

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1496  
OFFERED BY MR. CUMMINGS OF MARYLAND**

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 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 (e) 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.

1           “(2) ALLOWANCE.—The Administrator of Gen-  
2           eral Services is authorized to provide each former  
3           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  
10                   on which an individual becomes a former Presi-  
11                   dent;

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

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

15           “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

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

21           “(c) COST-OF-LIVING INCREASES.—Effective Decem-  
22           ber 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  
7 payable under subsection (a)(2) to a former Presi-  
8 dent 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 former  
23 President and in connection with any 12-month  
24 period, the amount by which—

25 “(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                   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 former Presi-  
9                   dent under section 103 of such Code  
10                  for such taxable year, exceeds (if at  
11                  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 former President and the amounts properly  
19                  allocable to the spouse of the former President.

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

1 under subsection (c) (disregarding this sub-  
2 section).

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

1           respect to a return or return information dis-  
2           closed to the Secretary under subparagraph  
3           (B)—

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

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

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

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

23                   (1) INCREASE IN AMOUNT OF MONETARY AL-  
24                   LOWANCE.—Subsection (e) 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)—

8 (I) by striking “or the govern-  
9 ment of the District of Columbia”;  
10 and

11 (II) by striking the period and  
12 inserting “; and”; and

13 (iii) by inserting after paragraph (3)  
14 the following:

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

19 (2) COVERAGE OF WIDOWER OF A FORMER  
20 PRESIDENT.—Subsection (e) of the first section of  
21 the Former Presidents Act of 1958, as amended by  
22 paragraph (1), is amended—

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

1 (B) by striking “she” and inserting “she  
2 or he”.

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

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

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

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

14 **SEC. 3. RULE OF CONSTRUCTION.**

15 Nothing in this Act or an amendment made by this  
16 Act shall be construed to affect—

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

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



1 **SEC. 4. APPLICABILITY.**

2 With respect to any individual who is a former Presi-  
3 dent on the date of enactment of this Act or the widow  
4 or widower of such an individual—

5 (1) this Act and the amendments made by this  
6 Act shall not apply; and

7 (2) the Act entitled “An Act to provide retire-  
8 ment, clerical assistants, and free mailing privileges  
9 to former Presidents of the United States, and for  
10 other purposes”, approved August 25, 1958 (com-  
11 monly known as the “Former Presidents Act of  
12 1958”) (3 U.S.C. 102 note), as in effect on the day  
13 immediately before the date of enactment of this  
14 Act, shall apply.

