by striking*
 9 *“and” at the end;*

10 (ii) *in paragraph (3)—*

11 (I) *by striking “or the government*
 12 *of the District of Columbia”; and*

13 (II) *by striking the period and in-*
 14 *serting “; and”; and*

15 (iii) *by inserting after paragraph (3)*
 16 *the following:*

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

21 (2) *COVERAGE OF WIDOWER OF A FORMER*
 22 *PRESIDENT.—Subsection (e) of the first section of the*
 23 *Former Presidents Act of 1958, as amended by para-*
 24 *graph (1), is amended—*

1 (A) by striking “widow” each place it ap-
 2 pears and inserting “widow or widower”; and
 3 (B) by striking “she” and inserting “she or
 4 he”.

5 (c) *SUBSECTION HEADINGS.*—*The first section of the*
 6 *Former Presidents Act of 1958 is amended—*

7 (1) *in subsection (e), by inserting after the sub-*
 8 *section enumerator the following: “WIDOWS AND WID-*
 9 *OWERS.—”;*

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

13 (3) *in subsection (g), by inserting after the sub-*
 14 *section enumerator the following: “AUTHORIZATION*
 15 *OF APPROPRIATIONS.—”.*

16 **SEC. 3. RULE OF CONSTRUCTION.**

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

19 (1) *any provision of law relating to the security*
 20 *or protection of a former President or a member of*
 21 *the family of a former President; or*

22 (2) *funding, under the Former Presidents Act of*
 23 *1958 or any other law, to carry out any provision of*
 24 *law described in paragraph (1).*

1 **SEC. 4. TRANSITION RULES.**

2 (a) *FORMER PRESIDENTS.*—*In the case of any indi-*
3 *vidual who is a former President on the date of enactment*
4 *of this Act, the amendment made by section 2(a) shall be*
5 *applied as if the commencement date referred in subsection*
6 *(b)(1)(A) of the first section of the Former Presidents Act*
7 *of 1958, as amended by section 2(a), coincided with such*
8 *date of enactment.*

9 (b) *WIDOWS.*—*In the case of any individual who is*
10 *the widow of a former President on the date of enactment*
11 *of this Act, the amendments made by section 2(b)(1) shall*
12 *be applied as if the commencement date referred to in sub-*
13 *section (e)(1) of the first section of the Former Presidents*
14 *Act of 1958, as amended by section 2(b)(1), coincided with*
15 *such date of enactment.*

16 **SEC. 5. APPLICABILITY.**

17 *For a former President receiving a monetary allow-*
18 *ance under the Former Presidents Act of 1958 on the day*
19 *before the date of enactment of this Act, the limitation under*
20 *subsection (d)(1) of the first section of that Act, as amended*
21 *by section 2(a), shall apply to the monetary allowance of*
22 *the former President, except to the extent that the applica-*
23 *tion of the limitation would prevent the former President*
24 *from being able to pay the cost of a lease or other contract*
25 *that is in effect on the day before the date of enactment*
26 *of this Act and under which the former President makes*

- 1 *payments using the monetary allowance, as determined by*
- 2 *the Administrator of General Services.*

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

H.R. 1777

AMENDMENT