

**AMENDMENT TO H.R. \_\_\_\_\_****OFFERED BY M\_\_\_\_. \_\_\_\_\_**

Add at the end the following new title:

**1       TITLE \_\_\_\_\_—HONEST ADS ACT****2       SEC. \_\_\_\_\_ 1. SHORT TITLE.**

3           This title may be cited as the “Honest Ads Act”.

**4       SEC. \_\_\_\_\_ 2. PURPOSE.**

5           The purpose of this title is to enhance the integrity  
6 of American democracy and national security by improving  
7 disclosure requirements for online political advertisements  
8 in order to uphold the Supreme Court’s well-established  
9 standard that the electorate bears the right to be fully in-  
10 formed.

**11      SEC. \_\_\_\_\_ 3. FINDINGS.**

12           Congress makes the following findings:

13           (1) In 2002, the Bipartisan Campaign Reform  
14 Act of 2002 (Public Law 107–155) became law, es-  
15 tablishing disclosure requirements for political adver-  
16 tisements distributed from a television or radio  
17 broadcast station or provider of cable or satellite tel-  
18 evision. In 2003, the Supreme Court upheld regula-  
19 tions on electioneering communications established  
20 under the Act, noting that such requirements “pro-

1       vide the electorate with information and insure that  
2       the voters are fully informed about the person or  
3       group who is speaking.” The Court reaffirmed this  
4       conclusion in 2010 by an 8–1 vote.

5           (2) In its 2006 rulemaking, the Federal Elec-  
6       tion Commission, the independent Federal agency  
7       charged with protecting the integrity of the Federal  
8       campaign finance process, noted that 18 percent of  
9       all Americans cited the internet as their leading  
10      source of news about the 2004 Presidential election.  
11      By contrast, Gallup and the Knight Foundation  
12      found in 2020 that the majority of Americans, 58  
13      percent, got most of their news about elections on-  
14      line.

15           (3) According to studies from AdImpact and  
16      Borrell Associates, in 2020, an estimated  
17      \$1,700,000,000 was spent on online political adver-  
18      tising, more than 10 times the amount spent in  
19      2012.

20           (4) In order to enhance transparency of all po-  
21      litical advertisement funding, it is prudent to extend  
22      to online internet platforms the same types of polit-  
23      ical advertisement disclosure requirements applicable  
24      to broadcast television and radio stations, and pro-  
25      viders of cable and satellite television.

1           (5) Effective and complete transparency for vot-  
2           ers must include information about the true and  
3           original source of money given, transferred, and  
4           spent on political advertisements made online.

5           (6) Requiring the disclosure of this information  
6           is a necessary and narrowly tailored means to in-  
7           form the voting public of who is behind digital ad-  
8           vertising disseminated to influence their votes and to  
9           enable the Federal Election Commission and the De-  
10          partment of Justice to detect and prosecute illegal  
11          foreign spending on local, State, and Federal elec-  
12          tions and other campaign finance violations.

13          (7) Paid advertising on large online platforms is  
14          different from advertising placed on other common  
15          media in terms of the comparatively low cost of  
16          reaching large numbers of people, the availability of  
17          sophisticated microtargeting, and the ease with  
18          which online advertisers, particularly those located  
19          outside the United States, can evade disclosure re-  
20          quirements. Requiring large online platforms to  
21          maintain public files of information about the online  
22          political ads they disseminate is the best and least  
23          restrictive means to ensure the voting public has  
24          complete information about who is trying to influ-  
25          ence their votes and to aid enforcement of other

1 laws, including the prohibition on foreign money in  
2 domestic campaigns.

3 (8) The reach of a few large internet plat-  
4 forms—larger than any broadcast, satellite, or cable  
5 provider—has greatly facilitated the scope and effec-  
6 tiveness of disinformation campaigns. For instance,  
7 the largest platform has over 247,000,000 American  
8 users—over 153,000,000 of them on a daily basis.  
9 By contrast, the largest cable television provider has  
10 16,142,000 subscribers, while the largest satellite  
11 television provider has 13,300,000 subscribers. And  
12 the most-watched television broadcast in United  
13 States history had 118,000,000 viewers.

14 (9) The public nature of broadcast television,  
15 radio, and satellite ensures a level of publicity for  
16 any political advertisement. These communications  
17 are accessible to the press, fact-checkers, and polit-  
18 ical opponents. This creates strong disincentives for  
19 a candidate to disseminate materially false, inflam-  
20 matory, or contradictory messages to the public. So-  
21 cial media platforms, in contrast, can target portions  
22 of the electorate with direct, ephemeral advertise-  
23 ments often on the basis of private information the  
24 platform has on individuals, enabling political adver-

1       tisements that are contradictory, racially or socially  
2       inflammatory, or materially false.

3           (10) Large social media platforms are the only  
4       entities in possession of certain key data related to  
5       paid online ads, including the exact audience tar-  
6       geted by those ads and their number of impressions.  
7       Such information, which cannot be reliably disclosed  
8       by the purchasers of ads, is extremely useful for in-  
9       forming the electorate, guarding against corruption,  
10      and aiding in the enforcement of existing campaign  
11      finance regulations.

12          (11) Paid advertisements on social media plat-  
13      forms have served as critical tools for foreign online  
14      influence campaigns—even those that rely on large  
15      amounts of unpaid content—because such ads allow  
16      foreign actors to test the effectiveness of different  
17      messages, expose their messages to audiences who  
18      have not sought out such content, and recruit audi-  
19      ences for future campaigns and posts.

20          (12) A 2019 Senate Select Committee on  
21      Intelligence’s Report on Russian Active Measures  
22      Campaigns and Interference in the 2016 U.S. Elec-  
23      tion Volume 2: Russia’s Use of Social Media with  
24      Additional Views, the Committee recommended  
25      “that Congress examine legislative approaches to en-

1       suring Americans know the sources of online polit-  
2       ical advertisements. The Federal Election Campaign  
3       Act of 1971 requires political advertisements on tele-  
4       vision, radio and satellite to disclose the sponsor of  
5       the advertisement. The same requirements should  
6       apply online. This will also help to ensure that the  
7       IRA or any similarly situated actors cannot use paid  
8       advertisements for purposes of foreign inter-  
9       ference.”.

10           (13) On March 16, 2021, the Office of the Di-  
11       rector of National Intelligence released the declas-  
12       sified Intelligence Community assessment of foreign  
13       threats to the 2020 U.S. Federal elections. The de-  
14       classified report found: “Throughout the election  
15       cycle, Russia’s online influence actors sought to af-  
16       fect U.S. public perceptions of the candidates, as  
17       well as advance Moscow’s longstanding goals of un-  
18       dermining confidence in US election processes and  
19       increasing sociopolitical divisions among the Amer-  
20       ican people.” The report also determined that Iran  
21       sought to influence the election by “creating and  
22       amplifying social media content that criticized [can-  
23       didates].”

24           (14) According to a Wall Street Journal report  
25       in April 2021, voluntary ad libraries operated by

1 major platforms rely on foreign governments to self-  
2 report political ad purchases. These ad-buys, includ-  
3 ing those diminishing major human rights violations  
4 like the Uighur genocide, are under-reported by for-  
5 eign government purchasers, with no substantial  
6 oversight or repercussions from the platforms.

7 (15) Multiple reports have indicated that online  
8 ads have become a key vector for strategic influence  
9 by the People's Republic of China. An April 2021  
10 Wall Street Journal report noted that the Chinese  
11 government and Chinese state-owned enterprises are  
12 major purchasers of ads on the U.S.'s largest social  
13 media platform, including to advance Chinese propa-  
14 ganda.

15 (16) Large online platforms have made changes  
16 to their policies intended to make it harder for for-  
17 eign actors to purchase political ads. However, these  
18 private actions have not been taken by all platforms,  
19 have not been reliably enforced, and are subject to  
20 immediate change at the discretion of the platforms.

21 (17) The Federal Election Commission's cur-  
22 rent regulations on political advertisements do not  
23 provide sufficient transparency to uphold the  
24 public's right to be fully informed about political ad-  
25 vertisements made online.

1 **SEC. \_\_\_\_\_ 4. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) the dramatic increase in digital political ad-  
4 vertisements, and the growing centrality of online  
5 platforms in the lives of Americans, requires the  
6 Congress and the Federal Election Commission to  
7 take meaningful action to ensure that laws and reg-  
8 ulations provide the accountability and transparency  
9 that is fundamental to our democracy;

10 (2) free and fair elections require both trans-  
11 parency and accountability which give the public a  
12 right to know the true sources of funding for polit-  
13 ical advertisements, be they foreign or domestic, in  
14 order to make informed political choices and hold  
15 elected officials accountable; and

16 (3) transparency of funding for political adver-  
17 tisements is essential to enforce other campaign fi-  
18 nance laws, including the prohibition on campaign  
19 spending by foreign nationals.

20 **SEC. \_\_\_\_\_ 5. EXPANSION OF DEFINITION OF PUBLIC COM-**  
21 **MUNICATION.**

22 (a) IN GENERAL.—Paragraph (22) of section 301 of  
23 the Federal Election Campaign Act of 1971 (52 U.S.C.  
24 30101(22)) is amended by striking “or satellite commu-  
25 nication” and inserting “satellite, paid internet, or paid  
26 digital communication”.



1 (b) TREATMENT OF CONTRIBUTIONS AND EXPENDI-  
2 TURES.—Section 301 of such Act (52 U.S.C. 30101) is  
3 amended—

4 (1) in paragraph (8)(B)(v), by striking “on  
5 broadcasting stations, or in newspapers, magazines,  
6 or similar types of general public political adver-  
7 tising” and inserting “in any public communica-  
8 tion”; and

9 (2) in paragraph (9)(B)—

10 (A) by amending clause (i) to read as fol-  
11 lows:

12 “(i) any news story, commentary, or  
13 editorial distributed through the facilities  
14 of any broadcasting station or any print,  
15 online, or digital newspaper, magazine,  
16 publication, periodical, blog, or platform,  
17 unless such broadcasting, print, online, or  
18 digital facilities are owned or controlled by  
19 any political party, political committee, or  
20 candidate;”; and

21 (B) in clause (iv), by striking “on broad-  
22 casting stations, or in newspapers, magazines,  
23 or similar types of general public political ad-  
24 vertising” and inserting “in any public commu-  
25 nication”.

1 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—  
2 Subsection (a) of section 318 of such Act (52 U.S.C.  
3 30120) is amended—

4 (1) by striking “financing any communication  
5 through any broadcasting station, newspaper, maga-  
6 zine, outdoor advertising facility, mailing, or any  
7 other type of general public political advertising”  
8 and inserting “financing any public communication”;  
9 and

10 (2) by striking “solicits any contribution  
11 through any broadcasting station, newspaper, maga-  
12 zine, outdoor advertising facility, mailing, or any  
13 other type of general public political advertising”  
14 and inserting “solicits any contribution through any  
15 public communication”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the date of the enactment  
18 of this Act and shall take effect without regard to whether  
19 or not the Federal Election Commission has promulgated  
20 the final regulations necessary to carry out this part and  
21 the amendments made by this part by the deadline set  
22 forth in subsection (e).

23 (e) REGULATION.—Not later than 1 year after the  
24 date of the enactment of this Act, the Federal Election  
25 Commission shall promulgate regulations on what con-

stitutes a paid internet or paid digital communication for purposes of paragraph (22) of section 301 of the Federal Election Campaign Act of 1971(52 U.S.C. 30101(22)), as amended by subsection (a), except that such regulation shall not define a paid internet or paid digital communication to include communications for which the only payment consists of internal resources, such as employee compensation, of the entity paying for the communication.

**SEC. \_\_\_\_ 6. EXPANSION OF DEFINITION OF ELECTION-  
EERING COMMUNICATION.**

(a) EXPANSION TO ONLINE COMMUNICATIONS.—

(1) APPLICATION TO QUALIFIED INTERNET AND DIGITAL COMMUNICATIONS.—

(A) IN GENERAL.—Subparagraph (A) of section 304(f)(3) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30104(f)(3)(A)) is amended by striking “or satellite communication” each place it appears in clauses (i) and (ii) and inserting “satellite, or qualified internet or digital communication”.

(B) QUALIFIED INTERNET OR DIGITAL COMMUNICATION.—Paragraph (3) of section 304(f) of such Act (52 U.S.C. 30104(f)) is amended by adding at the end the following new subparagraph:

1           “(D) QUALIFIED INTERNET OR DIGITAL  
2           COMMUNICATION.—The term ‘qualified internet  
3           or digital communication’ means any commu-  
4           nication which is placed or promoted for a fee  
5           on an online platform (as defined in subsection  
6           (j)(3)).”.

7           (2) NONAPPLICATION OF RELEVANT ELEC-  
8           TORATE TO ONLINE COMMUNICATIONS.—Section  
9           304(f)(3)(A)(i)(III) of such Act (52 U.S.C.  
10          30104(f)(3)(A)(i)(III)) is amended by inserting “any  
11          broadcast, cable, or satellite” before “communica-  
12          tion”.

13          (3) NEWS EXEMPTION.—Section  
14          304(f)(3)(B)(i) of such Act (52 U.S.C.  
15          30104(f)(3)(B)(i)) is amended to read as follows:

16                   “(i) a communication appearing in a  
17                   news story, commentary, or editorial dis-  
18                   tributed through the facilities of any  
19                   broadcasting station or any online or dig-  
20                   ital newspaper, magazine, publication, peri-  
21                   odical, blog, or platform, unless such  
22                   broadcasting, online, or digital facilities are  
23                   owned or controlled by any political party,  
24                   political committee, or candidate;”.

1 (b) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply with respect to communications  
3 made on or after January 1, 2024, and shall take effect  
4 without regard to whether or not the Federal Election  
5 Commission has promulgated regulations to carry out  
6 such amendments.

7 **SEC. \_\_\_\_ 7. APPLICATION OF DISCLAIMER STATEMENTS**  
8 **TO ONLINE COMMUNICATIONS.**

9 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-  
10 MENT.—Subsection (a) of section 318 of the Federal Elec-  
11 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is  
12 amended—

13 (1) by striking “shall clearly state” each place  
14 it appears in paragraphs (1), (2), and (3) and in-  
15 serting “shall state in a clear and conspicuous man-  
16 ner”; and

17 (2) by adding at the end the following flush  
18 sentence: “For purposes of this section, a commu-  
19 nication does not make a statement in a clear and  
20 conspicuous manner if it is difficult to read or hear  
21 or if the placement is easily overlooked.”.

22 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR  
23 DIGITAL COMMUNICATIONS.—

1           (1) IN GENERAL.—Section 318 of such Act (52  
2           U.S.C. 30120) is amended by adding at the end the  
3           following new subsection:

4           “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR  
5           DIGITAL COMMUNICATIONS.—

6           “(1) SPECIAL RULES WITH RESPECT TO STATE-  
7           MENTS.—In the case of any qualified internet or  
8           digital communication (as defined in section  
9           304(f)(3)(D)) which is disseminated through a me-  
10          dium in which the provision of all of the information  
11          specified in this section is not possible, the commu-  
12          nication shall, in a clear and conspicuous manner—

13                  “(A) state the name of the person who  
14                  paid for the communication; and

15                  “(B) provide a means for the recipient of  
16                  the communication to obtain the remainder of  
17                  the information required under this section with  
18                  minimal effort and without receiving or viewing  
19                  any additional material other than such re-  
20                  quired information.

21           “(2) SAFE HARBOR FOR DETERMINING CLEAR  
22           AND CONSPICUOUS MANNER.—A statement in quali-  
23           fied internet or digital communication (as defined in  
24           section 304(f)(3)(D)) shall be considered to be made  
25           in a clear and conspicuous manner as provided in

1 subsection (a) if the communication meets the fol-  
2 lowing requirements:

3 “(A) TEXT OR GRAPHIC COMMUNICA-  
4 TIONS.—In the case of a text or graphic com-  
5 munication, the statement—

6 “(i) appears in letters at least as large  
7 as the majority of the text in the commu-  
8 nication; and

9 “(ii) meets the requirements of para-  
10 graphs (2) and (3) of subsection (c).

11 “(B) AUDIO COMMUNICATIONS.—In the  
12 case of an audio communication, the statement  
13 is spoken in a clearly audible and intelligible  
14 manner at the beginning or end of the commu-  
15 nication and lasts at least 3 seconds.

16 “(C) VIDEO COMMUNICATIONS.—In the  
17 case of a video communication which also in-  
18 cludes audio, the statement—

19 “(i) is included at either the beginning  
20 or the end of the communication; and

21 “(ii) is made both in—

22 “(I) a written format that meets  
23 the requirements of subparagraph (A)  
24 and appears for at least 4 seconds;  
25 and

1                   “(II) an audible format that  
2                   meets the requirements of subpara-  
3                   graph (B).

4                   “(D) OTHER COMMUNICATIONS.—In the  
5                   case of any other type of communication, the  
6                   statement is at least as clear and conspicuous  
7                   as the statement specified in subparagraph (A),  
8                   (B), or (C).”.

9                   (2) NONAPPLICATION OF CERTAIN EXCEP-  
10                  TIONS.—The exceptions provided in section  
11                  110.11(f)(1)(i) and (ii) of title 11, Code of Federal  
12                  Regulations, or any successor to such rules, shall  
13                  have no application to qualified internet or digital  
14                  communications (as defined in section 304(f)(3)(D)  
15                  of the Federal Election Campaign Act of 1971).

16                  (c) MODIFICATION OF ADDITIONAL REQUIREMENTS  
17                  FOR CERTAIN COMMUNICATIONS.—Section 318(d) of such  
18                  Act (52 U.S.C. 30120(d)) is amended—

19                   (1) in paragraph (1)(A)—

20                   (A) by striking “which is transmitted  
21                   through radio” and inserting “which is in an  
22                   audio format”; and

23                   (B) by striking “BY RADIO” in the heading  
24                   and inserting “AUDIO FORMAT”;

25                   (2) in paragraph (1)(B)—



1 (A) by striking “which is transmitted  
2 through television” and inserting “which is in  
3 video format”; and

4 (B) by striking “BY TELEVISION” in the  
5 heading and inserting “VIDEO FORMAT”; and

6 (3) in paragraph (2)—

7 (A) by striking “transmitted through radio  
8 or television” and inserting “made in audio or  
9 video format”; and

10 (B) by striking “through television” in the  
11 second sentence and inserting “in video for-  
12 mat”.

13 (d) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall take effect on the date of the enact-  
15 ment of this Act and shall take effect without regard to  
16 whether or not the Federal Election Commission has pro-  
17 mulgated regulations to carry out such amendments.

18 **SEC. \_\_\_\_ 8. POLITICAL RECORD REQUIREMENTS FOR ON-**  
19 **LINE PLATFORMS.**

20 (a) IN GENERAL.—Section 304 of the Federal Elec-  
21 tion Campaign Act of 1971 (52 U.S.C. 30104) is amended  
22 by adding at the end the following new subsection:

23 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-  
24 MENTS.—

25 “(1) IN GENERAL.—

1                   “(A) REQUIREMENTS FOR ONLINE PLAT-  
2                   FORMS.—

3                   “(i) IN GENERAL.—An online plat-  
4                   form shall maintain, and make available  
5                   for online public inspection in machine  
6                   readable format, a complete record of any  
7                   qualified political advertisement which is  
8                   purchased by a person whose aggregate  
9                   purchases of qualified political advertise-  
10                  ments on such online platform during the  
11                  calendar year exceeds \$500.

12                  “(ii) REQUIREMENT RELATING TO PO-  
13                  LITICAL ADS SOLD BY THIRD PARTY AD-  
14                  VERTISING VENDORS.—An online platform  
15                  that displays a qualified political advertise-  
16                  ment sold by a third party advertising ven-  
17                  dor shall include on its own platform—

18                         “(I) an easily accessible and  
19                         identifiable link to the records main-  
20                         tained by the third-party advertising  
21                         vendor under clause (i) regarding  
22                         such qualified political advertisement;  
23                         or

24                         “(II) in any case in which the  
25                         third party advertising vendor does

1 not make such records available, a  
2 statement that no records from the  
3 third party advertising vendors  
4 records are available.

5 “(B) REQUIREMENTS FOR ADVER-  
6 TISERS.—Any person who purchases a qualified  
7 political advertisement on an online platform  
8 shall provide the online platform with such in-  
9 formation as is necessary for the online plat-  
10 form to comply with the requirements of sub-  
11 paragraph (A).

12 “(2) CONTENTS OF RECORD.—A record main-  
13 tained under paragraph (1)(A) shall contain—

14 “(A) a digital copy of the qualified political  
15 advertisement;

16 “(B) a description of the audience that re-  
17 ceived the advertisement, the number of views  
18 generated from the advertisement, and the date  
19 and time that the advertisement is first dis-  
20 played and last displayed; and

21 “(C) information regarding—

22 “(i) the total cost of the advertise-  
23 ment (which may be rounded to the near-  
24 est \$100);

1           “(ii) the name of the candidate to  
2           which the advertisement refers and the of-  
3           fice to which the candidate is seeking elec-  
4           tion, the election to which the advertise-  
5           ment refers, or the national legislative  
6           issue to which the advertisement refers (as  
7           applicable);

8           “(iii) in the case of a request made  
9           by, or on behalf of, a candidate, the name  
10          of the candidate, the authorized committee  
11          of the candidate, and the treasurer of such  
12          committee; and

13          “(iv) in the case of any request not  
14          described in clause (iii), the name of the  
15          person purchasing the advertisement, the  
16          name and address of a contact person for  
17          such person, and a list of the chief execu-  
18          tive officers or members of the executive  
19          committee or of the board of directors of  
20          such person.

21          “(3) ONLINE PLATFORM.—

22          “(A) IN GENERAL.—For purposes of this  
23          subsection, subject to subparagraph (B), the  
24          term ‘online platform’ means any public-facing  
25          website, web application, or digital application

1 (including a social network, ad network, or  
2 search engine) which—

3 “(i)(I) sells qualified political adver-  
4 tisements; and

5 “(II) has 50,000,000 or more unique  
6 monthly United States visitors or users for  
7 a majority of months during the preceding  
8 12 months; or

9 “(ii) is a third-party advertising ven-  
10 dor that has 50,000,000 or more unique  
11 monthly United States visitors in the ag-  
12 gregate on any advertisement space that it  
13 has sold or bought for a majority of  
14 months during the preceding 12 months,  
15 as measured by an independent digital rat-  
16 ings service accredited by the Media Rat-  
17 ings Council (or its successor).

18 “(B) EXEMPTION.—Such term shall not  
19 include any online platform that is a distribu-  
20 tion facility of any broadcasting station or  
21 newspaper, magazine, blog, publication, or peri-  
22 odical.

23 “(C) THIRD-PARTY ADVERTISING VENDOR  
24 DEFINED.—For purposes of this subsection, the  
25 term ‘third-party advertising vendor’ includes

1 any third-party advertising vendor network, ad-  
2 vertising agency, advertiser, or third-party ad-  
3 vertisement serving company that buys and  
4 sells advertisement space on behalf of unaffili-  
5 ated third-party websites, search engines, dig-  
6 ital applications, or social media sites.

7 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—  
8 For purposes of this subsection, the term ‘qualified  
9 political advertisement’ means any advertisement  
10 (including search engine marketing, display adver-  
11 tisements, video advertisements, native advertise-  
12 ments, and sponsorships) that—

13 “(A) is made by or on behalf of a can-  
14 didate; or

15 “(B) communicates a message relating to  
16 any political matter of national importance, in-  
17 cluding—

18 “(i) a candidate;

19 “(ii) any election to Federal office; or

20 “(iii) a national legislative issue of  
21 public importance.

22 “(5) TIME TO MAINTAIN FILE.—The informa-  
23 tion required under this subsection shall be made  
24 available as soon as possible and shall be retained by

1 the online platform for a period of not less than 4  
2 years.

3 “(6) SPECIAL RULE.—For purposes of this sub-  
4 section, multiple versions of an advertisement that  
5 contain no material differences (such as versions  
6 that differ only because they contain a recipient’s  
7 name, or differ only in size, color, font, or layout)  
8 may be treated as a single qualified political adver-  
9 tisement.

10 “(7) PENALTIES.—For penalties for failure by  
11 online platforms, and persons requesting to purchase  
12 a qualified political advertisement on online plat-  
13 forms, to comply with the requirements of this sub-  
14 section, see section 309.”.

15 (b) EFFECTIVE DATE.—The amendments made by  
16 this section shall take effect on the date of the enactment  
17 of this Act and shall take effect without regard to whether  
18 or not the Federal Election Commission has promulgated  
19 the final regulations necessary to carry out this part and  
20 the amendments made by this part by the deadline set  
21 forth in subsection (c).

22 (c) RULEMAKING.—Not later than 120 days after the  
23 date of the enactment of this Act, the Federal Election  
24 Commission shall establish rules—

1 (1) for determining whether an advertisement  
2 communicates a national legislative issue for pur-  
3 poses of section 304(j) of the Federal Election Cam-  
4 paign Act of 1971 (as added by subsection (a));

5 (2) requiring common data formats for the  
6 record required to be maintained under such section  
7 304(j) so that all online platforms submit and main-  
8 tain data online in a common, machine-readable and  
9 publicly accessible format; and

10 (3) establishing search interface requirements  
11 relating to such record, including searches by can-  
12 didate name, issue, purchaser, and date.

13 (d) REPORTING.—Not later than 2 years after the  
14 date of the enactment of this Act, and biannually there-  
15 after, the Chairman of the Federal Election Commission  
16 shall submit a report to Congress on—

17 (1) matters relating to compliance with and the  
18 enforcement of the requirements of section 304(j) of  
19 the Federal Election Campaign Act of 1971, as  
20 added by subsection (a);

21 (2) recommendations for any modifications to  
22 such section to assist in carrying out its purposes;  
23 and



1           (3) identifying ways to bring transparency and  
2           accountability to political advertisements distributed  
3           online for free.

4 **SEC. \_\_\_\_\_ 9. PREVENTING CONTRIBUTIONS, EXPENDI-**  
5 **TURES, INDEPENDENT EXPENDITURES, AND**  
6 **DISBURSEMENTS FOR ELECTIONEERING**  
7 **COMMUNICATIONS BY FOREIGN NATIONALS**  
8 **IN THE FORM OF ONLINE ADVERTISING.**

9           Section 319 of the Federal Election Campaign Act  
10 of 1971 (52 U.S.C. 30121) is amended by adding at the  
11 end the following new subsection:

12           “(c) RESPONSIBILITIES OF BROADCAST STATIONS,  
13 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND  
14 ONLINE PLATFORMS.—

15           “(1) IN GENERAL.—Each television or radio  
16 broadcast station, provider of cable or satellite tele-  
17 vision, or online platform (as defined in section  
18 304(j)(3)) shall make reasonable efforts to ensure  
19 that communications described in section 318(a) and  
20 made available by such station, provider, or platform  
21 are not purchased by a foreign national, directly or  
22 indirectly.

23           “(2) REGULATIONS.— Not later than 1 year  
24 after the date of the enactment of this subsection,  
25 the Commission shall promulgate regulations on

1 what constitutes reasonable efforts under paragraph  
2 (1).”.

3 **SEC. \_\_\_ 10. REQUIRING ONLINE PLATFORMS TO DISPLAY**  
4 **NOTICES IDENTIFYING SPONSORS OF POLIT-**  
5 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**  
6 **TICES CONTINUE TO BE PRESENT WHEN AD-**  
7 **VERTISEMENTS ARE SHARED.**

8 (a) IN GENERAL.—Section 304 of the Federal Elec-  
9 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-  
10 ed by [section \_\_\_\_\_ 8(a)], is amended by adding at the  
11 end the following new subsection:

12 “(k) ENSURING DISPLAY AND SHARING OF SPONSOR  
13 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-  
14 MENTS.—

15 “(1) REQUIREMENT.—Any online platform that  
16 displays a qualified political advertisement (regard-  
17 less of whether such qualified political advertisement  
18 was purchased directly from the online platform)  
19 shall—

20 “(A) display with the advertisement a visi-  
21 ble notice identifying the sponsor of the adver-  
22 tisement (or, if it is not practical for the plat-  
23 form to display such a notice, a notice that the  
24 advertisement is sponsored by a person other  
25 than the platform); and

1           “(B) ensure that the notice will continue to  
2           be displayed if a viewer of the advertisement  
3           shares the advertisement with others on that  
4           platform.

5           “(2) SAFE HARBOR.—An online platform shall  
6           not be treated as having failed to comply with the  
7           requirements of paragraph (1)(A) for the  
8           misidentification of a person as the sponsor of the  
9           advertisement if—

10           “(A) the person placing the online adver-  
11           tisement designated the person displayed in the  
12           advertisement as the sponsor; and

13           “(B) the online platform relied on such  
14           designation in good faith.

15           “(3) DEFINITIONS.—In this subsection—

16           “(A) the term ‘online platform’ has the  
17           meaning given such term in subsection (j)(3);

18           “(B) the term ‘qualified political adver-  
19           tisement’ has the meaning given such term in  
20           subsection (j)(4); and

21           “(C) the term ‘sponsor’ means the person  
22           purchasing the advertisement.”.

23           (b) EFFECTIVE DATE.—The amendment made by  
24           subsection (a) shall apply with respect to advertisements  
25           displayed on or after the 120-day period which begins on

1 the date of the enactment of this Act and shall take effect  
2 without regard to whether or not the Federal Election  
3 Commission has promulgated regulations to carry out  
4 such amendments.

