AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 413

107TH CONGRESS, 2d Session | SENATE | REPORT 107–160

AMENDING TITLE 44, UNITED STATES CODE, TO REQUIRE ANY ORGANIZATION THAT IS ESTABLISHED FOR THE PURPOSE OF RAISING FUNDS FOR CREATING, MAINTAINING, EXPANDING, OR CONDUCTING ACTIVITIES AT A PRESIDENTIAL ARCHIVAL DEPOSITORY OR ANY FACILITIES RELATING TO A PRESIDENTIAL ARCHIVAL DEPOSITORY TO DISCLOSE THE SOURCES AND AMOUNTS OF ANY FUNDS RAISED, AND FOR OTHER PURPOSES

R E P O R T

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

TO ACCOMPANY

H.R. 577

AMENDING TITLE 44, UNITED STATES CODE, TO REQUIRE ANY ORGANIZATION THAT IS ESTABLISHED FOR THE PURPOSE OF RAISING FUNDS FOR CREATING, MAINTAINING, EXPANDING, OR CONDUCTING ACTIVITIES AT A PRESIDENTIAL ARCHIVAL DEPOSITORY OR ANY FACILITIES RELATING TO A PRESIDENTIAL ARCHIVAL DEPOSITORY TO DISCLOSE THE SOURCES AND AMOUNTS OF ANY FUNDS RAISED, AND FOR OTHER PURPOSES

JUNE 11, 2002.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
99–010 WASHINGTON : 2002

COMMITTEE ON GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan
DANIEL K. AKAKA, Hawaii
RICHARD J. DURBIN, Illinois
ROBERT G. TORRICELLI, New Jersey
MAX CLELAND, Georgia
THOMAS R. CARPER, Delaware
JEAN CARNAHAN, Missouri
MARK DAYTON, Minnesota

FRED THOMPSON, Tennessee
TED STEVENS, Alaska
SUSAN M. COLLINS, Maine
GEORGE V. VOINOVICH, Ohio
THAD COCHRAN, Mississippi
ROBERT F. BENNETT, Utah
JIM BUNNING, Kentucky
PETER G. FITZGERALD, Illinois

JOYCE A. RECHTSCHAFFEN, *Staff Director and Counsel*
SUSAN E. PROPPER, *Counsel*
RICHARD A. HERTLING, *Minority Staff Director*
JANA SINCLAIR WHITE, *Counsel to the Minority*
DARLA D. CASSELL, *Chief Clerk*

Calendar No. 413

107TH CONGRESS, 2d Session | SENATE | REPORT 107–160

AMENDING TITLE 44, UNITED STATES CODE, TO REQUIRE ANY ORGANIZATION THAT IS ESTABLISHED FOR THE PURPOSE OF RAISING FUNDS FOR CREATING, MAINTAINING, EXPANDING, OR CONDUCTING ACTIVITIES AT A PRESIDENTIAL ARCHIVAL DEPOSITORY OR ANY FACILITIES RELATING TO A PRESIDENTIAL ARCHIVAL DEPOSITORY TO DISCLOSE THE SOURCES AND AMOUNTS OF ANY FUNDS RAISED, AND FOR OTHER PURPOSES

JUNE 11, 2002.—Ordered to be printed

Mr. LIEBERMAN, from the Committee on Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 577]

The Committee on Governmental Affairs, to which was referred the bill (H.R. 577) to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

I. Purpose and Summary 1
II. Background 2
III. Discussion of Legislation 4
IV. Legislative History 5
V. Section-by-Section Analysis 6
VI. Evaluation of Regulatory Impact 7
VII. CBO Cost Estimate 8
VIII. Changes to Existing Law 9

I. PURPOSE AND SUMMARY

H.R. 577 is a bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising

funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes. Under existing law, current and former Presidents, through privately established foundations, are free to raise unlimited amounts of money from undisclosed sources to fund the construction and maintenance of their presidential libraries and related facilities. H.R. 577 would amend the Presidential Libraries Act (44 U.S.C. 2112) to make the fundraising process for presidential libraries open to public scrutiny by requiring the disclosure of the sources and amounts of certain donations made during and after a President's term in office.

II. BACKGROUND

HISTORY OF THE PRESIDENTIAL LIBRARY SYSTEM

The Presidential library system formally began in 1939, when President Franklin D. Roosevelt developed the concept of a federally maintained presidential library to house his presidential papers and other historical materials. Friends of President Roosevelt formed a corporation to raise funds for the construction of a library located on the grounds of his family home in Hyde Park, New York. President Roosevelt's decision to create a library came from his belief that presidential papers are an important part of the Nation's heritage and should be accessible to the public. With the exception of President Richard Nixon, every President since President Herbert Hoover now has a presidential library that is administered by the National Archives and Records Administration (NARA). (The Nixon presidential papers and tapes are, by law, under NARA's control and custody, and are maintained at NARA facilities in College Park, MD. Other Nixon papers and memorabilia are kept at the Nixon library, which continues to be administered by the Nixon Foundation, a private foundation.) According to the NARA website, today these libraries maintain more than 400 million pages of text materials; nearly 10 million photographs; more than 15 million feet of motion picture film; nearly 100,000 hours of disc, audiotape, and videotape recordings; and approximately 500,000 presidential objects. The libraries are a valuable resource for historians, academics, researchers and the public.

The Presidential Libraries Act of 1955 (P.L. 84–373) established the basic policy for creating federally maintained presidential libraries. To establish a presidential library, friends, family members and associates of an incumbent President generally establish a private foundation or other organization to receive contributions to obtain a site and to construct the facility. Once completed, the facility is turned over, along with an operating endowment, to NARA, which is headed by the Archivist of the United States. NARA operates and maintains presidential libraries using the operating endowment (described below) and federally appropriated funds. The libraries are typically located either in the former President's hometown or on a university campus. They house the official records and papers of the former Presidents, as well as documentary materials of his family and associates.

To address concerns about the increasing taxpayer cost of presidential libraries, Congress amended the Presidential Libraries Act

in 1986 (P.L. 99–323), establishing certain reporting requirements for NARA, architectural and design conditions, and fiscal limitations regarding future presidential libraries, including a requirement that an operating endowment be provided. The endowment requirement is intended to offset building operation costs and to reduce the amount of appropriations needed for building operations for the libraries of "any President who takes the oath of office as President for the first time on or after January 20, 1985." The law requires that an endowment of 20 percent of the cost of the building be transferred to the government at the time the library is turned over. 44 U.S.C. § 2112(g)(3). Libraries larger than 70,000 square feet must be supported by an endowment that increases in accordance with the size of the building. Id.

THE NEED FOR DISCLOSURE OF PRESIDENTIAL LIBRARY DONATIONS

Over the years, presidential libraries have evolved into multipurpose institutes that, in addition to housing the official papers of a former President, can include museums, conference facilities, and classrooms. The cost of these facilities can be substantial. According to the George Bush Presidential Library Center Construction and Fact Sheet, the George Bush Presidential Library Center honoring President George H.W. Bush cost approximately $82 million to construct; roughly half of that cost was defrayed by private contributions to the George Bush Presidential Library Foundation, with the remainder funded by Texas A&M University. A December 6, 2001 article in The Arkansas Democrat-Gazette reports that construction of the Clinton Presidential Center is expected to cost $104 million and that the William J. Clinton Foundation is seeking to raise $200 million to build and endow the facility.

Fund-raising for presidential libraries can begin well before a President leaves office. At an April 5, 2001 hearing on H.R. 577 before the House Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations, Lawrence Noble, Executive Director and General Counsel, Center for Responsive Politics, testified that "fund-raising efforts for the Clinton presidential library began in 1998, less than halfway into Clinton's second term. The Reagan Presidential Foundation was fund-raising as early as August 1986, two and a half years before President Reagan left office."

Under current law, there are no limits on the amount of money Presidents and their associates may raise for a presidential library, no constraints on when fund-raising can begin, and no limits on the size of donations. Unlike the disclosure of contributions to federal campaigns under the Federal Election Campaign Act (2 U.S.C. §§ 431 et seq.) or the disclosure of the amounts interested parties spend to lobby Congress and the federal government under the Lobbying Disclosure Act (2 U.S.C. §§ 1601 et seq.), there is no requirement that donations to a presidential library be publicly disclosed.

Witnesses at the April 5 House Subcommittee hearing supported the need for disclosure of presidential library donations, including Lawrence Noble; Scott Harshbarger, President of Common Cause; Paul Light, Center for Public Service, Brookings Institution; and Kenneth Gross, attorney, Skadden, Arps, Slate, Meagher & Flom, LLP. They argued that undisclosed contributions created a percep-

tion of impropriety and noted the benefits of disclosure to public confidence in the political process. According to Mr. Gross, "[t]he public disclosure of donors to presidential libraries will make the fund-raising process more transparent and less secretive, blunt undue influence over important governmental decisions through the pressure of public scrutiny, and bolster the public's confidence in our system of government." Mr. Harshbarger stated in his testimony that requiring disclosure is important even after a President leaves office because many former Presidents retain great influence in their political parties and with others still serving in office. Mr. Gross testified that it is important to "require disclosure both *during* and *after* a President's term. By doing so, the bill will present donors from sidestepping disclosure by agreeing, pledging or promising—while the President remains in office—to make contributions to a Presidential Library after the term has expired." (Emphasis in original)

III. Discussion of Legislation

H.R. 577 amends the Presidential Libraries Act, 44 U.S.C. § 2112. The bill requires any organization established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a presidential library or related facility to submit to Congress and NARA information about certain contributions it receives. A similar bill, S. 645, was introduced in the Senate by Senator Specter and co-sponsored by Senators Biden, Clinton, Feinstein, Grassley, Hatch, Kohl, Leahy and Sessions; it generally would have required a sitting President to disclose information about certain contributions to his Presidential library fund by including that information in the President's financial disclosure report required by the Ethics in Government Act of 1978.

Under H.R. 577, there are two thresholds for disclosing donations; the applicable threshold is determined by whether the President is still in office and whether NARA has accepted responsibility for the facility. Organizations raising funds for a presidential library are required to disclose the date, amount and source of contributions (whether monetary or in-kind) they receive that total $200 a year or more while the President is in office, and after he leaves office until such time as NARA has accepted, taken title to, or entered into an agreement to use any land or facility. The $200 disclosure trigger parallels that contained in the Federal Election Campaign Act, which governs disclosure of contributions to federal campaigns. After a President has left office and NARA has accepted, taken title to, or entered into an agreement to use any land or facility, organizations raising funds for a presidential library are required to disclose the date, amount and source of contributions they receive (whether monetary or in-kind) that total $5000 a year or more. The $5000 threshold corresponds to the trigger for contributions that tax-exempt foundations must disclose to the IRS.

The organization must provide the information about contributors, including the date and amount of each contribution and the identity of the contributor (including the contributor's address and occupation) to NARA, the Committee on Government Reform in the House of Representatives and the Committee on Governmental Affairs in the Senate. In addition, NARA is required to make the information available to the public on the Internet.

H.R. 577 makes it illegal for either a contributor or an organization raising funds for a presidential library to knowingly submit false material information or to omit material information regarding a contribution. Providing false information is punishable as a felony in accordance with the penalties described in 18 U.S.C. § 1001. It is also illegal to make a contribution in the name of another person or for a person to knowingly permit his or her name to be used to make such a contribution. In addition, it is unlawful to knowingly accept a contribution made by one person in the name of another person. Penalties for making or accepting a contribution made in the name of another person are the same as those set forth in section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. § 437g(d)).

The Archivist of the United States is authorized to promulgate regulations for the purpose of carrying out the provisions of the bill. The bill applies to organizations raising funds for presidential libraries that are established before, on or after the date of enactment of the bill, but it applies only to contributions (monetary or in-kind) made after the date of enactment.

IV. Legislative History

H.R. 577 was introduced in the House of Representatives on February 13, 2001 by Representative John Duncan. The bill was referred to the Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations of the House Committee on Government Reform, which held a earing on the bill on April 5, 2001. Witnesses at the hearing included Dr. Lewis J. Bellardo, Deputy Archivist of the United States; Lawrence Noble, Executive Director and General Counsel, Center for Responsive Politics; Scott Harshbarger, President of Common Cause; Paul Light, Center for Public Service, Brookings Institution; and Kenneth Gross, attorney, Skadden, Arps, Slate, Meagher & Flom, LLP, an expert on campaign finance, ethics and lobbying. The Subcommittee held a markup of the legislation on May 8, 2001. Subcommittee Chairman Stephen Horn offered an amendment in the nature of a substitute at the markup which was favorably reported to the full Committee on Government Reform by voice vote. Chairman Horn's amendment included provisions to establish how the disclosure process would work.

The House Committee on Government Reform met to consider H.R. 577, as amended, on May 17, 2001. Committee Chairman Dan Burton offered an amendment in the nature of a substitute that provided separate requirements for disclosure of donations while a President is in office and, after he leaves office, when NARA has assumed responsibility for the facility. Chairman Burton's substitute amendment was adopted by voice vote and reported to the full House with a second degree amendment offered by Representative Janice Schakowsky.

On February 5, 2002, the House considered H.R. 577 under suspension of the rules with a substitute amendment offered by Chairman Horn. The substitute amendment deleted the provisions of Rep. Schakowsky's amendment and added additional disclosure requirements for presidential library contributions. H.R. 577 passed the House as amended by a vote of 392–3.

On February 6, 2002, the bill was received in the Senate and referred to the Committee on Governmental Affairs. At the Committee's March 21, 2002 markup, H.R. 577 was reported without amendment by voice vote, with no nays. Members present were Levin, Akaka, Cleland, Thompson, Stevens, Voinovich, Cochran, Bennett and Lieberman.

V. Section-by-Section Analysis

Sec. 1. Requirement to disclose sources and amounts of funds raised for presidential archival depository

Paragraph (a). In General. Paragraph (a) adds a new subsection (h) to section 2112 of title 44, United States Code.

Subsection (h)(1) requires that any organization that is established for the purpose of raising funds for creating, maintaining, expanding or conducting activities at a presidential archival depository (commonly referred to as a presidential library) or related facilities must submit, no later than the date required under subsection (h)(2), information regarding certain contributors to the organization. This information must be reported to the National Archives and Records Administration (NARA), the House Committee on Government Reform and the Senate Committee on Governmental Affairs. Under subsection (h)(1)(A), while a President is in office, and after he leaves office until such time as NARA accepts, takes title to, or enters into an agreement to use any land or facility, an organization receiving funds for a presidential library must disclose information about each contributor who has made contributions totaling $200 or more (whether monetary or in-kind) in the calendar year prior to the due date of the report. This amount parallels the threshold for disclosing contributions to federal political committees under the Federal Election Campaign Act, 2 U.S.C. § 434(b). Subsection (h)(1)(B) provides that, once a President has left office and NARA has accepted, taken title to, or entered into an agreement to use any land or facility, the organization must disclose information about each contributor who has made contributions totaling $5000 or more (whether monetary or in-kind) in the calendar year prior to the due date of the report. This threshold corresponds to the requirement that tax-exempt foundations must keep and report to the IRS information regarding certain contributions totaling $5000 or more a year on IRS Form 990–PF, Schedule B.

Subsection (h)(2) prescribes the dates on which the organization must submit the required information regarding its contributors. Under subsection (h)(2)(A), organizations receiving funds for the library of a President who is still in office or before the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, must disclose information about its contributors by January 31 of each year. This date corresponds to the date by which year end reports must be filed by federal candidates and political committees under the Federal Election Campaign Act, 2 U.S.C. § 434(a)(2). Once a President has left office and the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, contributor information must be disclosed by May 31 of each year. This date is 16 days after the date on which

most tax-exempt foundations file their annual tax returns with the IRS.

Subsection (h)(3) describes the information that must be provided regarding contributors whose total contributions in a year exceed the applicable thresholds. Subsection (h)(3)(A) requires the disclosure of the amount and value of each contribution made by a contributor during the year. Subsection (h)(3)(B) requires the disclosure of the source of each contribution and the contributor's address. Under subsection (h)(3)(C), if the source of the contribution is an individual, the contributor's occupation must be disclosed. In addition, subsection (h)(3)(D) requires disclosure of the date of each contribution.

Subsection (h)(4) requires the Archivist to make the contributor information reported to NARA publicly available through the Internet or a successor technology that is readily available to the public.

Subsection (h)(5)(A) prohibits a contributor from knowingly and willfully submitting false material information or omitting material information with respect to the contribution. Under subsection (h)(5)(B), a violation of subsection (h)(5)(A) is treated as a felony, subject to the penalties described in 18 U.S.C. § 1001.

Subsection (h)(6)(A) prohibits an organization receiving contributions for a presidential library from knowingly and willfully submitting false material information, or omitting material information, regarding contributions required to be disclosed under this bill. Under subsection (h)(6)(B), a violation of subsection (h)(6)(A) is treated as a felony, subject to the penalties described in 18 U.S.C. § 1001.

Subsection (h)(7)(A) prohibits any person from knowingly and willfully making a contribution to a presidential library in the name of another person or permitting his or her name to be used to make such a contribution. This subsection also prohibits the acceptance of contributions made by one person in the name of another person. Under subsection (h)(7)(B), a violation of subsection (h)(7)(A) is subject to the penalties set forth in 2 U.S.C. § 437g(d), the Federal Election Campaign Act, and is treated as if the violation were a violation of 2 U.S.C. § 441b(b)(3) of that Act, a cross-reference that operates to apply the sanctions described in section 437g(d)(1)(B).

Subsection (h)(8) authorizes NARA to promulgate regulations to implement the provisions of subsection (h).

Paragraph (b). Applicability. Paragraph (b) of the bill describes the organizations and contributions to which section 2112(h) of title 44, United States Code applies. Organizations established to raise funds for a presidential library before, on or after the date of enactment of H.R. 577 are covered by the provisions of subsection (h) However, the requirement to disclose information about contributions applies only to contributions made after the date of enactment.

VI. Evaluation of Regulatory Impact

Paragraph 11(b)(1) of the Standing Rules of the Senate requires that each report accompanying a bill evaluate "the regulatory impact which would be incurred in carrying out this bill."

The enactment of this legislation will not have significant regulatory impact.

VII. CBO Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, April 8, 2002.

Hon. Joseph I. Lieberman,
Chairman, Committee on Governmental Affairs,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 577, an act to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Matthew Pickford (for federal costs) and Paige Piper/Bach (for the private-sector impact).

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

H.R. 577—An act to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes

CBO estimates that enacting H.R. 577 would have no significant impact on the federal budget. Because the act could affect direct spending and receipts, pay-as-you-go procedures would apply. H.R. 577 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. 577 would impose a private-sector mandate, as defined by UMRA. CBO estimates that the direct cost of the mandate would fall well below the annual threshold established by UMRA for private-sector mandates ($115 million in 2002, adjusted annually for inflation).

H.R. 577 would require any organization that raises funds for a presidential library to disclose the sources and amounts of such funds. The act's provisions would generally apply to annual donations greater than $200 for the current President or $5,000 or larger for former Presidents. Additionally, H.R. 577 would require fund-raising organizations to provide this information to the Administration and the Congress annually. The act would direct the National Archives and Records Administration (NARA) to make this information public. Finally, the act would establish criminal penalties, including fines, for violations of its provisions.

Based on information from NARA, CBO estimates that the increased administrative costs to implement the act would be less than $500,000 annually from appropriated funds. H.R. 577 would establish a new federal crime, so the government would be able to

pursue cases that it otherwise would not be able to prosecute. However, because we expect H.R. 577 to apply to a very small number of offenders, any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 577 could be subject to criminal fines, the federal government might collect additional fines if the legislation is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues), which are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would be negligible because of the small number of cases involved.

H.R. 577 would impose a private-sector mandate as defined by UMRA on organizations established for the purpose of raising funds for Presidential archival depositories. The act would require those institutions to report each year to the Administration and certain Congressional committees the sources and amounts of contributions valued over certain amounts. The cost for such organizations and foundations to report the mandated information would be minimal. CBO estimates, therefore, that the direct cost of the mandate would fall well below the annual threshold established by UMRA for private-sector mandates ($115 million in 2002, adjusted annually for inflation).

On May 24, 2001, CBO prepared a cost estimate for H.R. 577, as ordered reported by the House Committee on Government Reform on May 17, 2001. These two versions of the legislation are similar, and their estimated costs are the same.

The CBO staff contacts for this estimate are Matthew Pickford (for federal costs) and Paige Piper/Bach (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VIII. Changes to Existing Law

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by H.R. 577 as reported are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

UNITED STATES CODE

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * * * *

CHAPTER 21—NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

* * * * * * *

§ 2112. Presidential archival depository

* * * * * * *

(h)(1) Any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository, shall submit to the Administration, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate on an annual basis, by not later than the applicable date specified in paragraph (2), information with respect to every contributor who, during the year—

(A) with respect to a Presidential archival depository of a President who currently holds the Office of President or for which the Archivist has not accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $200 or more for the year; or

(B) with respect to a Presidential archival depository of a President who no longer holds the Office of President and for which the Archivist has accepted, taken title to, or entered into an agreement to use any land or facility, gave the organization a contribution or contributions (whether monetary or in-kind) totaling $5000 or more for the year.

(2) For purposes of paragraph (1), the applicable date—

(A) with respect to information required under paragraph (1)(A), shall be January 31 of each year; and

(B) with respect to information required under paragraph (1)(B), shall be May 31 of each year.

(3) As used in this subsection, in term 'information' means the following:

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

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

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

(D) The date of each such contribution.

(4) The Archivist shall make available to the public through the Internet (or a successor technology readily available to the public) any information that is submitted in accordance with paragraph (1).

(5)(A) 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.

(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

(6)(A) It shall be unlawful for any organization described in paragraph (1) to knowingly and willfully submit false material information or omit material information under such paragraph.

(B) The penalties described in section 1001 of title 18, United States Code, shall apply with respect to a violation of subparagraph (A) in the same manner as a violation described in such section.

(7)(A) 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) 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.

(8) The Archivist shall promulgate regulations for the purpose of carrying out this subsection.

○