

112TH CONGRESS  
2D SESSION

# H. R. 4093

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 HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2012

Mr. CHAFFETZ (for himself, Mr. ALTMIRE, and Mr. GOWDY) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## 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”.

6       **SEC. 2. AMENDMENTS.**

7       (a) RELATING TO A FORMER PRESIDENT.—The first  
8       section of the Act entitled “An Act to provide retirement,

1 clerical assistants, and free mailing privileges to former  
2 Presidents of the United States, and for other purposes”,  
3 approved August 25, 1958 (3 U.S.C. 102 note), is amend-  
4 ed by striking the matter before subsection (e) and insert-  
5 ing the following:

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

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

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

14 “(b)(1) The annuity and allowance under subsection  
15 (a) shall each—

16 “(A) commence on the day after the individual  
17 becomes a former President;

18 “(B) terminate on the last day of the month be-  
19 fore the former President dies; and

20 “(C) be payable by the Secretary of the Treas-  
21 ury on a monthly basis.

22 “(2) The annuity and allowance under subsection (a)  
23 shall not be payable for any period during which the  
24 former President holds an appointive or elective position  
25 in or under the Federal Government or the government

1 of the District of Columbia to which is attached a rate  
2 of pay other than a nominal rate.

3 “(c) Effective December 1 of each year, each annuity  
4 and allowance under subsection (a) having a commence-  
5 ment date that precedes such December 1 shall be in-  
6 creased by the same percentage as the percentage by  
7 which benefit amounts under title II of the Social Security  
8 Act (42 U.S.C. 401 and following) are increased, effective  
9 as of such December 1, as a result of a determination  
10 under section 215(i) of such Act (42 U.S.C. 415(i)).

11 “(d)(1) Notwithstanding any other provision of this  
12 section, the monetary allowance payable under subsection  
13 (a)(2) to a former President for any 12-month period may  
14 not exceed the amount by which—

15 “(A) the monetary allowance which (but for this  
16 subsection) would otherwise be so payable for such  
17 12-month period, exceeds (if at all)

18 “(B) the applicable reduction amount for such  
19 12-month period.

20 “(2)(A) For purposes of paragraph (1), the ‘applica-  
21 ble reduction amount’ is, with respect to any former Presi-  
22 dent and in connection with any 12-month period, the  
23 amount by which—

24 “(i) the sum of (I) the adjusted gross income  
25 (as defined by section 62 of the Internal Revenue

1 Code of 1986) of the former President for the last  
 2 taxable year ending before the start of such 12-  
 3 month period, plus (II) any interest excluded from  
 4 the gross income of the former President under sec-  
 5 tion 103 of such Code for such taxable year, exceeds  
 6 (if at all)

7 “(ii) \$400,000, subject to subparagraph (C).

8 “(B) In the case of a joint return, subclauses (I) and  
 9 (II) of subparagraph (A)(i) shall be applied by taking into  
 10 account both the amounts properly allocable to the former  
 11 President and the amounts properly allocable to the  
 12 spouse of the former President.

13 “(C) The dollar amount specified in subparagraph  
 14 (A)(ii) shall be adjusted at the same time that, and by  
 15 the same percentage as the percentage by which, the mon-  
 16 etary allowance of the former President is increased under  
 17 subsection (c) (disregarding this subsection).”.

18 (b) RELATING TO THE SURVIVING SPOUSE OF A  
 19 FORMER PRESIDENT.—

20 (1) INCREASE IN AMOUNT OF MONETARY AL-  
 21 LOWANCE.—Subsection (e) of the section amended  
 22 by subsection (a) 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 adding after paragraph (3) the  
7 following:

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

13 (2) COVERAGE OF WIDOWER OF A FORMER  
14 PRESIDENT.—Such subsection (e), as amended by  
15 paragraph (1), is further 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 **SEC. 3. RULE OF CONSTRUCTION.**

21 Nothing in this Act shall be considered to affect—

22 (1) any provision of law relating to the security  
23 or protection of a former President or a member of  
24 the family of a former President; or

1           (2) funding, under the law amended by this sec-  
2           tion or under any other law, to carry out any provi-  
3           sion of law described in paragraph (1).

4   **SEC. 4. EFFECTIVE DATE; TRANSITION RULES.**

5           (a) EFFECTIVE DATE.—This Act shall take effect on  
6           the date of enactment of this Act.

7           (b) TRANSITION RULES.—

8           (1) FORMER PRESIDENTS.—In the case of any  
9           individual who is a former President on the date of  
10          enactment of this Act, the amendment made by sec-  
11          tion 2(a) shall be applied as if the commencement  
12          date referred in subsection (b)(1)(A) of the section  
13          amended by this Act coincided with such date of en-  
14          actment.

15          (2) WIDOWS.—In the case of any individual  
16          who is the widow of a former President on the date  
17          of enactment of this Act, the amendments made by  
18          section 2(b)(1) shall be applied as if the commence-  
19          ment date referred to in subsection (e)(1) of the sec-  
20          tion amended by this Act coincided with such date  
21          of enactment.

○