

117TH CONGRESS
2D SESSION

S. 3703

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

FEBRUARY 17, 2022

Ms. ERNST (for herself, Ms. HASSAN, Mr. BRAUN, and Ms. SINEMA) 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 2022”.

6 **SEC. 2. AMENDMENTS.**

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

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

“(a) ANNUITIES AND ALLOWANCES.—

“(1) ANNUITY.—Each former President shall be entitled for the remainder of his or her life to receive from the United States an annuity at the rate of \$200,000 per year, subject to subsections (b)(2) and (c), to be paid by the Secretary of the Treasury.

“(2) ALLOWANCE.—The Administrator of General Services is authorized to provide each former President a monetary allowance at the rate of \$200,000 per year, subject to the availability of appropriations and subsections (b)(2), (c), and (d).

“(b) DURATION; FREQUENCY.—

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

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

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

1 “(C) be payable on a monthly basis.

2 “(2) APPOINTIVE OR ELECTIVE POSITIONS.—

3 The annuity and allowance under subsection (a)
4 shall not be payable for any period during which a
5 former President holds an appointive or elective po-
6 sition in or under the Federal Government to which
7 is 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—

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

23 “(i) the monetary allowance that (but
24 for this subsection) would otherwise be so

1 payable for such 12-month period, exceeds
2 (if at all)

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

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

7 “(2) DEFINITION.—

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

13 “(i) the sum of—

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

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

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

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

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

16 “(3) DISCLOSURE REQUIREMENT.—

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

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

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

1 “(B) REQUIREMENT.—A former President
 2 may not receive a monetary allowance under
 3 subsection (a)(2) unless the former President
 4 discloses to the Secretary, upon the request of
 5 the Secretary, any return or return information
 6 of the former President or spouse of the former
 7 President that the Secretary determines is nec-
 8 essary for purposes of calculating the applicable
 9 reduction amount under paragraph (2) of this
 10 subsection.

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

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

20 “(ii) use the return or return informa-
 21 tion for any purpose other than to cal-
 22 culate the applicable reduction amount
 23 under paragraph (2).

24 “(4) INCREASED COSTS DUE TO SECURITY
 25 NEEDS.—With respect to the monetary allowance

1 that would be payable to a former President under
 2 subsection (a)(2) for any 12-month period but for
 3 the limitation under paragraph (1) of this sub-
 4 section, the Administrator of General Services, in co-
 5 ordination with the Director of the United States
 6 Secret Service, shall determine the amount of the al-
 7 lowance that is needed to pay the increased cost of
 8 doing business that is attributable to the security
 9 needs of the former President.”.

10 (b) SURVIVING SPOUSES OF FORMER PRESI-
 11 DENTS.—

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

15 (A) in the first sentence, by striking
 16 “\$20,000 per annum,” and inserting “\$100,000
 17 per year (subject to paragraph (4)),”; and

18 (B) in the second sentence—

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

21 (ii) in paragraph (3)—

22 (I) by striking “or the govern-
 23 ment of the District of Columbia”;
 24 and

1 (II) by striking the period and
 2 inserting “; 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
 11 the Former Presidents Act of 1958, as amended by
 12 paragraph (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
 16 or 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
 21 WIDOWERS.—”;

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
11 of 1958 or any other law, to carry out any provision
12 of law described in paragraph (1).

13 **SEC. 4. APPLICABILITY.**

14 This Act and the amendments made by this Act shall
15 not apply to—

16 (1) any individual who is a former President on
17 the date of enactment of this Act; or

18 (2) the widow or widower of an individual de-
19 scribed in paragraph (1).

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