

114TH CONGRESS
1ST SESSION

S. 1411

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

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 2015”.

6 **SEC. 2. AMENDMENTS.**

7 (a) **FORMER PRESIDENTS.**—The first section of the
8 Act entitled “An Act to provide retirement, clerical assist-

1 ants, and free mailing privileges to former Presidents of
2 the United States, and for other purposes”, approved Au-
3 gust 25, 1958 (commonly known as the “Former Presi-
4 dents Act of 1958”) (3 U.S.C. 102 note), is amended by
5 striking the matter preceding subsection (e) and inserting
6 the following:

7 “(a) IN GENERAL.—Each former President shall be
8 entitled for the remainder of his or her life to receive from
9 the United States—

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

12 “(2) a monetary allowance at the rate of
13 \$200,000 per year, subject to subsections (c) and
14 (d).

15 “(b) DURATION; FREQUENCY.—

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

18 “(A) commence on the day after the date
19 on which an individual becomes a former Presi-
20 dent;

21 “(B) terminate on the date on which the
22 former President dies; and

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

1 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

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

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

16 “(d) LIMITATION ON MONETARY ALLOWANCE.—

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

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

1 “(B) the applicable reduction amount for
2 such 12-month period.

3 “(2) DEFINITION.—

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

9 “(i) the sum of—

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

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

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

23 “(B) JOINT RETURNS.—In the case of a
24 joint return, subclauses (I) and (II) of subpara-
25 graph (A)(i) shall be applied by taking into ac-

1 count both the amounts properly allocable to
2 the former President and the amounts properly
3 allocable to the spouse of the former President.

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

11 “(3) DISCLOSURE REQUIREMENT.—

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

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

17 “(ii) the term ‘Secretary’ means the
18 Secretary of the Treasury or the Secretary
19 of the Treasury’s delegate.

20 “(B) REQUIREMENT.—A former President
21 may not receive a monetary allowance under
22 subsection (a)(2) unless the former President
23 discloses to the Secretary, upon the request of
24 the Secretary, any return or return information
25 of the former President or spouse of the former

1 President that the Secretary determines is nec-
2 essary for purposes of calculating the applicable
3 reduction amount under paragraph (2) of this
4 subsection.

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

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

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

18 (b) SURVIVING SPOUSES OF FORMER PRESI-
19 DENTS.—

20 (1) INCREASE IN AMOUNT OF MONETARY AL-
21 LOWANCE.—Subsection (e) of the first section of the
22 Former Presidents Act of 1958 is amended—

23 (A) in the first sentence, by striking
24 “\$20,000 per annum,” and inserting “\$100,000
25 per year (subject to paragraph (4)),”; and

1 (B) in the second sentence—

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

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

6 (iii) by inserting after paragraph (3)
7 the following:

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

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

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

18 (B) by striking “she” and inserting “she
19 or he”.

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

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

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

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

7 **SEC. 3. RULE OF CONSTRUCTION.**

8 Nothing in this Act shall be construed to affect—

9 (1) any provision of law relating to the security
10 or protection of a former President or a member of
11 the family of a former President; or

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

15 **SEC. 4. TRANSITION RULES.**

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

23 (b) **WIDOWS.**—In the case of any individual who is
24 the widow of a former President on the date of enactment
25 of this Act, the amendments made by section 2(b)(1) shall

1 be applied as if the commencement date referred to in sub-
2 section (e)(1) of the first section of the Former Presidents
3 Act of 1958, as amended by section 2(b)(1), coincided
4 with such date of enactment.

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