

119TH CONGRESS
1ST SESSION

S. _____

To prevent corruption by appropriately limiting donations for any public property, building, or fixture at the White House, the Naval Observatory, or certain other public property, for events on such property, or for monuments to living current or former Presidents, current or former Vice Presidents, or current or former employees or officers appointed by the President.

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 prevent corruption by appropriately limiting donations for any public property, building, or fixture at the White House, the Naval Observatory, or certain other public property, for events on such property, or for monuments to living current or former Presidents, current or former Vice Presidents, or current or former employees or officers appointed by the President.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Stop Ballroom Bribery
3 Act”.

4 **SEC. 2. DONATION RESTRICTIONS FOR CERTAIN PUBLIC**
5 **PROPERTY LINKED TO PRESIDENT OR VICE**
6 **PRESIDENT.**

7 (a) DEFINITIONS.—In this section:

8 (1) COVERED PROJECT.—The term “covered
9 project” means—

10 (A) the maintenance, acquisition, enhance-
11 ment, improvement, alteration, demolition, or
12 construction of any public property (including
13 real property), building, or fixture located on or
14 immediately adjacent to the grounds of the
15 White House, the grounds of Number One Ob-
16 servatory Circle, or other public property in-
17 tended for or dedicated to the use of the sitting
18 President, the sitting Vice President, or a
19 spouse or child of the sitting President or the
20 sitting Vice President;

21 (B) the maintenance, acquisition, enhance-
22 ment, improvement, alteration, demolition, or
23 construction of a Federal monument or other
24 structure on public property that names or hon-
25 ors a living current or former President, Vice

1 President, or employee or officer appointed by
2 the President; or

3 (C) an event hosted on the grounds of the
4 White House, the grounds of Number One Ob-
5 servatory Circle, or on any other public prop-
6 erty intended for or dedicated to the use of the
7 sitting President, the sitting Vice President, or
8 a spouse or child of the sitting President or the
9 sitting Vice President.

10 (2) DONATION.—The term “donation” means a
11 gift, donation, bequest, or devise of anything of
12 value, including services, whether made directly to
13 the Federal Government or indirectly via another en-
14 tity or person.

15 (3) FOREIGN GOVERNMENT.—The term “for-
16 eign government” has the meaning given that term
17 in section 7342 of title 5, United States Code.

18 (4) LOBBYING ACTIVITIES.—The term “lob-
19 bying activities” has the meaning given that term in
20 section 3 of the Lobbying Disclosure Act of 1995 (2
21 U.S.C. 1602).

22 (5) NONPROFIT ORGANIZATION.—The term
23 “nonprofit organization” means an organization that
24 is described in paragraph (3) or (4) of section

1 501(c) of the Internal Revenue Code of 1986 and
2 exempt from tax under section 501(a) of such Code.

3 (b) RESTRICTIONS ON ACCEPTING DONATIONS.—

4 (1) NPS AND OGE APPROVAL BEFORE ACCEPT-
5 ANCE OR USE OF A DONATION FOR A COVERED
6 PROJECT.—A donation for a covered project may be
7 accepted or used by the Federal Government only—

8 (A) in accordance with an authority to ac-
9 cept gifts or reimbursements under existing
10 law; and

11 (B) if the individual who is serving in the
12 position of Director of the National Park Serv-
13 ice, and who has been appointed to such posi-
14 tion by the President, by and with the advice
15 and consent of the Senate—

16 (i) makes a written determination,
17 with the concurrence of the individual who
18 is serving in the position of Director of the
19 Office of Government Ethics, and who has
20 been appointed to such position by the
21 President, by and with the advice and con-
22 sent of the Senate, that the donation com-
23 plies with the restrictions under paragraph
24 (2);

1 (ii) submits to the Committee on
2 Homeland Security and Governmental Af-
3 fairs of the Senate and the Committee on
4 Oversight and Government Reform of the
5 House of Representatives the determina-
6 tion described in clause (i); and

7 (iii) publishes the determination de-
8 scribed in clause (i) in the Federal Reg-
9 ister.

10 (2) RESTRICTIONS; REQUIREMENTS FOR DO-
11 NORS.—

12 (A) PROHIBITED DONATIONS.—A donation
13 for a covered project may not be accepted or
14 used by an officer or employee of the United
15 States, including the President and Vice Presi-
16 dent, or a non-Governmental agent operating on
17 behalf of such an officer or employee, if the ul-
18 timate source of the donation, in part or in
19 whole, is a person who—

20 (i) at the time the donation is made
21 is, or at any time on or after the date on
22 which the sitting President assumed the
23 office of President was, involved in litiga-
24 tion with the Federal Government;

1 (ii) at the time the donation is made
2 is, or at any time on or after the date on
3 which the sitting President assumed the
4 office of President was, the subject or tar-
5 get of an administrative investigation or
6 other enforcement action by the Federal
7 Government;

8 (iii) at the time the donation is made
9 is seeking or has in effect a contract or
10 other business relationship with the Fed-
11 eral Government;

12 (iv) at the time the donation is made
13 is seeking a grant from the Federal Gov-
14 ernment or has received such grant for
15 which the funds have not been fully ex-
16 pended, revoked, or depleted;

17 (v) at the time the donation is made
18 is, or at any time on or after the date on
19 which the sitting President assumed the
20 office of President was, involved in lob-
21 bying activities targeting any part of the
22 executive branch;

23 (vi) at the time the donation is made
24 is seeking or requesting, or at any time on
25 or after the date on which the sitting

1 President assumed the office of President
2 sought, requested, or received, a pardon
3 from the President; or

4 (vii) at the time the donation is made
5 is seeking, or at any time on or after the
6 date on which the sitting President as-
7 sumed the office of President sought, to be
8 appointed to a position in the Federal Gov-
9 ernment by the President.

10 (B) INTEGRITY OF DONATION.—A dona-
11 tion for a covered project may not be accepted
12 or used if the donation—

13 (i) includes as an actual or implied
14 condition of receipt of the donation any
15 benefit derived from the Federal Govern-
16 ment;

17 (ii) has been coerced through the use
18 of the authority or position of any officer
19 or employee of the United States, including
20 the President or the Vice President; or

21 (iii) would influence or appear to in-
22 fluence the performance of the responsibil-
23 ities by any officer or employee of the exec-
24 utive branch of the Federal Government,
25 including the President or Vice President,

1 or would otherwise compromise the integ-
2 rity or appearance of integrity of any part
3 of the executive branch of the Federal Gov-
4 ernment.

5 (C) PROHIBITED SOLICITATION.—An offi-
6 cer or employee of the Executive Office of the
7 President, including the President and Vice
8 President, or the spouse or child of the Presi-
9 dent or Vice President, may not solicit a dona-
10 tion for a covered project.

11 (D) APPROVAL OF FOREIGN GIFTS AND
12 EMOLUMENTS.—A donation for a covered
13 project made by a foreign government may not
14 be accepted unless Congress has approved the
15 accepting of the donation.

16 (c) POST-DONATION RESTRICTIONS.—

17 (1) DONOR RECOGNITION LIMITATIONS.—A
18 donor name, donor logo, or other indication of the
19 identity of a donor may not be displayed at any loca-
20 tion described in subsection (a)(1) as recognition of
21 the donation.

22 (2) COOLING-OFF PERIOD.—A person making a
23 donation for a covered project may not engage in
24 any lobbying activities directed at any officer or em-
25 ployee of the United States in a position in the exec-

1 utive branch, including the President or the Vice
2 President, during the 2-year period beginning on the
3 date of the donation.

4 (3) CONVERSION OF DONATION TO PERSONAL
5 USE.—No person may convert a donation to a cov-
6 ered project to the private use of the person, or to
7 the personal use of any other person.

8 (4) DISPOSITION OF LEFTOVER DONATIONS.—
9 In addition to any other restriction on the disposi-
10 tion of unused funds by a nonprofit organization or
11 other entity or person, the remaining balances of a
12 donation for a covered project may not be expended
13 for anything that directly and predictably benefits
14 the President, the Vice President, a spouse or child
15 of the President or the Vice President, an employee
16 of the Executive Office of the President, or any offi-
17 cer appointed by the President.

18 (d) TRANSPARENCY TO ENSURE DONATIONS ARE
19 DISCLOSED AND PROHIBIT STRAW DONATIONS.—

20 (1) DISCLOSING DONOR MEETINGS.—

21 (A) IN GENERAL.—In accordance with
22 subparagraph (B), a person making a donation
23 to or for the benefit of a covered project, di-
24 rectly or indirectly through another person,
25 shall disclose to the Director of the National

1 Park Service any meeting or other communica-
2 tion with the President, the Vice President, a
3 spouse or child of the President or the Vice
4 President, any other officer or employee of the
5 United States, or any agent working on any of
6 their behalf that occurs during the period be-
7 ginning on the date that is 1 year before the
8 date of the donation and ending on the date
9 that is 1 year after the date of the donation,
10 and the disclosure shall, for each such meeting,
11 include the topics discussed and the date of the
12 meeting.

13 (B) TIMING OF DISCLOSURE.—A person
14 required to disclose a meeting or other commu-
15 nication under subparagraph (A) shall—

16 (i) with respect to a meeting or other
17 communication occurring before the date
18 of the applicable donation, make the disclo-
19 sure required under subparagraph (A) not
20 later than 7 days after the date of the do-
21 nation; or

22 (ii) with respect to a meeting or other
23 communication occurring on or after the
24 date of the applicable donation, make the
25 disclosure required under subparagraph

1 (A) not later than 7 days after the meeting
2 or other communication.

3 (2) QUARTERLY PUBLICATION.—The Director
4 of the National Park Service, in coordination with
5 the heads of any other relevant agencies and enti-
6 ties, shall publish a quarterly report in the Federal
7 Register listing each donation contributed to or for
8 the benefit of a covered project, which shall include,
9 for each donation—

10 (A) a brief description of the donation and
11 the circumstances justifying acceptance;

12 (B) the date of acceptance;

13 (C) the identity of each person who—

14 (i) contributed to the donation; and

15 (ii) contributed an aggregate amount
16 of more than \$200 as a part of donations
17 made during the applicable calendar quar-
18 ter; and

19 (D) information regarding any meeting or
20 other communication described in paragraph
21 (1).

22 (3) PROHIBITION ON STRAW DONATIONS.—
23 With respect to any donation to a covered project,
24 whether made directly or indirectly, it shall be un-
25 lawful for a person to knowingly—

1 (A) make the donation in the name of an-
2 other person;

3 (B) permit the name of that person to be
4 used to effect the donation by another person;

5 (C) accept such a donation that is made by
6 one person in the name of another person; or

7 (D) direct, help, or assist any person in
8 making such a donation in the name of another
9 person.

10 (4) PROHIBITION ON ANONYMOUS DONA-
11 TIONS.—No donation for a covered project may be
12 accepted if it is made on the condition that it be
13 anonymous.

14 (5) ATTESTATION BY CERTAIN DONORS.—A
15 donor employed by or closely affiliated with a person
16 barred from making a donation under subsection
17 (b)(2)(A) shall attest that the donor is not explicitly
18 or implicitly making the donation on behalf of the
19 person.

20 (e) ENFORCEMENT.—

21 (1) OGE REGULATIONS AND DISGORGEMENT.—
22 Not later than 180 days after the date of enactment
23 of this Act, the Director of the Office of Government
24 Ethics shall publish regulations implementing the
25 procedures under this section, which shall permit the

1 Director to direct the return of any donation that
2 violates any provision of this section at any point in
3 time.

4 (2) JUDICIAL REVIEW OF OGE DETERMINA-
5 TIONS.—Any determination by the Director of the
6 Office of Government Ethics under this section shall
7 be subject to judicial review and the attorney general
8 of a State or the Attorney General may bring an ac-
9 tion in accordance with this subsection seeking judi-
10 cial review of such a determination.

11 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
12 ERAL.—The attorney general of a State may bring
13 a civil action to redress a violation of this section in
14 the United States District Court for the District of
15 Columbia or in any district court of the United
16 States with jurisdiction over any part of the United
17 States served by that attorney general.

18 (4) ENFORCEMENT BY THE UNITED STATES.—
19 The Attorney General of the United States may
20 bring a civil action or criminal prosecution to redress
21 a violation of this section in the United States Dis-
22 trict Court for the District of Columbia.

23 (5) CIVIL AND CRIMINAL PENALTIES.—

24 (A) CIVIL.—

1 (i) IN GENERAL.—Subject to clause
2 (ii), any person who violates this section
3 shall be subject to—

4 (I) a civil penalty that does not
5 exceed the greater of \$20,000 or an
6 amount equal to the aggregate value
7 of the donations involved in such vio-
8 lation; and

9 (II) an order requiring the per-
10 son to disgorge any benefit derived
11 from any donation involved in the vio-
12 lation.

13 (ii) LARGER VIOLATIONS.—If the ag-
14 gregate value of all donations involved in a
15 violation of this section by a person during
16 a calendar year exceeds \$50,000, the per-
17 son shall be subject to—

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

23 (II) an order requiring the per-
24 son to disgorge any benefit derived

1 from any donation involved in the vio-
2 lation.

3 (B) CRIMINAL.—

4 (i) IN GENERAL.—Subject to clause
5 (ii), any person who knowingly and will-
6 fully violates this section shall be—

7 (I) fined under title 18, United
8 States Code, imprisoned for not more
9 than 1 year, or both; and

10 (II) subject to an order requiring
11 the person to disgorge any benefit de-
12 rived from any donation involved in
13 the violation.

14 (ii) LARGER VIOLATIONS.—If the ag-
15 gregate value of all donations involved in a
16 violation of this section by a person during
17 a calendar year exceeds \$50,000, the per-
18 son shall be—

19 (I) fined under title 18, United
20 States Code, imprisoned for not more
21 than 5 years, or both; and

22 (II) subject to an order requiring
23 the person to disgorge any benefit de-
24 rived from any donation involved in
25 the violation.

1 (6) OTHER RELIEF.—In addition to the civil
2 and criminal penalties described in paragraph (5), in
3 an action brought under this subsection a court may
4 grant a permanent or temporary injunction, re-
5 straining order, or other order, upon a showing that
6 the person involved has likely committed a violation
7 of this section.

8 (7) PERIOD OF LIMITATIONS.—

9 (A) CIVIL.—A civil action under this sub-
10 section may not be commenced later than 10
11 years after the cause of action accrues.

12 (B) CRIMINAL.—No person shall be pros-
13 ecuted, tried, or punished for any offense under
14 this subsection, unless the indictment is found
15 or the information is instituted within 10 years
16 after such offense shall have been committed.

17 (8) RULE OF CONSTRUCTION.—The imposition
18 of a civil or criminal penalty under this subsection
19 does not preclude any other criminal or civil statu-
20 tory, common law, or administrative remedy, which
21 is available by law to the United States or any other
22 person.

23 (f) SEVERABILITY.—If any provision of this section,
24 or the application of a provision of this section to any per-
25 son or circumstance, is held to be unconstitutional, the

1 remainder of this section, and the application of the provi-
2 sion to any other person or circumstance, shall not be af-
3 fected thereby.