

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-

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) ANNUITIES AND ALLOWANCES.—

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

13 “(2) ALLOWANCE.—The Administrator of Gen-  
14 eral Services is authorized to provide each former  
15 President a monetary allowance at the rate of  
16 \$200,000 per year, subject to the availability of ap-  
17 propriations and subsections (b)(2), (c), and (d).

18 “(b) DURATION; FREQUENCY.—

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

21 “(A) commence on the day after the date  
22 on which an individual becomes a former Presi-  
23 dent;

24 “(B) terminate on the date on which the  
25 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).

○