

119TH CONGRESS
1ST SESSION

S. _____

To amend section 2112 of title 44, United States Code, to appropriately
limit donations to Presidential Libraries and Centers.

IN THE SENATE OF THE UNITED STATES

Ms. WARREN introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To amend section 2112 of title 44, United States Code,
to appropriately limit donations to Presidential Libraries
and Centers.

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. REQUIREMENTS FOR PRESIDENTIAL LIBRAR-**
4 **IES AND CENTERS.**

5 Section 2112 of title 44, United States Code, is
6 amended by adding at the end the following:

7 “(h) REQUIREMENTS FOR PRESIDENTIAL LIBRARIES
8 AND CENTERS.—

9 “(1) DEFINITIONS.—In this subsection—

10 “(A) the term ‘donation’—

1 “(i) includes—

2 “(I) any gift, subscription, loan,
3 advance, or deposit of money or any-
4 thing of value made by any person di-
5 rectly or indirectly to a Presidential
6 Library or Center, including dona-
7 tions to the United States Govern-
8 ment or another entity for subsequent
9 delivery to the Presidential Library or
10 Center; and

11 “(II) the payment by any person
12 of compensation or the provision of
13 anything of value for the personal
14 services of another person, for any
15 purpose, which are rendered to the
16 Presidential Library or Center with-
17 out charging the Presidential Library
18 or Center; and

19 “(ii) does not include the value of
20 services provided without compensation by
21 any individual who volunteers on behalf of
22 the Presidential Library or Center;

23 “(B) the term ‘Federal contractor’ has the
24 meaning given that term under section 115.1 of

1 title 11, Code of Federal Regulations, or any
2 successor thereto;

3 “(C) the term ‘foreign national’ has the
4 meaning given that term under section 319(b)
5 of the Federal Election Campaign Act of 1971;

6 “(D) the term ‘501(c)(3) tax exempt orga-
7 nization’ means an organization which is de-
8 scribed in section 501(c)(3) of the Internal Rev-
9 enue Code of 1986 and is exempt from taxation
10 under section 501(a) of such Code;

11 “(E) the term ‘Presidential Library or
12 Center’ means an organization established to
13 raise funds to create, maintain, expand, or con-
14 duct activities at—

15 “(i) a Presidential archival depository;

16 “(ii) any facility relating to a Presi-
17 dential archival depository; or

18 “(iii) any private museum, foundation,
19 center, or other facility that is—

20 “(I) affiliated with an individual
21 who is serving or served in the office
22 of President;

23 “(II) established on or after the
24 date on which the first campaign of

1 the individual for the office of Presi-
2 dent commenced; and

3 “(III) designed to commemorate
4 the legacy of the individual as a Presi-
5 dent;

6 “(F) the term ‘registered agent of a for-
7 eign principal’ means a person who is registered
8 or is required to be registered as an agent of
9 a foreign principal (as defined in section 1 of
10 the Foreign Agents Registration Act of 1938
11 (22 U.S.C. 611)) under that Act; and

12 “(G) the term ‘registered lobbyist’ means a
13 lobbyist, as defined in section 3 of the Lobbying
14 Disclosure Act of 1995 (2 U.S.C. 1602), that is
15 registered or required to register under section
16 4(a) of that Act (2 U.S.C. 1603(a)).

17 “(2) RESTRICTIONS.—

18 “(A) RESTRICTIONS ON SOURCE OF DONA-
19 TIONS.—It shall be unlawful for a Presidential
20 Library or Center, an officer or employee there-
21 of, or the Archivist to solicit, accept, receive, or
22 agree to accept or receive in the future a dona-
23 tion from a person if, on the date on which the
24 donation is solicited, accepted, received, or

1 agreed to be accepted or received in the fu-
2 ture—

3 “(i) the individual for whom the Pres-
4 idential Library or Center is or will be es-
5 tablished is serving in or has been elected
6 to the office of President; and

7 “(ii) the person from whom the dona-
8 tion is solicited, accepted, received, or
9 agreed to be accepted or received in the fu-
10 ture—

11 “(I) is not registered as a
12 501(c)(3) tax exempt organization; or

13 “(II) is—

14 “(aa) a registered lobbyist;

15 “(bb) a registered agent of a
16 foreign principal;

17 “(cc) a Federal contractor;

18 “(dd) a foreign national; or

19 “(ee) seeking or has received
20 a pardon from the President for
21 whom the Presidential Library or
22 Center is established.

23 “(B) RESTRICTIONS ON PERSONS MAKING
24 DONATIONS.—It shall be unlawful for a person
25 to directly or indirectly make a donation, or

1 make an express or implied promise to make a
2 donation, directly or indirectly, to a Presidential
3 Library or Center if, on the date on which the
4 donation or promise is made—

5 “(i) the individual for whom the Pres-
6 idential Library or Center is or will be es-
7 tablished is serving in or has been elected
8 to the office of President; and

9 “(ii) the person making the donation
10 or promise—

11 “(I) is not registered as a
12 501(c)(3) tax exempt organization; or

13 “(II) is—

14 “(aa) a registered lobbyist;

15 “(bb) a registered agent of a
16 foreign principal;

17 “(cc) a Federal contractor;

18 “(dd) a foreign national; or

19 “(ee) seeking or has received
20 a pardon from the President for
21 whom the Presidential Library or
22 Center is established.

23 “(C) COOLING OFF PERIOD FOR CERTAIN
24 DONATIONS.—

1 “(i) RESTRICTIONS ON ACCEPTANCE
2 OF CERTAIN DONATIONS.—During the 2-
3 year period following the date on which the
4 individual for whom a Presidential Library
5 or Center is established ceases to serve in
6 the office of the President, it shall be un-
7 lawful for the Presidential Library or Cen-
8 ter, an officer or employee thereof, or the
9 Archivist to solicit, accept, receive, or agree
10 to accept or receive in the future a dona-
11 tion from a person who, on the date on
12 which the donation is solicited, accepted,
13 received, or agreed to be accepted or re-
14 ceived in the future—

15 “(I) is a registered lobbyist;

16 “(II) is a registered agent of a
17 foreign principal;

18 “(III) is a Federal contractor;

19 “(IV) is a foreign national; or

20 “(V) is seeking or has received a
21 pardon from the President for whom
22 the Presidential Library or Center is
23 established.

24 “(ii) RESTRICTIONS ON PERSONS
25 MAKING DONATIONS.—During the 2-year

1 period following the date on which the in-
2 dividual for whom a Presidential Library
3 or Center is established ceases to serve in
4 the office of the President, it shall be un-
5 lawful for a person to directly or indirectly
6 make a donation, or make an express or
7 implied promise to make a donation, to a
8 Presidential Library or Center if, on the
9 date on which the donation or promise is
10 made, the person making the donation or
11 promise—

12 “(I) is a registered lobbyist;

13 “(II) is a registered agent of a
14 foreign principal;

15 “(III) is a Federal contractor;

16 “(IV) is a foreign national; or

17 “(V) is seeking or has received a
18 pardon from the President for whom
19 the Presidential Library or Center is
20 established.

21 “(D) CONVERSION OF DONATION TO PER-
22 SONAL USE.—It shall be unlawful for any per-
23 son, at any time, to convert a donation to a
24 Presidential Library or Center to the personal
25 use of any person, which shall include a cir-

1 cumstance in which any part of the donation is
2 used to fulfill a commitment, obligation, or ex-
3 pense of a person that would exist irrespective
4 of the responsibilities of the Presidential Li-
5 brary or Center.

6 “(3) AGGREGATE DONATION LIMIT.—

7 “(A) IN GENERAL.—It shall be unlawful
8 for any person to make donations to a Presi-
9 dential Library or Center the value of which, in
10 the aggregate, exceeds \$10,000 during the pe-
11 riod—

12 “(i) beginning on the date on which
13 the individual for whom the Presidential
14 Library or Center is established has been
15 elected to the office of President; and

16 “(ii) ending on the date that is 1 year
17 after the date on which such individual
18 ceases serving in the office of President.

19 “(B) INDEXING FOR INFLATION.—

20 “(i) IN GENERAL.—At the beginning
21 of the first year during which presidential
22 and vice-presidential electors are chosen
23 after the date of enactment of this sub-
24 section, and the beginning of each such
25 year thereafter, the amount described in

1 subparagraph (A) shall be increased by the
2 cumulative percent difference determined
3 under section 315(c)(1)(A) of the Federal
4 Election Campaign Act of 1971 (52 U.S.C.
5 30116(c)(1)(A)) since the most recent
6 prior year during which such electors were
7 chosen.

8 “(ii) ROUNDING.—The amount of an
9 increase under clause (i) shall be rounded
10 to the nearest multiple of \$1,000.

11 “(4) REPORTING REQUIREMENTS.—

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

13 “(i) the term ‘covered period’ means
14 the period—

15 “(I) beginning—

16 “(aa) on the date on which
17 the individual has been elected to
18 the office of President; or

19 “(bb) with respect to the in-
20 dividual serving as President on
21 the date of enactment of this
22 subsection, on the date of enact-
23 ment of this subsection; and

24 “(II) ending on the date that is
25 5 years the date on which the indi-

1 vidual ceases serving in the office of
2 President; and

“(ii) the term ‘covered person’ means a person who made 1 or more donations to the applicable Presidential Library or Center during the applicable calendar quarter in an aggregate amount that is not less than \$200.

“(B) REPORTING.—Not later than 15 days after the end of each calendar quarter occurring during the covered period with respect to an individual who serves as President, a Presidential Library or Center established for such individual shall file with the Archivist a report disclosing any donation during the calendar quarter made by a covered person.

“(C) CONTENTS.—A report filed under subparagraph (B) for a calendar quarter shall contain, for each donation of money or anything of value made to the Presidential Library or Center by a covered person during the quarter—

23 “(i) the amount or value of the dona-
24 tion;

25 “(ii) the date the donation is received;

1 “(iii) the name, address, and employer
2 of the individual making the donation; and

3 “(iv) if the source of the donation is
4 an individual, the occupation of the indi-
5 vidual.

6 “(D) USE OF ANOTHER’S NAME FOR DO-
7 NATION.—During the covered period with re-
8 spect to an individual who serves as President,
9 it shall be unlawful for a person to knowingly—

10 “(i) make a donation to a Presidential
11 Library or Center established for such in-
12 dividual in the name of another person;

13 “(ii) permit the name of that person
14 to be used to effect a donation by another
15 person to a Presidential Library or Center
16 established for such individual;

17 “(iii) accept a donation to a Presi-
18 dential Library or Center established for
19 such individual made by one person in the
20 name of another person; or

21 “(iv) direct, help, or assist any person
22 in making a contribution in the name of
23 another person.

24 “(E) PUBLICATION.—Not later than 30
25 days after the date on which each report is filed

1 under subparagraph (B), the Archivist shall
2 publish the complete report on the website of
3 the National Archives and Records Administra-
4 tion, which shall be available without a fee or
5 other access charge, and in a searchable, sort-
6 able, and downloadable format.

7 “(5) ENFORCEMENT.—

8 “(A) IN GENERAL.—The Attorney General
9 may bring a civil or criminal action, and the at-
10 torney general of any State may bring a civil
11 action, seeking relief for a violation of this sub-
12 section in an appropriate district court of the
13 United States.

14 “(B) GENERAL PENALTY.—

15 “(i) CIVIL.—Any person who violates
16 this subsection shall be subject to—

17 “(I) a civil penalty that does not
18 exceed the greater of \$20,000 or the
19 amount equal to the aggregate value
20 of the donations involved in such vio-
21 lation; and

22 “(II) an order requiring the per-
23 son to disgorge any donation involved
24 in the violation.

1 “(ii) CRIMINAL.—Any person who
2 knowingly and willfully violates this section
3 shall be—

4 “(I) fined under title 18, impris-
5 oned for not more than 1 year, or
6 both; and

7 “(II) subject to an order requir-
8 ing the person to disgorge any dona-
9 tion involved in the violation.

10 “(C) INCREASED PENALTY FOR LARGE DO-
11 NATIONS.—

12 “(i) CIVIL.—Any person who violates
13 this subsection, if the violation of this sub-
14 section involves the soliciting, accepting,
15 making, receiving, agreeing to accept or re-
16 ceive, promising to make, conversion, ef-
17 fecting, or reporting of 1 or more dona-
18 tions during a calendar year with an ag-
19 gregate value of more than \$50,000, shall
20 be subject to—

21 “(I) a civil penalty that does not
22 exceed the greater of \$100,000 or the
23 amount equal to the aggregate value
24 of the donations involved in such vio-
25 lation; and

1 “(II) an order requiring the per-
2 son to disgorge any donation involved
3 in the violation.

4 “(ii) CRIMINAL.—Any person who
5 knowingly and willfully violates this sub-
6 section, if the violation of this subsection
7 involves the soliciting, accepting, making,
8 receiving, agreeing to accept or receive,
9 promising to make, conversion, effecting,
10 or reporting of 1 or more donations during
11 a calendar year with an aggregate value of
12 more than \$50,000, shall be—

13 “(I) fined under title 18, impris-
14 oned for not more than 5 years, or
15 both; and

16 “(II) subject to an order requir-
17 ing the person to disgorge any dona-
18 tion involved in the violation.

19 “(D) TYPES OF RELIEF.—A court may
20 grant a permanent or temporary injunction, re-
21 straining order, or other order, upon a proper
22 showing that the person involved has com-
23 mitted, or is about to commit a violation of this
24 section.

25 “(E) PERIOD OF LIMITATIONS.—

1 “(i) CIVIL.—A civil action under this
2 subsection may not be commenced later
3 than 10 years after the cause of action ac-
4 crues.

5 “(ii) CRIMINAL.—No person shall be
6 prosecuted, tried, or punished for any of-
7 fense under this subsection, unless the in-
8 dictment is found or the information is in-
9 stituted within 10 years after such offense
10 shall have been committed.

11 “(F) INDEXING FOR INFLATION.—

12 “(i) IN GENERAL.—At the beginning
13 of the first year during which presidential
14 and vice-presidential electors are chosen
15 after the date of enactment of this sub-
16 section, and the beginning of each such
17 year thereafter, the amounts described in
18 subparagraphs (B) and (C) shall be in-
19 creased by the cumulative percent dif-
20 ference determined under section
21 315(c)(1)(A) of the Federal Election Cam-
22 paign Act of 1971 (52 U.S.C.
23 30116(c)(1)(A)) since the most recent
24 prior year during which such electors were
25 chosen.

1 “(ii) ROUNDING.—The amount of an
2 increase under clause (i) shall be rounded
3 to the nearest multiple of \$1,000.

4 “(6) REGULATIONS.—The Archivist shall pro-
5 mulgate regulations, which shall be published in the
6 Federal Register, for the purpose of carrying out
7 this subsection.”.