

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself the balance of my time.

I am thankful for the good work by Mr. WALBERG and Mr. COOPER, who also serve on the Oversight and Government Reform Committee. I thank Mr. CLAY and, certainly, Mr. CUMMINGS.

In the 114th Congress, this bill was able to pass overwhelmingly in the House by a vote of 413-0—with no opposition. It is truly bipartisan and bicameral. It is a good bill. I thank Senator JAMES LANKFORD of Oklahoma for his work on the Senate side, and we do hope that it will make it swiftly through the Senate.

The Taxpayers Right-To-Know Act provides the public and Congress with increased transparency about Federal programs, including how much they cost and any benefits that they provide. It sounds like a good and worthy thing to do, and it passed the previous Congress. I urge my colleagues to vote in favor of it here in the 115th Congress, and I am glad it is one of the first things that we are doing.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 71.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2017

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 73) to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Library Donation Reform Act of 2017”.

SEC. 2. PRESIDENTIAL LIBRARIES.

(a) IN GENERAL.—Section 2112 of title 44, United States Code, is amended by adding at the end the following new subsection:

“(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.”

(b) APPLICABILITY.—Section 2112(h) of title 44, United States Code (as added by subsection (a))—

(1) shall apply to an organization 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 before, on, or after the date of the enactment of this Act; and

(2) shall only apply with respect to contributions (whether monetary or in-kind) made after the date of the enactment of this Act.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), who has championed this effort for quite a while. He is passionate about this, and he has poured his heart and soul into it.

Mr. DUNCAN of Tennessee. I thank the chairman for yielding to me and for his support of this legislation.

Mr. Speaker, this is very simple, bipartisan legislation that would require organizers of Presidential libraries to disclose the identities of donors and the amounts they give. It wouldn't limit any donations; it would simply require disclosure. I introduced this legislation several Congresses ago because I felt then and feel now that the public should be made aware of possible conflicts of interest that sitting Presidents can have or may have while raising funds for their libraries.

First of all, I thank Ranking Member CUMMINGS for again cosponsoring this very important legislation and making it bipartisan. The legislation is so bipartisan that, after the first time we passed the bill—and it passed 392-3—it was taken over, at my request and with my agreement, by then-Chairman Waxman, who made it his bill. We passed it once again, and we passed it in the last Congress by a simple voice vote, so there is a lot of support for this bill. In the Senate, it was introduced by Mr. CARPER and Mr. Coburn, when he was in the Senate. We need to get some

more interest over there, and I think we are going to be able to do that in this Congress.

Mr. Speaker, we do not know who these donors to the Presidential libraries are or what interests they may have on any pending policy decisions that are to be made. I think that our government needs to operate in the open, not with secrecy. This legislation will apply to all future Presidential libraries and mandate, regardless of party, that the names of the donors and the amounts they contribute be disclosed. I would like to add that this legislation will apply to President Trump's future Presidential library. This will require him to disclose more than any other President has ever had to disclose before. This will be an unprecedented disclosure, and it falls in line with his stated desire to drain the swamp. Any sitting President has a great deal of power. Funds should not be raised for a Presidential library in his honor without some type of public disclosure.

I decided to introduce this bill after news reports surrounding a proposed Presidential library exposed that foreign governments from the Middle East were making very large donations. Then, in 2007, The Washington Post reported that President Clinton's Presidential library raised a substantial percentage of the cost of its facility with foreign contributions. However, this is not a partisan issue. I have introduced this and supported this legislation under both Democratic and Republican Presidents. The Presidential Library Donation Reform Act of 2017 would bring clarity to the process of planning and building these Presidential libraries.

In 2013, Sunlight Foundation Policy Director Daniel Schuman endorsed an earlier version of this bill during a hearing in front of our House Oversight and Government Reform Committee, where he said it "would provide valuable information on special interests whose donations put them in close proximity with Presidents."

Even Richard Cohen, the very liberal columnist for The Washington Post, once said about this bill: "But surely it would be anything from interesting to illustrative to just plain damning to see what names are on that list and for what amounts." Our citizens have the right to know the details of these fundraising activities.

This bill has been introduced by the Center for Media and Democracy; the Center for Responsive Politics; the Citizens for Responsibility and Ethics in Washington, often known as CREW; Common Cause; Public Citizen; the Society of Professional Journalists; and many others.

USA Today wrote a very favorable editorial about this bill, and it has been mentioned favorably in many publications across the years. I think it is a bill that everybody on both sides of the aisle can support, and I ask my colleagues to support this very bipartisan legislation.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I thank my long-time friend Representative DUNCAN and Ranking Member CUMMINGS for sponsoring this bill. Representative DUNCAN first sponsored a bill to improve Presidential libraries 17 years ago. I hope we can now, finally, get this important legislation enacted.

The Presidential Library Donation Reform Act would make the process for building Presidential libraries more transparent. Presidential libraries have become increasingly more expensive as they have evolved into multipurpose centers. The George W. Bush Presidential Center cost an estimated \$250 million to build, and President Bush raised, approximately, \$500 million for the building and an endowment for his library, museum, and institute.

Under current law, there is no requirement to disclose the identities of those who donate to a Presidential library and to a President while he is still in office. He is able to raise an unlimited amount of private donations. Requiring the disclosures of donors would help prevent the trading of political favors in exchange for donations.

This bill would require organizations that raise money to build Presidential libraries to disclose the identity of any individual who donates more than \$200. The National Archives and Records Administration would then be required to post the donation information online. The bill would also create criminal penalties for individuals who report false information on donations and for fundraising organizations that omit donation information.

As was mentioned earlier, a group of 15 good government organizations, including CREW and the Sunlight Foundation, sent a letter that urged the House to support this bill. Here is what they wrote:

Under the current opaque system, Presidents raise funds privately to establish their Presidential libraries.

These efforts, which often begin long before they leave office, are unregulated and undisclosed, creating opportunities for—or the appearance of—influence peddling. Improved transparency would help reduce the appearance of impropriety and help deter any inappropriate behavior.

This bill was approved, without opposition, by the Committee on Oversight and Government Reform, and it passed the House last year without opposition. I urge every Member of this body to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

As has been highlighted here by Mr. CLAY and by me, there is good bipartisan work that has gone on for far too long. It is time to pass this bill. I really do appreciate the good work Mr. DUNCAN of Tennessee has done and the work of Ranking Member CUMMINGS of Maryland.

The Presidential Library Donation Reform Act of 2017 is the type of good-

government, bipartisan legislation that is perfect to be one of the first bills to pass out of the 115th Congress. Last Congress, this legislation passed through the committee by regular order and passed the House of Representatives without opposition.

President Franklin Roosevelt established the first Presidential library in 1939. Since then, every former President since Herbert Hoover has had a library dedicated to his Presidential records. Each of the 13 current libraries is managed and operated by the National Archives and Records Administration at an annual cost of roughly \$75 million. While these facilities are operated at taxpayer expense, the construction of these libraries is privately financed through donations.

As the volume of records for each President has increased over the years, so have construction costs. For example, when it opened in 2004, the Clinton Presidential Center, in part, cost approximately \$165 million.

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Nine years later, the George W. Bush Presidential Center, which opened in 2013, cost about \$250 million. The Chicago Tribune has reported that President Obama's library might cost as much as \$500 million.

Despite these escalating costs, there are no transparency requirements for Presidential library fundraising organizations. Here, transparency is important and very much needed.

This bill will require Presidential library fundraising organizations to disclose to the National Archives contributions in excess of \$200 in any fiscal quarter in a searchable and sortable format. In turn, the National Archives will post this data online.

This disclosure requirement would end once control of a library facility is transferred to the National Archives. This ensures compliance costs of this legislation are minimal for both fundraising organizations and the National Archives.

This legislation is bipartisan. It is not intended to target any one individual. The Presidential Library Donation Reform Act has passed the House four times since 2002, with overwhelming support with both Democratic and Republican majorities in place at the time.

I would like to, again, highlight and thank my colleague, Representative DUNCAN. I do appreciate his efforts on this. I do hope that the 115th Congress is the time that the Senate will see fit to pass this bill to the President's desk.

I have no additional speakers.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers, and I just urge this body to adopt the legislation.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I urge its passage.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 73.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2017

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 70) to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Federal Advisory Committee Act Amendments of 2017”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Ensuring independent advice and expertise.
- Sec. 3. Preventing efforts to circumvent the Federal Advisory Committee Act and public disclosure.
- Sec. 4. Increasing transparency of advisory committees.
- Sec. 5. Managing Federal advisory committees.
- Sec. 6. Comptroller General review and reports.
- Sec. 7. Application of Federal Advisory Committee Act to Trade Advisory Committees.
- Sec. 8. Definitions.
- Sec. 9. Technical and conforming amendments.
- Sec. 10. Effective date.
- Sec. 11. No additional funds authorized.

SEC. 2. ENSURING INDEPENDENT ADVICE AND EXPERTISE.

(a) BAR ON POLITICAL LITMUS TESTS.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in the section heading, by inserting “MEMBERSHIP;” after “ADVISORY COMMITTEES;”;

(2) by redesignating subsections (b) and (c) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) APPOINTMENTS MADE WITHOUT REGARD TO POLITICAL AFFILIATION OR ACTIVITY.—All appointments to advisory committees shall be made without regard to political affiliation or political activity, unless required by Federal statute.”

(b) MINIMIZING CONFLICTS OF INTEREST.—Section 9 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsection (a) of this section, is further amended by inserting after subsection (b) (as added by such subsection (a)) the following:

“(c) PUBLIC NOMINATIONS OF COMMITTEE MEMBERS.—Prior to appointing members to an advisory committee, the head of an agency shall give interested persons an opportunity to suggest potential committee members. The agency shall include a request for comments in the Federal Register notice required under subsection (a) and provide a mechanism for interested persons to com-

ment through the official website of the agency. The agency shall consider any comments submitted under this subsection in selecting the members of an advisory committee.

“(d) DESIGNATION OF COMMITTEE MEMBERS.—

“(1) An individual appointed to an advisory committee who is not a full-time or permanent part-time officer or employee of the Federal Government shall be designated as—

“(A) a special Government employee, if the individual is providing advice based on the individual’s expertise or experience; or

“(B) a representative, if the individual is representing the views of an entity or entities outside of the Federal Government.

“(2) An agency may not designate committee members as representatives to avoid subjecting them to Federal ethics rules and requirements.

“(3) The designated agency ethics official for each agency shall review the members of each advisory committee that reports to the agency to determine whether each member’s designation is appropriate, and to redesignate members if appropriate. The designated agency ethics official shall certify to the head of the agency that such review has been made—

“(A) following the initial appointment of members; and

“(B) at the time a committee’s charter is renewed, or, in the case of a committee with an indefinite charter, every 2 years.

“(4) The head of each agency shall inform each individual appointed to an advisory committee that reports to the agency whether the individual is appointed as a special Government employee or as a representative. The agency head shall provide each committee member with an explanation of the differences between special Government employees and representatives and a summary of applicable ethics requirements. The agency head, acting through the designated agency ethics official, shall obtain signed and dated written confirmation from each committee member that the member received and reviewed the information required by this paragraph.

“(5) The Director of the Office of Government Ethics shall provide guidance to agencies on what to include in the summary of ethics requirements required by paragraph (4).

“(6) The head of each agency shall, to the extent practicable, develop and implement strategies to minimize the need for written determinations under section 208(b)(3) of title 18, United States Code. Strategies may include such efforts as improving outreach efforts to potential committee members and seeking public input on potential committee members.”

(c) REGULATIONS IMPLEMENTING FACA.—Section 7(c) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by inserting “promulgate regulations and” after “The Administrator shall”.

(d) ENSURING INDEPENDENT ADVICE AND RECOMMENDATIONS.—The Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in section 8—

(A) in the section heading, by inserting “INDEPENDENT ADVICE AND RECOMMENDATIONS;” after “RESPONSIBILITIES OF AGENCY HEADS;”;

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

“(b) The head of each agency shall ensure that the agency does not interfere with the free and independent participation, expression of views, and deliberation by committee members. Each advisory committee shall include a statement describing the process

used by the advisory committee in formulating the advice and recommendations when they are transmitted to the agency.”; and

(2) in section 10—

(A) in the section heading, by inserting “; CHAIR” after “ATTENDANCE”; and

(B) by inserting after subsection (f) the following new subsection:

“(g) The Chair shall not be an employee of the agency to which the advisory committee reports, unless—

“(1) a statute specifically authorizes selection of such an employee as the Chair; or

“(2) the head of the agency directs an employee to serve as the Chair.”

SEC. 3. PREVENTING EFFORTS TO CIRCUMVENT THE FEDERAL ADVISORY COMMITTEE ACT AND PUBLIC DISCLOSURE.

(a) DE FACTO MEMBERS.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended by adding at the end the following new subsection:

“(d) TREATMENT OF INDIVIDUAL AS MEMBER.—An individual who is not a full-time or permanent part-time officer or employee of the Federal Government shall be regarded as a member of a committee if the individual regularly attends and participates in committee meetings as if the individual were a member, even if the individual does not have the right to vote or veto the advice or recommendations of the advisory committee.”

(b) SUBCOMMITTEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsection (a) of this section, is further amended by striking subsection (a) and inserting the following:

“(a) APPLICATION.—The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee, including any subcommittee or subgroup thereof, except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise. Any subcommittee or subgroup that reports to a parent committee established under section 9(a) is not required to comply with section 9(f).”

(c) COMMITTEES CREATED UNDER CONTRACT.—Section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended in the matter following subparagraph (C) by adding at the end the following: “An advisory committee is considered to be established by an agency, agencies, or the President if it is formed, created, or organized under contract, other transactional authority, cooperative agreement, grant, or otherwise at the request or direction of an agency, agencies, or the President.”

(d) ADVISORY COMMITTEES CONTAINING SPECIAL GOVERNMENT EMPLOYEES.—Section 4 of the Federal Advisory Committee Act (5 U.S.C. App.), as amended by subsections (a) and (b) of this section, is further amended by adding at the end the following new subsection:

“(e) SPECIAL GOVERNMENT EMPLOYEES.—Committee members appointed as special Government employees shall not be considered full-time or permanent part-time officers or employees of the Federal Government for purposes of determining the applicability of this Act under section 3(2).”

SEC. 4. INCREASING TRANSPARENCY OF ADVISORY COMMITTEES.

(a) INFORMATION REQUIREMENT.—Section 11 of the Federal Advisory Committee Act (5 U.S.C. App.) is amended to read as follows:

“SEC. 11. DISCLOSURE OF INFORMATION.

“(a) IN GENERAL.—With respect to each advisory committee, the head of the agency to which the advisory committee reports shall make publicly available in accordance with subsection (b) the following information:

“(1) The charter of the advisory committee.