

Suspend the Rules and Pass the Bill, H.R. 1496, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 1496

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 HOUSE OF REPRESENTATIVES

MARCH 5, 2019

Mr. HICE of Georgia (for himself and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Oversight and Reform

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. AMENDMENTS.**

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

8 (1) by striking “That (a) each” and inserting
9 the 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 des-
17 ignated, the following:

18 **“SEC. 2. FORMER PRESIDENTS LEAVING OFFICE AFTER**
19 **PRESIDENTIAL ALLOWANCE MODERNIZA-**
20 **TION 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

1 (b)(2) and (c), to be paid by the Secretary of the
2 Treasury.

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

8 “(b) DURATION; FREQUENCY.—

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

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

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

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

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

24 “(c) COST-OF-LIVING INCREASES.—Effective Decem-
25 ber 1 of each year, each annuity and allowance under sub-

1 section (a) that commenced before that date shall be in-
2 creased by the same percentage by which benefit amounts
3 under title II of the Social Security Act (42 U.S.C. 401
4 et seq.) are increased, effective as of that date, as a result
5 of a determination under section 215(i) of that Act (42
6 U.S.C. 415(i)).

7 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

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

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

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

22 “(2) DEFINITION.—

23 “(A) IN GENERAL.—For purposes of para-
24 graph (1), the term ‘applicable reduction
25 amount’ means, with respect to any modern

1 former President and in connection with any
2 12-month period, the amount by which—

3 “(i) the sum of—

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

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

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

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

24 “(C) COST-OF-LIVING INCREASES.—The
25 dollar amount specified in subparagraph (A)(ii)

1 shall be adjusted at the same time that, and by
2 the same percentage by which, the monetary al-
3 lowance of the modern former President is in-
4 creased under subsection (c) (disregarding this
5 subsection).

6 “(3) DISCLOSURE REQUIREMENT.—

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

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

12 “(ii) the term ‘Secretary’ means the
13 Secretary of the Treasury or the Secretary
14 of the Treasury’s delegate.

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

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

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

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

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

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

10 “(1) commences on the day after the modern
11 former President dies;

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

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

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

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

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

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

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

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

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

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

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

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

19 “(A) other than”; and

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

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

24 (2) in section 3, as redesignated by this sec-
25 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).

1 **SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.