

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2015

JUNE 25, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CHAFFETZ, from the Committee on Oversight and Government Reform, submitted the following

R E P O R T

[To accompany H.R. 1069]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Government Reform, to whom was referred the bill (H.R. 1069) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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COMMITTEE STATEMENT AND VIEWS

PURPOSE AND SUMMARY

H.R. 1069, the Presidential Library Donations Reform Act of 2015, was introduced on February 25, 2015 by Representative John Duncan (R-TN) and cosponsored by Ranking Member Cummings (D-MD). The legislation requires presidential library fundraising organizations to disclose donor names and contribution amounts for donations received prior to the transfer of a library to the custody of the National Archives and Records Administration (NARA). The legislation also requires NARA to post the disclosures on its website in a downloadable format. This legislation will bring transparency to the presidential library fundraising process.

BACKGROUND AND NEED FOR LEGISLATION

In 1940, President Franklin Roosevelt established the first presidential library as part of an informal effort to make the records of his administration accessible to the public. Ultimately, after raising private funds to construct a facility, President Roosevelt turned both the facility and his presidential papers over to the federal government. Using the Roosevelt library as a template, the Presidential Libraries Act of 1955 was subsequently signed into law, codifying the ability of the Federal Government to maintain presidential libraries constructed via private donations.

Amendments made in 1986 and 2003 further refined the process, which now requires fundraising organizations to turn over an operating endowment to help fund a portion of the cost of operating the facility after it has been transferred to the federal government.¹ Today, NARA operates 13 presidential libraries covering every president from Herbert Hoover to George W. Bush, at a cumulative annual cost to the taxpayers of approximately \$75 million.

While many early presidential libraries were fairly small and inexpensive, more recent libraries have required significant private fundraising efforts. Press reports indicate that the William J. Clinton Presidential Center and Park, which opened in 2004, cost \$165 million² and that the George W. Bush Presidential Center, which opened in 2013, cost \$250 million.³

Under current law the funds raised for libraries are unrestricted and able to be raised while the President is still in office. Additionally, the source of each donation does not need to be disclosed. This reality has led to bipartisan concerns of potential impropriety, wherein library donations may be used as a way for donors to secure special access or political favors.

H.R. 1069 would change current law to require that presidential fundraising organizations disclose to the National Archives and Records Administration (NARA), on a quarterly basis, basic information about each donation greater than \$200, including the source and date of the donation, in an electronic searchable and sortable format. This requirement would remain in place until the

¹44 U.S.C. 2112.

²William Branigin, Clinton Library Opens in Little Rock, Washington Post, Nov. 18, 2004, available at <http://www.washingtonpost.com/wp-dyn/articles/A59276-2004Nov18.html>.

³Mark Lamster, Architectural review: The George W. Bush Presidential Center, Dallas Morning News, Apr. 20, 2013, available at <http://www.dallasnews.com/news/george-w-bush-presidential-center/presidential-center-headlines/20130420-architecture-review-the-george-w.-bush-presidential-center.ece>.

applicable President leaves office or such time as NARA assumes operational control of the facility—whichever occurs later. To provide public access to the data, NARA is then required to post the disclosure information in a downloadable format on its website.

H.R. 1069 would also institute criminal penalties for presidential fundraising organizations that knowingly submit false information with respect to a disclosure. Similar penalties would apply to individuals that knowingly submit false information to a presidential fundraising organization with respect to a contribution.

These commonsense reforms would bring transparency to the presidential library fundraising process, and help to eliminate even the appearance of impropriety. The reforms will also enable the taxpayer to know the sources of funds used to construct facilities that the taxpayer will then be asked to support.

LEGISLATIVE HISTORY

H.R. 1069, the Presidential Library Donations Act of 2015, was introduced on February 25, 2015, by Rep. John J. Duncan, Jr. (R-TN) and referred to the Committee on Oversight and Government Reform. Rep. Elijah E. Cummings (D-MD) is an original cosponsor. At a business meeting on March 25, 2015, the Committee considered H.R. 1069 and ordered the bill reported by voice vote.

H.R. 1069 is substantially similar to legislation approved by the House of Representatives in the 107th Congress (H.R. 577), the 110th Congress (H.R. 1254), and the 111th Congress (H.R. 36). Additionally, H.R. 1069 is nearly identical to H.R. 1133 from the 113th Congress.

SECTION-BY-SECTION

Section 1. Short title

Designates short title as the “Presidential Library Donation Reform Act of 2015”.

Section 2. Presidential libraries

Adds a new subsection (h) to section 2112 of title 44, United States Code, to govern the disclosure of donations made to Presidential Libraries.

Requires, on a quarterly basis, Presidential library fundraising organizations to submit to the Archivist of the United States information in “electronic searchable and sortable format” with respect to each contributor who gave that organization more than \$200 in the applicable reporting period. Such information is defined to include: (1) the total value of each contribution, (2) the source of the contribution and the address of such entity, (3) in the case of individuals, the occupation of the source, and (4) the date of each contribution. Each submission is due not later than 15 days after the end of each calendar quarter.

Sets the reporting requirement to expire on the later of the applicable President’s final day in office or the date on which the Archivist has accepted, taken title to, or entered into an agreement to use any land of facility as a Presidential archival depository for the applicable President.

Requires that the Archivist publish the submission data from each Presidential library fundraising organization within 30 days

of its receipt on the National Archives and Records Administration website in a manner that is free to access and is downloadable.

Establishes legal penalties for entities to knowingly and willfully submit false information with respect to a contribution to a Presidential library fundraising organization and for such an entity to knowingly and willfully submit false material or omit material information to the Archivist.

Authorizes the Archivist to promulgate regulations necessary to carry out the new subsection. Specifies that the disclosure requirements contained in the legislation only apply to contributions made after date of enactment.

EXPLANATION OF AMENDMENTS

No amendments were offered during Full Committee consideration of H.R. 1069.

COMMITTEE CONSIDERATION

On March 25, 2015, the Committee met in open session and ordered reported favorably the bill, H.R. 1069, by voice vote, a quorum being present.

ROLL CALL VOTES

There were no recorded votes during Full Committee consideration of H.R. 1069.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. This bill requires information on contributors to Presidential library fundraising organizations. As such this bill does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goal or objective of this bill is to require information on contributors to Presidential library fundraising organizations.

DUPLICATION OF FEDERAL PROGRAMS

No provision of this bill establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section

21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that enacting this bill does not direct the completion of any specific rule makings within the meaning of 5 U.S.C. 551.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the legislation does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

UNFUNDED MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement as to whether the provisions of the reported include unfunded mandates. In compliance with this requirement the Committee has received a letter from the Congressional Budget Office included herein.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI.

COMMITTEE ESTIMATE

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of Congressional Budget Office:

H.R. 1069—Presidential Library Donation Reform Act of 2015

H.R. 1069 would require an organization that raises funds (or in-kind contributions) for a Presidential library to disclose the sources and amounts of such donations. Those organizations would have to identify any contributors of \$200 or more in a calendar quarter while the President is in office, as well as during the period before the federal government takes possession of the library or the Presi-

dent leaves office, whichever is later. Fundraising organizations would be required to provide this information to the National Archives and Records Administration (NARA). Under the bill, NARA would be required to make this information freely available on the Internet in a downloadable database. Finally, the legislation would establish criminal penalties and fines for violations of its provisions.

Based on information from NARA, CBO estimates that, assuming availability of appropriated funds, the agency would spend about \$1 million over the 2016–2020 period to establish and maintain an online database. CBO estimates that any increases in federal spending to enforce penalties would be insignificant.

Because those prosecuted and convicted under H.R. 1069 would be subject to criminal and civil fines, enacting the legislation could increase federal revenues and associated direct spending. However, CBO estimates that such effects would not be significant in any year because of the small number of cases likely to be involved. Because the legislation would affect direct spending and revenues, pay-as-you-go procedures apply.

H.R. 1069 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

H.R. 1069 would impose a private-sector mandate, as defined in UMRA, by requiring organizations established for the purpose of raising funds for Presidential libraries or their related facilities to submit information to NARA. The number of such organizations is small, and the cost to submit reports would be minimal. CBO estimates, therefore, that the direct cost of the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

On March 17, 2015, CBO transmitted a cost estimate for S. 558, the Presidential Library Donation Reform Act of 2015, as ordered reported by the Senate Committee on Homeland Security and Governmental Affairs. Both bills contain similar provisions, however, the Senate committee version would require NARA to post the information from Presidential library organizations in a downloadable format while the House committee version would require NARA to create downloadable database of information submitted. Those differences are reflected in the CBO cost estimates.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

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 (new matter is printed in *italic* and existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

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**CHAPTER 21—NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION**

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§ 2112. Presidential archival depository

(a)(1) When the Archivist considers it to be in the public interest, the Archivist may—

(A)(i) accept, for and in the name of the United States, land, a facility, and equipment offered as a gift to the United States for the purpose of creating a Presidential archival depository;

(ii) take title to the land, facility, and equipment on behalf of the United States; and

(iii) maintain, operate, and protect the land, facility, and equipment as a Presidential archival depository and as part of the national archives system;

(B)(i) make agreements, upon terms and conditions the Archivist considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, a facility, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States; and

(ii) maintain, operate, and protect the depository as a part of the national archives system; and

(C) accept, for and in the name of the United States, gifts offered for the purpose of making any physical or material change or addition to a Presidential archival depository.

(2) The Archivist shall promulgate architectural and design standards applicable to Presidential archival depositories in order to ensure that such depositories (A) preserve Presidential records subject to chapter 22 of this title and papers and other historical materials accepted for deposit under section 2111 of this title and (B) contain adequate research facilities.

(3) Prior to accepting and taking title to any land, facility, or equipment under subparagraph (A) of paragraph (1), or prior to entering into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository, the Archivist shall submit a written report on the proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of the land, facility, and equipment offered as a gift or to be made available without transfer of title;

(B) a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required pursuant to subsection (g) of this section;

(C) a statement of the terms of the proposed agreement, if any;

(D) a general description of the types of papers, documents, or other historical materials proposed to be deposited in the depository to be created, and of the terms of the proposed deposit;

(E) a statement of any additional improvements and equipment associated with the development and operation of the depository, an estimate of the costs of such improvements and equipment, and a statement as to the extent to which such

costs will be incurred by any Federal or State government agency;

(F) an estimate of the total annual cost to the United States of maintaining, operating, and protecting the depository; and

(G) a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(4) Prior to accepting any gift under subparagraph (C) of paragraph (1) for the purpose of making any physical or material change or addition to a Presidential archival depository, or prior to implementing any provision of law requiring the making of such a change or addition, the Archivist shall submit a report in writing on the proposed change or addition to the President of the Senate and the Speaker of the House of Representatives. The report shall include—

(A) a description of such gift;

(B) a statement specifying the estimated total cost of the proposed physical or material change or addition and the amount of the deposit in an endowment for the depository required pursuant to subsection (g) of this section in order to meet the cost of such change or addition;

(C) a statement of the purpose of the proposed change or addition and a general description of any papers, documents, or historical materials proposed to be deposited in the depository as a result of such change or addition;

(D) a statement of any additional improvements or equipment for the depository associated with such change or addition;

(E) an estimate of the increase in the total annual cost to the United States of maintaining, operating, and protecting the depository that will result from such change or addition; and

(F) a certification that the depository, and the equipment therein will, after such change or addition, comply with the standards promulgated by the Archivist pursuant to paragraph (2) of this subsection.

(5) The Archivist may not—

(A) accept or take title to land, a facility, or equipment under subparagraph (A) of paragraph (1) for the purpose of creating a Presidential archival depository;

(B) enter into any agreement under subparagraph (B) of such paragraph or any other agreement to accept or establish a Presidential archival depository; or

(C) accept any gift under subparagraph (C) of such paragraph for the purpose of making any physical or material change to a Presidential archival depository,

until the expiration of a period of 60 days of continuous session of Congress beginning on the date on which the Archivist transmits the report required under paragraph (3) of this subsection with respect to such Presidential archival depository or the report required under paragraph (4) of this subsection with respect to such change or addition, as the case may be.

(b) When the Archivist considers it to be in the public interest, he may deposit in a Presidential archival depository papers, docu-

ments, or other historical materials accepted under section 2112 of this title, or Federal records appropriate for preservation.

(c) When the Archivist considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Archivist, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 2112 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Archivist may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository. Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.

(d) When the Archivist considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Archivist considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space, or for the occasional, non-official use of rooms and spaces (and services related to such use), in a Presidential archival depository.

(f) When the Archivist considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g)(1) When the Archivist considers it to be in the public interest, the Archivist may solicit and accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, and for the same purposes and objects, including custodial and administrative services for which appropriations for the maintenance, operation, protection, or improvement of Presidential archival depositories might be expended.

(2) The Archivist shall provide for the establishment in such Trust Fund of separate endowments for the maintenance of the

land, facility, and equipment of each Presidential archival depository, to which shall be credited any gifts or bequests received under paragraph (1) that are offered for that purpose. Income to each such endowment shall be available to cover the cost of facility operations, but shall not be available for the performance of archival functions under this title.

(3) The Archivist shall not accept or take title to any land, facility, or equipment under subparagraph (A) of subsection (a)(1), or enter into any agreement to use any land, facility, or equipment under subparagraph (B) of such subsection for the purpose of creating a Presidential archival depository, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining such land, facility, and equipment equal to—

(A) the product of—

(i) the total cost of acquiring or constructing such facility and of acquiring and installing such equipment, multiplied by

(ii) 20 percent; plus

(B)(i) if title to the land is to be vested in the United States, the product of—

(I) the total cost of acquiring the land upon which such facility is located, or such other measure of the value of such land as is mutually agreed upon by the Archivist and the donor, multiplied by

(II) 20 percent; or

(ii) if title to the land is not to be vested in the United States, the product of—

(I) the total cost to the donor of any improvements to the land upon which such facility is located (other than such facility and equipment), multiplied by

(II) 20 percent; plus

(C) if the Presidential archival depository will exceed 70,000 square feet in area, an amount equal to the product of—

(i) the sum of—

(I) the total cost described in clause (i) of subparagraph (A); plus

(II) the total cost described in subclause (I) or (II) of subparagraph (B)(i), as the case may be, multiplied by

(ii) the percentage obtained by dividing the number of square feet by which such depository will exceed 70,000 square feet by 70,000.

(4) If a proposed physical or material change or addition to a Presidential archival depository would result in an increase in the costs of facility operations, the Archivist may not accept any gift under subparagraph (C) of paragraph (1) for the purpose of making such a change or addition, or may not implement any provision of law requiring the making of such a change or addition, unless the Archivist determines that there is available, by gift or bequest for deposit under paragraph (2) of this subsection in an endowment with respect to such depository, an amount for the purpose of maintaining the land, facility, and equipment of such depository equal to the difference between—

(A) the amount which, pursuant to paragraph (3) of this subsection, would have been required to have been available for deposit in such endowment with respect to such depository if such change or addition had been included in such depository on—

(i) the date on which the Archivist took title to the land, facility, and equipment for such depository under subparagraph (A) of subsection (a)(1); or

(ii) the date on which the Archivist entered into an agreement for the creation of such depository under subparagraph (B) of such paragraph,
as the case may be; minus

(B) the amount which, pursuant to paragraph (3) of this subsection, was required to be available for deposit in such endowment with respect to such depository on the date the Archivist took such title or entered into such agreement, as the case may be.

(5)(A) Notwithstanding paragraphs (3) and (4) (to the extent that such paragraphs are inconsistent with this paragraph), this subsection shall be administered in accordance with this paragraph with respect to any Presidential archival depository created as a depository for the papers, documents, and other historical materials and Presidential records pertaining to any President who takes the oath of office as President for the first time on or after July 1, 2002.

(B) For purposes of subparagraphs (A)(ii), (B)(i)(II), and (B)(ii)(II) of paragraph (3) the percentage of 60 percent shall apply instead of 20 percent.

(C)(i) In this subparagraph, the term “base endowment amount” means the amount of the endowment required under paragraph (3).

(ii)(I) The Archivist may give credits against the base endowment amount if the Archivist determines that the proposed Presidential archival depository will have construction features or equipment that are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

(II) The features and equipment described under subclause (I) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

(III) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the base endowment amount.

(D)(i) In calculating the additional endowment amount required under paragraph (4), the Archivist shall take into account credits given under subparagraph (C), and may also give credits against the additional endowment amount required under paragraph (4), if the Archivist determines that construction features or equipment used in making or equipping the physical or material change or addition are expected to result in quantifiable long-term savings to the Government with respect to the cost of facility operations.

(ii) The features and equipment described under clause (i) shall comply with the standards promulgated by the Archivist under subsection (a)(2).

(iii) The Archivist shall promulgate standards to be used in calculating the dollar amount of any credit to be given, and shall consult with all donors of the endowment before giving any credits. The total dollar amount of credits given under this paragraph may not exceed 20 percent of the additional endowment amount required under paragraph (4).

(h) PRESIDENTIAL LIBRARY FUNDRAISING ORGANIZATION REPORTING REQUIREMENT.—

(1) REPORTING REQUIREMENT.—Not later than 15 days after the end of a calendar quarter and until the end of the requirement period described in paragraph (2), each Presidential library fundraising organization shall submit to the Archivist information for that quarter in an electronic searchable and sortable format with respect to every contributor who gave the organization a contribution or contributions (whether monetary or in-kind) totaling \$200 or more for the quarterly period.

(2) DURATION OF REPORTING REQUIREMENT.—The requirement to submit information under paragraph (1) shall continue until the later of the following occurs:

(A) The Archivist has accepted, taken title to, or entered into an agreement to use any land or facility for the Presidential archival depository for the President for whom the Presidential library fundraising organization was established.

(B) The President whose archives are contained in the deposit no longer holds the Office of President.

(3) INFORMATION REQUIRED TO BE PUBLISHED.—The Archivist shall publish on the website of the National Archives and Records Administration, within 30 days after each quarterly filing, any information that is submitted under paragraph (1), without a fee or other access charge in a downloadable database.

(4) SUBMISSION OF FALSE MATERIAL INFORMATION PROHIBITED.—

(A) INDIVIDUAL.—

(i) PROHIBITION.—It shall be unlawful for any person who makes a contribution described in paragraph (1) to knowingly and willfully submit false material information or omit material information with respect to the contribution to an organization described in such paragraph.

(ii) PENALTY.—The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of clause (i) in the same manner as a violation described in such section.

(B) ORGANIZATION.—

(i) PROHIBITION.—It shall be unlawful for any Presidential library fundraising organization to knowingly and willfully submit false material information or omit material information under paragraph (1).

(ii) PENALTY.—The penalties described in section 1001 of title 18, United States Code, shall apply with

respect to a violation of clause (i) in the same manner as a violation described in such section.

(5) PROHIBITION ON CONTRIBUTION.—

(A) IN GENERAL.—It shall be unlawful for a person to knowingly and willfully—

(i) make a contribution described in paragraph (1) in the name of another person;

(ii) permit his or her name to be used to effect a contribution described in paragraph (1); or

(iii) accept a contribution described in paragraph (1) that is made by one person in the name of another person.

(B) PENALTY.—The penalties set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) shall apply to a violation of subparagraph (A) in the same manner as if such violation were a violation of section 316(b)(3) of such Act (2 U.S.C. 441b(b)(3)).

(6) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations for the purpose of carrying out this subsection.

(7) DEFINITIONS.—In this subsection:

(A) INFORMATION.—The term “information” means the following:

(i) The amount or value of each contribution made by a contributor referred to in paragraph (1) in the quarter covered by the submission.

(ii) The source of each such contribution, and the address of the entity or individual that is the source of the contribution.

(iii) If the source of such a contribution is an individual, the occupation of the individual.

(iv) The date of each such contribution.

(B) PRESIDENTIAL LIBRARY FUNDRAISING ORGANIZATION.—The term “Presidential library fundraising organization” means an organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at—

(i) a Presidential archival depository; or

(ii) any facilities relating to a Presidential archival depository.

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