

Calendar No. 507114TH CONGRESS
2^D SESSION**S. 1411****[Report No. 114–271]**

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

MAY 21, 2015

Mrs. ERNST (for herself, Mr. KIRK, and Mr. RUBIO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 7, 2016

Reported by Mr. JOHNSON, with an amendment

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

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 2015”.

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 (e) and inserting
12 the following:

13 “(a) **IN GENERAL.**—Each former President shall be
14 entitled for the remainder of his or her life to receive from
15 the United States—

16 “(1) an annuity at the rate of \$200,000 per
17 year, subject to subsection (e); and

18 “(2) a monetary allowance at the rate of
19 \$200,000 per year, subject to subsections (e) and
20 (d).

21 “(b) **DURATION; FREQUENCY.**—

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

24 “(A) commence on the day after the date
25 on which an individual becomes a former Presi-
26 dent;

1 “(B) terminate on the date on which the
2 former President dies; and

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

5 “~~(2) APPOINTIVE OR ELECTIVE POSITIONS.—~~

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

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

20 “~~(d) LIMITATION ON MONETARY ALLOWANCE.—~~

21 “~~(1) IN GENERAL.—~~Notwithstanding any other
22 provision of this section, the monetary allowance
23 payable under subsection (a)(2) to a former Presi-
24 dent for any 12-month period may not exceed the
25 amount by which—

1 “(A) the monetary allowance that (but for
2 this subsection) would otherwise be so payable
3 for such 12-month period, exceeds (if at all)

4 “(B) the applicable reduction amount for
5 such 12-month period.

6 “(2) DEFINITION.—

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

12 “(i) the sum of—

13 “(I) the adjusted gross income
14 (as defined in section 62 of the Inter-
15 nal Revenue Code of 1986) of the
16 former President for the most recent
17 taxable year for which a tax return is
18 available; and

19 “(II) any interest excluded from
20 the gross income of the former Presi-
21 dent under section 103 of such Code
22 for such taxable year, exceeds (if at
23 all)

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

1 “(B) JOINT RETURNS.—In the case of a
2 joint return, subclauses (I) and (II) of subpara-
3 graph (A)(i) shall be applied by taking into ac-
4 count both the amounts properly allocable to
5 the former President and the amounts properly
6 allocable to the spouse of the former President.

7 “(C) COST-OF-LIVING INCREASES.—The
8 dollar amount specified in subparagraph (A)(ii)
9 shall be adjusted at the same time that, and by
10 the same percentage by which, the monetary al-
11 lowance of the former President is increased
12 under subsection (c) (disregarding this sub-
13 section).

14 “(3) DISCLOSURE REQUIREMENT.—

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

16 “(i) the terms ‘return’ and ‘return in-
17 formation’ have the meaning given those
18 terms in section 6103(b) of the Internal
19 Revenue Code of 1986; and

20 “(ii) the term ‘Secretary’ means the
21 Secretary of the Treasury or the Secretary
22 of the Treasury’s delegate.

23 “(B) REQUIREMENT.—A former President
24 may not receive a monetary allowance under
25 subsection (a)(2) unless the former President

1 discloses to the Secretary, upon the request of
 2 the Secretary, any return or return information
 3 of the former President or spouse of the former
 4 President that the Secretary determines is nec-
 5 essary for purposes of calculating the applicable
 6 reduction amount under paragraph (2) of this
 7 subsection.

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

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

17 “(ii) use the return or return informa-
 18 tion for any purpose other than to cal-
 19 culate the applicable reduction amount
 20 under paragraph (2).”.

21 (b) SURVIVING SPOUSES OF FORMER PRESI-
 22 DENTS.—

23 (1) INCREASE IN AMOUNT OF MONETARY AL-
 24 LOWANCE.—Subsection (c) of the first section of the
 25 Former Presidents Act of 1958 is amended—

1 (A) in the first sentence, by striking
2 “\$20,000 per annum,” and inserting “\$100,000
3 per year (subject to paragraph (4)),”; and

4 (B) in the second sentence—

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

7 (ii) in paragraph (3), by striking the
8 period and inserting “; and”; and

9 (iii) by inserting after paragraph (3)
10 the following:

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

15 (2) ~~COVERAGE OF WIDOWER OF A FORMER~~
16 PRESIDENT.—Subsection (e) of the first section of
17 the Former Presidents Act of 1958, as amended by
18 paragraph (1), is amended—

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

21 (B) by striking “she” and inserting “she
22 or he”.

23 (e) ~~SUBSECTION HEADINGS.~~—The first section of the
24 Former Presidents Act of 1958 is amended—

1 (1) in subsection (e), by inserting after the sub-
 2 section enumerator the following: “WIDOWS AND
 3 WIDOWERS.—”;

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

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

10 **SEC. 3. RULE OF CONSTRUCTION.**

11 Nothing in this Act shall be construed to affect—

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

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

18 **SEC. 4. TRANSITION RULES.**

19 (a) **FORMER PRESIDENTS.**—In the case of any indi-
 20 vidual who is a former President on the date of enactment
 21 of this Act, the amendment made by section 2(a) shall
 22 be applied as if the commencement date referred in sub-
 23 section (b)(1)(A) of the first section of the Former Presi-
 24 dents Act of 1958, as amended by section 2(a), coincided
 25 with such date of enactment.

1 (b) ~~WIDOWS.~~—In the case of any individual who is
 2 the widow of a former President on the date of enactment
 3 of this Act, the amendments made by section 2(b)(1) shall
 4 be applied as if the commencement date referred to in sub-
 5 section (e)(1) of the first section of the Former Presidents
 6 Act of 1958, as amended by section 2(b)(1), coincided
 7 with such date of enactment.

8 **SECTION 1. SHORT TITLE.**

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

11 **SEC. 2. AMENDMENTS.**

12 (a) *FORMER PRESIDENTS.*—*The first section of the Act*
 13 *entitled “An Act to provide retirement, clerical assistants,*
 14 *and free mailing privileges to former Presidents of the*
 15 *United States, and for other purposes”, approved August*
 16 *25, 1958 (commonly known as the “Former Presidents Act*
 17 *of 1958”)* (3 U.S.C. 102 note), *is amended by striking the*
 18 *matter preceding subsection (e) and inserting the following:*

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

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

24 “(2) *a monetary allowance at the rate of*
 25 *\$200,000 per year, subject to subsections (c) and (d).*

1 “(b) *DURATION; FREQUENCY.*—

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

4 “(A) *commence on the day after the date on*
5 *which an individual becomes a former President;*

6 “(B) *terminate on the date on which the*
7 *former President dies; and*

8 “(C) *be payable by the Secretary of the*
9 *Treasury on a monthly basis.*

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

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

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

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

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

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

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

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

15 “(2) *DEFINITION.*—

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

21 “(i) *the sum of—*

22 “(I) *the adjusted gross income (as*
23 *defined in section 62 of the Internal*
24 *Revenue Code of 1986) of the former*
25 *President for the most recent taxable*

1 year for which a tax return is avail-
2 able; and

3 “(II) any interest excluded from
4 the gross income of the former Presi-
5 dent under section 103 of such Code for
6 such taxable year, exceeds (if at all)

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

9 “(B) JOINT RETURNS.—In the case of a
10 joint return, subclauses (I) and (II) of subpara-
11 graph (A)(i) shall be applied by taking into ac-
12 count both the amounts properly allocable to the
13 former President and the amounts properly allo-
14 cable to the spouse of the former President.

15 “(C) COST-OF-LIVING INCREASES.—The dol-
16 lar amount specified in subparagraph (A)(ii)
17 shall be adjusted at the same time that, and by
18 the same percentage by which, the monetary al-
19 lowance of the former President is increased
20 under subsection (c) (disregarding this sub-
21 section).

22 “(3) DISCLOSURE REQUIREMENT.—

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

24 “(i) the terms ‘return’ and ‘return in-
25 formation’ have the meanings given those

1 *terms in section 6103(b) of the Internal*
2 *Revenue Code of 1986; and*

3 “(ii) *the term ‘Secretary’ means the*
4 *Secretary of the Treasury or the Secretary*
5 *of the Treasury’s delegate.*

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

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

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

24 “(ii) *use the return or return informa-*
25 *tion for any purpose other than to calculate*

1 the applicable reduction amount under
2 paragraph (2).

3 “(4) *INCREASED COSTS DUE TO SECURITY*
4 *NEEDS.*—With respect to the monetary allowance that
5 would be payable to a former President under sub-
6 section (a)(2) for any 12-month period but for the
7 limitation under paragraph (1), the Administrator of
8 General Services, in coordination with the Director of
9 the United States Secret Service, shall determine the
10 amount of the allowance that is needed to pay the in-
11 creased cost of doing business that is attributable to
12 the security needs of the former President.”.

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

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

17 (A) *in the first sentence, by striking*
18 *“\$20,000 per annum,” and inserting “\$100,000*
19 *per year (subject to paragraph (4)),”;* and

20 (B) *in the second sentence—*

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

23 (ii) *in paragraph (3)—*

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

1 (II) by striking the period and in-
2 serting “; and”; and

3 (iii) by inserting after paragraph (3)
4 the following:

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

9 (2) *COVERAGE OF WIDOWER OF A FORMER*
10 *PRESIDENT.*—Subsection (e) of the first section of the
11 *Former Presidents Act of 1958, as amended by para-*
12 *graph (1), is amended—*

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

15 (B) by striking “she” and inserting “she or
16 he”.

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

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

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

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

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 a member of*
9 *the family of a former President; or*

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

13 **SEC. 4. TRANSITION RULES.**

14 (a) *FORMER PRESIDENTS.—In the case of any indi-*
15 *vidual who is a former President on the date of enactment*
16 *of this Act, the amendment made by section 2(a) shall be*
17 *applied as if the commencement date referred in subsection*
18 *(b)(1)(A) of the first section of the Former Presidents Act*
19 *of 1958, as amended by section 2(a), coincided with such*
20 *date of enactment.*

21 (b) *WIDOWS.—In the case of any individual who is*
22 *the widow of a former President on the date of enactment*
23 *of this Act, the amendments made by section 2(b)(1) shall*
24 *be applied as if the commencement date referred to in sub-*
25 *section (e)(1) of the first section of the Former Presidents*

1 *Act of 1958, as amended by section 2(b)(1), coincided with*
2 *such date of enactment.*

3 **SEC. 5. APPLICABILITY.**

4 *For a former President receiving a monetary allow-*
5 *ance under the Former Presidents Act of 1958 on the day*
6 *before the date of enactment of this Act, the limitation under*
7 *subsection (d)(1) of the first section of that Act, as amended*
8 *by section 2(a), shall apply to the monetary allowance of*
9 *the former President, except to the extent that the applica-*
10 *tion of the limitation would prevent the former President*
11 *from being able to pay the cost of a lease or other contract*
12 *that is in effect on the day before the date of enactment*
13 *of this Act and under which the former President makes*
14 *payments using the monetary allowance, as determined by*
15 *the Administrator of General Services.*

Calendar No. 507

114TH CONGRESS
2^D SESSION

S. 1411

[Report No. 114-271]

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.

JUNE 7, 2016

Reported with an amendment