

21ST CENTURY PRESIDENT ACT

JUNE 21, 2022.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 3285]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3285) to amend gendered terms in Federal law relating to the President and the President’s spouse, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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Purpose and Summary

H.R. 3285, the “21st Century President Act,” would amend gendered terms in section 879 of title 18 of the United States Code, which provides that it is a criminal offense to threaten to kill, kidnap or inflict bodily harm upon the President, the President’s spouse, and certain other individuals.

Background and Need for the Legislation

I. BACKGROUND

Section 879(a) of title 18 of the United States Code provides that it is a criminal offense to threaten to kill, kidnap, or inflict bodily harm upon: (1) a former President, or immediate family member; (2) an immediate family member of the current President, President-elect, Vice President, or Vice President-elect; or (3) a major candidate for President or Vice President, or their immediate family; or any other individual receiving protection by the Secret Service. In pertinent part, Section 879(b) defines “immediate family” as “the wife of a former President during his lifetime, [and] the widow of a former President until her death.” This statute was signed into law by then President Ronald Reagan on October 12, 1982, in the aftermath of the attempt on his life by John Hinckley, Jr. one year earlier.

II. NEED FOR THE LEGISLATION

Our Nation has long struggled with voting and equality in representation. For example, the U.S. Constitution did not recognize women’s right to vote until it was amended in 1920, with the adoption of the 19th Amendment. It would take another 96 years before a major political party would nominate a woman for candidacy in a presidential election. In the 2020 presidential election, the major party candidates included one member of the LGBTQ community and six women. It is time that section 879, the statute concerning threats against former Presidents and Vice Presidents and their families, be revised to remove outdated terms such as, “wife,” “her,” and “widow” in the statute.

Hearings

There were no legislative hearings on H.R. 3285.

Committee Consideration

On June 15, 2022, the Committee met in open session and ordered the bill, H.R. 3285, favorably reported, without an amendment, by a voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that no rollcall votes occurred during the Committee’s consideration of H.R. 3285.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House rule X are incorporated in the descriptive portions of this report.

Committee Estimate of Budgetary Effects

Pursuant to clause 3(d)(1) of House rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the

Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

New Budget Authority and Tax Expenditures

Neither clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, nor clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974 are applicable because this legislation does not provide new budgetary authority or incur costs.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3285, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 16, 2022.

Hon. JERROLD NADLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3285, the 21st Century President Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 3285, 21st Century President Act			
As ordered reported by the House Committee on the Judiciary on June 15, 2022			
By Fiscal Year, Millions of Dollars	2022	2022-2027	2022-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	0	0
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3285 would update certain gender-related terms in the definition of the immediate family of a former President who are protected by law from threats. Specifically, the bill would replace the words wife and widow with spouse and surviving spouse in the law.

The bill would not affect the total number of persons protected by such laws, so CBO estimates that implementing H.R. 3285 would result in no cost to the federal government.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by Leo Lex, Deputy Director of Budget Analysis.

Duplication of Federal Programs

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3285 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

Performance Goals and Objectives

The Committee states that pursuant to clause 3(c)(4) of House rule XIII, H.R. 3285 would amend gendered terms in Federal law relating to the President and the President's spouse, by removing "wife," "her," and "widow," and replace them instead with 'spouse.'

Advisory on Earmarks

In accordance with clause 9 of House rule XXI, H.R. 3285 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short Title. Section 1 sets forth the short title of the legislation as the "21st Century President Act".

Sec. 2. Modernization of Terms Relating to the President and the Spouse of the President. Section 2 amends 18 U.S.C. § 879 to replace "the wife of a former President during his lifetime, the widow of a former President until her death or remarriage" with "the spouse of a former President during the former President's lifetime, the surviving spouse of a former President until the surviving spouse's death or remarriage".

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 41—EXTORTION AND THREATS

* * * * *

§ 879. Threats against former Presidents and certain other persons

(a) Whoever knowingly and willfully threatens to kill, kidnap, or inflict bodily harm upon—

(1) a former President or a member of the immediate family of a former President;

(2) a member of the immediate family of the President, the President-elect, the Vice President, or the Vice President-elect;

(3) a major candidate for the office of President or Vice President, or a member of the immediate family of such candidate; or

(4) a person protected by the Secret Service under section 3056(a)(6);

shall be fined under this title or imprisoned not more than 5 years, or both.

(b) As used in this section—

(1) the term “immediate family” means—

(A) with respect to subsection (a)(1) of this section, [the wife of a former President during his lifetime, the widow of a former President until her death or remarriage] *the spouse of a former President during a former President’s lifetime, the surviving spouse of a former President until the surviving spouse’s death or remarriage*, and minor children of a former President until they reach sixteen years of age; and

(B) with respect to subsection (a)(2) and (a)(3) of this section, a person to whom the President, President-elect, Vice President, Vice President-elect, or major candidate for the office of President or Vice President—

(i) is related by blood, marriage, or adoption; or

(ii) stands in loco parentis;

(2) the term “major candidate for the office of President or Vice President” means a candidate referred to in subsection (a)(7) of section 3056 of this title; and

(3) the terms “President-elect” and “Vice President-elect” have the meanings given those terms in section 871(b) of this title.

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